Passage of the

Marriage and Civil Partnership (Scotland) Bill 2013

SPPB 197
Passage of the
Marriage and Civil Partnership (Scotland) Bill 2013

SP Bill 36 (Session 4), subsequently 2014 asp 5

SPPB 197
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Foreword

Purpose of the series

The aim of this series is to bring together in a single place all the official Parliamentary documents relating to the passage of the Bill that becomes an Act of the Scottish Parliament (ASP). The list of documents included in any particular volume will depend on the nature of the Bill and the circumstances of its passage, but a typical volume will include:

- every print of the Bill (usually three – “As Introduced”, “As Amended at Stage 2” and “As Passed”);
- the accompanying documents published with the “As Introduced” print of the Bill (and any revised versions published at later Stages);
- every Marshalled List of amendments from Stages 2 and 3;
- every Groupings list from Stages 2 and 3;
- the lead Committee’s “Stage 1 report” (which itself includes reports of other committees involved in the Stage 1 process, relevant committee Minutes and extracts from the Official Report of Stage 1 proceedings);
- the Official Report of the Stage 1 and Stage 3 debates in the Parliament;
- the Official Report of Stage 2 committee consideration;
- the Minutes (or relevant extracts) of relevant Committee meetings and of the Parliament for Stages 1 and 3.

All documents included are re-printed in the original layout and format, but with minor typographical and layout errors corrected. An exception is the groupings of amendments for Stage 2 and Stage 3 (a list of amendments in debating order was included in the original documents to assist members during actual proceedings but is omitted here as the text of amendments is already contained in the relevant marshalled list).

Where documents in the volume include web-links to external sources or to documents not incorporated in this volume, these links have been checked and are correct at the time of publishing this volume. The Scottish Parliament is not responsible for the content of external Internet sites. The links in this volume will not be monitored after publication, and no guarantee can be given that all links will continue to be effective.

Documents in each volume are arranged in the order in which they relate to the passage of the Bill through its various stages, from introduction to passing. The Act itself is not included on the grounds that it is already generally available and is, in any case, not a Parliamentary publication.

Outline of the legislative process

Bills in the Scottish Parliament follow a three-stage process. The fundamentals of the process are laid down by section 36(1) of the Scotland Act 1998, and amplified by Chapter 9 of the Parliament’s Standing Orders. In outline, the process is as follows:
• Introduction, followed by publication of the Bill and its accompanying documents;
• Stage 1: the Bill is first referred to a relevant committee, which produces a report informed by evidence from interested parties, then the Parliament debates the Bill and decides whether to agree to its general principles;
• Stage 2: the Bill returns to a committee for detailed consideration of amendments;
• Stage 3: the Bill is considered by the Parliament, with consideration of further amendments followed by a debate and a decision on whether to pass the Bill.

After a Bill is passed, three law officers and the Secretary of State have a period of four weeks within which they may challenge the Bill under sections 33 and 35 of the Scotland Act respectively. The Bill may then be submitted for Royal Assent, at which point it becomes an Act.

Standing Orders allow for some variations from the above pattern in some cases. For example, Bills may be referred back to a committee during Stage 3 for further Stage 2 consideration. In addition, the procedures vary for certain categories of Bills, such as Committee Bills or Emergency Bills. For some volumes in the series, relevant proceedings prior to introduction (such as pre-legislative scrutiny of a draft Bill) may be included.

The reader who is unfamiliar with Bill procedures, or with the terminology of legislation more generally, is advised to consult in the first instance the Guidance on Public Bills published by the Parliament. That Guidance, and the Standing Orders, are available free of charge on the Parliament’s website (www.scottish.parliament.uk).

The series is produced by the Legislation Team within the Parliament’s Chamber Office. Comments on this volume or on the series as a whole may be sent to the Legislation Team at the Scottish Parliament, Edinburgh EH99 1SP.

Notes on this volume

The Bill to which this volume relates followed the standard 3 stage process described above.

The Delegated Powers and Law Reform Committee’s report at Stage 1 is included at Annexe D of the Stage 1 Report by the Equal Opportunities Committee. The Delegated Powers and Law Reform Committee took oral evidence on the Bill and relevant extracts from the minutes and the Official Report are therefore included in this volume. Written submissions received by the Finance Committee are also included at the appropriate point.
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Schedule 1—Jurisdiction in proceedings relating to same sex marriages
Schedule 2—Change of gender of married persons or civil partners
Marriage and Civil Partnership (Scotland) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure and the places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies; to make provision about gender change by married persons and civil partners; to make a minor correction in relation to registration information; and for connected purposes.

**PART 1**

**MARRIAGE**

**CHAPTER 1**

**SAME SEX MARRIAGE**

1 **Marriage of related persons**

(1) The Marriage (Scotland) Act 1977 ("the 1977 Act") is amended as follows.

(2) In section 2 (marriage of related persons)—

(a) for subsection (1) substitute—

"(1) Subject to subsection (1A), a marriage between persons who are related to each other in a forbidden degree is void if solemnised—

(a) in Scotland; or

(b) at a time when either party is domiciled in Scotland.

(1ZA) For the purposes of subsection (1), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 1.”,

(b) in subsection (1A), for the words from the beginning to "paragraph," substitute "A person who is related to another person in a degree specified in paragraph 2 of Schedule 1 (relationships by affinity) is not related to that person in a forbidden degree”,

(c) after subsection (1A) insert—

“(1C) For the purposes of paragraph 2 of Schedule 1, “spouse” means—
(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife; and

(b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.

(d) in subsection (7)—

(i) for “those provisions” substitute “subsection (1C)(a) as it applies to paragraph 2 of Schedule 1”, and

(ii) the word “former” in each place where it appears is repealed, and

(e) in subsection (7A)—

(i) for “mother” substitute “parent”, and

(ii) the words “in either column” are repealed.

(3) For Schedule 1 substitute—

“SCHEDULE 1
(introduced by section 2)

DEGREES OF RELATIONSHIP

1. Relationships by consanguinity
   Parent
   Child
   Grandparent
   Grandchild
   Sibling
   Aunt or uncle
   Niece or nephew
   Great-grandparent
   Great-grandchild

2. Relationships by affinity referred to in section 2(1A)
   Child of former spouse
   Child of former civil partner
   Former spouse of parent
   Former civil partner of parent
   Former spouse of grandparent
   Former civil partner of grandparent
   Grandchild of former spouse
   Grandchild of former civil partner
3. **Relationships by adoption**
   Adoptive parent or former adoptive parent
   Adopted child or former adopted child.

2 **Objections to marriage**

   In section 5(4) of the 1977 Act (objections to marriage)—
   (a) paragraph (e) is repealed, and
   (b) in paragraph (f), for “than one mentioned in paragraphs (a) to (e) above,” substitute “than—
   (i) one mentioned in paragraphs (a) to (d) above; or
   (ii) the ground that the parties are of the same sex.”.

3 **Preliminaries to marriage**

   (1) The 1977 Act is amended as follows.
   (2) In section 3 (notice of intention to marry)—
   (a) in subsection (1)—
   (i) for paragraph (b) substitute—
   “(b) if the person has previously been married and the marriage ended on the death of the other party to that marriage, the death certificate of that other party;”, and
   (ii) after that paragraph insert—
   “(ba) if the person has previously been in a civil partnership which ended on the death of the other party to the civil partnership, the death certificate of that other party;”,
   (b) in subsection (2), for “or (b)” substitute “, (b), (ba) or (bb)”, and
   (c) in subsection (5), after paragraph (ii)(b) of the proviso insert “; or
   (c) if no such certificate has been issued only by reason of the fact that the parties to the intended marriage are of the same sex.”.
   (3) In section 7(1) (marriage outside Scotland where a party resides in Scotland), after “(b)” insert “, (ba), (bb)”.

4 **Meaning of marriage and related expressions in enactments and documents**

   (1) References (however expressed) in any enactment to—
   (a) marriage (including a marriage that has ended),
   (b) a person who is (or was) married to another person, and
   (c) two people who are (or were) married to each other,
are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.

(2) Subsection (3) applies to references (however expressed) in any enactment to two people who—

(a) are (or were) not married to each other, but
(b) are (or were) living together as if they were husband and wife.

(3) The references include two people of the same sex who are (or were) not married to, nor in civil partnership with, each other but who are (or were) living together as if they were married to each other.

(4) References (however expressed) in any enactment to two people of the same sex who are (or were) living together as if they were in a civil partnership cease to have effect.

(5) Subsections (1) to (4)—

(a) apply to enactments (other than private Acts) passed or made before the commencement of this section, and
(b) do not apply in so far as the enactment, or any other enactment, provides otherwise.

(6) In so far as being (or having been) married is relevant for the operation of any rule of law, the rule of law applies equally in relation to marriage to a person of a different sex and marriage to a person of the same sex.

(7) Subsections (1) to (6) are subject to an order under subsection (8).

(8) The Scottish Ministers may by order provide for any of subsections (1) to (6)—

(a) to have effect subject to provision made by the order, or
(b) not to apply in cases specified in the order.

(9) An order under subsection (8)—

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
(b) is subject to the negative procedure.

(10) References (however expressed) in any document to—

(a) marriage (including a marriage that has ended),
(b) a person who is (or was) married to another person, and
(c) two people who are (or were) married to each other,

are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.

(11) The following expressions in any document have the meanings given—

(a) “widow” includes a woman whose marriage to another woman ended with the other woman’s death,
(b) “widower” includes a man whose marriage to another man ended with the other man’s death.
(12) Subsections (10) and (11)—
(a) apply to documents executed on or after the commencement of this section, and
(b) do not apply in so far as the document provides otherwise.

(13) In section 26(2) of the 1977 Act (interpretation), after the definition of “authorised
registrar” insert—

““marriage” means marriage between persons of different sexes and
marriage between persons of the same sex;”.

(14) In schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010
(definitions of words and expressions), insert at the appropriate place in alphabetical
order—

““marriage” means marriage between persons of different sexes and
marriage between persons of the same sex (and any reference to a person
being (or having been) married to another person, or to two people being
(or having been) married to each other, is to be read accordingly),”,

““widow” includes a woman whose marriage to another woman ended
with the other woman’s death,”,

““widower” includes a man whose marriage to another man ended with
the other man’s death,”.

5

Same sex marriage: further provision

(1) Any rule of law under which a wife who receives or conceals goods stolen by her
husband is, in certain circumstances, not guilty of reset does not apply to a party to a
marriage between two women.

(2) For the avoidance of doubt, the rule of law which provides for a marriage to be voidable
by reason of impotence has effect only in relation to a marriage between persons of
different sexes.

(3) In section 1 of the Divorce (Scotland) Act 1976 (grounds of divorce), after subsection
(3) insert—

“(3A) For the avoidance of doubt, in relation to marriage between persons of the
same sex, adultery has the same meaning as it has in relation to marriage
between persons of different sexes.”.

6

Jurisdiction in proceedings relating to same sex marriages

Schedule 1, which makes provision about jurisdiction in proceedings relating to same
sex marriages, has effect.

CHAPTER 2

Marriage between civil partners in qualifying civil partnerships

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry), in subsection (1), after paragraph (ba)
(inserted by section 3(2)(a)(ii) of this Act), insert—
“(bb) if the person is in a qualifying civil partnership within the meaning of section 5(6) with the other party to the intended marriage, an extract from the entry in the civil partnership register relating to the civil partnership;”.

(3) In section 5 (objections to marriage)—

(a) in subsection (4)(b), after “partnership” insert “other than a qualifying civil partnership with each other”, and

(b) after subsection (5) insert—

“(6) For the purposes of subsection (4)(b) a “qualifying civil partnership” is a civil partnership which—

(a) was registered in Scotland; and

(b) has not been dissolved, annulled or ended by death.

(7) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of subsection (6)(a) as having been registered in Scotland if—

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order; and

(b) details of the civil partnership have been sent to the Registrar General of Births, Deaths and Marriages for Scotland.”.

8 Change of qualifying civil partnership into marriage

(1) The Scottish Ministers may by regulations make provision to establish a procedure for the parties to a qualifying civil partnership to change their civil partnership into a marriage.

(2) Regulations under subsection (1) may in particular make provision—

(a) about the making by the parties to a qualifying civil partnership of an application to change their civil partnership into a marriage,

(b) about the information to be provided in support of an application,

(c) about the provision of evidence in support of an application,

(d) for persons who have made an application to appear before any person or appear at any place,

(e) conferring functions on persons in relation to applications,

(f) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

(i) the making of an application,

(ii) the exercise of any function conferred by virtue of paragraph (e),

(g) about the effect of a qualifying civil partnership changing into a marriage in accordance with provision made under subsection (1).

(3) Functions conferred by virtue of subsection (2)(e) may include functions relating to—
(a) the recording of information relating to qualifying civil partnerships changing into marriages,

(b) the issuing of certified copies of any information recorded.

(4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.

(5) Regulations under subsection (1)—

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(b) may modify any enactment (including this Act),

(c) are (except where subsection (6) applies) subject to the negative procedure.

(6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

(7) In this section “qualifying civil partnership” has the meaning given by section 5(6) of the 1977 Act (as inserted by section 7(3)(b) of this Act).

9 Effect of marriage between civil partners in a qualifying civil partnership

(1) When civil partners in a qualifying civil partnership (within the meaning of section 5(6) of the 1977 Act) marry in accordance with that Act—

(a) the qualifying civil partnership ends on the date on which the marriage was solemnised, and

(b) the civil partners are to be treated as having been married to each other since the date on which the qualifying civil partnership was registered.

(2) For the purposes of subsection (1)(b)—

(a) a civil partnership registered under an Order in Council made under section 210 of the 2004 Act is to be treated as having been registered when it is entered in the Register Book maintained under the Order,

(b) a civil partnership registered under an Order in Council made under section 211 of the 2004 Act is to be treated as having been registered when the civil partnership register is signed in accordance with the Order.

(3) Subsection (1)(b) is subject to—

(a) any provision to the contrary made by or under any enactment,

(b) an order under subsection (4).

(4) The Scottish Ministers may by order provide for subsection (1)(b)—

(a) to have effect subject to provision made by the order, or

(b) not to apply in cases specified in the order.

(5) An order under subsection (4)—

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(b) is subject to the negative procedure.
(6) If a decree of aliment under section 3 of the Family Law (Scotland) Act 1985 (powers of
court in action for aliment) requiring one of the civil partners to make payments to the
other is in force at the time the qualifying civil partnership ends by virtue of subsection
(1)(a) of this section, the decree continues to have effect despite the ending of the civil
partnership.

(7) If an order under section 103(3) or (4) of the 2004 Act (regulation by court of rights of
occupancy of family home) is in force at the time the qualifying civil partnership ends
by virtue of subsection (1)(a) of this section the order has effect from that time as if
made under section 3(3) or, as the case may be, 3(4) of the Matrimonial Homes (Family
Protection) (Scotland) Act 1981 (regulation by court of rights of occupancy of
matrimonial home).

(8) In section 1 of the 2004 Act (provision for civil partnership), after subsection (3)
insert—

“(3A) Subsection (3) is subject to section 9(1)(a) of the Marriage and Civil
Partnership (Scotland) Act 2014 (ending of certain civil partnerships on
marriage under Scots law).”.

CHAPTER 3

SOLEMNISATION OF MARRIAGE

10 Persons who may solemnise marriage

(1) The 1977 Act is amended as follows.

(2) In section 8 (persons who may solemnise marriage)—

(a) in subsection (1)—

(i) after “marriage” in the first place where it appears insert “between persons
of different sexes”,

(ii) in paragraph (a)(ii)—

(A) for “or priest of a religious body” substitute “priest or other celebrant
of a religious or belief body”,

(B) for “religious body” in the second place it appears substitute
“religious or belief body”, and

(C) after “marriage” insert “between persons of different sexes”,

(iii) in paragraph (a)(iii), after “Act” insert “to solemnise marriage between
persons of different sexes”, and

(iv) in paragraph (a)(iv), after “Act” insert “to solemnise marriage between
persons of different sexes”,

(b) after subsection (1) insert—

“(1A) The Scottish Ministers may prescribe a religious or belief body under
subsection (1)(a)(ii) only if—

(a) the body requests them to do so; and

(b) the Scottish Ministers are satisfied that the body meets the qualifying
requirements.
(1B) Subject to section 23A, a marriage between persons of the same sex may be solemnised by and only by—

(a) a person who is—

(i) a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being one of the foregoing, is recognised by a religious or belief body so prescribed as entitled to solemnise marriage between persons of the same sex on its behalf;

(ii) registered under section 9 to solemnise marriage between persons of the same sex; or

(iii) temporarily authorised under section 12 to solemnise marriage between persons of the same sex; or

(b) a person who is a district registrar or assistant registrar appointed under section 17.

(1C) The Scottish Ministers may prescribe a religious or belief body under subsection (1B)(a)(i) only if—

(a) the body requests them to do so; and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(1D) For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a)—

(a) imposes a duty on any religious or belief body to make a request referred to in subsection (1C)(a);

(b) imposes a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;

(c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex;

(d) imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.

(1E) In subsections (1A)(b) and (1C)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(1F) Regulations under subsection (1E)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(1G) Regulations under subsection (1)(a)(ii), (1B)(a)(i) or (1E) are subject to the negative procedure.”,

(c) in subsection (2)—

(i) in paragraph (a)—

(A) after “(1)(a)” insert “or (1B)(a)”, and

(B) for “‘religious marriage’” substitute “‘religious or belief marriage’”,

(ii) in paragraph (b), after “(1)(b)” insert “or (1B)(b)”. 


(3) In section 14 (form of ceremony to be used by approved celebrant)—
   (a) in paragraph (a), after “or (ii)” insert “or (1B)(a)(i)”, and
   (b) in paragraph (b), after “or (iv)” insert “or (1B)(a)(ii) or (iii)”.  

(4) In section 26(2) (interpretation)—
   (a) for the definition of “religious body” substitute—
       ““religious or belief body” means an organised group of people—
       (a) which meets regularly for religious worship; or 
       (b) the principal object (or one of the principal objects) of which is to 
           uphold or promote philosophical beliefs and which meets regularly
           for that purpose;”, 
   (b) after that definition insert—
       ““religious or belief marriage” has the meaning given by section 8(2)(a);”.

11 Registration of nominated persons as celebrants

(1) The 1977 Act is amended as follows.

(2) In section 9 (registration of nominated persons as celebrants)—
   (a) in subsection (1)—
       (i) for “religious body” substitute “religious or belief body”,
       (ii) after “marriages” insert “between persons of different sexes”,
   (b) after subsection (1) insert—
       “(1A) A religious or belief body, not being prescribed by virtue of section 
           8(1B)(a)(i), may nominate to the Registrar General any of its members who it 
           desires should be registered under this section as empowered to solemnise 
           marriages between persons of the same sex.”,
   (c) in subsection (2)—
       (i) after “(1)” insert “or (1A)”,
       (ii) in paragraph (a), for “religious body” substitute “religious or belief body”, and
       (iii) in paragraph (d)—
           (A) the word “religious” is repealed, and
           (B) after “that body” insert “in relation to solemnising marriages between 
               persons of different sexes or, as the case may be, marriages between 
               persons of the same sex”,
   (d) after paragraph (d) insert “; or
   (e) the nominating body does not meet the qualifying requirements.”,
   (e) after subsection (2) insert—
       “(2A) In subsection (2)(e), the “qualifying requirements” are such requirements as 
           may be set out in regulations made by the Scottish Ministers.
(2B) Regulations under subsection (2A)—
   (a) may make different provision for different cases or circumstances;
   (b) may include transitional and saving provision.

(2C) Regulations under subsection (2A) are subject to the negative procedure."

(f) in subsection (3)—
   (i) after “ceremony” insert “for marriage between persons of different sexes”, and
   (ii) after “ceremonies” insert “for marriage between persons of different sexes”,

(g) after subsection (3) insert—
   “(3A) For the purposes of subsection (2)(b) above, a marriage ceremony for marriage
   between persons of the same sex is of an appropriate form if it includes, and is
   in no way inconsistent with—
   (a) a declaration by the parties, in the presence of each other, the celebrant
   and two witnesses, that they accept each other in marriage;
   (b) a declaration by the celebrant, after the declaration mentioned in
   paragraph (a), that the parties are then married,
   and the Registrar General may, before deciding whether to accept or reject a
   nomination, require the nominating body to produce in writing the form of
   words used at its marriage ceremonies for marriage between persons of the
   same sex.”,

(h) in subsection (4)—
   (i) after “(1)” insert “or (1A)”, and
   (ii) in paragraph (b), after “area” insert “or place”,

(i) in subsection (5)(a), after “(1)” insert “or (1A)”,

(j) after subsection (5) insert—
   “(5ZA) The register mentioned in subsection (5)(a)(ii) is to be in two parts—
   (a) the first part containing the details mentioned in subsection (5)(a)(ii) in
   relation to persons nominated by religious or belief bodies to solemnise
   marriages between persons of different sexes; and
   (b) the second part containing those details in relation to persons nominated
   by religious or belief bodies to solemnise marriages between persons of the
   same sex.”,

(k) in subsection (6), in the proviso, for “religious body” in each place where it
   appears substitute “religious or belief body”, and

(l) the italic cross-heading preceding section 9 becomes “Religious or belief
   marriages”.

(3) In section 10 (removal of celebrant’s name from register)—
   (a) in subsection (1)—
   (i) in paragraph (b), after “9(1)” insert “or (1A)”, and
(ii) in paragraph (c), after “9(3)’’ insert “(3A)’’,

(b) after that subsection insert—

“(1A) In relation to any ground mentioned in subsection (1)(a) to (c), references in this section to removal from and restoration to the register include removal from and restoration to the appropriate part of the register.”, and

(c) in subsection (4), after “9(1)” insert “(1A)’’.

(4) In section 14(b) (form of ceremony to be used by approved celebrant), after “9(3)” insert “or (3A)’’.

(5) In section 24(2)(a) (offences), after “area” insert “or place”.

12 Temporary authorisation of celebrants

(1) The 1977 Act is amended as follows.

(2) In section 12 (temporary authorisation of celebrants)—

(a) in subsection (1), for “person” substitute “member of a religious or belief body”,

(b) after subsection (1) insert—

“(1A) The Registrar General may grant an authorisation to a person under subsection (1) only if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements.

(1B) An authorisation under subsection (1)(b) may be granted in relation to—

(a) only marriages between persons of different sexes;

(b) only marriages between persons of the same sex; or

(c) both.

(1C) The Registrar General may grant an authorisation to a person under subsection (1)(b) to solemnise marriages between persons of the same sex only if the religious or belief body of which the person is a member—

(a) is prescribed by virtue of section 8(1B)(a)(i); or

(b) has nominated members (whether or not including that person) under section 9(1A) to solemnise marriages between persons of the same sex.

(1D) In subsection (1A), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(1E) Regulations under subsection (1D)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(1F) Regulations under subsection (1D) are subject to the negative procedure.”.

(3) In section 24 (offences), in subsection (2)(c), for the words from “12(a)” to the end substitute “12 of this Act—

(i) if authorised under subsection (1)(a) of that section, solemnises a marriage not specified in the authorisation;
(ii) if authorised under subsection (1)(b) of that section, solemnises a marriage outwith the period specified in the authorisation;

(iii) in either case, solemnises a marriage otherwise than in accordance with such terms and conditions as may be specified in the authorisation;”.

13 Religious or belief marriage: further provision

(1) The 1977 Act is amended as follows.

(2) In section 6(5) (solemnisation of marriage on date and at place in Marriage Schedule), for “religious marriage” substitute “religious or belief marriage”.

(3) In section 11 (alterations to register), in paragraph (a), for “religious body” substitute “religious or belief body”.

(4) In the title of section 13 (preliminaries to solemnisation of religious marriages), for “religious marriages” substitute “marriages by approved celebrants”.

(5) In section 14(a) (form of ceremony to be used by approved celebrant), for “religious body” substitute “religious or belief body”.

(6) In the title of section 15 (registration of religious marriages), for “religious marriages” substitute “religious or belief marriages”.

(7) In section 15(3) (entry in register of marriage on receipt of Marriage Schedule), for “religious marriage” substitute “religious or belief marriage”.

CHAPTER 4

SAME SEX MARRIAGE: PROTECTION OF FREEDOM OF EXPRESSION ETC.

14 Same sex marriage: protection of freedom of expression etc.

(1) For the avoidance of doubt, nothing in this Part so far as it makes provision for the marriage of persons of the same sex and as to the persons who may solemnise such marriages affects the exercise of—

(a) the Convention right to freedom of thought, conscience and religion,

(b) the Convention right to freedom of expression, or

(c) any equivalent right conferred by rule of law.

(2) “Convention right” has the same meaning as in the Human Rights Act 1998.

CHAPTER 5

OTHER CHANGES TO MARRIAGE PROCEDURE

15 Power of district registrar to require evidence of nationality: marriage

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry), after subsection (4) insert—

“(4A) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the parties to the marriage.
(4B) A requirement under subsection (4A) may be imposed at any time—
   (a) on or after the submitting of the notice under subsection (1); but
   (b) before the district registrar completes the Marriage Schedule.

(4C) In subsection (4A), “specified nationality evidence” means such evidence of
   that person’s nationality as may be specified in guidance issued by the
   Registrar General.”.

(3) In section 7 (marriage outside Scotland where a party resides in Scotland), in subsection
   (1) for “and (3)” substitute “, (3) and (4A) to (4C)”.

16 The Marriage Schedule

(1) The 1977 Act is amended as follows.

(2) In section 6 (the Marriage Schedule)—
   (a) after subsection (1) insert—
   “(1A) Regulations under subsection (1) prescribing the form of the Marriage
   Schedule may make different provision for different cases or circumstances.”,
   and
   (b) in subsection (4)(a), for “14 days” in both places where those words appear
   substitute “28 days”.

(3) In section 7(2) (issuing of certificate in respect of legal capacity to marry), for “14 days”
   substitute “28 days”.

(4) In section 19(1) (period between receipt of marriage notice and solemnisation of
   marriage), for “14 days” substitute “28 days”.

17 Marriage outside Scotland: evidence of dissolution of former civil partnership

In section 7(1) of the 1977 Act (marriage outside Scotland where a party resides in
Scotland), after “3(1)(a),” insert “(aa),”.

18 Religious marriages: solemnisation by Church of Scotland deacons

In section 8(1)(a)(i) of the 1977 Act (solemnisation of marriage by ministers of the
Church of Scotland), after “minister” insert “or deacon”.

19 Places at which civil marriages may be solemnised

(1) The 1977 Act is amended as follows.

(2) In section 18 (places at which civil marriages may be solemnised)—
   (a) in subsection (1)—
      (i) after paragraph (a) insert—
      “(aa) at an appropriate place in the registration district of the authorised
      registrar; or
   (ab) with the approval of the Registrar General, at—
      (i) the registration office of another authorised registrar;
(ii) an appropriate place in the registration district of another
authorised registrar; or

(iii) an appropriate place in Scottish waters.”,

(ii) paragraph (b) (and the word “or” following it) are repealed, and

(iii) paragraph (c) is repealed,

(b) after that subsection insert—

“(1A) In this section—

“appropriate place” means a place which—

(a) the parties to the intended marriage and the local registration
authority agree is to be the place of solemnisation; and

(b) is not religious premises;

“local registration authority” means—

(a) the local registration authority for the registration district which
includes the place; or

(b) where the place is in Scottish waters, the local registration
authority for the authorised registrar’s registration district;

“religious premises” means premises which—

(a) are used solely or mainly for religious purposes; or

(b) have been so used and have not subsequently been used solely or
mainly for other purposes.”, and

(c) subsections (2) to (8) are repealed.

(3) Section 18A (approved places) is repealed.

(4) In section 19 (marriage ceremony and registration of marriage)—

(a) in subsection (4)(a)—

(i) for sub-paragraph (ii) substitute—

“(ii) at an appropriate place (within the meaning given by section 18) in
the registration district of the authorised registrar; or”,

(ii) sub-paragraph (iii) (and the word “or” following it) are repealed, and

(iii) in sub-paragraph (iv), for the words “in or on an approved vessel”
substitute “at an appropriate place (within the meaning given by section
18)”,

(b) in subsection (4)(b)(ii), for “approved place” substitute “appropriate place (within
the meaning given by section 18)”, and

(c) subsection (5) is repealed.

(5) In section 26(2A)(b) (seaward boundary of registration district), for “within a
registration district if it” substitute “a place within a registration district if the vessel”.
20  **Second marriage ceremony: form of endorsement**  
In section 20(2)(d) of the 1977 Act (second marriage ceremony), in the form of the endorsement, the word “19” in both places where it appears is repealed.  

**CHAPTER 6**  

**SHERIFF COURT JURISDICTION IN RELATION TO DECLARATOR OF MARRIAGE**  

21  **Sheriff court jurisdiction in relation to declarator of marriage**  
(1) Section 8 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of the sheriff court in relation to actions for separation, divorce etc.) is amended as follows.  
(2) After subsection (2) insert—  
“(2ZA) The court has jurisdiction to entertain an action for declarator of marriage if (and only if)—  
(a) either party to the marriage—  
(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the action is begun, or  
(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date, and  
(b) any of the following requirements is met in relation to either of the parties to the marriage—  
(i) the party is domiciled in Scotland on the date on which the action is begun,  
(ii) the party was habitually resident in Scotland throughout the period of one year ending with that date, or  
(iii) the party died before that date and either—  
(A) was at death domiciled in Scotland, or  
(B) had been habitually resident in Scotland throughout the period of one year ending with the date of death.”.  
(3) In subsection (3)—  
(a) after “declarator of” insert “marriage or of”, and  
(b) after “subsection (2)” in both places where those words appear insert “, (2ZA)”.  
(4) In subsection (4), after “declarator of” insert “marriage or of”.  

**PART 2**  

**CIVIL PARTNERSHIP**  

22  **Registration of civil partnership**  
(1) The Civil Partnership Act 2004 (“the 2004 Act”) is amended as follows.  
(2) In section 85 (formation of civil partnership by registration)—  
(a) in subsection (1), for paragraph (c) and the words following it substitute—
“(c) the approved celebrant or, as the case may be, the authorised registrar.”,
and
(b) in subsection (4)(b), at the beginning insert “the approved celebrant or, as the case may be,”.

(3) In section 86 (eligibility)—
(a) for subsection (2) substitute—
“(2) Subject to subsection (3), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 10.”,
(b) in subsection (3), for the words from the beginning to “related” in the third place where it appears substitute “A person who is related to another person in a degree specified in paragraph 2 of Schedule 10 (relationships by affinity) is not related to that person”,
(c) after subsection (3) insert—
“(3A) For the purposes of paragraph 2 of Schedule 10, “spouse” means—
(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife, and
(b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”,
(d) in subsection (5)—
(i) after “in” insert “subsection (3A)(a) as it applies to”, and
(ii) the word “former” in each place where it appears is repealed, and
(e) in subsection (5A)—
(i) for “mother” substitute “parent”, and
(ii) the words “in either column” are repealed.

(4) In section 87 (appointment of authorised registrars), before “registration” in the first place where it appears insert “civil”.

(5) In section 88 (notice of proposed civil partnership), after subsection (6) insert—
“(7) In this section, “the district registrar” means—
(a) where the civil partnership is to be registered in a registration district, the district registrar for that district,
(b) where the civil partnership is to be registered in Scottish waters—
(i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar for any registration district,
(ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.

(6) In section 89 (civil partnership notice book), after subsection (2) insert—
“(3) In this section and sections 90, 91, 92 and 94, “the district registrar” means—
(a) where the civil partnership is to be registered in a registration district, the district registrar for that district,
(b) where the civil partnership is to be registered in Scottish waters—

(i) in the case where the civil partnership is to be registered by an 
approved celebrant, the district registrar to whom the civil 
partnership notices were submitted,

(ii) in the case where the civil partnership is to be registered by an 
authorised registrar, the district registrar for the registration district 
of the proposed authorised registrar.”

(7) In section 90 (publicisation)—

(a) in subsection (1), for “a district registrar” substitute “the district registrar”,

(b) in subsection (2)(b), for “14 days” substitute “28 days”, and

(c) in subsection (3), for “91” substitute “91(1)”.

(8) In section 91 (early registration)—

(a) the existing text becomes subsection (1),

(b) in that subsection—

(i) for “An authorised registrar who” substitute “Where the district registrar”,

(ii) for “14 days” substitute “28 days”, and

(iii) after “section 90)” insert “the district registrar”, and

(c) after that subsection insert—

“(2) For the purposes of subsection (1), a request which is made by electronic 
means is to be treated as in writing if it is received in a form which is legible 
and capable of being used for subsequent reference.”.

(9) In section 92 (objections to registration)—

(a) in subsection (3), for “at which a notice of proposed civil partnership to which the 
objection would relate” substitute “of the district registrar”,

(b) in subsection (4)(b)—

(i) the word “and” following sub-paragraph (i) is repealed, and

(ii) after sub-paragraph (ii) insert “, and

(iii) where, in the case of a civil partnership to be registered by an 
approved celebrant, the civil partnership schedule has already been 
issued to the parties, if possible notify that celebrant of the 
objection and advise the celebrant not to register the civil 
partnership pending consideration of the objection.”, and

(c) in subsection (5)(a), for the words “not to register the intended civil partners and 
to notify them” substitute “to take all reasonable steps to ensure that the 
registration of the civil partnership does not take place and must notify, or direct 
the district registrar to notify, the intended civil partners”.

(10) In section 93 (place of registration)—

(a) in subsection (1)—

(i) after “registered” insert “by an authorised registrar”, and

(ii) for the words from “other” in the first place where it appears to the end 

substitute “other—
(a) at the registration office of the authorised registrar,
(b) at an appropriate place in the registration district of the authorised registrar, or
(c) with the approval of the Registrar General, at—
   (i) the registration office of another authorised registrar,
   (ii) an appropriate place in the registration district of another authorised registrar, or
   (iii) an appropriate place in Scottish waters.”,

(b) after that subsection, insert—

“(1A) In this section—

“appropriate place” means a place which—
   (a) the parties to the intended civil partnership and the local registration authority agree is to be the place of registration, and
   (b) is not religious premises,

“local registration authority” means—
   (a) the local registration authority for the registration district which includes the place, or
   (b) where the place is in Scottish waters, the local registration authority for the authorised registrar’s registration district,

“religious premises” means premises which—
   (a) are used solely or mainly for religious purposes, or
   (b) have been so used and have not subsequently been used solely or mainly for other purposes.”,

(c) subsections (2) and (3) are repealed, and

(d) the title of section 93 becomes “Place of civil registration of civil partnerships”.

(11) After section 93 insert—

“93A Date and place of registration of religious or belief civil partnerships

(1) A religious or belief civil partnership may be registered only on the date and at the place specified in the civil partnership schedule.

(2) But if, for any reason, the civil partnership cannot be registered on that date or at that place and a new date or place is fixed for the registration, the district registrar must—
   (a) issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or
   (b) substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued.

(3) Subsection (2) does not apply where—
   (a) the new date is more than 3 months after the date for the registration specified in the civil partnership schedule already issued, or
(b) the new place is in a different registration district, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters.

(4) In a case falling within subsection (3)(a) or (b) the Registrar General may, according to the circumstances—

(a) direct the district registrar—

(i) to issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or

(ii) to substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued,

(whichever the Registrar General considers the more appropriate), or

(b) direct each party to the civil partnership to submit to the district registrar a new notice of proposed civil partnership.”.

(12) In section 94 (the civil partnership schedule)—

(a) the existing text becomes subsection (1),

(b) in paragraph (b) of that subsection—

(i) for “14 days” substitute “28 days”, and

(ii) for “91” substitute “91(1)”, and

(c) after that subsection insert—

“(2) In the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule completed in accordance with subsection (1) is to be issued by the district registrar to one or both of the parties to the intended civil partnership.

(3) The district registrar may not issue the civil partnership schedule on a date earlier than 7 days before the date of the intended civil partnership unless authorised to do so by the Registrar General.”.

(13) After section 94 insert—

“94A Persons who may register civil partnerships

(1) A civil partnership may be registered by and only by—

(a) a person who is—

(i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships on its behalf,

(ii) registered under section 94B, or

(iii) temporarily authorised under section 94E, or

(b) a person who is a district registrar or assistant registrar appointed under section 87.

(2) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(i) only if—

(a) the body requests them to do so, and
(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(3) For the avoidance of doubt, nothing in subsection (1)(a) or (2)(a)—

(a) imposes a duty on any religious or belief body to make a request referred to in subsection (2)(a),

(b) imposes a duty on any such body to nominate under section 94B any of its members to be registered as empowered to register civil partnerships,

(c) imposes a duty on any person to apply for temporary authorisation under section 94E to register civil partnerships,

(d) imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships.

(4) In this Part—

(a) any such person as is mentioned in subsection (1)(a) is referred to as an “approved celebrant”,

(b) a civil partnership registered by an approved celebrant is referred to as a “religious or belief civil partnership”,

(c) a civil partnership registered by an authorised registrar is referred to as a “civil registration”.

(5) In subsection (2)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

94B Registration of nominated persons as celebrants

(1) A religious or belief body, not being prescribed by virtue of section 94A(1)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to register civil partnerships.

(2) The Registrar General must reject a nomination under subsection (1) if in the Registrar General’s opinion—

(a) the nominating body is not a religious or belief body,

(b) the nominee is not a fit and proper person to register a civil partnership,

(c) there are already registered under this section sufficient members of the same body as the nominee to meet the needs of that body, or

(d) the nominating body does not meet the qualifying requirements.

(3) In subsection (2)(d), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(4) Where the Registrar General accepts a nomination made under subsection (1), the Registrar General—

(a) must determine the period during which the nominee is empowered to register civil partnerships, being a period of not more than 3 years,

(b) may determine that the nominee is empowered to register civil partnerships only in such area or place as the Registrar General may specify, and
(c) may make acceptance of the nominee’s registration subject to such other conditions as the Registrar General thinks fit.

(5) Nothing in subsection (4)(a) prevents the Registrar General from accepting a further nomination of that nominee, in accordance with this section, to take effect at any time after the end of the period determined by the Registrar General under subsection (4)(a).

(6) The Registrar General must—

(a) if accepting a nomination made under subsection (1)—

(i) so inform the nominee and the nominating body, specifying the period during which the acceptance has effect and any condition to which the acceptance is subject,

(ii) enter the name of the nominee, the nominating body and such other particulars as the Registrar General thinks fit in a register which the Registrar General must establish and maintain and which must be made available for public inspection at all reasonable times free of charge,

(b) if rejecting a nomination made under subsection (1), by notice in writing inform the nominating body of the reasons for that rejection.

(7) For the purposes of subsection (6)(b), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(8) If the nominating body is aggrieved by a rejection under this section it may, within 28 days of receiving notice of the rejection, appeal to the Scottish Ministers.

(9) On any such appeal the Scottish Ministers may—

(a) direct the Registrar General to accept the nomination, or

(b) confirm the rejection of the nomination,

and must inform the nominating body of their decision and the reason for it; and their decision is final.

(10) If a reason given for confirming the rejection of a nomination is that the nominating body is not a religious or belief body, the body may, within 42 days of receiving notice of the confirmation, appeal against the decision to the Court of Session and seek the determination of that court as to whether the body is a religious or belief body.

(11) If—

(a) the Court determines that the nominating body is a religious or belief body, and

(b) the reason mentioned in subsection (10) was the only reason given for confirming the rejection of the nomination,

the Registrar General must give effect to the determination as if it were a direction under subsection (9)(a) to accept the nomination.
94C  **Removal of celebrant’s name from register**

(1) Subject to the provisions of this section, the Registrar General may remove the name of a person registered under section 94B from the register on the ground that—

(a) the person has requested that the person’s name should be so removed,

(b) the body which nominated the person under section 94B(1) no longer desires that the person should be so registered,

(c) the person—

(i) has, while registered as an approved celebrant, been convicted of an offence under this Part,

(ii) has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships,

(iii) is not a fit and proper person to register civil partnerships, or

(iv) for any other reason, should not be registered as an approved celebrant.

(2) The Registrar General may not remove the name of a person from the register on any ground mentioned in subsection (1)(c) unless the Registrar General has given the person at least 21 days notice in writing of the intention to do so.

(3) For the purposes of subsection (2), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(4) The Registrar General must—

(a) in the notice given under subsection (2), specify the ground of removal and call upon the person to give any reasons, within the period specified in the notice, why the person’s name should not be removed from the register, and

(b) consider any representations made within that period by the person.

(5) Where a person’s name has been removed from the register on any of the grounds mentioned in paragraph (c) of subsection (1), the person or the body which nominated the person under section 94B(1) may, if aggrieved by the removal, within 28 days of receiving notice of the removal appeal to the Scottish Ministers.

(6) On an appeal under subsection (5) the Scottish Ministers may give any direction they think proper to the Registrar General as to the removal from, or restoration to, the register of the person’s name; and such direction is final.

(7) Where a person has received a notice in pursuance of subsection (2), the person must not register a civil partnership unless and until the person’s name is restored to the register or, as the case may be, the Registrar General has decided not to remove the person’s name from the register.

94D  **Alterations to register maintained under section 94B**

(1) A body registered in pursuance of section 94B(6)(a)(ii) must notify the Registrar General of any of the following events (if practicable, within 21 days of its occurrence)—
(a) any change in the name or the address of the body or any amalgamation
with any other religious or belief body, giving the name and address of
any approved celebrant who is a member of the body so registered,

(b) the death of an approved celebrant who is a member of the body so
registered,

c) any change of name, address or designation of an approved celebrant
who is a member of the body so registered,

d) the cessation of an approved celebrant who is a member of the body so
registered from exercising the functions of an approved celebrant, giving
the person’s name and address.

(2) The Registrar General must, on receipt of any such notification, make whatever
alteration to the register maintained under section 94B the Registrar General
considers necessary or desirable.

94E Temporary authorisation of celebrants

(1) The Registrar General may, in accordance with such terms and conditions as
may be specified in the authorisation, grant to any member of a religious or
belief body a temporary written authorisation to register—

(a) a civil partnership or partnerships specified in the authorisation, or

(b) civil partnerships during such period as is specified in the authorisation.

(2) The Registrar General may grant an authorisation to a person under subsection
(1) only if satisfied that the religious or belief body of which the person is a
member meets the qualifying requirements.

(3) The Registrar General may grant an authorisation to a person under subsection
(1)(b) only if the religious or belief body of which the person is a member—

(a) is prescribed by virtue of section 94A(1)(a)(i), or

(b) has nominated members (whether or not including that person) under
section 94B(1).

(4) In subsection (2), the “qualifying requirements” are such requirements as may
be set out in regulations made by the Scottish Ministers.

(5) For the purposes of subsection (1), an authorisation which is issued by
electronic means is to be treated as written if it is received in a form which is
legible and capable of being used for subsequent reference.”.

(14) In section 95 (further provision as to registration)—

(a) in subsection (1), after “85” insert “the approved celebrant or, as the case may
be,“,

(b) after subsection (1) insert—

“(1A) In the case of a religious or belief civil partnership, the parties to the civil
partnership must, within 3 days of signing the civil partnership schedule in
accordance with section 85(4), deliver the civil partnership schedule, or send it
by post or arrange that it is delivered, to the district registrar.”,

(c) in subsection (2), for “after the civil partnership schedule has been signed, the
authorised registrar” substitute “after—
(a) in the case of a civil registration, the civil partnership schedule has been signed in accordance with section 85, or

(b) in the case of a religious or belief civil partnership, the district registrar receives the civil partnership schedule,

the district registrar”.

(d) after subsection (3) insert—

“(3A) The district registrar must not enter the particulars set out in the civil partnership schedule relating to a religious or belief civil partnership in the civil partnership register unless and until the registrar receives a duly signed civil partnership schedule in respect of that civil partnership.

(3B) Where the Registrar General is satisfied that—

(a) a civil partnership has been properly registered, and

(b) the civil partnership schedule in respect of the civil partnership has been duly signed but has been lost or destroyed,

the Registrar General may direct the district registrar to complete an exact copy of the original civil partnership schedule and, so far as practicable, to arrange for its signature by those persons who signed the original schedule.

(3C) As soon as possible after the copy schedule has been signed, the district registrar must cause the particulars as set out in it to be entered into the civil partnership register.”;

(e) in subsection (4), after “their” insert “civil”.

(15) After section 95 insert—

“95ZA Registrar’s power to require delivery of civil partnership schedule

(1) Where the civil partnership schedule is not delivered to the district registrar within 21 days from the date of registration as entered in the schedule, the registrar may serve a notice in the prescribed form on either of the parties to the civil partnership requiring that party within 8 days from the date of service to deliver the schedule, or send it by post, to the registrar.

(2) If a person on whom a notice has been served under subsection (1) fails to comply with the notice, the district registrar may serve on the person a second notice in the prescribed form requiring the person to attend personally at the registration office of the district registrar, within 8 days from the date of service of the second notice, for the purpose of delivering the civil partnership schedule to the district registrar to enable the registrar to enter the civil partnership in the civil partnership register.”.

(16) In section 95A (validity following entry in civil partnership register), in subsection (1), after “95(2)” insert “or (3C)”.

(17) In section 96 (civil partnership with former spouse)—

(a) in subsection (3)(b), for “91” substitute “91(1)”, and

(b) in subsection (3)(c), for “paragraph (b)” substitute “subsection (1)(b)”.

(18) In section 97 (certificates of no impediment for Part 2 purposes)—

(a) in subsection (4), for “14 days” substitute “28 days”, and
(b) after subsection (5) insert—

“(5A) For the purposes of subsection (5), an objection which is submitted by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(19) In section 100 (offences)—

(a) in subsection (2)—

(i) in paragraphs (c), (d) and (e), after “being” insert “an approved celebrant or, as the case may be,”, and

(ii) in paragraph (f), for the words from “in” in the second place where it appears to the end substitute “in accordance with section 93”,

(b) after subsection (3) insert—

“(3A) A person commits an offence if the person—

(a) registers a civil partnership in an area or place in which by virtue of section 94B(4)(b) the person is not permitted to register a civil partnership,

(b) registers a civil partnership in contravention of section 94C(7),

(c) being a person temporarily authorised under section 94E—

(i) if authorised under subsection (1)(a) of that section, registers a civil partnership not specified in the authorisation,

(ii) if authorised under subsection (1)(b) of that section, registers a civil partnership outwith the period specified in the authorisation,

(iii) in either case, registers a civil partnership otherwise than in accordance with such terms and conditions as may be specified in the authorisation,

(d) being a party to a civil partnership, fails to comply with a notice served under section 95ZA(2).

(3B) A person guilty of an offence under subsection (3A) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”.

(c) in subsection (4), for “or (2)” substitute “, (2) or (3A)”. 

(20) In section 126(4) (regulations), after “section” insert “94A(1)(a)(i) or (5), 94B(3), 94E(4) or”.

(21) In section 135(1) (interpretation of Part 3)—

(a) after the definition of “the 1965 Act” insert—

““approved celebrant” has the meaning given by section 94A(4)(a);”,

(b) after the definition of “civil partnership schedule” insert—

““civil registration” has the meaning given by section 94A(4)(c);”, and

(c) after the definition of “registration office” insert—

““religious or belief body” means an organised group of people—

(a) which meets regularly for religious worship, or
(b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose;

“religious or belief civil partnership” has the meaning given by section 94A(4)(b).”.

(22) For Schedule 10 substitute—

“SCHEDULE 10
(introduced by section 86)

FORBIDDEN DEGREES OF RELATIONSHIP: SCOTLAND

1. Relationships by consanguinity

Parent
Child
Grandparent
Grandchild

Sibling
Aunt or uncle
Niece or nephew
Great-grandparent
Great-grandchild

2. Relationships by affinity referred to in section 86(3)

Child of former spouse
Child of former civil partner
Former spouse of parent
Former civil partner of parent

Former spouse of grandparent
Former civil partner of grandparent
Grandchild of former spouse
Grandchild of former civil partner.”.

23 Power of district registrar to require evidence of nationality: civil partnership

In section 88 of the 2004 Act (notice of proposed civil partnership), after subsection (7) (inserted by section 22(5) of this Act) insert—

“(8) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the intended civil partners.

(9) A requirement under subsection (8) may be imposed at any time—

(a) on or after the submitting of the notice under subsection (1), but
(b) before the district registrar completes the civil partnership schedule.”.
(10) In subsection (8), “specified nationality evidence” means such evidence of that person’s nationality as may be specified in guidance issued by the Registrar General.”.

24 Recognition of overseas relationships

(1) The 2004 Act is amended as follows.

(2) In section 214 (general conditions in relation to recognition of overseas relationships)—

(a) after paragraph (b) insert—

“(ba) the relationship is not one of marriage,”; and

(b) in paragraph (c), for the words from the second “or” to the end substitute “but are not treated as married”.

(3) In Schedule 20 to the 2004 Act (specified relationships), the following entries are repealed—

“Argentina marriage”,
“Belgium marriage”,
“Brazil marriage”,
“Canada marriage”,
“Denmark marriage”,
“Iceland marriage”,
“Mexico: Mexico City Federal District marriage”,
“Netherlands marriage”,
“Norway marriage”,
“Portugal marriage”,
“South Africa marriage”,
“Spain marriage”,
“Sweden marriage”,
“United States of America: California marriage”,
“United States of America: Connecticut marriage”,
“United States of America: District of Columbia marriage”,
“United States of America: Iowa marriage”,
“United States of America: Massachusetts marriage”,
“United States of America: New Hampshire marriage”,
“United States of America: New York marriage”,
“United States of America: Vermont marriage”. 
25  Dissolution of civil partnership: evidence

(1) Article 2 of the 2012 Order (which disapplies from certain actions for dissolution of civil partnership section 8(3A) of the Civil Evidence (Scotland) Act 1988 (requirement for evidence other than that of a party to the civil partnership)) is to be taken to have been in force since 5 December 2005 and to have had effect in relation to actions raised before 30 March 2012 as it has effect in relation to actions raised on or after that date.

(2) The “2012 Order” is the Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 (SSI 2012/111).

26  Bigamy

(1) In section 24 of the 1977 Act (offences)—

(a) before subsection (1) insert—

“(A1) A person (“A”) commits an offence if A purports to enter into a marriage with another person (“B”) knowing that either or both—

(a) A is already married to or in a civil partnership with a person other than B, or

(b) B is already married to or in a civil partnership with a person other than A.

(A2) A person who commits an offence under subsection (A1) is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both),

(b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).”, and

(b) in subsection (1)(ii), for “prescribed sum” substitute “statutory maximum”.

(2) In section 100 of the 2004 Act (offences)—

(a) in subsection (1), for “registers” substitute “purports to register”, and

(b) in subsection (3)(b), for “level 3 on the standard scale” substitute “the statutory maximum”.

(3) The common law offence of bigamy is abolished.

(4) In section 13 of the Presumption of Death (Scotland) Act 1977 (defence to charge of bigamy)—

(a) for “bigamy” substitute “committing an offence under section 24(A1) of the Marriage (Scotland) Act 1977 or section 100(1) of the Civil Partnership Act 2004”,

(b) after “marriage” insert “or civil partnership”, and

(c) after “spouse” insert “or civil partner”.

PART 3

MARRIAGE AND CIVIL PARTNERSHIP: OTHER PROVISION
PART 4

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

27 Change of gender of married persons or civil partners

Schedule 2 (change of gender of married persons or civil partners) has effect.

28 Renewed marriage or civil partnership following issue of full gender recognition certificate

(1) The Scottish Ministers may by regulations make provision about—

(a) the solemnisation of a renewed marriage between the parties to a protected Scottish marriage following the issue of a full gender recognition certificate to a party (or both parties) to the marriage,

(b) the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the civil partnership.

(2) Regulations under subsection (1) may in particular make provision—

(a) about the submitting by the parties to the protected Scottish marriage of notice of intention to enter into a renewed marriage,

(b) about the submitting by the parties to the protected Scottish civil partnership of notice of intention to enter into a renewed civil partnership,

(c) about the information to be provided by the parties,

(d) about the provision of evidence by the parties,

(e) for the parties to appear before any person or appear at any place,

(f) conferring functions on persons in relation to a renewed marriage or renewed civil partnership,

(g) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

(i) the submitting of notice of intention to enter into a renewed marriage or renewed civil partnership,

(ii) the exercise of any function conferred by virtue of paragraph (f),

(h) about the effect of entering into a renewed marriage or renewed civil partnership in accordance with provision made under subsection (1).

(3) Functions conferred by virtue of subsection (2)(f) may include functions relating to—

(a) the recording of information relating to a renewed marriage or renewed civil partnership,

(b) the issuing of certified copies of any information recorded,

(c) the conducting of services or ceremonies in connection with a renewed marriage or renewed civil partnership.

(4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.

(5) Regulations under subsection (1)—
(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
(b) may make provision applying any provision of the 1977 Act or the 2004 Act (either with or without modifications),
(c) may modify any enactment (including this Act),
(d) are (except where subsection (6) applies) subject to the negative procedure.

(6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

(7) In this section “full gender recognition certificate”, “protected Scottish civil partnership” and “protected Scottish marriage” have the meanings given by section 25 of the Gender Recognition Act 2004.

PART 5
REGISTRATION SERVICES

29 Provision of certain information to district registrars
In section 39C(1)(a)(i) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (provision of certain information to district registrars), for “section 34(3)” substitute “section 34(4)”.

PART 6
GENERAL PROVISIONS

30 Interpretation
In this Act—
“the 1977 Act” means the Marriage (Scotland) Act 1977,
“the 2004 Act” means the Civil Partnership Act 2004.

31 Ancillary provision
(1) The Scottish Ministers may by order make such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, or for giving full effect to, any provision of this Act.
(2) An order under subsection (1) may modify any enactment (including this Act).
(3) Subject to subsection (4), an order under subsection (1) is subject to the negative procedure.
(4) An order under subsection (1) containing provisions which add to, replace or omit any part of the text of an Act is subject to the affirmative procedure.

32 Commencement
(1) This section and sections 30, 31 and 33 come into force on the day after Royal Assent.
(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(3) An order under subsection (2) may include transitional, transitory or saving provision.

33 Short title

The short title of this Act is the Marriage and Civil Partnership (Scotland) Act 2014.
SCHEDULE 1  
(introduced by section 6)  

JURISDICTION IN PROCEEDINGS RELATING TO SAME SEX MARRIAGES  

Domicile and Matrimonial Proceedings Act 1973

1 (1) The Domicile and Matrimonial Proceedings Act 1973 is amended in accordance with this paragraph.

(2) After section 8 insert—

“8A Same sex marriages

(1) Sections 7 and 8 do not apply in relation to marriages between persons of the same sex.

(2) Schedule 1B (jurisdiction in relation to same sex marriages (Scotland)) has effect.”.

(3) In section 10 (ancillary and collateral orders), after subsection (1B) insert—

“(1BA) In relation to a marriage between persons of the same sex, subsection (1) does not give the Court of Session or a sheriff court jurisdiction to entertain an application in proceedings where—

(a) the court is exercising jurisdiction in the proceedings by virtue of regulations under paragraph 2 of Schedule 1B; and

(b) the making or variation of an order in consequence of the application would contravene the regulations.”.

(4) Before Schedule 2 insert—

“SCHEDULE 1B
(introduced by section 8A)

JURISDICTION IN RELATION TO SAME SEX MARRIAGES (SCOTLAND)

Introduction

1 (1) This Schedule has effect with respect to the jurisdiction of the Court of Session and of the sheriff court to entertain, in relation to same sex marriages, proceedings for—

(a) divorce,

(b) separation,

(c) declarator of marriage,

(d) declarator of nullity of marriage,

(e) declarator of recognition, or non-recognition, of a relevant foreign decree.

(2) References in this Schedule to “relevant proceedings” are to such proceedings as are mentioned in sub-paragraph (1).

(3) In this Schedule—

“relevant foreign decree” means a decree of divorce, separation or nullity granted outwith a member State,
“same sex marriage” means a marriage between persons of the same sex.

**Power to make provision corresponding to EC Regulation 2201/2003**

1. The Scottish Ministers may by regulations make provision—
   - (a) as to the jurisdiction of courts in Scotland in relevant proceedings in relation to a same sex marriage where one of the parties to the marriage—
     - (i) is or has been habitually resident in a member State,
     - (ii) is a national of a member State, or
     - (iii) is domiciled in a part of the United Kingdom or in the Republic of Ireland, and
   - (b) as to the recognition in Scotland of any judgment of a court of another member State which orders the divorce or separation of the parties to a same sex marriage, or the annulment of a same sex marriage.


3. The regulations may provide that for the purposes of this Schedule and the regulations “member State” means—
   - (a) all member States with the exception of such member States as are specified in the regulations, or
   - (b) such member States as are specified in the regulations.

4. The regulations may make provision under sub-paragraph (1)(b) which applies even in a case where the date of the divorce, separation or annulment is earlier than the date on which this paragraph comes into force.

5. The regulations are subject to the affirmative procedure.

**Divorce or separation**

1. The Court of Session has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if (and only if)—
   - (a) the Scottish courts have jurisdiction under regulations under paragraph 2, or
   - (b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage is domiciled in Scotland on the date on which the proceedings are begun.

2. The sheriff court has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if (and only if)—
   - (a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and
   - (b) either party to the marriage—
(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

(3) Despite sub-paragraph (2), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if the following requirements are met—

(a) the parties married each other in Scotland,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Declarator of marriage

4 (1) In relation to a same sex marriage, the Court of Session has jurisdiction to entertain proceedings for declarator of marriage if (and only if) either of the parties to the marriage—

(a) is domiciled in Scotland on the date on which the proceedings are begun,

(b) was habitually resident in Scotland throughout the period of one year ending with that date, or

(c) died before that date and either—

(i) was at death domiciled in Scotland, or

(ii) had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) In relation to a same sex marriage, the sheriff court has jurisdiction to entertain proceedings for declarator of marriage if (and only if)—

(a) the requirements of paragraph (a), (b) or (c) of sub-paragraph (1) are met in relation to either party to the marriage, and

(b) either party of the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

Nullity of marriage

5 (1) The Court of Session has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or
(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage—
   (i) is domiciled in Scotland on the date on which the proceedings are begun, or
   
   (ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) The sheriff court has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if (and only if)—
   
   (a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and
   
   (b) either party to the marriage—
      
      (i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or
      
      (ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

(3) Despite sub-paragraph (2), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if the following requirements are met—
   
   (a) the parties married each other in Scotland,
   
   (b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and
   
   (c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Recognition, or non-recognition, of foreign decrees

6 (1) The Court of Session has jurisdiction to entertain proceedings for declarator of recognition, or non-recognition, of a relevant foreign decree relating to a same sex marriage if (and only if)—
   
   (a) the Scottish courts have jurisdiction under regulations under paragraph 2, or
   
   (b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage—
      
      (i) is domiciled in Scotland on the date on which the proceedings are begun, or
      
      (ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) The sheriff court has jurisdiction to entertain proceedings for declarator of recognition, or non-recognition, of a relevant foreign decree relating to a same sex marriage if (and only if)—
(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

Supplementary provision

7 (1) Paragraph 3(1) does not affect any rule of law under which the Court of Session has jurisdiction in certain circumstances to entertain proceedings for separation as a matter of necessity and urgency.

(2) Paragraphs 3 and 5 do not affect any jurisdiction of a sheriff court to entertain any proceedings for separation, divorce or declarator of nullity of marriage remitted to the court under any enactment or rule of court, if entertaining the proceedings would not contravene regulations under paragraph 2.

(3) At any time when proceedings are pending in respect of which a court has jurisdiction by virtue of any of paragraphs 3 to 6 (or this paragraph), the court also has jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, separation or declarator of marriage or of nullity of marriage even though that jurisdiction would not be exercisable under any of paragraphs 3 to 6.”.

Presumption of Death (Scotland) Act 1977

2 In section 1 of the Presumption of Death (Scotland) Act 1977 (actions of declarator of the death of missing persons), after subsection (4) insert—

“(4A) Despite subsection (4), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain an action of declarator if—

(a) the pursuer in the action and the missing person are married to each other and are of the same sex,

(b) they married each other in Scotland, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.”.

SCHEDULE 2
(introduced by section 27)

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

Introductory

1 The Gender Recognition Act 2004 is amended in accordance with this schedule.
Interpretation

2 In section 25 (interpretation)—
   (a) the existing words become subsection (1),
   (b) before the definition of “registered psychologist” insert—

   “protected Scottish civil partnership” means a civil partnership registered in Scotland,
   “protected Scottish marriage” means a marriage solemnised in Scotland,”,
   (c) before the definition of “subordinate legislation” insert—

   “statutory declaration of consent”, in relation to the issuing of a gender recognition certificate to a person, means a statutory declaration by the person’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate,”, and
   (d) after subsection (1) insert—

   “(2) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of this Act as having been registered in Scotland if—
     (a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order, and
     (b) details of the civil partnership have been sent to the Registrar General for Scotland.
   (3) A marriage which was registered outside the United Kingdom under the Foreign Marriage Act 1892 (other than a marriage registered by virtue of section 18 of that Act) is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.
   (4) A marriage which was solemnised outside the United Kingdom and registered under an Order in Council made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.”.

Evidence

3 In section 3 (evidence), before subsection (7) insert—

   “(6D) If the applicant is a party to a protected Scottish marriage, an application under section 1(1) must also include—
     (a) a statutory declaration by the applicant that the applicant wishes the marriage to continue after the issue of a full gender recognition certificate (if that is the case),
     (b) a statutory declaration by the applicant as to where the marriage was solemnised and, if the marriage was solemnised outside the United Kingdom, that details of the marriage have been sent to the Registrar General for Scotland, and
(6E) If an application includes a statutory declaration of consent by the applicant’s spouse under subsection (6D)(c)(i), the Gender Recognition Panel must give the spouse notice that the application has been made.

(6F) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include a statutory declaration as to where the civil partnership was registered and, if the civil partnership was registered outside the United Kingdom, that details of the civil partnership have been sent to the Registrar General for Scotland.”.

Successful applications

4 In section 4 (successful applications), for subsections (2) and (3) substitute—

“(2) The certificate is to be a full gender recognition certificate if—

(a) the applicant is neither married nor a civil partner,

(b) the applicant is a party to a protected Scottish marriage and both parties to the marriage consent to the marriage continuing after the issue of a full gender recognition certificate, or

(c) the applicant is a party to a protected Scottish civil partnership and the Gender Recognition Panel has decided to issue a full gender recognition certificate to the other party to the civil partnership.

(3) The certificate is to be an interim gender recognition certificate if—

(a) the applicant is a party to a protected Scottish marriage and either party to the marriage does not consent to the marriage continuing after the issue of a full gender recognition certificate,

(b) the applicant is a party to a marriage which is not a protected Scottish marriage,

(c) the applicant is a party to a protected Scottish civil partnership and the other party to the civil partnership has not made an application under section 1(1),

(d) the applicant is a party to a protected Scottish civil partnership and the Gender Recognition Panel has decided not to issue a full gender recognition certificate to the other party to the civil partnership, or

(e) the applicant is a party to a civil partnership which is not a protected Scottish civil partnership.

(3A) If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected Scottish marriage, the Panel must give the applicant’s spouse notice of the issue of the certificate.

(3B) Subsection (2)(c) is subject to section 5C.”.
Issue of full gender recognition certificate after interim certificate: applicant married

Before section 5 insert—

“4C Married person with interim certificate: issue of full certificate (Scotland)

(1) A Gender Recognition Panel must issue a full gender recognition certificate to a person in either of the following cases.

(2) Case A is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,
(b) the person was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,
(c) the person is still a party to that protected Scottish marriage, and
(d) both parties to the marriage now consent to the marriage continuing after the issue of the full gender recognition certificate.

(3) Case B is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,
(b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,
(d) the submitting of notice has resulted in the civil partnership becoming a marriage,
(e) the person is a party to that marriage, and
(f) the person’s spouse consents to the marriage continuing after the issue of the full gender recognition certificate.

(4) If, on an application under subsection (2) or (3), the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.

(5) An application under subsection (2) must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.

(6) An application under subsection (3) must be made within the period of six months beginning with the day on which the civil partnership becomes a marriage.

(7) An application under subsection (2) or (3) must include a statutory declaration of consent made by the person’s spouse.

(8) An application under subsection (3) must also include—

(a) evidence of the date on which the notice referred to in subsection (3)(c) was submitted, and
(b) evidence that the civil partnership has become a marriage.
(9) If an application is made under this section, the Panel must give the applicant’s spouse—
   (a) notice of the application, and
   (b) if the Panel grants the application, notice of the issue of the full gender recognition certificate.

4D Application under section 4C: death of spouse

(1) In a case where an application is made under section 4C(2) or (3) and the applicant’s spouse dies before the application is determined—
   (a) the application is to be treated as an application, made under section 5(2) in a case where a spouse has died, for a full gender recognition certificate to be issued, and
   (b) that application is to be treated as having been made at the time when the application under section 4C was made.

(2) The Gender Recognition Panel determining the application must specify the period within which the applicant is to produce the required evidence in support of the new application.

(3) In this section—
   “new application” means the application under section 5(2) which the person is, by virtue of subsection (1), treated as having made,
   “required evidence” means the evidence required by section 5(4).”.

Applications by both civil partners

6 Before section 6 insert—

“5C Protected Scottish civil partnership: applications by both civil partners

(1) This section applies where a Gender Recognition Panel decides to issue a full gender recognition certificate to a party to a protected Scottish civil partnership.

(2) The Panel must not issue the full gender recognition certificate to that person unless the Panel issues a full gender recognition certificate to the other party to the protected Scottish civil partnership.

(3) In such a case, the Panel must issue both certificates on the same day.

(4) Those certificates take effect at the beginning of the day on which they are issued.

5D Protected Scottish civil partnership: power to make further provision for issue of full certificate

(1) The Scottish Ministers may by order provide for the issue by a Gender Recognition Panel, on an application under section 1(1) by a qualifying person, of a full gender recognition certificate in additional circumstances to those specified in section 4(2)(c) or 5C.

(2) In subsection (1), “qualifying person” means a person who is a party to a protected Scottish civil partnership.
(3) An order under subsection (1) may include, in particular, provision about—
   (a) the evidence or other information that is to be included with an application,
   (b) the procedure to be followed in determining an application, including provision for the giving of notice to any person,
   (c) the effect of the issuing to the applicant of a full gender recognition certificate in relation to the civil partnership to which the applicant is party.

(4) Provision under subsection (3)(c) may include, in particular, provision for changing the civil partnership into a marriage.

(5) An order under subsection (1) may modify this Act or any other enactment.

(6) Before making an order under subsection (1), the Scottish Ministers must consult the Registrar General for Scotland.

Appeals etc.

In section 8 (appeals etc.)—
   (a) in subsection (1), before “5(2)” insert “4C, “,
   (b) in subsection (5), before “5(2)” insert “4C, ”,
   (c) before subsection (6) insert—
       “(5B) If an application under section 1(1), 4C, 5(2), 5A(2) or 6(1) is granted, the applicant’s spouse may apply to the Court of Session to quash the decision to grant the application on the grounds that its grant was secured by fraud.”, and
   (d) in subsection (6), before “the” in the first place where it appears insert “or an application under subsection (5B)”.

Registration

In section 10 (registration), before subsection (2) insert—
   “(1B) Where a full gender recognition certificate is issued by a Gender Recognition Panel to a person who is a party to a protected Scottish marriage or a protected Scottish civil partnership, the Panel must send a copy of the certificate to the Registrar General for Scotland.”.

In Schedule 3 (registration), in Part 2 (Scotland)—
   (a) in paragraph 14(1), after “10(1)” insert “or (1B)”,
   (b) in paragraph 19(1), before “5(2)” insert “4C,”, and
   (c) after paragraph 20 insert—
       “20A(1) The Registrar General may, with the approval of the Scottish Ministers, make regulations about—
           (a) the registration of qualifying Scottish marriages, and
           (b) the registration of qualifying Scottish civil partnerships.

   (2) In this paragraph—
“qualifying Scottish civil partnership” means a civil partnership registered in Scotland in a case where a full gender recognition certificate has been issued to each of the civil partners,

“qualifying Scottish marriage” means a marriage solemnised in Scotland in a case where a full gender recognition certificate has been issued to one, or each, of the spouses.”.

**Continuity of marriage**

9 Before section 12 insert—

“11C Continuity of marriage: Scotland

(1) This section applies in relation to a protected Scottish marriage if (by virtue of section 4(2)(b) or 4C) a full gender recognition certificate is issued to a party to the marriage.

(2) The continuity of the protected Scottish marriage is not affected by the issuing of a full gender recognition certificate.”.

**Continuity of civil partnership**

10 After section 11C (inserted by paragraph 9) insert—

“11D Continuity of civil partnership: Scotland

The continuity of a protected Scottish civil partnership is not affected by the issuing of full gender recognition certificates (by virtue of section 4(2)(c)) to both civil partners.”.

**Foreign gender change and marriage**

11 In section 21 (foreign gender change and marriage), subsections (2) to (5) are repealed.

**Consequential amendments**

12 (1) In section 7(1) (applications: supplementary), before “5(2)” insert “4C,“.

(2) In section 22(2)(a) (prohibition on disclosure of information), before “5(2)” insert “4C,“.

(3) In section 24 (procedure for orders and regulations)

(a) in subsection (5)—

(i) for “A” substitute “Subject to subsection (5B), a”, and

(ii) after “section” insert “5D(1),”, and

(b) after subsection (5) insert—

“(5A) Regulations made by the Registrar General for Scotland under paragraph 20A are subject to the negative procedure.

(5B) An order under section 5D(1) which adds to, replaces or omits any part of the text of an Act is subject to the affirmative procedure.”.
Marriage and Civil Partnership (Scotland) Bill
[AS INTRODUCED]

An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure and the places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies; to make provision about gender change by married persons and civil partners; to make a minor correction in relation to registration information; and for connected purposes.

Introduced by: Alex Neil
On: 26 June 2013
Bill type: Government Bill
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

EXPLANATORY NOTES

(AND OTHER ACCOMPANYING DOCUMENTS)

CONTENTS

As required under Rule 9.3 of the Parliament’s Standing Orders, the following documents are published to accompany the Marriage and Civil Partnership (Scotland) Bill introduced in the Scottish Parliament on 26 June 2013:

- Explanatory Notes;
- a Financial Memorandum;
- a Scottish Government Statement on legislative competence; and
- the Presiding Officer’s Statement on legislative competence.

A Policy Memorandum is printed separately as SP Bill 36–PM.
EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes have been prepared by the Scottish Executive in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

2. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

THE BILL

3. The draft Bill proposes a number of amendments to the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004. These Acts are referred to in these Explanatory Notes as “the 1977 Act” and “the 2004 Act”.

Summary and background

4. Key matters covered by the Bill are:
   • the introduction of same sex marriage, so that same sex couples can marry each other;
   • putting belief celebrants on the same footing as religious celebrants;
   • the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage;
   • civil partnerships changing to marriage;
   • the authorisation of Church of Scotland deacons to solemnise opposite sex marriage;
   • allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar;
   • allowing the religious and belief registration of civil partnerships. At the moment, ceremonies to register civil partnerships can only be civil in nature (although it is possible to have a religious or belief ceremony to mark the partnership, any such ceremony would not be recognised by the state);
   • allowing transgender persons to stay married when obtaining the full Gender Recognition Certificate, which provides legal recognition in the acquired gender.
COMMENTARY

Part 1 – Marriage

Chapter 1 – Same sex marriage

Overview

5. This Chapter makes a number of changes to marriage law. In particular, it amends the 1977 Act, in relation to the “forbidden degrees” (about people who are too closely related to each other to get married) to reflect the introduction of same sex marriage; it deals with existing references to marriage and related expressions in legislation and private documents, such as wills; and it clarifies how certain common law rules will operate in the context of a same sex marriage.

Section 1: marriage of related persons

6. This section makes a number of amendments to the 1977 Act, in relation to the “forbidden degrees”. Provision is made about the forbidden degrees in section 2 of, and Schedule 1 to, the 1977 Act. Section 2 of the 1977 Act makes various provisions about how the forbidden degrees are to operate and be interpreted. Some of these provisions refer at present to a husband and wife or make other indirect references to opposite sex marriage. Due to the introduction of same sex marriage, these provisions are amended by section 1 of the Bill so that they can apply to opposite sex and same sex marriage. Section 1(2)(c) makes provision so that “spouse” means either a wife of a husband or a husband of a wife or a same sex spouse.

7. Section 1 introduces a new Schedule 1 to the 1977 Act, replacing the current Schedule 1. Section 1(2)(d) deletes the word “former” from section 2(7) of the 1977 Act. The word “former” is not needed as the new Schedule 1 to the 1977 Act refers to “former spouse” and “spouse” is defined as outlined in paragraph 6 above. The new Schedule 1 is a simplified version of the existing table of forbidden degrees in the 1977 Act. No changes are made in respect of the types of relationships which mean that a couple cannot marry. Instead, the change relates to how the relationships are described. The table below demonstrates this:

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<th>Current table (Column 1)</th>
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<td><strong>Relationships by consanguinity</strong></td>
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These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

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<td>Great-grandchild</td>
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| **Relationships by affinity referred to in section 2(1A)** | | |
| Daughter of former wife | Son of former husband | Child of former spouse |
| Daughter of former civil partner | Son of former civil partner | Child of former civil partner |
| Former wife of father | Former husband of mother | Former spouse of parent |
| Former civil partner of mother | Former civil partner of father | Former civil partner of parent |
| Former wife of father’s father | Former husband of father’s mother | Former spouse of grandparent |
| Former civil partner of mother’s mother | Former civil partner of mother’s father | Former civil partner of grandparent |
| Former wife of mother’s father | Former husband of mother’s mother | Former spouse of grandparent |
| Former civil partner of father’s mother | Former civil partner of father’s father | Former civil partner of grandparent |
| Daughter of son of former wife | Son of son of former father | Grandchild of former spouse |
| Daughter of son of former civil partner | Son of son of former civil partner | Grandchild of former civil partner |
| Daughter of daughter of former wife | Son of daughter of former husband | Grandchild of former spouse |
| Daughter of daughter of former civil partner | Son of daughter of former civil partner | Grandchild of former civil partner |

| **Relationships by adoption** | | |
| Adoptive mother or former adoptive mother | Adoptive father or former adoptive father | Adoptive parent or former adoptive parent |
| Adopted daughter or former adopted daughter | Adopted son or former adopted son | Adopted child or former adopted child |

**Section 2: Objections to marriage**

8. Section 5 of the 1977 Act currently provides for situations where there is an objection to a marriage proceeding. Section 5(4) lists the legal impediments to a marriage. These include where one or both parties are already married; where both parties are of the same sex or where one or both parties are not domiciled in Scotland and marriage would be void according to the law of the party’s domicile.
9. Section 2 of the Bill repeals the legal impediment of both parties being of the same sex, so that marriages between two people of the same sex can take place in Scotland, once the Bill is commenced.

10. Section 2 of the Bill also amends section 5(4) of the 1977 Act in relation to cases where one or both of the parties are not domiciled in Scotland.

11. The amendment makes it clear that even if a same sex marriage would be void according to the law of the domicile of one (or both) of the parties, that is not a barrier to the parties entering into a same sex marriage in Scotland.

Section 3: Preliminaries to marriage

12. This section makes some amendments to section 3 of the 1977 Act. Section 3 of the 1977 Act makes provision about the procedures a couple must go through when they want to marry. They must submit to a district registrar a notice of intention to marry, with the prescribed fee, their birth certificates and certain other documents, which are specified in section 3 of the 1977 Act.

13. Subsection (2) substitutes a new paragraph (b) in section 3(1) of the 1977 Act, to remove terms like “widow”, “widower” and “spouse”. The new paragraph instead refers to “the other party” to the marriage. Despite the change in terminology, the effect of the provision remains the same. When a marriage has ended because one of the parties has died, a person who is marrying again has to provide the death certificate of the deceased party.

14. Section 3(1) of the 1977 Act is also amended so that any person who wants to get married who has a civil partner who has died is required to submit the relevant death certificate. Section 7 of the Bill amends section 3 of the 1977 Act so that if a person who wants to get married is changing from a civil partnership to a marriage, that person must submit a relevant extract from the civil partnership register.

15. Section 3(2) of the 1977 Act makes provision in cases where someone intending to get married cannot supply his or her birth certificate or some of the other documents required by section 3(1). In essence, a person in this position has to supply the district registrar with a declaration on why the documents cannot be submitted.

16. The obligation in section 3(2) of the 1977 Act is extended by subsection (2) so that it also applies to the additional documents required as set out in paragraph 14 above. For more information on the process of changing from a civil partnership to a marriage, see the explanatory notes on sections 7 and 8.

17. Section 3(5) of the 1977 Act makes provision where one or both of the parties to the marriage is not domiciled in Scotland. Under section 3(5), such a party is required, if practicable, to submit a certificate issued by his or her home jurisdiction which confirms that there is no legal bar to him or her marrying in terms of the law of the home jurisdiction.
18. There are some exceptions in section 3(5) to the need to supply such a certificate. Subsection (2) of the Bill amends section 3(5) to provide that a certificate is not required if it would not be issued just because the parties to the marriage are of the same sex.

19. Section 7 of the 1977 Act allows a person who wants to marry outwith Scotland to apply to a district registrar in Scotland for a certificate in respect of a person’s capacity to marry. When applying, the person must submit certain documents to the registrar.

20. Subsection (3) of the Bill amends section 7(1) so it refers also to the death certificate when a civil partnership has ended by death and an extract from the entry in the civil partnership register where civil partners are changing their civil partnership to a marriage.

Section 4: Meaning of marriage and related expressions in enactments and documents

21. Section 4 makes provision on how the term “marriage” and other expressions should be interpreted in enactments (legislation) generally, the 1977 Act specifically, the common law and private documents (such as wills). The provisions of section 4 only apply to devolved legislation – legislation that is within the legislative competence of the Scottish Parliament.

22. Subsection (1) provides that references in enactments to “marriage” and people who are or were married should be read as referring to both opposite and same sex marriage and married couples. This would, for example, apply to terms in those enactments such as “husband”, “wife”, “man and wife” and “spouse”.

23. Subsections (2) and (3) make provision in respect of references in legislation to cohabitants, so it is clear they apply to same sex cohabitants too.

24. Subsection (4) removes references in legislation to two persons of the same sex who are (or were) living together as if they are or were in a civil partnership (i.e. cohabitants). Once the Bill is enacted, such references will be unnecessary as same sex cohabitants will be covered by the references caught by the provisions made in subsections (2) and (3).

25. Subsection (5) makes it clear that subsections (1) to (4) only apply to enactments, other than private Acts, passed or made before section 4 is commenced. (As outlined below, subsection (14) makes changes to the Interpretation and Legislative Reform (Scotland) Act 2010 in respect of future legislation). Subsection (5) also makes it clear that subsections (1) to (4) do not apply if the enactment or any other enactment provides otherwise. For example, this Bill makes separate provision in relation to the solemnisation of, on the one hand, opposite sex marriage and, on the other hand, same sex marriage. Therefore, the general provisions at subsection (1) do not apply to the legislation on solemnising marriage.

26. Subsection (6) ensures that references to being married (or having been married) in the common law are to be read as applying equally to opposite sex and same sex marriage.

27. Subsection (8) empowers the Scottish Ministers to make an Order, subject to the negative resolution procedure, to disapply or modify the effect of subsections (1) to (6).
28. For private documents which are executed after section 4 comes into force, subsection (10) provides that references in them to “marriage” or people being (or having been) married should be read as referring to both opposite and same sex marriage and married couples. This would, for example, apply to terms in private documents such as “husband”, “wife”, “man and wife” and “spouse”. Subsection (11) makes provision about the interpretation of “widow” and “widower” in any documents executed after section 4 comes into force.

29. By virtue of subsection (12), subsections (10) and (11) do not apply to documents where the document provides otherwise. Therefore, if a document executed after section 4 comes into force refers to a person being in an opposite sex marriage, subsection (10) would not enable that reference to be read as meaning a same sex marriage as well.

30. Subsection (13) adds a definition of “marriage” to the 1977 Act, referring to both opposite sex and same sex marriage. Section 26 of the 1977 Act, which contains a number of definitions, makes it clear that the definitions are to apply in the 1977 Act “except where the context otherwise requires”. An example would be the separate provisions of the 1977 Act, as amended or inserted by this Bill, on solemnising opposite sex and same sex marriage.

31. Subsection (14) adds definitions of “marriage”, “widow” and “widower” to the Interpretation and Legislative Reform (Scotland) Act 2010. The 2010 Act makes provision on how Acts of the Scottish Parliament and Scottish Statutory Instruments are to be interpreted. Therefore, adding a definition of “marriage” to the 2010 Act means that any references to marriage and married couples in any future Scottish Parliament legislation will cover both opposite sex and same sex marriage and spouses, unless specific provision is made so that this is not the case. The new definitions of “widow” and “widower” make it clear that in future legislation “widow” will include the female spouse of a deceased woman and “widower” the male spouse of a deceased man, unless contrary provision is made.

Section 5: Same sex marriage: further provision

32. This section makes provision relating to the introduction of same sex marriage and its effect on certain aspects of Scots law.

33. Subsection (1) makes provision in respect of the crime of reset. It is a crime to receive goods stolen by another. There is a defence to the crime where the person accused of reset is the wife, and the goods were stolen by her husband. Subsection (1) provides that any such defence does not extend to a female spouse in a same sex marriage.

34. Subsection (2) makes provision in respect of permanent and incurable impotency. In Scotland, a marriage is voidable (ie a court action may be raised to challenge and end the marriage) if one of the parties is at the time of the marriage permanently and incurably impotent in relation to the other spouse. Subsection (2) provides that this rule of law only applies to opposite sex marriages.

35. Subsection (3) amends section 1 of the Divorce (Scotland) Act 1976 (“the 1976 Act”). Under the 1976 Act, there are two grounds of divorce in Scotland:-

(a) irretrievable breakdown of the marriage;
These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

(b) the issue, after the date of marriage, to either party of an interim gender recognition certificate under the Gender Recognition Act 2004.

36. Section 1(2) of the 1976 Act provides a number of ways in which the irretrievable breakdown of a marriage can be established. One of those ways is adultery. Adultery means in the common law sexual intercourse between a man and a woman.

37. Subsection (3) provides that “adultery” has the same meaning for the purposes of the 1976 Act for same sex marriage as it does for opposite sex marriage in that it relates to heterosexual intercourse only. This means that a spouse in a same sex marriage could, like a spouse in an opposite sex marriage, raise an action for divorce saying that the marriage has broken down irretrievably because the other spouse in the marriage has committed adultery (i.e. had sexual intercourse with a person of the opposite sex).

38. However, subsection (3) does not extend adultery to cover sexual activity between people of the same sex. Therefore, the ways of establishing irretrievable breakdown of a marriage remain unchanged. Neither an opposite sex spouse nor a same sex spouse can raise an action for divorce saying that the marriage has broken down irretrievably because the other party in the marriage has had sexual intercourse with a person of the same sex. Instead, the divorce action would have to put forward other reasons for irretrievable breakdown, such as unreasonable behaviour.

Section 6: Jurisdiction in proceedings relating to same sex marriages

39. This section introduces schedule 1 on the jurisdiction of the Scottish courts in proceedings relating to same sex marriages. This schedule is explained at paragraphs 209 to 233 of these Explanatory Notes.

Chapter 2 – Marriage between civil partners in qualifying civil partnerships

Overview

40. This Chapter relates to changing a civil partnership to a marriage and the legal effect of doing so.

Section 7: Marriage between civil partners in qualifying civil partnerships

41. Section 7 makes provision allowing civil partners, if they are in “a qualifying civil partnership”, to change their civil partnership to a marriage.

42. “A qualifying civil partnership” is defined by the amendment made by subsection (3)(b), which inserts new subsections (6) and (7) into section 3 of the 1977 Act. The definition is that to be “a qualifying civil partnership”, the civil partnership must have been registered in Scotland. In addition, the civil partnership must not have been dissolved, annulled or ended by death.

43. Subsection (3) also adds provisions to section 5 of the 1977 Act about civil partnerships registered at British consulates overseas and civil partnerships registered by British armed forces personnel.
44. Such civil partnerships are to be treated as having been registered in Scotland for the purposes of determining if they are a “qualifying civil partnership”, so long as:

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom when they entered into the civil partnership; and

(b) details of the civil partnership have been sent to the Registrar General for Scotland.

45. Subsection (2) amends section 3 of the 1977 Act so that when a couple change their civil partnership to a marriage they have to provide to the district registrar an extract from the entry in the civil partnership register relating to the civil partnership.

46. Subsection (3) amends section 5(4)(b) of the 1977 Act about legal impediments to marriage. The current impediment in section 5(4)(b) is that “one of the parties is, or both are, already married or in civil partnership”. Subsection (3)(a) amends this so that being in a “qualifying civil partnership” with each other is not a legal impediment to marriage.

Section 8: Change of qualifying civil partnership into marriage

47. Section 8 makes provision so that qualifying civil partnerships can be changed to a marriage in accordance with an administrative procedure which may be prescribed by the Scottish Ministers in regulations.

48. By virtue of section 8(7), “qualifying civil partnership” in this section means a civil partnership registered in Scotland which has not been dissolved, annulled or ended by death (see section 5(6) of the 1977 Act, inserted by section 7(3) of this Bill). The definition also includes certain overseas civil partnerships treated as having been registered in Scotland (see section 5(7) of the 1977 Act, inserted by section 7(3) of this Bill).

49. Subsection (2) provides that regulations may in particular make provision on:

• the application process (subsection (2)(a));
• the information required from the applicants (subsection (2)(b));
• evidence to support the application (subsection (2)(c));
• any requirement to attend at a particular place or appear before a particular person (subsection (2)(d));
• conferring functions on persons (such as, for example, the Registrar General) (subsection (2)(e)). (Subsection (3) makes provision on particular functions which may be conferred);
• fees (subsection (2)(f));
• the effects of changing a qualifying civil partnership into a marriage (subsection (2)(g)). (Provision could be similar to the provision at section 9 of the Bill, on the effect of marriage between civil partners in a qualifying civil partnership).
50. Subsections (4) to (6) make provision on procedures in relation to any regulations made
by the Scottish Ministers. Under subsection (4), the Scottish Ministers must consult the
Registrar General before making any regulations. Under subsections (5) and (6), any regulations
are subject to negative Parliamentary procedures unless they amend primary legislation, in which
case they are subject to the affirmative procedure.

Section 9: Effect of marriage between civil partners in a qualifying civil partnership

51. This section makes provision on the effect of civil partners changing their relationship to
a marriage by undergoing a marriage ceremony in accordance with the 1977 Act.

52. Subsection (1)(a) provides that the qualifying civil partnership ends when the marriage is
solemnised and subsection (1)(b) that the civil partners are to be treated as having been married
to each other since the date on which the qualifying civil partnership was registered.

53. Subsection (1)(a) ensures that the couple do not have two civil statuses (married and in a
civil partnership) at the same time. Subsection (1)(b) ensures that their time in the civil
partnership is treated as if they had been married. For example, this means that provisions in the
Family Law (Scotland) Act 1985, which covers matters such as financial provision during
marriage and on divorce, applies to property acquired during and for the civil partnership as well
as to property acquired during and for the marriage.

54. Subsection (2) defines what is meant by “registered” for the purposes of subsection (1)(b)
in relation to civil partnerships originally registered at British consulates overseas or by British
armed forces personnel. Civil partnerships at consulates are treated as registered when they are
entered in the Register Book. Civil partnerships through the armed forces are treated as
registered when the register is signed.

55. Subsection (3) makes provision so that subsection (1)(b) is subject to any contrary
provision and any order made under subsection (4). For example, provision may be needed in
relation to civil partnerships which turn out be void but are changed into marriage before it is
realised they are void so the marriage is not backdated to when the civil partnership first started.
In addition, there may be a need to recognise any court decrees from outwith Scotland which
relate specifically to civil partnerships. The scope of any order and its Parliamentary procedure
are set out in subsection (5).

56. Subsection (6) provides that any decree of aliment requiring one civil partner to make
payments to the other which is in force when a civil partnership ends because it has been
changed into a marriage continues to have effect. This ensures that any reference in the decree
to the civil partnership does not stop the decree from continuing to have effect.

57. Subsection (7) provides that orders under section 103(3) or (4) of the 2004 Act, which
relate to the regulation by the court of rights of occupancy of the family home, which were in
force during the civil partnership continue to have effect once the couple are married.

58. Subsection (8) makes consequential amendments to section 1 of the 2004 Act, which
contains provision on the circumstances in which a civil partnership ends.
Chapter 3 – Solemnisation of marriage

Overview

59. This Chapter makes provision on who may be authorised to solemnise marriage in Scotland.

60. Currently, for opposite sex marriage, Church of Scotland ministers are authorised by way of the Church of Scotland being named specifically in section 8 of the 1977 Act. Other religious bodies are prescribed by Statutory Instrument so that their celebrants are authorised to solemnise marriage. Other religious bodies can nominate persons to be registered by the Registrar General for Scotland as celebrants under section 9 of the 1977 Act. And the Registrar General may grant temporary authorisation to individuals to solemnise a marriage or marriages under section 12 of the 1977 Act.

61. In addition, civil registrars are authorised to solemnise marriage.

62. The Bill retains this system but makes provision for belief bodies to be authorised as well.

Section 10: Persons who may solemnise marriage

63. Section 10 of the Bill makes amendments for several different purposes.

64. Firstly, section 8 of the 1977 Act makes provision on who is authorised to solemnise marriage. This is amended so its current provisions apply to authorisations for opposite sex marriage only.

65. Secondly, section 10 of the Bill amends section 8 of the 1977 Act to allow celebrants from belief bodies to be authorised to solemnise marriages. Subsection (4) amends the existing definition of “religious body” in section 26 of the 1977 Act so that it covers belief bodies as well. The relevant aspects of the amended definition in relation to belief bodies are “an organised group of people …the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose.”

66. Religious bodies can be prescribed under section 8 of the 1977 Act. The section is amended so that religious or belief bodies can be prescribed under this section. The effect of prescribing religious or belief bodies is that their celebrants and other persons recognised by them as entitled to solemnise opposite sex marriage can solemnise opposite sex marriages recognised by the state.

67. Thirdly, the new section 8(1A) of the 1977 Act, inserted by subsection (2)(b), provides that the Scottish Ministers may only prescribe a religious or belief body so that its celebrants are authorised to solemnise opposite sex marriage if the body requests this and if Ministers are satisfied that the body meets the “qualifying requirements”. Qualifying requirements are those set out in regulations made by the Scottish Ministers. These regulations are subject to the negative parliamentary procedure (new section 8(1G) refers).
68. Fourthly, section 10 of the Bill adds a number of provisions to section 8 of the 1977 Act to allow celebrants (of religious and belief bodies) to be authorised to solemnise same sex marriage. The new section 8(1B) of the 1977 Act, inserted by subsection (2)(b), provides who may solemnise a same sex marriage. The new section 8(1C) provides that the Scottish Ministers may only prescribe a religious or belief body so that its celebrants are authorised to solemnise same sex marriage if the body requests this and if Ministers are satisfied that the body meets the “qualifying requirements”.

69. Fifthly, the new section 8(1D) provides that nothing in subsection (1B) or (1C):
   (a) imposes a duty on any religious or belief body to request (under section 8(1C)(a)) to be prescribed so that their celebrants can solemnise same sex marriage;
   (b) imposes a duty on any religious or belief body to nominate members under section 9 of the 1977 Act to be empowered to solemnise same sex marriage;
   (c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise same sex marriage;
   (d) imposes a duty on a celebrant approved to solemnise same sex marriages to solemnise such marriages.

Section 11: Registration of nominated persons as celebrants

70. Section 11 makes a number of amendments to section 9 of the 1977 Act, which relates to the registration of nominated persons as celebrants. Section 9 of the 1977 Act permits the authorisation of celebrants of bodies who have not been prescribed by regulations or are not, in the case of opposite sex marriage, the Church of Scotland.

71. Subsection (2)(a) amends section 9(1) of the 1977 Act so that it just relates to opposite sex marriages. This means that section 9(1) as amended provides that a religious or belief body, other than the Church of Scotland or a body prescribed by regulations to solemnise opposite sex marriage, may nominate to the Registrar General members so that they can solemnise opposite sex marriages.

72. Subsection (2)(b) to (l) then inserts new subsections into section 9 of the 1977 Act. The new section 9(1A), inserted by subsection (2)(b), provides that a religious or belief body who has not been prescribed by regulations to solemnise same sex marriage may nominate celebrants to the Registrar General so that they can be authorised to solemnise same sex marriage.

73. A number of amendments are made to section 9 of the 1977 Act, which provides for when the Registrar General must reject a nomination; what happens when a nomination is accepted; the register of authorised celebrants and their bodies; and for appeals. The amendments are made because of the introduction of same sex marriage and the authorisation of belief bodies and their celebrants.

74. Under section 9(2) of the 1977 Act, the Registrar General must reject a nomination on various grounds including if he or she considers the nominating body has sufficient celebrants to meet its needs. The amendment in subsection (2)(c) amends the grounds to reflect the changes made to subsection (1) and the new subsection (1A). The amendments reflect that bodies may
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have different needs in relation to celebrants solemnising same sex marriage when compared with opposite sex marriage.

75. A new ground of not meeting the qualifying requirements is added to section 9(2)(e) by subsection (2)(d) to the circumstances in which the Registrar General must reject a nomination.

76. Section 9(3) of the 1977 Act sets out the declarations which must be included in a marriage ceremony to ensure it is of an appropriate form. Subsection (2)(f) amends the provision so that the current provision applies to opposite sex marriage only and subsection (2)(g) inserts provisions about the declarations for same sex ceremonies.

77. Subsection (2)(h) makes amendments to section 9(4) of the 1977 Act, which deals with cases where the Registrar General accepts the nomination. The Registrar General must currently decide how long the period of authorisation for the nominee should be, and may decide which area the nominee may solemnise marriages in. The amendments give the Registrar General the power to restrict any nominee to solemnising marriages in specific places.

78. Subsections (3), (4) and (5) make several amendments to sections 10, 14 and 24 of the 1977 Act. Section 10 makes provision about when a celebrant’s name may be removed from the register of bodies and celebrants who are authorised to solemnise marriage. Section 14 is about the form of ceremony to be used by a celebrant. Section 24 is about offences under the 1977 Act.

79. The amendments made by subsections (3), (4) and (5) are consequential, as a result of changes made to other provisions of the 1977 Act about authorisation of belief bodies; maintaining separate registers for same sex and opposite sex marriages; creating separate declarations for same sex and opposite sex marriage ceremonies; and enabling the Registrar General to authorise a nominee celebrant for a particular place only.

Section 12: Temporary authorisation of celebrants

80. Section 12 of the 1977 Act allows the Registrar General to grant temporary authorisation to solemnise marriage to a person.

81. Subsection (2)(a) amends the Registrar General’s power to clarify that he or she may grant temporary authorisations only to members of religious or belief bodies.

82. Subsection (2)(b) inserts new subsections into section 12 of the 1977 Act to provide that the Registrar General may grant an authorisation only if the religious or belief body meets the “qualifying requirements”. The “qualifying requirements” are those set out in regulations made by the Scottish Ministers (new section 12(1D)). These regulations are subject to the negative parliamentary procedure (new section 12(1F)).

83. Under section 12(1B), as inserted, temporary authorisation may be granted for opposite sex marriage only, for same sex marriage only or for both.
84. Under section 12(1C), as inserted, the Registrar General can only grant a temporary authorisation under section 12(1)(b) to solemnise same sex marriages if the relevant religious or belief body is prescribed by regulations so that its celebrants can solemnise same sex marriage or has put forward persons to be nominated as celebrants to solemnise same sex marriage.

85. Subsection (3) clarifies the existing offence under section 24(2)(c) of the 1977 Act of solemnising a marriage not covered by a temporary authorisation. The amendments made by subsection (3) have the effect that it is an offence to solemnise a marriage:

(a) where not specified in a temporary authorisation;
(b) where outwith the period of the temporary authorisation;
(c) otherwise than in accordance with any terms and conditions in the temporary authorisation.

Section 13: Religious or belief marriage: further provision

86. Sections 10, 11 and 12 of this Bill make provision for celebrants of belief bodies to solemnise marriage. Section 13 makes a number of consequential amendments to sections 6, 11, 13, 14 and 15 of the 1977 Act, as a result of these provisions, to reflect the authorisation of belief bodies and their celebrants.

Chapter 4 – Same sex marriage: protection of freedom of expression etc.

Section 14: Same sex marriage: protection of freedom of expression etc.

87. This section provides that the introduction of same sex marriage does not affect:

(a) the exercise of rights of anyone to freedom of thought, conscience, religion and freedom of expression which have been conferred by the European Convention of Human Rights; and
(b) the exercise of any equivalent rights conferred on anyone by the common law.

Chapter 5 – Other changes to marriage procedure

Overview

88. This Chapter makes a variety of changes to marriage law.

89. These include the introduction of powers for district registrars to require evidence of nationality from people wishing to get married; provisions on the timing of the issue of the marriage schedule; providing information to the district registrar on the ending of any civil partnership when a person is marrying outwith Scotland and is seeking a certificate about his or her legal capacity to do so; the automatic authorisation of Church of Scotland deacons to marry opposite sex couples and allowing civil marriage ceremonies to take place anywhere agreed by the couple and the registrar, other than religious premises.

Section 15: Power of district registrar to require evidence of nationality: marriage

90. This section makes amendments to sections 3 and 7 of the 1977 Act.
91. Section 3 of the 1977 Act makes provision on documents which people wishing to enter into an opposite sex or same sex marriage have to supply to the district registrar.

92. Subsection (2) adds new subsections to section 3 of the 1977 Act so that a district registrar may require “specified nationality evidence” in relation to the intended parties to a marriage. Guidance can be issued by the Registrar General about what evidence is required.

93. Subsection (3) amends section 7 of the 1977 Act. This amendment means that where a person wants to marry outwith Scotland and seeks a certificate about legal capacity from the district registrar, that person may be required to provide evidence of nationality.

**Section 16: The Marriage Schedule**

94. This section amends the 1977 Act in relation to the power to prescribe the form of the marriage schedule and makes a number of changes to how quickly the marriage schedule and a certificate of no impediment should be issued after notice of intention to marry has been submitted by the parties to an intended marriage.

95. Subsection (2) amends section 6 of the 1977 Act so that regulations prescribing the form of the marriage schedule may make different provision for different cases or circumstances. This would, for example, allow the marriage schedule to take one form for opposite sex marriage and another for same sex marriage.

96. Section 6(4)(a) of the 1977 Act provides that a district registrar shall not issue a marriage schedule within 14 days of receiving a marriage notice. A schedule may be issued earlier, on a specified date, where there is a written request and the Registrar General authorises the registrar to issue the schedule on the specified date. The amendment at subsection (2)(b) changes the 14 day period to 28 days.

97. Section 7 of the 1977 Act relates to the issue of a certificate of no impediment to marry where a person residing in Scotland intends to marry outwith Scotland. Section 7(2) currently provides that the certificate shall not be issued earlier than 14 days after receiving the marriage notice. The amendment at subsection (3) changes the 14 day period to 28 days.

98. Section 19 of the 1977 Act provides that an authorised registrar shall not solemnise a marriage within 14 days of receiving a marriage notice. The amendment at subsection (4) changes this period to 28 days. An exception in section 19(1) allows the marriage to be solemnised earlier, on a specified date, where there is a written request and the Registrar General authorises the registrar to solemnise the marriage on the specified date.

**Section 17: Marriage outside Scotland: evidence of dissolution of former civil partnership**

99. This section amends section 7 of the 1977 Act. The effect of the amendment is that where a person wants to marry outwith Scotland and seeks a certificate about his or her legal capacity from the district registrar the person must provide a copy of the decree of dissolution or annulment of any civil partnership which the person has previously been in.
Section 18: Religious marriages: solemnisation by Church of Scotland deacons

100. This section amends the provisions of section 8(1)(a)(i) of the 1977 Act about automatic authorisation of ministers of the Church of Scotland in respect of opposite sex marriage. The effect is that Church of Scotland deacons, like Church of Scotland ministers, are automatically authorised to solemnise opposite sex marriage.

Section 19: Places at which civil marriages may be solemnised

101. This section makes amendments, principally to section 18 of the 1977 Act, so that civil marriage ceremonies can take place anywhere, other than in religious premises, agreed by the couple and the registrar, rather than at “approved places” (places approved by the local authority). This section applies to both opposite sex and same sex marriages. The section provides definitions for “appropriate place”, “local registration authority” and “religious premises”.

102. Specifically, these amendments mean that a civil marriage ceremony can take place in either:

- the registration office of the authorised registrar; or
- at an appropriate place in the registration district of the authorised registrar; or
- with the approval of the Registrar General, at the registration office of another authorised registrar; or
- with the approval of the Registrar General, at an appropriate place in the registration district of another authorised registrar; or
- with the approval of the Registrar General, at an appropriate place in Scottish waters.

103. As a result of the above, some amendments are necessary to the 1977 Act to section 19, on the marriage ceremony and registration, and section 26, on interpretation and definitions, where those provisions refer to the place where a marriage has taken place. Those amendments are made in subsections (4) and (5).

Section 20: Second marriage ceremony: form of endorsement

104. This is a minor amendment to section 20 of the 1977 Act. This makes provision for a couple to go through a second marriage ceremony in Scotland if they have already married outwith the United Kingdom but there is some doubt about the validity of the overseas ceremony. The second marriage ceremony in Scotland must be civil in nature.

105. Section 20 of the 1977 Act prescribes some forms. At the moment, section 20 provides that the year in these forms should start with the figures “19”. This reflects the twentieth century and is no longer appropriate. As a result, the amendment repeals the figures “19”.
Chapter 6 – Sheriff court jurisdiction in relation to declarator of marriage

Section 21: Sheriff court jurisdiction in relation to declarator of marriage

106. A declarator of marriage is a court judgment that a valid marriage exists, or existed, between two parties.


108. The amendments made by section 21 of the Bill to the 1973 Act only relate to opposite sex marriage. Paragraph 1(2) of schedule 1 to this Bill disapplies section 8 (and section 7) of the 1973 Act in relation to same sex marriage. Schedule 1 to the Bill makes provision on the jurisdiction of the Scottish courts in relation to same sex matrimonial court actions, including declarators of marriage.

109. By virtue of the amendments made by section 21(2), the sheriff court has jurisdiction in declarator of marriage cases when either party to the marriage (a) is domiciled in Scotland when the action is raised or (b) was habitually resident in Scotland for a year before the action is raised or (c) died before the date when the action is raised and at death was domiciled in Scotland or had been habitually resident in Scotland for a year. In addition, either party to the marriage must have been:

- resident in the sheriffdom for a period of 40 days before the court action is raised; or
- resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and with no known residence in Scotland when the action is raised.

Part 2 – Civil partnership

Overview

110. This Part of the Bill amends legislation in respect of civil partnerships. Currently, only registrars can register civil partnerships. It is possible to have a religious or belief ceremony in relation to the civil partnership but any such ceremony has no legal significance. The Bill amends legislation so that, in future, it will be possible to have a religious or belief ceremony to register the partnership. Civil ceremonies will also remain available.

111. Many of the provisions in this Bill in relation to the authorisation of religious or belief celebrants to register civil partnerships, and on ceremonies, mirror provisions in the 1977 Act, on the solemnisation of marriage.

Section 22: Registration of civil partnership

112. Subsection (2) amends section 85 of the 2004 Act, to reflect the introduction of religious and belief celebrants to register civil partnerships. Section 85 makes provision on when two people are to be regarded as having registered as civil partners of each other and provides that both must sign the civil partnership schedule (“the schedule”).

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113. Currently, one of the persons who must be present when the schedule is signed is the authorised registrar. The amendment made by subsection 2(a) changes this so that it may be signed in the presence of the approved celebrant or the authorised registrar. Once the couple have signed the schedule, it must also be signed by the witnesses and the person carrying out the ceremony. The amendment at subsection (2)(b) means that either the approved celebrant or the authorised registrar have to sign the schedule.

114. The amendment at subsection 2(a) also removes a reference to where the civil partnership may take place.

115. Subsection (3) makes a number of changes relating to the table of forbidden degrees. This is about people who are too closely related to each other to form a civil partnership. The opportunity has been taken to simplify the table of forbidden degrees. Subsection (22), explained below, substitutes a new Schedule 10 to the 2004 Act.

116. The amendment at subsection (3)(d) amends section 86(5) of the 2004 Act. Section 86(5) provides at the moment, in respect of people who have acquired a new gender, that references in the forbidden degrees to “former wife” includes “former husband” and references to “former husband” includes “former wife”.

117. The amendment at subsection (3)(d)(i) amends section 86(5) so that it refers to the definition of “spouse” (husband and wife) as added by subsection (3)(c). The amendment at subsection 3(d)(ii) removes the word “former” from section 86(5). The word “former” is not needed in section 86(5) as the new Schedule 10 to the 2004 Act refers to “former spouse” and “spouse” is defined by the amendment at subsection (3)(c).

118. The amendment at subsection (3)(e) reflects the simplification of the table of forbidden degrees. The simplified table now refers to “parent” to cover both mothers and fathers: the amendment as subsection (3)(e)(i) reflects that drafting change. Subsection (3)(e)(ii) deletes a reference to “in either column” as the simplified table of forbidden degrees just has one column.

119. The amendment at subsection (5) provides a definition of “district registrar” for the purposes of section 88 of the 2004 Act. Section 88 makes provision on information which intended civil partners must submit to the district registrar. The definition added at subsection (5) includes provision to cover cases where the civil partnership is to be registered in Scottish waters by an approved religious or belief celebrant.

120. The amendment at subsection (6) provides a definition of “district registrar” for the purposes of certain sections in the 2004 Act: section 89 itself (civil partnership notice book), section 90 (publicisation), section 91 (early registration), section 92 (objections to registration) and section 94 (the civil partnership schedule).

121. This definition is the same as the definition provided for section 88 except that where the civil partnership is to be registered in Scottish waters by an approved religious or belief celebrant, the district registrar is defined as the district registrar to whom the civil partnership notices were submitted (under section 88).
122. Subsection (7) amends section 90 of the 2004 Act. When publicising information about a forthcoming civil partnership, the district registrar and the Registrar General must provide the date when it is intended to register the civil partnership. Currently, this date must be more than 14 days after publicising the information: the amendment makes this 28 days.

123. Section 91 of the 2004 Act allows for early registration of a civil partnership. Subsection (8) amends a reference in section 91 from an authorised registrar to district registrar. A definition of “the district registrar” is inserted into the 2004 Act by subsection (5). Subsection (8) also changes the 14 day period in section 91 to 28 days, in line with the change made by subsection (7).

124. Subsection (8)(c) also amends section 91 so that it is clear that a request for early registration can be made electronically. The amendment creates an equivalent provision to section 6 of the 1977 Act.

125. Subsection (9) makes a number of amendments to section 92 of the 2004 Act, on objections to the proposed registration of a civil partnership.

126. The amendment at subsection (9)(a) makes it clear that the office where any person claiming to have reason to object to a proposed civil partnership can inspect the relevant entry in the civil partnership book is the office of the district registrar (as defined).

127. The amendment at subsection (9)(b)(i) is a consequential amendment required for the substantive amendment at subsection (9)(b)(ii). This amendment relates to a case where the district registrar has received an objection to a civil partnership which is more significant than just a misdescription or inaccuracy in a notice.

128. The new provision requires the district registrar, if the civil partnership schedule has already been issued and the civil partnership is to be registered by an approved religious or belief celebrant, to notify, if possible, the celebrant of the objection and advise the celebrant not to register the civil partnership pending consideration of the objection. This is on similar lines to equivalent provision in section 5 of the 1977 Act, on objections to marriage.

129. The amendment at subsection (9)(c) reflects that registration of civil partnerships in future may be through a religious or belief celebrant.

130. Currently, section 92(5)(a) of the 2004 Act provides that if the Registrar General is satisfied, after considering an objection, that there is a legal impediment to registering a civil partnership, the Registrar General has to direct the district registrar not to register the intended civil partners and to notify them accordingly. The amendment at subsection (9)(c) amends this so that the Registrar General, once satisfied that there is a legal impediment to registering a civil partnership has “to take all reasonable steps to ensure that the registration of the civil partnership does not take place and must notify, or direct the district registrar to notify, the intended civil partners”.

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131. Subsection (10) amends section 93 of the 2004 Act so that it only covers cases where the civil partnership is being registered through a civil ceremony.

132. Subsection (10)(a)(ii) makes provision on where a civil ceremony may take place. It may take place at:
- the registration office of the authorised registrar;
- an appropriate place in the registration district of the authorised registrar (“appropriate place” is defined through the next set of amendments);
- with the approval of the Registrar General, the registration office of another authorised registrar;
- with the approval of the Registrar General, an appropriate place in the registration district of another authorised registrar; or
- an appropriate place in Scottish Waters.

133. Subsection (10)(b) provides definitions of “appropriate place”, “local registration authority” and “religious premises”. “Appropriate place” excludes “religious premises” which ensures that civil ceremonies to register civil partnerships cannot take place in religious premises. Similar definitions are inserted into the 1977 Act in relation to marriage by section 19 of this Bill.

134. Subsection (10)(c) repeals sections 93(2) and (3) of the 2004 Act. These are now unnecessary. Section 93(2) made provision on civil partnerships taking place outwith the authorised registrar’s district. This is now covered by the provision outlined above on where a civil ceremony may take place.

135. Section 93(3) of the 2004 Act made provision which banned civil partnerships from taking place in religious premises. The ban on civil ceremonies to register civil partnerships taking place in religious premises remains in place, as outlined above. Subsequent provision is made to establish religious and belief ceremonies to register civil partnerships. Such ceremonies may take place in religious premises.

136. Subsection (11) adds section 93A to the 2004 Act, on the date and place of religious or belief registration of civil partnerships. The procedures outlined in section 93A are in line with procedures contained in section 6 of the 1977 Act, in relation to the solemnisation of marriage.

137. Under section 93A the civil partnership should be registered on the date and at the place specified in the schedule. If this cannot be done and a new date or place is fixed, the district registrar must issue a new schedule or amend the existing one or direct the religious or belief celebrant to amend it.

138. However, special procedures apply if the new date for registration is more than 3 months after the date specified in the original schedule or if the new place for registration is in a different registration district or is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters.
139. In these cases, the Registrar General may:

- direct the district registrar to issue a new schedule;
- direct the district registrar to amend the existing schedule or direct the religious or belief celebrant to amend it; or
- direct the intended civil partners to send the district registrar a new notice of proposed civil partnership.

140. Subsection (12) amends section 94 of the 2004 Act which concerns the schedule. These amendments reflect the introduction of religious and belief ceremonies to register civil partnerships and changes made to sections 90 and 91 by subsections (7) and (8) about the minimum time period between publicising a civil partnership and it taking place.

141. The amendment at subsection (12)(c) provides that where the civil partnership is to be registered by an approved religious or belief celebrant, the district registrar must issue the completed schedule to one or both of the intended civil partners. The district registrar must not issue the schedule more than seven days before the intended civil partnership, unless authorised to do so by the Registrar General. This provision is on similar lines to section 6(4)(b) of the 1977 Act, in relation to the marriage schedule.

142. Subsection (13) adds sections 94A, 94B, 94C, 94D and 94E to the 2004 Act. These provisions relate to who can register a civil partnership, including religious and belief celebrants, and are based on equivalent provisions in the 1977 Act, on who can solemnise marriage.

143. Section 94A makes provision on who can register civil partnerships.

144. Under section 94A(1), a civil partnership may be registered only by a person who is:

- a celebrant of a religious or belief body prescribed by regulations or, not being a celebrant, is recognised by the body as entitled to register civil partnerships;
- registered as a celebrant under section 94B of the 2004 Act;
- temporarily authorised as a celebrant under section 94E;
- a registrar.

145. Section 94A(2) provides that Ministers may only prescribe a religious or belief body if the body requests them to do so and Ministers are satisfied that the body meets the “qualifying requirements”. The “qualifying requirements” are set out in regulations made by the Scottish Ministers (see section 94A(5)). These regulations are subject to annulment in pursuance of a resolution of the Scottish Parliament (i.e. the negative procedure) by virtue of amendments made by subsection (20).

146. Section 94A(3) makes it clear that nothing in section 94A imposes a duty:

- on any religious or belief body to request to be prescribed;
These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

- on any such body to nominate members under section 94B to nominate members to register civil partnerships;
- on any person to apply for temporary authorisation under section 94E to register civil partnerships;
- on any approved celebrant for civil partnerships to register civil partnerships.

147. Section 94B(1) provides that a religious or belief body who has not been prescribed under the regulations may nominate members to the Registrar General so that they can register civil partnerships.

148. Section 94B(2) provides that the Registrar General must reject a nomination if the Registrar General considers that the nominating body is not a religious or belief body; or it already has sufficient members registered to meet its need; or it does not meet the “qualifying requirements” set out in regulations made by the Scottish Ministers; or the nominee is not a fit and proper person. These regulations are subject to annulment in pursuance of a resolution of the Parliament (i.e. negative parliamentary procedure) (section 22(20) of the Bill refers).

149. When the Registrar General accepts a nomination, the Registrar General must, under section 94B(4)(a), determine the period during which the nominee can register civil partnerships. This period must not be more than 3 years but section 94B(5) makes it clear that the nominee may be put forward for a further period.

150. Section 94B(4)(b) allows the Registrar General to restrict the nominee to registering civil partnerships in specific areas or places. Section 94B(4)(c) allows the Registrar General to impose such other conditions as the Registrar General thinks fit.

151. When a nomination has been accepted, section 94B(6)(a) provides that the Registrar General must advise the body and the nominee accordingly, specifying the period during which the nominee can register civil partnerships and any conditions which have been imposed.

152. The Registrar General also has to enter the name of the body, the nominee and any other relevant particulars into a register open for public inspection at all reasonable times free of charge.

153. When a nomination is rejected, section 94B(6)(b) provides that the Registrar General must inform the nominating body in writing, giving reasons. Section 94B(7) makes it clear that this may be done electronically. Section 94B(8) gives the nominating body 28 days to appeal to the Scottish Ministers against a rejection.

154. Section 94B(9) provides that on any such appeal the Scottish Ministers may confirm the rejection or direct the Registrar General to accept the nomination. Ministers have to inform the nominating body of their decision and give the reasons for the decision.

155. Section 94B (9) and (10) provides that the Scottish Ministers’ decision is final except that if the reason given by Ministers for confirming the rejection of a nomination is that the
nominating body is not a religious or belief body, the body may appeal to the Court of Session, within 42 days of receiving the Ministers’ decision.

156. The appeal can seek the determination of the court that the body is a religious or belief body. Under section 94B(11), if the court determines that the body is a religious or belief body and that the only reason given by Ministers for confirming the rejection was that the body was not a religious or belief body, the Registrar General must then accept the nomination.

157. Section 94C of the 2004 Act makes provision on the removal from the register of a celebrant registered under section 94B. As well as provisions relating to the removal of a celebrant from the register, and on the procedures for doing so, provision is also made for appeals to the Scottish Ministers against decisions made by the Registrar General.

158. Section 94C(1) provides that the Registrar General may remove a person’s name from the register when:
   - the person has asked to be removed;
   - the body which nominated the person no longer wants the person to be registered;
   - the person, while registered as an approved celebrant, has been convicted of an offence under this Part of the Bill;
   - the person has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships;
   - the person is not a fit and proper person to register civil partnerships;
   - the person, for any other reason, should not be on the register.

159. Section 94C(2) to (7) makes provision on removals from the register on the grounds outlined in section 94(C)(1). The Registrar General must give the person at least 21 days’ notice of the intention to remove him or her from the register (subsection (2); must specify the ground of removal; must ask the person to give reasons why he or she should not be removed; and must consider any representations made. Where a person’s name has been removed from the register, the person may then appeal to the Scottish Ministers within 28 days of receiving notice of the removal. After a notice is given under subsection (2), the person must not register a civil partnership until he or she is restored to the register or the Registrar General decides not to remove him or her from the register.

160. Section 94D makes provisions on alterations to the register of approved nominated celebrants maintained under section 94B. Provision is made that the body must notify the Registrar General when any of the events listed in section 94D occur and the Registrar General must then alter the register accordingly. The events in section 94D are:
   - changes to the name or address of the religious or belief body;
   - amalgamation of the religious or belief body;
   - death of an approved celebrant;
   - any change of name, address or designation of an approved celebrant;
• the cessation of an approved celebrant from exercising the relevant functions.

161. Section 94E makes provision on the temporary authorisation of religious or belief celebrants to register civil partnerships. Under section 94E(1), the Registrar General may grant any member of a religious or belief body temporary written authorisation to register a specific civil partnership or partnerships or to register civil partnerships during a specific period. This authorisation may contain terms and conditions. Section 94E(5) makes it clear that the authorisation can be issued electronically.

162. However, the Registrar General may only grant such temporary written authorisation when the religious or belief body of which the person is a member must meet the “qualifying requirements” (section 94E(2)). The “qualifying requirements” are defined at section 94E(4) as “such requirements as may be set out in regulations made by the Scottish Ministers”. In addition, authorisation under section 94E(1)(b), which relates to authorisation for a period of time, may only be granted if the religious or belief body of which the person is a member is prescribed by regulations made under section 94A, so that its celebrants are authorised to register civil partnerships, or has nominated persons under section 94B to register civil partnerships (Section 94E(3)). The above regulations are subject to annulment in pursuance of a resolution of the Parliament (i.e. negative parliamentary procedure) (section 22(20) of the Bill refers).

163. Subsection (14) amends section 95 of the 2004 Act, on further provision as to the registration of civil partnerships including in relation to the schedule.

164. The amendment at subsection (14)(a) reflects that with the introduction of religious or belief ceremonies, it may be an approved celebrant, rather than a registrar, who asks the intended civil partners to confirm that, to the best of their knowledge, the particulars set out in the schedule are correct.

165. The amendment at subsection (14)(b) inserts a new subsection into section 95 of the 2004 Act. This provision requires civil partners who have had a religious or belief ceremony to ensure that the signed schedule is delivered to the district registrar within 3 days. (This is in line with section 15(2) of the 1977 Act, on delivering the signed marriage schedule to the district registrar).

166. The new section 95(3A) of the 2004 Act provides that the district registrar must not enter the particulars set out in the schedule for a religious or belief civil partnership in the register, unless and until the district registrar receives a duly signed schedule.

167. The new section 95(3B) empowers the Registrar General to take steps if satisfied that a civil partnership has been properly registered and the schedule has been signed but then lost or destroyed. In these cases, the Registrar General may direct the district registrar to complete an exact copy of the schedule and, so far as practicable, arrange for it be signed again by those who signed the original schedule. The new section 95(3C) provides that once the copy schedule has been signed, the district registrar must arrange for its particulars to be entered into the register.
168. Subsection (15) adds section 95ZA to the 2004 Act, on registrar’s power to require delivery of civil partnership schedule. This new provision is in line with section 16 of the 1977 Act, on a registrar’s power to require delivery of marriage schedule.

169. Under the new provision, if the district registrar does not receive the schedule within 21 days from the date of registration, the district registrar may serve a notice in the prescribed form on either of the civil partners requiring that the schedule be delivered or sent through the post to the registrar within 8 days. If this notice is not complied with, the district registrar may serve a second notice in the prescribed form requiring the person to attend personally at the registration office within 8 days in order to deliver the schedule. Failure to comply with this second notice is a criminal offence (the offence is added by subsection (19)). Section 126 of the 2004 Act means that regulations prescribing forms under section 95ZA are subject to annulment in pursuance of a resolution of the Scottish Parliament (i.e. negative procedure).

170. Subsection (17) relates to section 96, on civil partnership with former spouse. This follows a divorce on the grounds of an interim gender recognition certificate.

171. The amendment at (a) is a consequential change, reflecting the amendments to section 91 made by subsection (8), and the amendment at (b) is also a consequential change, reflecting the amendments made to section 94 by subsection (12). (The amendments made by subsection (12) are explained at paragraphs 140 and 141).

172. The amendments at subsection (18) relates to section 97 of the 2004 Act, on the issue of a certificate of no impediment where two people propose to enter into a civil partnership in England and Wales but one of them resides in Scotland. The first amendment changes the period in which the certificate should normally be issued from no earlier than 14 days to no earlier than 28 days. Section 97(5) of the 2004 Act makes provisions for objections in writing to the district registrar against the issue of a certificate. The second amendment makes it clear that any such objection may be submitted electronically.

173. Subsection (19) makes provision in respect of criminal offences and does so by amending section 100 of the 2004 Act.

174. The amendment at (a)(i) extends three offences which currently only apply to authorised registrars (or persons pretending to be authorised registrars) to approved celebrants (or persons pretending to be approved celebrants).

175. Following the amendments, the offences now relates to a person who knowingly:

- “being an approved celebrant or, as the case may be, an authorised registrar, purports to register two people as civil partners of each other before any civil partnership schedule available to him at the time of registration has been duly completed”;
- “not being an approved celebrant or, as the case may be, an authorised registrar, conducts himself in such a way as to lead intended civil partners to believe that he is authorised to register them as civil partners of each other ”;
• “being an approved celebrant or, as the case may be, an authorised registrar, purports
to register two people as civil partners of each other without both of them being
present”.

176. The amendment at (a)(ii) reflects changes to section 93 on place of civil registration of
civil partnerships.

177. The amendments at (b) relate to new offences created as a result of the introduction of
religious and belief ceremonies and to the penalty when found guilty of one of these new
offences. The penalty on summary conviction is a fine not exceeding level 3 on the standard
scale.

178. The offences created by (b) are:
• an approved celebrant registering a civil partnership in an area or place where the
celebrant is not permitted to register a civil partnership;
• an approved celebrant registering a civil partnership after a notice has been served by
the Registrar General indicating that the Registrar General intends to remove the
person’s name from the register;
• a celebrant approved on a temporary basis registering a civil partnership not
specified in the authorisation;
• a celebrant approved on a temporary basis registering a civil partnership outwith the
period specified in the authorisation;
• a celebrant approved on a temporary basis registering a civil partnership contrary to
any terms and conditions specified in the authorisation;
• a party to a civil partnership failing to comply with a second notice from the district
registrar, requiring the party to appear personally at the registration office to deliver
the schedule.

179. The amendment at (c) is a consequential amendment to section 100(4) of the 2004 Act,
reflecting the new offences created by (b). Section 100(4) provides that summary proceedings
for an offence under section 100 may be commenced within 3 months after sufficient evidence
comes to the Lord Advocate’s knowledge or within 12 months after the offence is committed
(whichever period last expires).

180. Subsection (20) provides that the new powers to make regulations in respect of
prescribing religious or belief bodies whose celebrants are authorised to register civil
partnerships on the “qualifying requirements” (for religious and belief bodies to meet) are
subject to annulment in pursuance of a resolution of the Parliament (i.e. the negative procedure).

181. Subsection (21) adds definitions to Part 3 of the 2004 Act relating to civil partnerships in
Scotland.

182. Subsection (22) introduces a new Schedule 10 to the 2004 Act, replacing the current
Schedule. The new Schedule 10 is a simplified version of the existing table of forbidden
degrees. No changes are made in respect of the types of relationships which mean that a couple cannot enter into a civil partnership. Instead, the change relates to how the relationships are described. The table below demonstrates this:

Table of forbidden degrees

<table>
<thead>
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<th>Current table (Column 1)</th>
<th>Current table (Column 2)</th>
<th>Proposed table</th>
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<td>Mother’s sister</td>
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<tr>
<td>Son of son of former civil</td>
<td>Daughter of son of former</td>
<td>Grandchild of former</td>
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</tbody>
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These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013
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<table>
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<th>partner</th>
<th>civil partner</th>
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<tbody>
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<td>Grandchild of former spouse</td>
</tr>
<tr>
<td>Son of daughter of former civil partner</td>
<td>Daughter of daughter of former civil partner</td>
<td>Grandchild of former civil partner</td>
</tr>
</tbody>
</table>

Section 23: Power of district registrar to require evidence of nationality: civil partnership

183. This section adds provisions to section 88 of the 2004 Act.

184. Section 88 of the 2004 Act makes provision on documents which people wishing to enter into a civil partnership have to supply to the district registrar.

185. The new section 88(8) provides that a district registrar may require “specified nationality evidence” in relation to the intended civil partners. The new section 88(9) outlines when such evidence may be requested. The new section 88(10) defines “specified nationality evidence” in terms of guidance that the Registrar General may issue.

186. Section 15 of this Bill adds similar provision to the 1977 Act, in relation to opposite sex and same sex marriage.

Section 24: Recognition of overseas relationships

187. Sections 212 to 218 and Schedule 20 to the 2004 Act makes provision on the recognition in the UK as civil partnerships of overseas same sex registered relationships. Such relationships can be recognised in the UK either by meeting general conditions laid down in section 214 of the 2004 Act or by being specified in Schedule 20. UK Ministers have the power to amend Schedule 20, with the consent of the Scottish Ministers and the Northern Ireland Department of Finance and Personnel.

188. Currently, both overseas same sex marriages and overseas same sex civil unions are recognised in the UK as civil partnerships, so long as they meet the provisions outlined above. Section 24 makes amendments so that, in future, these arrangements only relate to overseas same sex civil unions.

189. Overseas same sex marriages will, in future, be recognised in Scotland as marriages. Section 38 of the Family Law (Scotland) Act 2006 already makes provision on the formal validity of overseas marriages and marriages from elsewhere in the UK. Section 4 of this Bill makes provision so that references to “marriage” in enactments commenced before this Bill means both opposite sex and same sex marriage.

Section 25: Dissolution of civil partnership: evidence

190. The Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 (SSI 2012/111)\(^1\) removed the need for third party evidence in actions to dissolve civil partnerships

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\(^1\) This Order can be found at [http://www.legislation.gov.uk/ssi/2012/111/contents/made](http://www.legislation.gov.uk/ssi/2012/111/contents/made)
These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

using the simplified procedure. (The simplified procedure can generally be used where there is no dispute about financial matters and no children under 16).²

191. Some civil partnerships were dissolved using the simplified procedure and without obtaining third party evidence before the Order came into effect. Section 25 provides that the Order is to be treated as having had effect since 5 December 2005 (when civil partnerships were introduced). The effect of the provision is that decrees of dissolution granted before the Order took effect cannot be challenged on the grounds that no third party evidence was provided.

Part 3 – Marriage and civil partnership: other provision

Section 26: Bigamy

192. Subsection (1) makes bigamy a statutory offence in relation to both opposite sex and same sex marriage. Subsection (3) abolishes the current common law offence.

193. Subsection (1) amends section 24 of the 1977 Act, on offences, and makes it an offence for a person to purport to enter into a marriage with another person knowing that one or both of them is already in a marriage or civil partnership with somebody else.

194. Subsection (1) provides for the penalties on conviction for bigamy. On conviction on indictment, a person is liable to a maximum of two years in prison or an unlimited fine or both. On summary conviction, a person is liable to a maximum of 12 months in prison or a fine not exceeding the statutory maximum (currently £10,000) or both.

195. Subsection (1) also corrects an existing reference in section 24(1)(ii) of the 1977 Act. The term “prescribed sum” is now out of date and has been replaced in most legislation with “statutory maximum”. A similar amendment is made here, clarifying the penalties which may be imposed following summary conviction in relation to the existing offences in section 24(1) of the 1977 Act.

196. Subsection (2) makes two amendments to the offence provisions at section 100 of the 2004 Act.

197. The first amendment changes an offence from “registers” a civil partnership to “purports to register”. This reflects that under section 86(1)(d) of the 2004 Act two people are not eligible to register a civil partnership if one or either of them is married or already in a civil partnership.

198. The second amendment made by subsection (2) updates a reference to penalties on summary conviction so that section 100(3)(b) of the 2004 Act refers to the statutory maximum rather than level 3 on the standard scale.

199. Subsection (4) amends the Presumption of Death (Scotland) Act 1977 to reflect the introduction of a statutory offence of bigamy under new section 24(A1) and to take account of

² More information on the simplified procedure is at http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership
the offence at section 100 of the 2004 Act of entering into a civil partnership while married or already in a civil partnership. The Presumption of Death (Scotland) Act 1977 contains a defence to bigamy if for seven years the person had no reason to believe his or her spouse was alive. In future, this defence will reflect that bigamy will be a statutory offence and will reflect the offence at section 100 of the 2004 Act.

Part 4 – Change of gender of married persons or civil partners

Overview
200. Under the Gender Recognition Act 2004, persons over 18 may apply to the Gender Recognition Panel to obtain full legal recognition of an acquired gender. Currently, married people and people in a civil partnership have to divorce or dissolve before obtaining a full Gender Recognition Certificate. Part 4, and schedule 2, make provision so that married people who wish to stay married do not have to divorce and to enable people in a civil partnership to stay in their relationship.

Section 27: Change of gender of married persons or civil partners
201. This section introduces schedule 2 to the Bill on applications to the Gender Recognition Panel by married persons or persons in a civil partnership. This schedule is explained at paragraphs 234 to 272 of these Explanatory Notes.

Section 28: Renewed marriage or civil partnership following issue of full gender recognition certificate
202. Section 28 empowers the Scottish Ministers to make regulations (i) about the solemnisation of a renewed marriage for married persons in a protected Scottish marriage who have obtained a full Gender Recognition Certificate and (ii) about the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the partnership. This would enable a new marriage or civil partnership certificate to be issued.

203. By virtue of section 28(7), “full gender recognition certificate” is defined by reference to the existing definition in section 25 of the Gender Recognition Act 2004. “Protected Scottish marriage” is also defined by reference to section 25 of the Gender Recognition Act 2004 as amended by paragraph 2 of schedule 2 to this Bill.

204. Subsection (2) provides that regulations under subsection (1) may in particular make provision on:

- submitting notice of an intention to enter into a renewed marriage (subsection (2)(a));
- submitting notice of an intention to enter into a renewed civil partnership (subsection (2)(b));
- the information required from the applicants (subsection (2)(c));
- evidence to support the application (subsection (2)(d));
- any requirement to attend at a particular place or appear before a particular person (subsection (2)(e));
• conferring functions on persons (such as, for example, the Registrar General) (subsection (2)(f)). (Subsection (3) makes provision on particular functions which may be conferred);
• fees (subsection (2)(g));
• the effects of entering into a renewed marriage (subsection (2)(h)).

205. Subsections (4) to (6) make provision on procedures in relation to any regulations made by the Scottish Ministers.

206. Under subsection (4), the Scottish Ministers must consult the Registrar General before making any regulations. Under subsections (5) and (6), any regulations are subject to negative Parliamentary procedures unless they amend primary legislation, in which case they are subject to the affirmative procedure.

Part 5 – Registration services

Section 29: Provision of certain information to district registrars

207. This corrects an erroneous cross-reference. Section 39C(1)(a)(i) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 currently refers to “the registers of births, deaths and marriages transmitted to the Registrar General under section 34(3) of this Act”. This reference should be to section 34(4) of the 1965 Act which provides that “The district registrar for a registration district shall, at such time or times as the Registrar General may direct, transmit a relevant register to the Registrar General”. Section 29 provides the correct cross-reference.

Part 6 – General provisions

Section 31: Ancillary provision

208. This section allows Ministers to make ancillary provision, by order. Generally, such an order is subject to negative procedure but any order containing provisions which add to, replace or omit any part of the text of an Act is subject to the affirmative procedure.

SCHEDULES

Schedule 1: Jurisdiction in proceedings relating to same sex marriages

Overview

209. The Domicile and Matrimonial Proceedings Act 1973 (“the 1973 Act”) makes provision on the jurisdiction of the Scottish courts to deal with court actions on divorce, separation, declarator of nullity of marriage and declarator of marriage and on actions for declarator of recognition or non-recognition of relevant foreign decrees. The 1973 Act has been amended previously to take account of EC Regulation 2201/2003 (known as Brussels IIa) on jurisdiction, recognition and enforcement of judgments in matrimonial matters and in the matters of parental responsibility. EC Regulation 2201/2003 deals with opposite sex marriage only.
210. Schedule 1 makes provision on the jurisdiction of the Scottish courts in relation to same sex marriages. The schedule amends the 1973 Act to make provision for court actions in relation to same sex couples. The schedule also enables the Scottish Ministers to make provision corresponding to EC Regulation 2201/2003.

211. In addition, overseas couples who enter into a same sex marriage in Scotland but remain or become habitually resident or domiciled in another country may not be able to end their marriage in that country if it does not recognise the existence of the relationship.

212. The schedule therefore amends the 1973 Act to provide a “jurisdiction of last resort” so that those same sex couples who are unable to divorce or obtain other matrimonial order in the country which would normally have jurisdiction are able have their case heard in the Scottish courts. The Scottish courts will be able to assume jurisdiction if the couple were married in Scotland and it is the interests of justice to do so.

213. Provision of a similar nature was made in respect of civil partnerships under Chapter 3 of Part 5 to the Civil Partnership Act 2004. Part 4 of Schedule 4 to the UK Marriage (Same Sex Couples) Bill makes similar provision in respect of the jurisdiction of the courts in England and Wales in relation to matrimonial actions for same sex couples.

Domicile and Matrimonial Proceedings Act 1973

214. Paragraph 1(2) amends the 1973 Act to set out which provisions in respect of jurisdiction in matrimonial actions do not apply to marriages of same sex couples, which are instead dealt with in Schedule 1B, inserted by paragraph 1(4). Paragraph 1(3) amends section 10 of the 1973 Act, to reflect that references to EC Regulation 2201/2003 are not relevant for same sex married couples, as the Regulation extends to opposite sex marriage only.

215. Paragraph 1(4) inserts a new Schedule 1B into the 1973 Act. Paragraph 1 of the new Schedule 1B sets out that the Schedule has effect with respect to the jurisdiction of the court to entertain proceedings relating to the ending of a same sex marriage (divorce, separation, nullity) and proceedings relating to a marriage's validity, including whether or not the marriage exists. The paragraph also provides definitions.

Power to make provision corresponding to EC Regulation 2201/2003

216. Paragraph 2(1)(a) of Schedule 1B enables the Scottish Ministers to make regulations about the jurisdiction of the courts in relevant proceedings in relation to a same sex marriage. “Relevant proceedings” are defined in paragraph 1(2) of Schedule 1B with reference to the proceedings listed in paragraph 1(1): divorce; separation; declarator of marriage; declarator of nullity of marriage and declarator of recognition, or non-recognition, of a decree of divorce, separation or nullity granted outwith a Member State of the EU. Paragraph 2(1)(b) allows the Scottish Ministers to make regulations to provide for the recognition in Scotland of a judgment by a court of another Member State relating to divorce, separation or annulment.

217. The regulations under paragraph 2(1) would apply where one of the couple: is or has been habitually resident in a Member State), or is an EU national, or is domiciled in a part of the UK
or the Republic of Ireland. The regulations may correspond with the terms of EC Regulation 2201/2003 on jurisdiction, recognition and enforcement of judgments in matrimonial matters.

218. The provisions in regulations made under paragraph 2(1)(b) on recognition of judgments can apply retrospectively – i.e. where the date of the divorce is earlier than the date on which the paragraph comes into force.

219. A statutory instrument containing these regulations will be subject to the affirmative procedure.

**Divorce or separation**

220. Paragraph 3(1) of Schedule 1B provides that the Court of Session is able to deal with divorce or separation cases relating to same sex marriage either (a) where the Scottish courts have jurisdiction because of regulations made under paragraph 2 of the Schedule or (b) when no court has jurisdiction under the regulations and either of the married same sex couple is domiciled in Scotland when the case starts.

221. Under paragraph 3(2), the sheriff court has jurisdiction in these cases when either (a) or (b) above is met and:

- either party to the marriage was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- either party had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

222. In addition, Edinburgh sheriff court has jurisdiction if the couple married in Scotland, no court has jurisdiction under regulations made under paragraph 2 of Schedule 1B and it appears to the court to be in the interests of justice for it to deal with the case. This is referred to in paragraph 212 above as “jurisdiction of last resort”.

**Declarator of marriage**

223. Paragraph 4(1) of Schedule 1B provides that the Court of Session is able to deal with declarator of marriage cases relating to same sex marriage either where either of the parties is (a) domiciled in Scotland when the action is raised or (b) habitually resident in Scotland for a year before the action is raised or (c) dead and at death was domiciled in Scotland or had been habitually resident in Scotland for a year immediately preceding the death.

224. Under paragraph 4(2), the sheriff court has jurisdiction in these cases when either (a) or (b) or (c) above is met and either party to the marriage:

- was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.
Nullity of marriage

225. Paragraph 5(1) of Schedule 1B provides that the Court of Session is able to deal with declarators of nullity of a same marriage where (a) the Scottish courts have jurisdiction under regulations made under paragraph 2 of Schedule 1B or (b) no court has jurisdiction under the regulations and either party to the marriage is (i) domiciled in Scotland when the action is raised or (ii) dead and at death had been domiciled in Scotland or had been habitually resident in Scotland for a year immediately preceding the death.

226. Under paragraph 5(2), the sheriff court has jurisdiction in these cases when either (a) or (b) above is met and either party to the marriage:

- was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

227. In addition, Edinburgh sheriff court has jurisdiction if the couple married in Scotland, no court has jurisdiction under regulations made under paragraph 2 of Schedule 1B and it appears to the court in the interests of justice for it to deal with the case. This is referred to in paragraph 212 above as “jurisdiction of last resort”.

Recognition, or non-recognition, of foreign decrees

228. Paragraph 6(1) of Schedule 1B provides that the Court of Session is able to deal with proceedings to recognise or not recognise a court decree from outwith the EU relating to divorce, separation or nullity of a same sex marriage if (a) the Scottish courts have jurisdiction under regulations made under paragraph 2 of Schedule 1B or (b) no court has jurisdiction under the regulations and either party to the marriage is (i) domiciled in Scotland when the action is raised or (ii) dead and at death was domiciled in Scotland or had been habitually resident in Scotland for a year immediately preceding the death.

229. Under paragraph 6(2), the sheriff court has jurisdiction in these cases when either (a) or (b) above is met and either party to the marriage:

- was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

Supplementary provision

230. Paragraph 7(1) of Schedule 1B makes it clear that the provisions in this Schedule on divorce or separation do not affect the Court of Session’s jurisdiction to hear separation proceedings as a matter of urgency.
231. Paragraph 7(2) makes it clear that the provisions in Schedule 1B on divorce, separation and nullity do not affect the sheriff court’s jurisdiction to hear such cases remitted to it under any enactment or rule of court, where hearing such cases does not contravene regulations made under paragraph 2.

232. Paragraph 7(3) makes it clear that when hearing a case under paragraphs 3 to 6 of Schedule 1B, the court can also hear other proceedings in respect of the same marriage, even if it would not normally have jurisdiction.

Presumption of Death (Scotland) Act 1977

233. Paragraph 2 of schedule 1 makes amendments to section 1 of the Presumption of Death (Scotland) Act 1977, which allows actions to be raised so that someone who is missing can be presumed to be dead. The amendment allows Edinburgh sheriff court to hear such actions in relation to a person in a same sex marriage where the marriage took place in Scotland and it appears to the court to be in the interests of justice to assume jurisdiction. This is referred to in paragraph 212 above as “jurisdiction of last resort”.

Schedule 2: change of gender of married persons or civil partners

Overview

234. This schedule makes changes to the Gender Recognition Act 2004 (“the Gender Recognition Act”).

235. The Gender Recognition Act enables people to change their legal gender by applying for a gender recognition certificate under section 1 of that Act. The Gender Recognition Act extends across the UK but relates largely to devolved matters. The Gender Recognition Panel (“the Panel”) deals with applications for a gender recognition certificate and operates across the UK. Schedule 5 to the UK Marriage (Same Sex Couples) Bill makes similar provision to this schedule in respect of people who married in England and Wales or overseas or entered into a civil partnership in England and Wales.

236. The issue of a full gender recognition certificate enables recipients to be recognised in law for all purposes in their new gender (“the acquired gender”). At present people who are married or in a civil partnership must end their marriage or civil partnership before a full gender recognition certificate can be issued. This is achieved by the Panel issuing an interim gender recognition certificate to married applicants and applicants in civil partnerships. The issue of an interim gender recognition certificate is, in Scotland, a ground for divorce or dissolution of a civil partnership. Applicants then have six months from the date of issue of the interim gender recognition certificate to apply to the court to end their marriage or civil partnership. Once a marriage or civil partnership has been ended the court can issue a full gender recognition certificate.

237. This schedule amends the Gender Recognition Act to enable a marriage solemnised in Scotland (a “protected Scottish marriage”, defined by amendments made in paragraph 2 of the schedule) to continue where one or both parties change their gender and both parties wish to remain married. It also amends that Act to enable a civil partnership registered in Scotland
These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

(“protected Scottish civil partnership”, defined by amendments made in paragraph 2) to continue where both parties change their gender simultaneously and wish to remain in their civil partnership.

Paragraph 2 – interpretation

238. Paragraph 2 inserts definitions of the terms “protected Scottish civil partnership”, “protected Scottish marriage” and “statutory declaration of consent” into section 25 of the Gender Recognition Act (interpretation).

239. Paragraph 2(d) makes provision in relation to civil partnerships and marriages carried out overseas by UK consular staff and through the UK armed forces. Such civil partnerships and marriages are to be treated as protected Scottish civil partnerships and marriages so long as the parties identified with Scotland at the time and details have been sent to the Registrar General for Scotland.

Paragraph 3 – evidence

240. Paragraph 3 inserts new subsections (6D), (6E) and (6F) into section 3 of the Gender Recognition Act to amend the evidence requirements for an application to the Panel.

241. At present, section 3(6)(a) of that Act requires people who apply to the Panel for a gender recognition certificate to submit a statutory declaration as to whether they are married or in a civil partnership. Submission of this evidence enables the Panel to determine whether to issue a full gender recognition certificate (for people who are not married or in a civil partnership) or an interim certificate (for people who are married or in a civil partnership).

242. New subsection (6D) requires applicants who are party to a protected Scottish marriage to include in their statutory declaration an additional declaration that they wish the marriage to continue after the issue of a full gender recognition certificate (if that is the case). It also requires the applicant to include information on where the marriage was solemnised and provide either a “statutory declaration of consent” by the applicant’s spouse (which is defined by amendments made in paragraph 2 as a declaration that he or she consents to the marriage continuing after the issue of a full gender recognition certificate), or a statutory declaration by the applicant that his or her spouse has not made a statutory declaration of consent or that the applicant does not know if such a declaration has been made.

243. If an application to the Panel contains a statutory declaration of consent by the applicant’s spouse, new subsection (6E) requires the Panel to inform the spouse that an application has been made.

244. New subsection (6F) provides that applicants in a protected Scottish civil partnership must provide a statutory declaration as to where the civil partnership was registered.

Paragraph 4 – successful applications

245. Paragraph 4 replaces existing subsections (2) and (3) of section 4 of the Gender Recognition Act (which provides for the issue of interim and full gender recognition certificates
following an application). The effect of these amendments is to enable a full certificate to be issued:

- to single applicants (new subsection (2)(a));
- to applicants who are party to a protected Scottish marriage and both parties to the marriage consent to the marriage continuing (new subsection (2)(b)); and
- to applicants who are party to a protected Scottish civil partnership and the Panel has decided to issue the other party to the civil partnership with a full gender recognition certificate (new subsection (2)(c)).

246. Interim gender recognition certificates will be issued:

- to applicants in protected Scottish marriages if either party to the marriage has not consented to the marriage continuing (new subsection (3)(a));
- to applicants not in a protected Scottish marriage (new subsection (3)(b));
- to applicants in protected Scottish civil partnerships where the other party to the civil partnership has not made an application for a gender recognition certificate at the same time as the applicant or the other party has made such an application but the Panel has decided not to issue a full gender recognition certificate to him or her (new subsections (3)(c) and (3)(d); and
- to applicants not in a protected Scottish civil partnership (new subsection (3)(e)).

247. New subsection (3A) requires the Panel to notify an applicant’s spouse where it issues a full gender recognition certificate to the applicant.

248. New subsection (3B) provides that section 4(2)(c) of the Gender Recognition Act is subject to new section 5C (inserted into that Act by paragraph 6 of this schedule).

*Paragraph 5 – issue of full gender recognition certificate after interim certificate: applicant married*

249. Paragraph 5 inserts new sections 4C and 4D into the Gender Recognition Act.

250. New section 4C provides for two situations (“Case A” and “Case B”) when a Gender Recognition Panel must issue a full gender recognition certificate.

251. Case A is the situation where an applicant is in a protected Scottish marriage but his or her spouse has not issued a statutory declaration of consent. If the applicant’s spouse changes his or her mind before the marriage is ended and wishes the marriage to continue, subsection (2) provides that the applicant can apply to the Panel for a full gender recognition certificate. The Panel can only issue a full gender recognition certificate to the applicant following such an application if it is satisfied that the following conditions are met:

- an interim gender recognition certificate has been issued to the applicant (subsection (2)(a));
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- the applicant was a party to a protected Scottish marriage at the time the interim gender recognition certificate was issued (subsection (2)(b));
- the applicant is in a protected Scottish marriage (subsection (2)(c)); and
- the applicant’s spouse consents to the marriage continuing (subsection (2)(d)).

252. If these conditions are not met, the Panel will reject an application for a full gender recognition certificate (subsection (4)). Subsection (5) sets a time limit for an application under Case A. The time limit is six months from the date on which the interim certificate was issued.

253. Case B is the situation where an application is made by a civil partner in a protected Scottish civil partnership, an interim gender recognition certificate is issued and the couple subsequently decide to change their civil partnership into a marriage under section 3 of the 1977 Act, as amended by this Bill. Subsection (3) provides that once the civil partnership has become a marriage, such applicants can apply for a full gender recognition certificate.

254. The Panel can only issue a full gender recognition certificate to the applicant if it is satisfied that the following conditions are met:

- an interim gender recognition certificate has been issued to the applicant (subsection (3)(a));
- the applicant was a party to a civil partnership at the time the interim gender recognition certificate was issued (subsection (3)(b));
- the notice of intention to marry must have been given within six months of the date of issue of the interim gender recognition certificate being issued (subsection 3(c));
- the civil partnership must have become a marriage (subsection (3)(d));
- the applicant is a party to that marriage (subsection (3)(e)); and
- the applicant’s spouse consents to the marriage continuing (subsection (3)(f)).

255. If these conditions are not met, the Panel will reject an application for a full gender recognition certificate (subsection (4)).

256. Subsection (6) sets a time limit for conversion of an interim certificate to a full certificate under this section. The time limit is six months from the date when the civil partnership becomes a marriage.

257. Applications under Case A and Case B require the applicant’s spouse to issue a statutory declaration of consent (subsection (7)). Applications under Case B must additionally include evidence of the date on which notice of intention to marry was given and evidence that the civil partnership has become a marriage (subsection (8)).

258. Where the Panel receives an application to issue a full gender recognition certificate in either Case A or Case B, subsection (9) requires them to notify the applicant’s spouse both of the application and also of the issue of the full gender recognition certificate (if the Panel grants the application).
259. New section 4D provides for the situation where an applicant has made an application for a full gender recognition certificate under new section 4C but before that application can be determined the applicant’s spouse dies.

260. At present if the applicant’s spouse dies within six months of the interim gender recognition certificate being issued, the applicant can apply for a full gender recognition certificate within six months of the date the death (section 5(2)(b) of the Gender Recognition Act). This section may not be available to applicants who have applied under new section 4C if the application has not been determined within the time limit in new section 4C(5) and (6). New section 4D provides that in such cases the applicant can still rely on the existing section 5(2)(b) to apply for a full gender recognition certificate.

Applications by both civil partners

261. Paragraph 6 inserts new section 5C into the Gender Recognition Act. If both parties to a protected Scottish civil partnership make successful applications to the Panel, section 4(2)(c) of the Gender Recognition Act as amended by the Bill, applies, and both parties will be entitled to full gender recognition certificates. In such cases, the new section 5C enables the Panel to issue full gender recognition certificates to both parties simultaneously, ensuring that the continuity of the civil partnership is not affected by the changes in law to the gender of both parties.

262. Paragraph 6 also inserts new section 5D into the Gender Recognition Act. This empowers the Scottish Ministers to make provision by order on other procedures which could be established to enable the Panel to issue full gender recognition certificates to applicants in a protected Scottish civil partnership. By virtue of paragraph 12, any such orders are subject to the negative procedure unless they amend primary legislation in which case they are subject to the affirmative procedure.

Appeals etc.

263. Paragraph 7 makes consequential amendments to section 8 (appeals etc.) of the Gender Recognition Act to reflect the insertion of section 4C of the Act by this Bill

264. Paragraph 7 also inserts new subsection (5B) into section 8 of the Gender Recognition Act and makes a consequential amendment to section 8(6) of that Act. New subsection (5B) enables an applicant’s spouse to apply to the Court of Session where he or she considers that a full gender recognition certificate has been obtained by his or her spouse fraudulently.

Registration

265. Paragraph 8(1) amends section 10 of the Gender Recognition Act. New subsection (1B) provides that if the Panel issue full gender recognition certificates to one or both parties in a protected Scottish marriage or protected Scottish civil partnership, the Panel must send a copy of the full gender recognition certificate(s) to the Registrar General for Scotland.

266. Paragraph 8(2) makes some consequential amendments to Part 2 of Schedule 3 to the Gender Recognition Act which concerns registration matters in Scotland. In addition, paragraph 8(2) inserts a new paragraph 20A into Schedule 3 to that Act. It provides the Registrar General
with a power to make regulations, with the consent of the Scottish Ministers, about the registration of qualifying Scottish marriages and Scottish civil partnerships (defined as marriages and civil partnerships in Scotland where one or both parties (both parties in relation to civil partnerships) have been issued with full gender recognition certificates). Such regulations could make provision for the administrative issue of new marriage and civil partnership certificates.

267. In accordance with the amendments made by paragraph 12 of this schedule to the Gender Recognition Act, any regulations under the new paragraph 20A would be subject to negative procedure.

Continuity of marriage

268. Paragraph 9 inserts a new section 11C into the Gender Recognition Act. Section 11C provides that the continuity of a protected Scottish marriage is not affected by the issuing of full gender recognition certificates to one or both of the parties to the marriage.

Continuity of civil partnership

269. Paragraph 10 inserts a new section 11D into the Gender Recognition Act. Section 11D provides that the continuity of a protected Scottish civil partnership is not affected by the issuing of full gender recognition certificates to both of the parties to the civil partnership under section 4(2)(c) of that Act.

Foreign gender change and marriage

270. Paragraph 11 repeals section 21(2) to (5) of the Gender Recognition Act (foreign gender change and marriage).

271. Section 21(2) to (5) of that Act currently provides for the situation where a person claims to have changed gender in their country of origin and married a person of the opposite sex to their acquired gender in that country or another country outside the UK. At present, these marriages have no standing under Scots law until a full gender recognition certificate has been issued by the Panel because Scots law regards the parties as having not been respectively male and female when the marriage was solemnised. As marriages in Scotland will now be available to same sex couples these sections can be repealed for the purposes of Scots law.

Consequential amendments

272. Paragraph 12 makes consequential amendment to the Gender Recognition Act reflecting the substantive amendments made in the other paragraphs of schedule 2 to the Bill.
INTRODUCTION

1. This document relates to the Marriage and Civil Partnership (Scotland) Bill introduced in the Scottish Parliament on 26 June 2013. It has been prepared by the Scottish Government to satisfy Rule 9.3.2 of the Parliament’s Standing Orders. It does not form part of the Bill and has not been endorsed by the Parliament.

2. The Bill will introduce same sex marriage and the registration of civil partnership through religious or belief ceremonies whilst putting in place protections for religious freedom and freedom of speech. The Bill also makes a number of changes to general Scottish marriage law (e.g. on allowing civil marriage ceremonies to take place anywhere and clarifying the role of Church of Scotland deacons) which have been under consideration for some time. The Scottish Government has undertaken two consultation exercises on the introduction of same sex marriage in Scotland, the second of which sought views on a partial Business Regulatory Impact Assessment (BRIA)\(^3\). As part of the BRIA process, the Scottish Government engaged with businesses and stakeholders about the costs and benefits of the proposed legislation.

PROVISIONS IN THE BILL

Provisions not expected to give rise to costs

3. There are a number of provisions in the Bill which are not expected to give rise to any costs, such as:

- simplifications to the forbidden degrees on persons who are too closely related to marry or enter a civil partnership (sections 1 and 22);
- changes on the preliminaries to marriage (section 3);
- provision on the meaning of marriage and related expressions (section 4);
- provision on the implications of same sex marriage for the crime of reset and for impotence and adultery (section 5);
- provision on the jurisdiction of the Scottish courts on actions relating to same sex marriages (section 6 and schedule 1);
- effect of marriage between civil partners in a qualifying civil partnership (section 9);
- persons who may solemnise marriage or register civil partnership (sections 10 and 22);
- registration of nominated persons as celebrants (sections 11 and 22);
- temporary authorisation of celebrants (sections 12 and 22);

\(^3\) This partial BRIA can be found at [http://www.scotland.gov.uk/Resource/0041/00410331.pdf](http://www.scotland.gov.uk/Resource/0041/00410331.pdf)
These documents relate to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

- putting belief (e.g. humanist) celebrants and bodies on the same footing as religious bodies in relation to the solemnisation of marriage in Scotland (sections 10, 11 and 12)\(^4\);
- making it clear that the introduction of same sex marriage has no impact on existing rights to freedom of speech (section 14);
- giving a power to the district registrar to require evidence of nationality of both parties to the marriage or civil partnership (section 15 and 23);
- extending the time period for issuing a marriage or civil partnership schedule from 14 days to 28 days (sections 16 and 22);
- provision on information on the dissolution of a former civil partnership when seeking to marry outwith Scotland (section 17);
- authorising Church of Scotland deacons to solemnise opposite sex marriage (section 18);
- allowing civil marriage ceremonies to take place anywhere agreed by the registrar and the couple, other than religious premises (section 19);
- updating a form (section 20);
- clarifying the jurisdiction of the sheriff court in relation to declarators of opposite sex marriage (section 21);
- making bigamy a statutory offence in relation to both opposite sex and same sex marriage (section 26);
- provision amending the Civil Partnership Act 2004 so that, in future, overseas same sex marriages are recognised as same sex marriages in Scotland rather than as civil partnerships (section 24);
- clarification of the effect of an SSI which removed the need for third party evidence in actions to dissolve civil partnerships using the simplified procedure (section 25);
- the provisions in Parts 5 and 6.

4. Although the Bill clarifies the position of belief celebrants in relation to marriage, it is unlikely to lead to any significant increase in the number of marriages. Humanist celebrants are already permitted to solemnise opposite sex marriage by virtue of temporary authorisation under section 12 of the Marriage (Scotland) 1977 Act.

5. Allowing civil marriage ceremonies to take place anywhere as agreed by the registrar and the couple could lead to an increase in demand for such ceremonies. However, any increase in costs to the local authority would be covered by a fee payable by the couple in relation to such ceremonies.

\(^4\) Church of Scotland celebrants will continue to be authorised automatically for opposite sex marriage through the Church of Scotland being named on the face of the Marriage (Scotland) Act 1977.
6. Although extending the period for the issue of the marriage or civil partnership schedule to 28 days could imply that more work may be involved for district registrars, this amendment reflects the reality of the amount of work which is already ongoing.

7. Sections 10, 11 and 22 of the Bill, which contain provisions allowing the Scottish Ministers to make regulations on “qualifying requirements” for religious and belief bodies to meet before their celebrants could be authorised to solemnise marriage or register civil partnership, could lead to suggestions there would be an additional cost on religious and belief bodies in relation to training for their celebrants. In practice, however, the Scottish Government and National Records of Scotland would work closely with religious and belief bodies to organise any further training that might be required: this should ensure costs are minimal. In addition, there will be full consultation on proposed regulations in this area. This will include discussions with religious and belief bodies on how to keep costs to a minimum.

Provisions likely to give rise to costs

8. The provisions in the Bill which are likely to give rise to some costs are:
   • introducing same sex marriage and the religious and belief registration of civil partnership (Part 1 and section 22);
   • allowing civil partners who registered their civil partnership in Scotland to change their civil partnership to a marriage (sections 7 and 8);
   • removing the requirement on transgender people to divorce before obtaining a full Gender Recognition Certificate (section 27 and schedule 2); and
   • having a renewed marriage or civil partnership following issue of a full gender recognition certificate (section 28).

COSTS GENERALLY

9. The main associated costs in this area arose following the introduction of the Civil Partnership Act 2004, which gave rights to a couple in a civil partnership. Costs this time are modest as civil partners have almost exactly the same rights as married couples. The difference therefore is predominantly around being able to marry rather than about financial issues.

10. The majority of costs are in relation to updating IT systems and forms.

POTENTIAL INCREASES IN NUMBER OF SAME SEX UNIONS

11. Costs may also arise if the introduction of same sex marriage in Scotland results in an increase in the total number of registered same sex unions. It could be the case that some same sex couples may not have entered into a civil partnership because they prefer marriage or because they would wish to enter into a religious or belief civil partnership (at the moment, civil partnership registration ceremonies can only be civil in nature).

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12. From 2005 to 2012, 4,435 civil partnerships were registered in Scotland. There was an initial spike in demand following the introduction of the Civil Partnership Act 2004. Following 2006, the numbers entering into a civil partnership in Scotland each year fell until 2011 when numbers started to increase.

13. There will be demand from couples who are in an existing civil partnership and choose to change the civil partnership to a marriage. From a survey undertaken by the Equality Network in 2009/10, 54% of 103 respondents said that they would wish to change their civil partnership to a marriage.

14. In addition, there may be a modest pent-up demand from same-sex couples who decided not to enter a civil partnership but would enter a marriage. However, we do not expect this pent-up demand for same-sex marriage to be at the same level as the pent-up demand for civil partnership in 2005 and 2006. The numbers in 2005 and 2006 reflected that before then same-sex couples could not enter into a union where they could obtain legal responsibilities and rights.

15. There is considerable uncertainty on exactly what the pent-up demand for new same-sex unions might be after the introduction of same-sex marriage. Looking at US states which have introduced civil unions and same-sex marriage, states which allowed same-sex marriage saw higher rates of formation (30% of existing same-sex couples got married in the first year this was available) than States which introduced civil union (18% of same-sex couples entered a civil union in the first year this was available).

16. This figure might suggest that there could be an increase of 66% in registered same-sex unions when same-sex marriage is first introduced [30 less 18 = 12. 12 divided by 18 is 66%]. However, this is not like for like data, since civil partnership has been available in Scotland since 2005. Given though that using any other figures would be even more speculative, this figure will be used in this Memorandum to estimate a potential increase in the number of same-sex unions in the first year following the introduction of same-sex marriage.

17. The UK Government, in their Impact Assessment for the Marriage (Same Sex Couples) Bill considered evidence and conclusions from a number of different countries. It concluded that England and Wales should expect to see a short-term increase in demand for same-sex marriage in the year that it is introduced.

18. Given that Scotland is in a similar position to England and Wales, in that civil partnerships have been available for several years, we would expect that there will be a short term increase in demand in Scotland for a same sex marriage in the first year. The UK

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Government’s Impact Assessment also noted that there is not enough evidence available to suggest if any other countries have seen a long-term change in demand for marriage compared to previous demand for civil unions.

19. Therefore, in this Memorandum, we have taken the approach that there might be an additional 330 new same sex unions entered into in the first year. This is based on 500 civil partnerships taking place each year in Scotland and an increase of 66% on that figure, using the American figures quoted in paragraphs 15 and 16 above. As indicated, this is a broad estimate reflecting modest pent-up demand and available data from other jurisdictions.

20. In addition, this Memorandum assumes that there is no discernible increase after the first year in the number of new same sex unions being entered into. That is in line with the UK Government’s Impact Assessment that there is not enough evidence to suggest an increase in long-term demand. In practice, the assumption that some people have chosen not to enter a civil partnership in the past but would enter a same sex marriage indicates that the number of new same sex unions might increase on a permanent basis. However, any such increase would be expected to be low and could be counter-balanced by the fluctuations which are seen each year in any event in the number of marriages and civil partnerships.

RELATIONSHIP WITH UK POSITION

21. The UK Government introduced its Marriage (Same Sex Couples) Bill to the UK Parliament on 24 January 2013\(^\text{10}\). This Bill proposes the introduction of same sex marriage in England and Wales and some other changes. As a result of the proposed introduction of same sex marriage across England, Wales and Scotland, there will be modest administrative costs in relation to IT, forms and guidance for UK Government departments including departments which operate in Scotland such as HM Revenue and Customs and the Department for Work and Pensions. This has no financial impact on the Scottish Government.

22. As a consequence of the changes made by the Scottish Bill, there may, as outlined above, be an increase in the number of same sex unions. This could have an impact on the UK Government, particularly in relation to pension schemes which are not devolved. However, the Scottish Government would expect any such costs to be modest, given the low number of additional same sex unions that are expected.

23. The Scottish Government would not expect the changes made by the Scottish Bill to give rise to a claim by the UK Government for its costs under the Statement of Funding Policy. The Statement of Funding Policy relates to additional costs. As indicated above, changes to IT, forms and guidance will be needed anyway as a consequence of the UK Bill. Clearly, if the UK Bill should not pass, this situation would change and the Scottish Government would need to discuss the implications with the UK Government.

24. On pensions, the increase in the number of new same sex unions entered into is expected to be modest and there are changes each year to the number of marriages and civil partnerships.

\(^{10}\) [http://services.parliament.uk/bills/2013-14/marriagesamesexcouplesbill.html](http://services.parliament.uk/bills/2013-14/marriagesamesexcouplesbill.html)
entered into. Therefore, the Scottish Government would not expect the UK Government to make a claim under the Statement of Funding Policy.

**COSTS ON THE SCOTTISH ADMINISTRATION**

**Pensions**

25. Pension policy is a reserved matter for the UK Government, although there are some devolved powers in terms of certain public sector pension schemes in Scotland\(^\text{11}\).\n
26. There are some differences between civil partners and married couples in relation to survivor benefits in pensions. The benefit paid to a surviving civil partner can be less than the benefit paid to a surviving spouse as it may not be based on the full service given by the deceased surviving partner.

27. In public sector schemes, survivor benefits for civil partners are based on service since 1988. In schemes for which the Scottish Government has responsibility, same sex married couples will be treated in the same way as civil partners.

28. As a result, there will be no costs in relation to the devolved public sector pension schemes through the introduction of same sex marriage in Scotland if the overall number of registered same sex unions does not increase. In addition, persons changing their relationship from a civil partnership to a marriage has no cost implications for devolved public sector pension schemes. However, as indicated in paragraph 19, it is possible that there could be a small increase in the number of registered same sex unions.

29. Using the US data highlighted in paragraphs 15 and 16 (on a potential increase in the total number of registered same sex unions), the potential impact on devolved public sector pension schemes could be:
   - there are around 500 civil partnerships a year at the moment;
   - in the first year, there could be 330 additional same sex registered unions [500 x 66%];
   - around 12.6% of Scotland’s working population is employed in a devolved public sector pension scheme [approximately 315,000 scheme members\(^\text{12}\) out of a working population of around 2.5 million\(^\text{13}\) in Scotland];
   - therefore, there could be an additional 42 same sex registered unions in such schemes [330 x 12.6%];
   - the average survivor benefit is assumed to be £3,900 a year\(^\text{14}\);

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\(^{11}\) More details can be found on the Scottish Public Pensions Agency website: [http://www.sppa.gov.uk/](http://www.sppa.gov.uk/)


30. However, there are various uncertainties in these calculations.

31. First of all, not all the costs will occur at the same time. People marry, retire and die at different ages. Therefore, the estimated additional costs will occur at different times.

32. Secondly, in some cases the person who was not the member of the pension scheme may die before their partner so there would never be any survivor benefit.

33. Thirdly, around 1 in 3 of these additional unions will result in dissolution/divorce\textsuperscript{15}.

34. The Government expects, therefore, that the cost of £163,800 per year is likely to be a maximum figure. For example, assuming that 1 in 3 of the unions end in divorce/dissolution could reduce the estimated costs by £54,600 per year [£163,800/3] to £109,200.

**National Records of Scotland**

35. For National Records of Scotland, some minor adjustments will be needed in relation to forms, extracts and the on-line registration IT system. Upper estimates to amend these administrative processes are around £200,000 in total.

36. £75,000 would be required for the “registration administration and family history” system and £45,000 for the IT systems which maintains statistical data which would be sourced from within current budgets. However, these costs are based on a comprehensive re-write of existing marriage functionality and the underlying data structures. It is therefore likely that the final costs will be lower. In addition, the Government estimates that costs to make minor adjustments to forms and extracts would be around £80,000.

37. The Government expects that the costs will be incurred in 2014/15. This is on the assumption that the Bill is passed, receives Royal Assent early in 2014 and it then takes around 12 months in total to implement the legislation.

38. It is envisaged that IT changes could not be made any earlier than 2014/15 because:

- they could not be specified until legislation had been passed; and
- in any event, National Records of Scotland will have to give priority to work on the changes that will be required for the new arrangements for the certification of death, which are due to be introduced on 1 April 2014.

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\textsuperscript{14} Paragraph 1.11 on page 26 of the Independent Public Services Commission suggested the average pension paid to a public sector pension member is around £7,800.


Assuming the pension for the survivor is at 50% gives a figure of £3,900.

\textsuperscript{15} Around 1 in 3 marriages end in divorce in Scotland: Statistics on life events can be found at http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/ref-tables/2011/index.html
Scottish Legal Aid Board

39. There could potentially be costs for the Scottish Legal Aid Board in relation to divorce and dissolution of civil partnerships, although any impact would be very minimal.

40. Very broadly, around one in three marriages end in divorce in Scotland. There are around 30,000 marriages a year; 10,000 divorces; 500 civil partnerships and a very small number of dissolutions of civil partnerships. The number of civil partnerships dissolving is still very low as the form of relationship is still relatively new.

41. The majority of divorces and dissolutions are dealt with in the local Sheriff Court where 60% are through the simplified divorce procedure. This can be used where there are no children under 16 and no financial issues to be sorted out between spouses. The simplified divorce procedure is straightforward and, therefore, has few legal aid implications. The remaining 40% of divorces and dissolutions can have legal aid implications.

42. The introduction of same sex marriage could increase the number of registered same sex unions (as outlined in paragraphs 11 to 20). However, as also indicated, we expect that any increase in demand would relate to the first year.

43. If there were to be an increase in the number of registered same sex unions, following the introduction of same sex marriage, there could be more divorces and dissolutions. Using the assumptions outlined above of an extra 330 same sex unions in the first year and of one third ending in divorce/dissolution:

- there could be 110 additional divorces (one third of 330);
- 40% could be through ordinary procedures, with legal aid implications, and 60% through simplified procedures;
- so 44 additional divorces (40% of 110) might have legal aid implications.

44. Therefore, an increase in the number of registered same sex unions could lead to a very modest impact on legal aid. The Scottish Legal Aid Board indicated earlier this year that it was introducing cost limitations on grants of civil legal aid. For divorces in the sheriff court, the limit is £6,000. £6,000 multiplied by 44 produces a figure of £264,000. This could be payable over a number of years, as divorces occur. The average length of a marriage which ends in divorce is around 16 years.

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16 Statistics on life events can be found at http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/refs/tables2011/index.html
18 Guidance on the simplified procedures for divorce can be found on the Scottish Court Service website at http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership
20 http://www.scotland.gov.uk/Publications/2010/12/17151409/16
45. There would be no additional legal aid implications if there is no overall increase in the number of registered same sex unions. Instead of dissolutions of civil partnerships, there would be divorces.

Gender Recognition Panel

46. Both the Scottish and UK Bills propose to allow transgender people to obtain a full gender recognition certificate without having to divorce. This may lead to more applications to the Gender Recognition Panel (“the Panel”). The Panel operates across the UK and is run by HM Courts and Tribunals Service, an agency of the UK Ministry of Justice. The UK Government’s Impact Assessment for the Marriage (Same Sex Couples) Bill estimates the total costs of increased applications to the Panel at up to £700,000. Financial responsibility for the Panel rests with the UK Government and there would therefore be no financial impact for the Scottish Government.

COSTS ON LOCAL AUTHORITIES

Civil marriage ceremonies

47. Under current legislation, civil marriage ceremonies can only take place at approved places such as a registrar’s office or at premises approved by the local authority. The Bill removes the references to “approved places” from legislation. It will make it possible for civil marriage, for both opposite sex and same sex marriage, to take place at any place agreed by the registrar and the couple, except in religious premises.

48. This provision to deregulate the approval of places is expected to reduce licensing fees income to the 32 councils by a total of £150,000 to £200,000.

49. However, such fees cannot be set above cost recovery levels so, in practice, local authorities will not lose revenue given they will be relieved of the burden of carrying out a licensing function. In addition, as the function is a relatively insignificant element of licensing activity, the Government expects local authorities will redeploy their resources to reflect the removal of this function.

50. There may also be an increase in demand for civil ceremonies for opposite sex marriage once these ceremonies can take place anywhere agreed by the couple and the registrar. Couples would be choosing to have a civil ceremony rather than opting for a religious ceremony as they are no longer constrained by having a civil ceremony in a licensed venue.

51. In addition, there will be a demand from existing civil partners to change their relationship to a marriage and this change could be carried out through a ceremony under section 7 of the Bill. As indicated in paragraph 12, there were 4,435 civil partnerships in Scotland from 2005 to 2012. As paragraph 13 indicates, a survey suggested 54% of people in a civil partnership may wish to change their relationship to a marriage.

52. As indicated in paragraph 19, there may be an increase in the number of same sex civil unions in the first year of same sex marriage.

49
53. Any marriage ceremony would attract a fee, designed to recover costs\(^2\). 

**Familiarisation costs – civil registrars**

54. There will be no significant familiarisation costs to local authority civil registrars because the proposed process for same sex marriage is the same as the existing process for opposite sex marriage and very similar to the existing civil partnership process.

55. There will therefore be a very little net financial impact on local authorities in Scotland.

**COSTS ON OTHER BODIES, INDIVIDUALS AND BUSINESSES**

**Individuals and businesses**

56. There will be some impact on individuals by the Bill which would result in costs being incurred.

57. There will be costs for couples in an existing civil partnership who wish to change their civil partnership to a same sex marriage following implementation of the Bill.

58. Such couples may choose to have a marriage ceremony to change their relationship, under section 7 of the Bill. Fees would be payable by such couples. The fee for a basic marriage ceremony in Scotland is currently £125 (see information at footnote 19).

59. In addition, section 8 of the Bill gives the power for Scottish Ministers to make regulations so that an alternative administrative process could be established. Section 8 gives ministers the power to make provision on fees.

60. There would also be a fee payable by couples who enter into a same sex marriage or enter into a religious or belief registration of civil partnership who had chosen previously not to enter in to a civil partnership.

61. There could also be a cost for a couple where one partner has been issued with a full gender recognition certificate and the couple wishes to have a new marriage certificate. Section 28 of the Bill makes provision for any such couple to have a renewed marriage ceremony so that a new certificate could be issued, reflecting the acquired gender. It is possible to have a civil marriage ceremony for £125.

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\(^2\) Information on marriage fees is at [http://www.gro-scotland.gov.uk/files2/registration/rm1b-new-fees.pdf](http://www.gro-scotland.gov.uk/files2/registration/rm1b-new-fees.pdf)
TOTAL OF ESTIMATED COSTS

<table>
<thead>
<tr>
<th>Organisation</th>
<th>Description</th>
<th>Cost</th>
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</thead>
<tbody>
<tr>
<td>Scottish Government</td>
<td>Public sector pension schemes</td>
<td>£0 – £163,800 per year (costs only likely to arise if overall number of registered same sex unions increases)</td>
</tr>
<tr>
<td>Local authorities</td>
<td>Following repeal of provisions that civil ceremonies can only take place in approved places</td>
<td>£150,000 – £200,000 (in total for all 32 local authorities) as a result of the loss of licensing income. However, these fees are aimed at recovering costs and the loss of fee income is offset through being relieved of the burden of carrying out a licensing function</td>
</tr>
<tr>
<td>Local authorities</td>
<td>Familiarisation costs for civil registrars</td>
<td>Very little impact</td>
</tr>
<tr>
<td>National Records of Scotland</td>
<td>To reform the “registration administration and family history” system</td>
<td>£75,000 (upper estimate)</td>
</tr>
<tr>
<td>National Records of Scotland</td>
<td>To reform the “statistical” systems</td>
<td>£45,000 (upper estimate)</td>
</tr>
<tr>
<td>National Records of Scotland</td>
<td>Minor adjustments to forms and extracts.</td>
<td>£80,000</td>
</tr>
<tr>
<td>Scottish Legal Aid Board</td>
<td>Legal aid for divorces and dissolutions</td>
<td>£0 – £264,000 over a period of several years (costs only likely to arise if increase in overall number of registered same sex unions)</td>
</tr>
</tbody>
</table>
SCOTTISH GOVERNMENT STATEMENT ON LEGISLATIVE COMPETENCE

On 26 June 2013, the Cabinet Secretary for Health and Wellbeing (Alex Neil MSP) made the following statement:

“In my view, the provisions of the Marriage and Civil Partnership (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”

PRESIDING OFFICER’S STATEMENT ON LEGISLATIVE COMPETENCE

On 26 June 2013, the Presiding Officer (Rt Hon Tricia Marwick MSP) made the following statement:

“In my view, the provisions of the Marriage and Civil Partnership (Scotland) Bill would be within the legislative competence of the Scottish Parliament.”
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

POLICY MEMORANDUM

INTRODUCTION

1. This document relates to the Marriage and Civil Partnership (Scotland) Bill introduced in the Scottish Parliament on 26 June 2013. It has been prepared by the Scottish Government to satisfy Rule 9.3.3 of the Parliament’s Standing Orders. The contents are entirely the responsibility of the Scottish Government and have not been endorsed by the Parliament. Explanatory Notes and other accompanying documents are published separately as SP Bill 36–EN.

Structure of the Policy Memorandum

2. This Memorandum covers first the provisions of the Bill that apply to all marriages and civil partnerships. It then covers the introduction of same sex marriage and the provisions which give effect to that policy. Therefore, the structure is as follows:

- summary of the Bill’s main provisions and the principles that informed the Bill’s development;
- changes that apply to marriages and civil partnerships generally;
- the introduction of same sex marriage and changes flowing from that;
- consultation that the Scottish Government undertook;
- the effect of the Bill in relation to equal opportunities; human rights; island communities; local government, and sustainable development; and
- provisions that the Scottish Government intends to appear in an order under section 104 of the Scotland Act 1998 in relation to reserved matters.

POLICY OBJECTIVES OF THE BILL

Principles behind the Bill

3. The principles behind this Bill are:

- equality of opportunity
- freedom of religion, belief, and expression
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

- upholding the dignity and solemnity of marriage ceremonies and civil partnership registration in Scotland.

4. For example, the Bill gives the members of a same sex couple the opportunity to marry each other. A religious or belief body that wishes to solemnise the marriage of a same sex couple will be able to do so. Crucially, a religious or belief body which does not wish to solemnise same sex marriages will not have to. Nor will a religious or belief celebrant.

5. This Bill follows two consultations carried out by the Government. The first was on general principles\(^1\) and the second was on a draft Bill\(^2\).

**Summary of the main provisions in the Bill**

6. The Bill allows same sex couples to marry. It provides for the consequences of that change.

7. It also ends the current requirement for a couple to divorce before obtaining a full gender recognition certificate, which provides legal recognition in an acquired gender, under the Gender Recognition Act 2004 (“the Gender Recognition Act“)\(^3\).

8. The Bill makes the following changes that apply to all marriages and civil partnerships:
   - putting belief celebrants on an equal footing with religious celebrants;
   - introducing the religious and belief registration of civil partnership;
   - relaxation of the rules about where a civil marriage may be solemnised;
   - giving the Scottish Government power to prescribe in regulations qualifying requirements which religious and belief bodies must meet before their celebrants can be authorised to solemnise marriage or register civil partnerships.

9. Some bodies focused around a set of beliefs – such as humanism – would like to be authorised to solemnise marriage on the same basis as religious bodies. The Bill gives such bodies the opportunity to seek such authorisation.

10. The Bill introduces provisions to allow the religious and belief registration of civil partnership. Under the current law, only a civil registrar may register a civil partnership\(^4\).

11. The rules on where civil marriage ceremonies may take place are different to the rules applying to where religious marriage ceremonies may take place and where civil partnerships may take place.

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\(^1\) The first consultation can be found at [http://www.scotland.gov.uk/Publications/2011/09/05153328/0](http://www.scotland.gov.uk/Publications/2011/09/05153328/0)

\(^2\) The second consultation can be found at [http://www.scotland.gov.uk/Publications/2012/12/9433](http://www.scotland.gov.uk/Publications/2012/12/9433)

\(^3\) More information on the Gender Recognition Act is at [http://www.justice.gov.uk/tribunals/gender-recognition-panel](http://www.justice.gov.uk/tribunals/gender-recognition-panel)

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12. At the moment, civil marriage ceremonies can only take place at a registrar’s office or at premises approved by the local authority. The Bill will allow civil marriage ceremonies, for both opposite sex and same sex marriage, to take place anywhere agreed by the couple and the registrar, other than religious premises.

GENERAL PROVISIONS ON MARRIAGE AND CIVIL PARTNERSHIP

The forbidden degrees (sections 1 and 22)

13. Section 1 of the Bill makes a number of amendments to the Marriage (Scotland) Act 1977 (“the 1977 Act”) in relation to the “forbidden degrees”. The forbidden degrees are about people who are too closely related to marry. Section 1 of the Bill simplifies the existing table of forbidden degrees and takes account of the introduction of same sex marriage. Section 22(22) of the Bill amends the Civil Partnership Act 2004 (“the 2004 Act”) to introduce a simplified table of forbidden degrees in respect of civil partnerships.

Alternatives

14. The obvious alternative would have been to reflect the introduction of same sex marriage without simplifying the tables. However, the Government considers that this would miss an opportunity for simplification.

Belief bodies and celebrants (sections 10, 11 and 12)

15. Since 2005, the Registrar General for Scotland has authorised humanists as marriage celebrants. This means that persons who wish to have a humanist marriage ceremony recognised by the state can do so. The Government considers this provides a wide variety of choice to persons seeking to marry. Humanist celebrants are authorised temporarily under section 12 of the Marriage (Scotland) Act 1977 (“the 1977 Act”). That is undesirable for two reasons.

16. First, the authorisation is temporary, meaning that there is a difference in treatment between religious bodies and belief bodies. Secondly, section 12 is designed at the moment for the temporary authorisation of religious celebrants. The Scottish Government considers it inappropriate to continue to authorise under that section a celebrant who is not religious.

17. Therefore, the Bill makes provision so that, in future, there will be two types of marriage ceremony in Scotland. The option of having a civil ceremony will remain available. Under the Bill, the other category of ceremony will become “religious or belief”, thus ensuring that belief bodies will be placed on the same footing in marriage legislation as religious bodies.

Alternatives

18. The Government considered a number of alternatives in this area.

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This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

19. First of all, when the Scottish Government consulted on the draft Bill, it proposed introducing a new category of “belief” into the 1977 Act. That would have meant three kinds of celebrant in Scotland: civil registrars, religious celebrants, and belief celebrants. Following the consultation, it became clear that it can in some cases be difficult to determine whether a body is a religious body or a belief body. This suggested that it would be logical to have a religious or belief category.

20. A number of those responding to the consultation on the draft Bill suggested that it would be confusing to have three categories, which was a further reason for having two categories rather than three.

21. A second option would be to make no changes and continue to authorise humanists under the provisions at section 12 of the 1977 Act for temporary authorisation of celebrants. One argument for this option is that the Bill amends section 12 of the 1977 Act so that section 12 refers to religious or belief bodies. However, the fact remains that authorisation under section 12 was not meant to be a permanent way of authorising humanist celebrants. Therefore, the Scottish Government rejected this option.

22. A third option would be that only a civil registrar could solemnise a marriage or register a civil partnership. That would mean that only a civil marriage ceremony would be legally recognised by the state. A couple who wanted to celebrate their marriage in accordance with their religion or belief would have to do that separately to the civil ceremony.

23. This is the position in some other European countries such as France and the Netherlands. Some stakeholders, including respondents to the consultation on the draft Bill, have suggested this approach for Scotland. It would have the advantage of clarifying the roles and responsibilities of the state and of religious and belief celebrants. Arguably, it would make it clear that the legal institution of marriage, as provided for by the state, does not necessarily correspond to marriage as understood within a religious or belief context.

24. The Scottish Government decided against this option, for a number of reasons.

25. The Scottish Government values the role that religious and belief celebrants play in solemnising marriage in Scotland. That role is an important part of Scotland’s past and present and not something that it has any desire to change. The Registrar General authorises celebrants and the system operates well. It is convenient for couples to be able to have one ceremony that satisfies both their legal and their religious or belief requirements.

26. Some stakeholders have commented that the combination of being married before God and in law is, in itself, deeply spiritual and, as a result, should remain in place.

27. Finally, the Scottish Government did not consult on the possibility. It would wish to consult extensively before changing the law on marriage in Scotland in this way.

28. A fourth option would be to open up the solemnisation of marriage more widely, to celebrants without any links to religious or belief bodies. The Government has rejected this as:
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

- a civil registration service is already available for those without religious convictions or belief values. The Bill will further improve this service by allowing civil ceremonies to take place anywhere (other than religious premises) agreed by the couple and the registrar;
- there does not appear to be any significant demand from couples to open up solemnisation more widely;
- it is legitimate to provide that non-civil ceremonies should be grounded in a set of religious or belief values;
- it would not be desirable to offer a marriage or civil partnership service as a commercial service.

Change made to the definition of belief body following the consultation on the draft Bill

29. In the consultation draft of the Bill, “belief body” was defined as meaning “an organised group of people, not being a religious body, the principal object (or one of the principal objects) of which is to uphold or promote philosophical or humanitarian beliefs and which meets regularly for that purpose”.  

30. In the Bill introduced to Parliament, there is a definition of the term “religious or belief body”, to reflect the decision to have a religion or belief category of marriage ceremony rather than two separate categories. In this definition, the reference to “humanitarian” beliefs has been removed as the Government considered, on reflection, that the word “humanitarian” did not accurately reflect the type of belief bodies which it would wish to solemnise marriage.

Religious and belief registration of civil partnership (section 22)

31. Civil partnership is a status created by the 2004 Act. It is open only to same sex couples. The responsibilities and rights flowing from civil partnership largely mirror the responsibilities and rights that flow from marriage.

32. One of the significant differences between marriage and civil partnership is that the process of entering into a civil partnership is purely secular. At the moment, only a civil registrar can register a couple’s partnership. Should a couple wish to have a religious ceremony, they would have to hold that separately to the civil process. That contrasts to the law on marriage, where a religious celebrant can have a dual role, acting in both a religious and a civil capacity.

33. Section 22 of the Bill introduces the religious or belief registration of civil partnership. The Bill amends the 2004 Act to allow a religious or belief body to seek authorisation for its celebrants to register civil partnerships. Section 22(10) of the Bill also amends the 2004 Act so that it continues to be the case that civil ceremonies cannot take place on religious premises. Authorisation of religious and belief celebrants can be achieved by:

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6 The consultation draft of the Bill is at [http://www.scotland.gov.uk/Resource/0041/00410333.pdf](http://www.scotland.gov.uk/Resource/0041/00410333.pdf). The definition of “belief body” can be found at sections 8(4) and 19(21).
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

- seeking to be prescribed in regulations made by the Scottish Ministers;
- putting forward members who the bodies wish to be empowered to register civil partnerships.

34. In addition, the Registrar General will be able to grant temporary authorisations to register civil partnerships.

35. Introducing the religious or belief registration of civil partnerships will give a couple who choose to enter into a civil partnership the possibility to do so within their faith or belief community. It will give religious or belief bodies who wish to register civil partnerships the opportunity to do so. There will be a number of protections for religious and belief bodies who do not wish to register civil partnerships:

- under the Bill, religious and belief bodies have to opt in. This means that a body must ask to be prescribed by regulations or nominate celebrants to the Registrar General or seek temporary authorisation of celebrants;
- the Bill makes it clear that religious and belief bodies are under no duty to opt in;
- the Bill also makes it clear that there is no duty under the Bill on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships;
- the UK and Scottish Governments are preparing an amendment to the Equality Act 2010 (“the 2010 Act”) to provide further protection in relation to discrimination.

Alternatives

36. The alternative approaches to permitting the religious or belief registration of civil partnership are 1) do nothing, leaving civil partnership as an entirely secular process and 2) introduce a hybrid system – for instance, where a registrar can register a civil partnership in a church.

37. The Scottish Government rejected the first option because it considers that it is right for a couple who wish to enter into a civil partnership to be able to do that within their faith of belief. Similarly, the Government wishes to permit religious or belief celebrants the opportunity to register civil partnerships, where they wish to do so.

38. The UK Government has introduced a system in England and Wales whereby a civil registrar may register a civil partnership on religious premises. The Scottish Government considers that such a system would go against the longstanding principle in Scotland that civil registrars do not carry out ceremonies on religious premises or include any religious content in a civil marriage ceremony.

39. In addition, in the first consultation the Scottish Government sought views on the system in England and Wales. Question 2 asked “Do you think that the proposals in England and Wales

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on registration of civil partnerships in religious premises would be appropriate for Scotland?” Of those responding to the question, 59% answered “no” and only 11% answered “yes”. The remainder did not know or did not have a view.

Where a civil marriage may be solemnised (section 19)

40. Under sections 18 and 18A of the Marriage (Scotland) Act 1977, a civil marriage ceremony may only take place in a registration office or at an approved place (places approved by the local authority). This follows changes made in 2002.

41. These provisions are more onerous than the situation applying to religious marriage ceremonies (and, in future, to religious and belief ceremonies) and to civil partnership. A religious marriage ceremony may take place anywhere agreed between the celebrant and the couple. A civil partnership may be registered at a registration office or any other place which the couple and the local registration authority agree is to be the place of registration. The exception to the latter is that a civil partnership may not be registered in religious premises.

42. The Registrar General has over 10 years’ experience in operating the system of approved places. In the light of that experience, the Scottish Government believe that the degree of regulation provided by the 2002 rules is unnecessary.

43. The Government sees no rational reason to continue to distinguish between where a civil marriage may be solemnised and where a civil partnership may be registered. The Bill repeals the rules about approved places. It permits a civil marriage to be solemnised at a place agreed between the couple and the local registration authority – so long as the place is not religious premises.

Alternatives

44. The alternative approach is to do nothing – to leave the existing legislation in place. However, that puts civil marriage ceremonies on a different footing from both civil partnership and religious marriage ceremonies. It places an unnecessary burden on local authorities. It limits the venues in which couples may marry. The Government’s experience since the introduction of approved places 10 years ago is that the level of regulation in this area is disproportionately high.

45. Around 1,200 respondents to the second consultation commented on this proposal. A number supported broadening the choices available to couples. Some suggested that the exclusion for religious premises should, in relation to same sex marriage, be extended to all religious premises owned or occupied by religious or belief bodies (e.g. church halls). Some local authorities noted practical issues such as the need to carry out a risk assessment of any unlicensed premises to ensure any health and safety issues were fully addressed. It was also

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8 The analysis of the responses to the first consultation is at http://www.scotland.gov.uk/Publications/2012/07/5671/0 Details on question 2 are at http://www.scotland.gov.uk/Publications/2012/07/5671/?table6

noted that if an outdoor venue is chosen, there should be a requirement for an alternative indoor venue to be available in the case of bad weather.

**Power of district registrars (sections 15, 23 and 29)**

46. Sections 15 and 23 of the Bill make provision so that a district registrar may require specified nationality evidence when a couple is seeking to enter a marriage or a civil partnership.

47. The Scottish Government considers that these provisions are useful to:
- verify information provided on the marriage and civil partnership notice form;
- monitor where couples come from in terms of national patterns and trends;
- combat sham and forced marriage;
- enable the registrar to remind any non-UK nationals that he or she may wish to take steps to ensure the marriage or civil partnership is recognised in his or her own country.

48. Section 29 of the Bill corrects an erroneous cross-reference. Section 39C(1)(a)(i) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 currently refers to the “registers of births, deaths and marriages transmitted to the Registrar General under section 34(3) of this Act”. This reference should be to section 34(4) of the 1965 Act which provides that “The district registrar for a registration district shall, at such time or times as the Registrar General may direct, transmit a relevant register to the Registrar General”.

**Alternatives**

49. The obvious alternative is to do nothing. However, on sections 15 and 23 the Scottish Government considers this would be a missed opportunity to improve marriage and civil partnership procedures. On section 29, this would be a missed opportunity to correct a minor error in the statute book.

**Marriage outwith Scotland: evidence of dissolution of former civil partnership (section 17)**

50. Section 17 of the Bill makes provision so that if a person wants to marry outwith Scotland and seeks a certificate about his or her legal capacity to do so, the person must provide a copy of the decree of dissolution or annulment of any previous civil partnership. This provision clarifies the law in this area.

**Alternatives**

51. The obvious alternative is to do nothing. However, the Scottish Government considers this would be a missed opportunity to clarify the law in this area.

**Deacons of the Church of Scotland (section 18)**

52. The Church of Scotland has asked the Registrar General to authorise its deacons to solemnise opposite sex marriage. The Church of Scotland’s celebrants are authorised
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

automatically by virtue of section 8 of the 1977 Act. Section 8 currently refers to “a minister of the Church of Scotland”. That definition excludes the Church’s deacons.

53. Since 1 March 2006, Church of Scotland deacons have been given temporary authorisation to solemnise marriage under section 12 of the Marriage (Scotland) Act 1977.

54. The Scottish Government considers it appropriate for deacons of the Church of Scotland to be authorised to solemnise opposite sex marriage by virtue of their position within the Church. Section 18 of the Bill makes provision to that effect.

Alternatives

55. Instead of authorising deacons of the Church of Scotland in section 8 of the Marriage (Scotland) Act 1977, the Scottish Government could have done nothing. That would have meant continuing to authorise them temporarily under section 12 of the 1977 Act. However, the Scottish Government sees no good reason for them not to be authorised automatically and the Church of Scotland has asked for the change to be made. The authorisation of deacons has worked well since 2006 and needs to be put on a permanent statutory footing.

56. Around 1,050 respondents to the second consultation commented on this proposal. Many just noted that this was a matter for the Church of Scotland. Some responses suggested that within the Christian faith, marriages should only be solemnised by ministers of religion and, therefore, Church of Scotland deacons should not be authorised to solemnise marriage. The Church of Scotland welcomed the provision.

Marriage and civil partnership schedules and certificates of no impediment (sections 16 and 22)

57. Section 16(2)(a) of the Bill amends section 6 of the 1977 Act so that the regulations to prescribe the form of the marriage schedule may make different provision for different cases or circumstances. This allows the form of the marriage schedule for opposite sex marriage to be different to the form for same sex marriage.

58. Section 16(2)(b), (3) and (4) of the Bill also increases the minimum period that must elapse before the marriage schedule or a certificate of no impediment should be issued after notice of intention to marry has been submitted by the parties to an intended marriage. Section 22(7), (8), (12) and (18) of the Bill makes similar changes in relation to issuing civil partnership schedules and the issue of a certificate of no impediment where two people propose to enter into a civil partnership in England and Wales but one of them resides in Scotland.

59. Currently, these documents should not generally be issued within 14 days. The Bill changes that so that they should not generally be issued within 28 days.

10 See the Church of Scotland’s response on question 4: http://www.actsparl.org/media/148778/or-cofs-sgmarragecpbill-mar13.pdf
60. It remains possible for the Registrar General to authorise the registrar to issue a schedule earlier, on a specified date. Section 22(8)(c) of the Bill makes it clear that a request for early registration of a civil partnership can be made electronically – this creates an equivalent provision to section 6(4A) of the 1977 Act.

61. Section 22(18) of the Bill relates to section 97 of the 2004 Act. Section 97(5) of the 2004 Act makes provisions for objections in writing to the district registrar against the issue of a certificate of no impediment. The amendment inserted by section 22(18)(b) makes it clear that any such objection may be submitted electronically.

Alternatives

62. The obvious alternative is to do nothing and not make the changes. However, the Government considers that separate marriage schedules may be required so that, for example, the forms for opposite sex marriage can continue to refer to “bridegroom” and “bride”. The changes to the time periods reflect the reality of the length of time it can take to check that a person is eligible to marry or enter into a civil partnership in Scotland.

63. The consultations did not cover issues in relation to marriage and civil partnership schedules. The Government decided at a late stage to include provisions in the Bill on time periods to reflect the reality of the existing workload.

64. On separate marriage schedules, some religious bodies indicated at meetings with the Government that they would have concerns if the current references to “bridegroom” and “bride” should be removed from the marriage schedules for opposite sex marriage.

Qualifying requirements to apply to religious and belief bodies (sections 10, 11, 12 and 22)

65. The Registrar General for Scotland authorises a wide range of bodies to solemnise marriage. All marriages and civil partnerships in Scotland ought to be conducted in a dignified and solemn manner that reflects the seriousness of the commitment involved. The Government is also concerned about sham and forced marriages taking place in Scotland.

66. We would like all celebrants to be informed about and equipped to deal with a marriage that is potentially a sham or a forced marriage.

67. Therefore, to ensure that marriages and civil partnerships are carried out with dignity, are not sham or forced and are not carried out for profit or gain, the Bill contains a power for Scottish Ministers to prescribe qualifying requirements. A religious or belief body would have to meet these requirements before its celebrants could be authorised to solemnise marriage or register civil partnership.

68. The second consultation outlined, at paragraph 2.21, the type of requirements which might be laid down in regulations:

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11 This table shows the number of marriages in Scotland in 2011 by denomination, where the denomination solemnised 10 marriages or more: [http://www.gro-scotland.gov.uk/files2/stats/ve-rectables-2011/ve2011-t7.7.xls](http://www.gro-scotland.gov.uk/files2/stats/ve-rectables-2011/ve2011-t7.7.xls)
the body and its celebrants would not be allowed to solemnise marriages or register civil partnerships for profit or gain;

the body would have to show that its celebrants were trained in areas such as tackling forced marriage and sham marriage;

the body would have to show that its celebrants discuss the forthcoming marriage or civil partnership with the couple;

the body would have to show that its celebrants have a track record in carrying out relevant ceremonies (e.g. marriages recognised by the state; marriages or blessings not recognised by the state; funerals; and baptisms or baby namings).

69. The Scottish Government will consult on any regulations before they are brought into effect. Any qualifying requirements would not apply to the Church of Scotland in relation to opposite sex marriage. Under section 8 of the 1977 Act, as amended by this Bill, Church of Scotland ministers and deacons are authorised automatically to solemnise opposite sex marriage.

Alternatives

70. The primary alternative to introducing qualifying requirements for religious and belief bodies would be to do nothing – that is, to continue using the current system of authorisation.

71. The Scottish Government values the diversity of bodies authorised to solemnise marriage and expects that diversity to grow further on the introduction of belief celebrants. That diversity places a responsibility on the Government to ensure a degree of consistency of approach. The Government’s aim is to uphold the good reputation of marriage in Scotland and to tackle the problems of sham and forced marriages.

72. Another alternative would be to change the law so that only civil marriage ceremonies would be legally recognised by the state. The Scottish Government rejected that approach for the reasons set out at paragraphs 22 to 27.

73. Some respondents to the consultation on the draft Bill suggested that the qualifying requirements should also apply to the Church of Scotland. Recognising the national status of the Church of Scotland, the Government does not intend to remove the automatic authorisation of Church of Scotland celebrants to solemnise opposite sex marriage under section 8 of the 1977 Act.

74. Around 1,200 respondents to the second consultation commented on this proposal. A number noted that more detail was required (e.g. draft regulations) before they could make substantive comment. Other comments included:

- support for work against forced and sham marriages;
- concerns about placing too many burdens on religious and belief bodies [the Scottish Government and the Registrar General would intend to work closely with bodies on any training that might be required];
• concerns about how bodies from outwith Scotland could demonstrate a track record [the Scottish Government and the Registrar General would take account of track records established outwith Scotland];
• bodies currently prescribed under the Regulations so that their celebrants can solemnise marriage should not have to reapply [the Scottish Government and the Registrar General expects that such bodies would comply with the qualifying requirements];
• the qualifying requirements should not be used to discriminate against religious bodies opposed to same sex marriage [that is not the intention of the Scottish Government of the Registrar General];
• greater clarity is needed on what is meant by “profit or gain” [the Scottish Government and the Registrar General would intend to discuss this further when consulting on draft regulations].

Second marriage ceremony: form of endorsement (section 20)

75. Section 20 of the 1977 Act makes provision for a couple to go through a second marriage ceremony in Scotland if they have already married outwith the United Kingdom but there is some doubt about the validity of the overseas ceremony. Section 20 of the 1977 Act sets out the form in which the authorised registrar is to make an endorsement on the Marriage Schedule once it has been signed by the parties following the second marriage ceremony. Section 20 of the Bill amends the form of the endorsement. At the moment, the 1977 Act provides that the year in these forms should start with the figures “19”, reflecting the twentieth century.

Alternatives

76. None were considered given this is a straightforward matter.

Sheriff court jurisdiction in relation to declarator of marriage (section 21)

77. Section 21 of the Bill amends the Domicile and Matrimonial Proceedings Act 1973 to make it clear that, in certain circumstances, the sheriff court has jurisdiction in relation to declarators of opposite sex marriage. Section 4 of the Family Law (Scotland) Act 2006 amends the Sheriff Courts (Scotland) Act 1907 to provide that actions for declarator of (opposite sex) marriage or nullity of (opposite sex) marriage are competent not only in the Court of Session but also in the sheriff courts. It is considered, however, that further amendments to the 1973 Act are needed to ensure that the intention behind the 2006 Act is achieved in relation to declarators of opposite sex marriage.

Alternatives

78. The alternative would have been to make no change. However, this would have left the question of the jurisdiction of the sheriff courts in these cases uncertain.
Dissolution of civil partnership (section 25)

79. The Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 removed the need for third party evidence in actions to dissolve civil partnerships using the simplified procedure. Some civil partnerships were dissolved using the simplified procedure and without obtaining third party evidence before the Order came into force on 30 March 2012. Section 25 of the Bill provides that the Order is to be treated as having had effect since 5 December 2005, when civil partnerships were introduced. This means that any decrees of dissolution granted since 5 December 2005 under simplified dissolution procedures are valid, notwithstanding whether the grounds of action were based on third party evidence.

Alternatives

80. One alternative, suggested by a consultee responding to the second consultation by the Scottish Government, would be to provide instead that dissolutions through the simplified procedure could not be challenged just because no third party evidence had been provided. This seems to the Government to have the same effect.

81. A further alternative might be to do nothing. However, this could create uncertainty for couples who dissolved using the simplified procedure without third party evidence before the Order came into force on 30 March 2012.

Bigamy (section 26)

82. Section 26 of the Bill makes bigamy a statutory offence and abolishes the current offence at common law.

83. The Government considers that making bigamy a statutory offence adds clarity to the scope of the offence and ensures the penalties for the offence are proportionate. Common law offences attract a maximum penalty of life imprisonment. We consider life imprisonment to be an excessive penalty for the offence of bigamy.

Alternatives

84. One obvious alternative would be to make no changes. However, the Government wished to clarify the offence and ensure it is committed by a person purporting to enter into a marriage whilst in a civil partnership. This makes it desirable to clarify the scope of the offence by putting it wholly on a statutory footing.

85. Another alternative would be to abolish the offence. However, the Government considers that bigamy can represent a type of fraud. In addition, the offence reflects the Government’s view, and approach in legislation generally, that marriage is between two people.

86. Around 550 respondents to the second consultation commented on making bigamy a statutory offence.

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12 The simplified procedure can, in essence, be used when there is no dispute over financial matters and no children under 16. More detail on the simplified procedure can be found at http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership
87. A number supported the proposal. There were some comments on the proposed penalties. Some argued that the proposed penalties (the maximum proposed is imprisonment for up to 2 years) did not reflect the seriousness of the offence. Others considered imprisonment was not an appropriate penalty at all and that alternatives, such as community payback orders, would be more in keeping with the nature of the offence. Some respondents suggested that, assuming all parties are aware of the arrangements, polygamous marriages should be permitted and bigamy should not be an offence at all. The Government made it clear in the second consultation that it had no intention of allowing polygamous marriages to take place in Scotland.

PROVISIONS ON SAME SEX MARRIAGE (SECTIONS 2, 3, 4, 5, 6, 7, 8, 9, 14, 24, 27 AND 28, SCHEDULES 1 AND 2 AND ASPECTS OF SECTIONS 10, 11 AND 12)

Introduction of same sex marriage (sections 2, 3, 4, 10, 11 and 12)

88. The Bill introduces same sex marriage into Scots law. Under section 5(4) of the 1977 Act, there is a legal impediment to a marriage where both parties are of the same sex. Section 2 of the Bill removes that impediment. Section 3 of the Bill amends the 1977 Act so that where a party to a marriage is not domiciled in Scotland, a certificate of no impediment from the home jurisdiction is not required if it would not be issued just because the parties to the marriage are of the same sex. Section 4 of the Bill makes provision on how terms such as “marriage” should be interpreted in enactments and documents. The general intention is that such terms in future should cover both opposite sex and same sex marriage.

89. The Government intends to introduce same sex marriage because:

- it will further equality for lesbian, gay, bisexual and transgender (LGBT) people;
- LGBT people of faith or who hold belief values can be expected to welcome the introduction of religious or belief ceremonies to solemnise same sex marriage;
- a number of religious or belief bodies would wish to solemnise same sex marriage;
- protections are being put in place to protect those religious and belief bodies who do not wish to solemnise same sex marriages.

90. On protections for religious and belief bodies who do not wish to solemnise same sex marriage, the system being put in place to authorise celebrants is based on the system in place to authorise celebrants for opposite sex marriages. The exception to this is that Church of Scotland celebrants will not be authorised on the face of the 1977 Act to solemnise same sex marriage. The system is “opt-in”, so that a body which does not wish to solemnise same sex marriage will not have to do so.

91. Under section 8(1B) of the 1977 Act, as inserted by section 10(2) of the Bill, a same sex marriage can only be solemnised by a civil registrar or a person who is:

- a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers or another person recognised by a prescribed religious or belief body as entitled to solemnise same sex marriage on its behalf;
nominated, by a religious or belief body which has not been prescribed, to the Registrar General to solemnise same sex marriage, and accepted by the Registrar General; 

a member of a religious or belief body who has been granted temporary authorisation to solemnise same sex marriage by the Registrar General.

92. Under the Bill:

- a religious or belief body may only be prescribed if it makes a request to the Scottish Ministers;
- there is no duty to make such a request;
- there is no duty on any religious or belief body to nominate any persons to the Registrar General;
- temporary authorisations to solemnise same sex marriage may only be granted by the Registrar General when the religious or belief body of which the person is a member is prescribed or has nominated persons to the Registrar General;
- there is no duty on any person to apply for temporary authorisation;
- there is no duty on any person who is an approved religious or belief celebrant in relation to same sex marriages to solemnise such marriages.

93. In addition, the UK and Scottish Governments are preparing amendments to the Equality Act 2010 to provide further protection in relation to discrimination. Following comments from persons responding to the Scottish Government’s second consultation, and the approach taken in clause 2(6) of the Marriage (Same Sex Couples) Bill, the amendment to the Equality Act for Scotland will:

- cover religious or belief celebrants who do not wish to carry out same sex marriages or civil partnerships, even if their body has opted in. The amendment on which the Scottish Government consulted just protected against sexual orientation discrimination. The amendment now will protect against discrimination claims generally. In addition, the amendment will not now depend, as originally proposed, on there being a conflict with the celebrant’s religious or philosophical beliefs;
- cover other persons (e.g. the organist, the choir and the choirmaster) who play an integral part in the religious or belief aspects of the marriage or civil partnership ceremony;
- protect a person controlling the use of religious or belief premises who refuses to allow the premises to be used for a same sex marriage or civil partnership.

Alternatives

94. The Scottish Government considered a number of potential alternatives to the introduction of same sex marriage through religious or belief and civil ceremonies.
95. The first alternative was to do nothing and just retain civil partnerships for same sex couples and not extend marriage to same sex couples.

96. The Scottish Government considers that there would be several disadvantages to continuing only to provide civil partnership for same sex couples. These are as follows:

- it would deny same sex couples the opportunity to marry solely on the grounds that they are of the same sex. There are impediments to marriage (e.g. under 16 years of age or already married) and, at the moment, being of the same sex is one of them. It seems reasonable to allow consenting same sex couples to marry;
- the introduction of same sex marriage will further equality for LGBT people. Not introducing same sex marriage would remove this opportunity to advance equality;
- not introducing same sex marriage would deny same sex couples of faith or with belief values the opportunity of having a religious or belief marriage ceremony;
- it would not end the requirement for a couple to divorce following the issue of an interim gender recognition certificate. Paragraphs 110 to 118 set out the changes the Bill makes in this area.

97. Many people and organisations hold the view that marriage can only ever be between a man and a woman. The Government has made clear its respect for this view and has taken a number of steps in the Bill (e.g. the protections for religious and belief bodies and section 14 on freedom of speech) to recognise the concerns expressed. However, the Government does not consider that marriage can only ever be between a man and a woman. As the first consultation noted, in paragraph 3.11, “same sex couples, like opposite sex couples, can and do establish loving relationships which they wish to formalise in a manner recognised by the state, and in some cases by the religious body to which they belong”.

98. A second alternative could have been the introduction of same sex marriage through civil ceremonies only. The Scottish Government consulted on this in the first consultation: question 12 asked “do you agree with the introduction of same-sex civil marriage only?”. Of those responding to question 12, 79% were against the introduction of same sex civil marriage only, and only 6% of those responding were in favour.

99. This option would allow same sex couples to marry, but not within their faith or belief system. The Scottish Government knows that for some LGBT people and for some religious and belief bodies, being able to celebrate same sex marriages within their faith or belief community is a matter of considerable importance. This option would not have provided equality with opposite sex marriage.

100. A third alternative could have been an opt-out system for celebrants. Under this system, authorisations of religious and belief celebrants to solemnise opposite sex marriage would have been extended to same sex marriage. It would have been made clear that religious and belief

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13 Arguments put forward by consultees against same sex marriage were summarised in paragraphs 6.6 to 6.14 of the analysis of the first consultation: http://www.scotland.gov.uk/Publications/2012/07/5671/8
14 See http://www.scotland.gov.uk/Publications/2012/07/5671/9#table16
bodies and celebrants who did not wish to solemnise same sex marriage would not have been required to do so.

101. The first consultation sought views on this issue. Question 17 asked: “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?” Of those who responded, 9% supported an opt-out system; 50% supported an opt-in system; 31% favoured neither option and 10% did not know.\(^\text{15}\)

102. The Government considers that an opt-in system provides better protection for religious and belief bodies and celebrants and the Bill, therefore, makes appropriate provision.

**Changing civil partnership to marriage (sections 7, 8 and 9)**

103. A number of people in a civil partnership may wish to change their relationship to a marriage. Section 7 of the Bill allows couples who registered a civil partnership in Scotland\(^\text{16}\) to have a marriage ceremony in order to make the change. Section 9(1)(b) of the Bill provides for the responsibilities and rights that a couple acquired during their civil partnership to continue within the marriage. For instance, where spouses wish to divorce, the couple’s “matrimonial property” will include property that would have been considered “partnership property” during the time the couple were in a civil partnership with each other.

104. Section 8 of the Bill provides a power for Ministers to make regulations to establish an administrative procedure for the parties to a qualifying civil partnership to change their civil partnership into a marriage. This reflects that some people who entered into a civil partnership in Scotland may wish to change their relationship to a marriage through an administrative process rather than a marriage ceremony or may now live outwith Scotland and, as a result, may not find it easy to return to Scotland to undergo a marriage ceremony.

105. Section 9 of the Bill makes provision on the effect of two civil partners changing their relationship by marrying. The general effect is that the civil partners are to be treated as having been married since they registered their civil partnership. Where civil partners change their relationship to a marriage through administrative procedures, section 8(2)(g) allows Ministers to make provision by regulation on the effect of doing so. The intention is that the effect would be the same as if the civil partners had changed their relationship by undergoing a marriage ceremony.

*Alternatives*

106. One alternative would have been to restrict changing civil partnerships to marriage only to those couples who registered their civil partnership when same sex marriage was not available.

\(^{15}\) See [http://www.scotland.gov.uk/Publications/2012/07/5671/9#table18](http://www.scotland.gov.uk/Publications/2012/07/5671/9#table18)

\(^{16}\) Under section 7(3) of the Bill, this includes civil partnerships registered overseas through UK consular services or the UK armed forces, so long as the couple elected Scotland as the relevant part of the UK and details of the civil partnership have been sent to the Scottish Registrar General
107. The Government rejected this option for two reasons. First, it would not have allowed for the possibility of a couple changing their mind about the type of relationship they wished to enter into. For example, a couple might acquire religious faith and consider that they should be married rather than in a civil partnership. Secondly, the proposals to allow transgender people in a civil partnership to stay together (outlined at paragraph 114) largely rest on the civil partnership being changed into a marriage.

108. A second alternative would be to allow persons who entered into a civil partnership outwith Scotland to change their relationship to a marriage in Scotland. Some consultees responding to the Government’s second consultation suggested this. The Government has rejected this as it could lead to a person having two legal statuses at the same time: e.g. married in Scotland but in a civil partnership in the Netherlands. The UK Marriage (Same Sex Couples) Bill makes provision at clause 9 for civil partners who registered their civil partnership in England and Wales to change their relationship to a marriage, through procedures to be set out in regulations.\(^ {17} \)

109. A number of consultees responding to the Government’s second consultation suggested that there should be an administrative route to change a civil partnership to a marriage. Section 8 of the Bill now includes provision to establish, through regulations, an administrative route to change a civil partnership to a marriage. This was not included in the consultation draft of the Bill.

**Transgender persons (section 28 and schedule 2)**

110. The law on gender recognition is set out in the Gender Recognition Act. This gives the Gender Recognition Panel (“the Panel”) power to issue a person meeting certain criteria with a Gender Recognition Certificate (GRC). Under section 9(1) of the Gender Recognition Act, when a full GRC is issued to a person “the person’s gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person’s sex becomes that of a man and, if it is the female gender, the person’s sex becomes that of a woman).”

111. The Gender Recognition Act currently provides that where a successful applicant to the Panel is married or in a civil partnership, the Panel should issue the applicant with an interim GRC. The interim GRC does not change the applicant’s sex. It allows the applicant to get a divorce or to dissolve his or her civil partnership. Once the court has ordered the divorce or dissolution, the applicant will receive a full GRC.

112. In other words, at the moment a couple must divorce or dissolve their civil partnership before a full GRC can be issued. The Scottish Government consider that this requirement places a couple who wish to stay together in an extremely difficult position. Therefore, schedule 2 to

\(^ {17} \) The UK Marriage (Same Sex Couples) Bill is at [http://www.publications.parliament.uk/pa/bills/lbill/2013-2014/0029/14029.pdf](http://www.publications.parliament.uk/pa/bills/lbill/2013-2014/0029/14029.pdf) This version takes account of amendments made in the House of Commons before the Bill moved to the House of Lords.
the Bill, and section 28, makes changes to enable couples who married in Scotland or entered into a civil partnership in Scotland\textsuperscript{18} to stay together.

113. For a married person:

- where an application is made to the Panel and both parties to the marriage wish to stay married evidence must be provided to the Panel accordingly, through statutory declarations (paragraph 3 of schedule 2);
- this enables the Panel to issue a full GRC (paragraph 4 of schedule 2);
- provision is also made to allow a full GRC to be issued where an interim GRC has been issued and the couple decide within 6 months to stay married (paragraph 5 of schedule 2);
- the Registrar General, with the approval of the Scottish Ministers, may make provision through regulations on the registration of marriages (which are continuing following the issue of a full GRC) through an administrative procedure (paragraph 8 of schedule 2);
- in addition, the Scottish Ministers, after consulting the Registrar General, may make regulations about a renewal marriage ceremony following the issue of a full GRC (section 28 of the Bill).

114. For civil partners who wish to stay together:

- the Bill provides that when both parties to a civil partnership obtain a full GRC on the same day, the civil partnership can continue (paragraph 6 of schedule 2);
- the Registrar General, with the approval of the Scottish Ministers, may make provision through regulations on the registration of civil partnerships (which are continuing following the issue of a full GRC to each of the civil partners) through an administrative process (paragraph 8 of schedule 2);
- in addition, the Scottish Ministers, after consulting the Registrar General, may make regulations about a renewal civil partnership ceremony following the issue of a full GRC (section 28 of the Bill);
- in other cases, a full GRC can be issued after an interim GRC when, within 6 months, the civil partners have changed their civil partnership to a marriage (paragraph 5 of schedule 2);
- provision is also made for the possibility of a more streamlined system for civil partners who wish to stay together and change their relationship to a marriage to be established by an order made by the Scottish Ministers, after consulting the Registrar General (paragraph 6 of schedule 2).

\textsuperscript{18} Paragraph 2 of schedule 2 makes provision so that certain civil partnerships and marriages registered overseas through UK consular services and the UK armed forces are treated as having been registered in Scotland for these purposes.
115. The Bill does not affect the ability of married couples and of civil partners to divorce or dissolve their civil partnership on the grounds of the issue of an interim GRC having been issued, if they wish to do so.

Alternatives

116. The second consultation suggested that the Scottish Bill could cover applications to the Panel by persons resident in Scotland. However, the UK Marriage (Same Sex Couples) Bill bases jurisdiction on where the couple married or entered into a civil partnership. It is appropriate for the Scottish Bill to follow this as, otherwise, some people could miss out. For example, if the Scottish Bill had been based on residence, a person who married in Scotland but now lives in England would not have been covered by either the UK or the Scottish Bill.

117. A couple may only use the provisions in the Scottish Bill where their marriage was solemnised or their civil partnership registered in Scotland. Some consultees suggested that the Scottish Bill should go further and cover people who married or entered into a civil union outwith Scotland. The Government has rejected this option. The UK Bill covers persons who married overseas (the definition of “protected marriage” at paragraph 14 of Schedule 5 to the UK Bill refers). On civil partnerships, as outlined at paragraph 108 above, the Scottish Government’s approach prevents a person from having more than one legal status at the same time.

118. A number of consultees suggested that the process should be made as straightforward as possible. The Scottish Government has tried to reflect these comments in the procedures now contained in schedule 2 to the Bill, which reflect closely similar proposals in Schedule 5 to the UK Bill.

Freedom of speech (section 14)

119. Many stakeholders have raised the concern that if the Scottish Parliament legislates to introduce same sex marriage, it will be more difficult to publicly express opposition to such marriages.

120. Section 14 of the Bill is designed to make it clear that although the Bill introduces same sex marriage, the Bill does not affect the exercise of:

- the right in the European Convention of Human Rights to freedom of thought, conscience and religion;
- the right in the European Convention of Human Rights to freedom of expression;
- any equivalent right conferred by rule of law.

Alternatives

121. One alternative would be not to include section 14 in the Bill. The Bill does not contain any provision which limits or attempts to limit any of the rights which section 14 refers to.

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19 As indicated above, certain overseas marriages and civil partnerships through UK consular services and the UK armed forces will be treated as having been registered in Scotland for these purposes.
However, the Scottish Ministers nonetheless considered it helpful to include provision on freedom of speech on the face of the Bill. The Scottish Government recognise the wide range of views that people hold about marriage. Section 14 underlines the Government’s commitment to upholding and protecting human rights across society.

122. Some consultees have suggested that the Scottish Government should go further.

123. In education, for example, there have been suggestions that:

- there should be specific legislation in place to protect teachers who would not wish to use certain types of teaching materials which might mention same sex marriage or homosexual relationships;
- there should be legislation in place to allow parents to withdraw their children from any lesson which might mention same sex marriage.

124. The Government’s approach to education was outlined in Annex C to the second consultation. In brief:

- the Government plans no changes to section 9 of the Education (Scotland) Act 1980, which allows parents to withdraw any pupil from any instruction in religious subjects;
- the faith content of the curriculum at Roman Catholic state schools is decided by the Scottish Catholic Education Service on behalf of the Bishops’ Conference of Scotland. The Government is committed to maintaining this;
- the Scottish Government has no plans to make any changes to denominational education generally;
- there is a specific exclusion in the Equality Act 2010 in respect of the contents of the curriculum. Section 89(2) of the 2010 Act provides that: “Nothing in this Chapter applies to anything done in connection with the content of the curriculum”. Therefore, the provisions of the 2010 Act about discrimination and protected characteristics do not have a direct effect on the content of the curriculum in schools;
- the General Teaching Council for Scotland issues Professional Standards for teachers and other guidance material, including the Code of Professionalism and Conduct;
- all employers are required by the public sector equality duty to give consideration to religious beliefs of their employees. All local authorities have procedures in place to handle any moral objections by teachers;
- the Scottish Government is not seeking any changes to existing UK employment legislation which protects teaches, and other employees, against unfair dismissal;

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20 Annex C to the second consultation is at http://www.scotland.gov.uk/Publications/2012/12/9433/272400
21 The General Teaching Council for Scotland’s website is at www.gtcscotland.org.uk
• legislative provision on providing information to parents in relation to their child’s education is contained in the Education (School and Placing Information) (Scotland) Regulations 2012;  
• paragraph 13 of Education Circular 2/2001 allows parents to withdraw children from specific programmes of sexual health education, although it does also encourage participation. The Scottish Government is committed to maintaining this right and intends to update the Circular;  
• the Scottish Government does not consider that it would be appropriate to allow parents to withdraw children from any lesson where same sex marriage, civil partnerships or homosexuality might be mentioned. This could cut across a child’s right to an education and could be impracticable.

125. There have also been suggestions that there should be a provision in the Bill laying down that civil registrars do not have to solemnise same sex marriage. The Bill does not have a provision of this nature for a variety of reasons:  
• civil registrars ( unlike religious and belief celebrants) are carrying out a civil function. Therefore, it is not appropriate to provide an opt-out for civil registrars based on religious or belief grounds;  
• the registration of civil partnerships by civil registrars has worked well in Scotland;  
• provision in the Bill relating to civil registrars would cut across the relationship civil registrars have with their employer – the local authority. The Government does not consider it would be helpful to intervene in this way.

126. In other areas, the Government is considering if it would be helpful to amend existing guidance on fostering to make it clear that a would-be fosterer should not be rejected just because of his or her views on same sex marriage.

Adultery, impotency and reset (section 5)  
127. Under section 1 of the Divorce (Scotland) Act 1976, there are two grounds of divorce: irretrievable breakdown of the marriage, or one of the spouses being issued with an interim gender recognition certificate after the date of the marriage.  
128. The irretrievable breakdown of a marriage may be established if, since the date of the marriage, the defender in an action of divorce has committed adultery. Adultery is defined in the common law to mean sexual intercourse with a member of the opposite sex outwith of marriage.

23 These can be found at http://www.legislation.gov.uk/ssi/2012/130/contents/made  
25 There is a recent relevant decision by the European Court of Human Rights: http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881#itemid:115881]. This relates to a civil registrar (Ms Ladele) in England who did not to wish register civil partnerships. The Court did not hold that there had been a violation of the Convention.
The Government’s understanding is that the leading Scottish case in this area is *MacLennan v MacLennan*.  

129. The judge in this case considered some English cases on non-consummation. From these, the judge concluded that in relation to adultery “according at least to the law of England:- 1. For adultery to be committed there must be the two parties physically present and engaging in the sexual act at the same time. 2. To constitute the sexual act there must be an action of union involving some degree of penetration of the female organ by the male organ. 3. It is not a necessary concomitant of adultery that male seed should be deposited in the female’s ovum. 4. The placing of the male seed in the female ovum need not necessarily result from the sexual act, and if it does not, but is placed there by some other means, there is no sexual intercourse”.

130. The judge went on to say that: “I can find nothing to persuade me that the law of Scotland is not the same as the law of England so far as the legal propositions above enunciated are concerned (although non-consummation of the marriage is not a ground of nullity in the law of Scotland) and, in my opinion, these propositions are equally valid in our law.”

131. Section 5(3) of the Bill amends the Divorce (Scotland) Act 1976 to provide that “for the avoidance of doubt, in relation to marriage between persons of the same sex, adultery has the same meaning as it has in relation to marriage between persons of different sexes.” That means that for any couple, whether same sex or opposite sex, the existing definition of adultery (sexual intercourse with a person of the opposite sex outwith of marriage) will continue to apply.

132. If a spouse in a marriage (whether same sex or opposite sex) considers that his or her spouse has committed sexual infidelity which is not covered by the definition of adultery, he or she may seek a divorce on the grounds of unreasonable behaviour or the basis of non-cohabitation.

133. The Scottish Government publishes statistics on divorce. These show that the number of divorces on the basis of adultery in 2010/11 was 65 (out of 10,112 divorces) and the number in 2011/12 was 64 (out of 9,863 divorces).

134. Section 5(2) of the Bill provides that any rule of law which provides for a marriage to be voidable by reason of impotence only has effect in relation to opposite sex marriage. The Government considers this rule would be hard to apply to same sex marriage and, in any effect, is of limited effect.

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26 The judgment in this case can be found at <http://judgmental.org.uk/judgments/ScotCS/1958/[1958]_ScotCS_CSOH_5.html>

27 In Scotland, irretrievable breakdown of the marriage can be shown in four ways: adultery; unreasonable behaviour; non-cohabitation for 1 year (where both parties agree to the divorce); non-cohabitation for 2 years (where one party does not agree to the divorce).

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135. Section 5(1) of the Bill provides that any rule of law under which a wife who receives or conceals stolen goods stolen by her husband is, in certain circumstances, not guilty of reset only applies to opposite sex marriage. Again, the Government considers this rule would be hard to apply to same sex marriage and, in any effect, is of limited effect.

Alternatives

136. One alternative would be to remove adultery as a way of demonstrating the irretrievable breakdown of a marriage. Some consultees responding to the Scottish Government’s consultation suggested this option. The adultery basis for divorce is seldom used and it is likely that behaviour which is adulterous would also satisfy the basis of unreasonable behaviour. In a consultation paper on family law issued in the year 2000, called “Parents and Children”29, the then Scottish Executive asked for views on whether the fault bases of adultery and unreasonable behaviour could be merged into a single fault basis.

137. There was considerable opposition to this proposal30 and it was not proceeded with.

138. The Scottish Government’s views on removing adultery from divorce law now are:
   - it has not consulted on this specific proposal and would need to do so, given responses to previous consultations;
   - this is not the right Bill in which to be making such a major change to divorce law;
   - it appears that for a small number of spouses, it may be important to have the civil court find that the other spouse was adulterous.

139. On impotence, a number of consultation responses suggested that the idea that impotency (or any other medical condition) should be grounds for voiding a marriage was archaic. Consultees suggested that impotency should be abolished as grounds for voiding a marriage. However, other consultees suggested that the concept of “voidable” marriages can have some advantages, particularly for those who might wish to enter another marriage but might not be able to do so (on religious grounds) if they were divorced.

140. On reset, a clear alternative is to abolish the defence. The Government is considering if that option should be taken up at some point.

141. A second alternative on adultery would be to extend the definition of so that it would cover homosexual activity as well as heterosexual intercourse. Some consultees responding to the Government’s second consultation suggested this option. If this option were followed, the Scottish Government assumes that such an extended definition would apply to both opposite sex and same sex marriage so that, unlike now, an opposite sex spouse could cite homosexual activity outwith marriage as adultery when raising an action for divorce.

142. The Scottish Government is not following this option, for several reasons:

29 See http://www.scotland.gov.uk/Topics/Justice/law/17867/FLSA2006/13804/ParentsandChildren (Paragraphs 4.8 and 4.9)
• it would not confer any additional rights. A spouse (whether opposite sex or same sex) who is unhappy about sexual infidelity not covered by the current definition of adultery could raise a divorce action and cite unreasonable behaviour (or non-cohabitation);
• it is not clear what further sexual activity (homosexual and heterosexual) would be covered. A spouse may be unhappy with a wide variety of conduct – e.g. looking at another person; kissing; hugging as well as forms of sexual activity. A line would need to be drawn somewhere as to what does, and does not, constitute adultery. It is doubtful that this is useful activity given that, as indicated above, divorce would still be available for a spouse concerned about infidelity;
• it is not clear what effect such a change would have on the small number of spouses for whom adultery forms a useful part of divorce law.

143. A further alternative might be to remove section 5(3) from the Bill and leave it up to the courts to determine what would or would not be considered as “adultery” in the context of same sex marriage. That does not seem satisfactory when the matter can be clarified by a provision such as section 5(3).

THE SCOTTISH GOVERNMENT CONSULTATIONS

144. The first consultation took place between 2 September and 9 December 2011 on the registration of civil partnership and same sex marriage. That is a 14 week consultation period, longer than the usual 12 weeks.

145. That consultation sought views on the possibility of allowing religious ceremonies for civil partnerships and the possible introduction of same sex marriage.

146. Counting all types of responses, over 77,000 responses were received to this consultation: the largest number of responses to a Scottish Government consultation. The Government published an analysis of the responses to that consultation on 25 July 2012. The responses from organisations that gave permission for their responses to be published are also available online.31

147. The Scottish Government acknowledges that a significant number of those responding to the 2011 consultation were opposed to the introduction of same sex marriage. Details of the number of responses received, and the views expressed in relation to same sex marriage, can be found in the analysis32.

148. A number of consultees have asked why the Government is proceeding with same sex marriage although most respondents to the first consultation were opposed. A number of points arise:

31 These are available at http://www.scotland.gov.uk/Publications/2012/07/9221.
32 See http://www.scotland.gov.uk/Publications/2012/07/5671/8#table13 for information on what views the respondents to the first consultation on same sex marriage.
• a consultation is not a referendum on a particular proposal. Instead, a consultation is a way of seeking views, on detailed points as well as on matters of principle;
• the first consultation also showed significant support in Scotland for the introduction of same sex marriage;
• the Bill reflects comments made in the first consultation. For example, there are strong protections for religious and belief bodies and celebrants, with an opt-in method to be approved to solemnise same sex marriage.

149. Between 12 December 2012 and 20 March 2013, the Government consulted on the draft Marriage and Civil Partnership (Scotland) Bill. Again, this was a 14 week period.

150. The Scottish Government received around 15,000 responses to this consultation. The analysis and responses from organisations that gave permission for their responses to be published are available on-line\textsuperscript{33}. Key changes made to the Bill following the consultation and before the Bill was introduced to Parliament are outlined in paragraphs 152 to 164 below.

**Consultation meetings**

151. The Scottish Government met a wide range of organisations to discuss its proposals. It is grateful to all those who took the time to share their views. Bodies the Scottish Government met include:

• Associated Presbyterian Churches
• Baptist Union of Scotland
• CARE (Christian Action Research and Education)
• Christian Institute
• Church of Scotland
• Equality Network
• Evangelical Alliance
• Free Church of Scotland
• Free Church of Scotland (Continuing)
• Free Presbyterian Church of Scotland
• Gender Recognition Panel User Group
• Glasgow Central Mosque
• Humanist Society Scotland
• Lanarkshire Muslim Women’s Alliance
• LGBT Youth
• Methodist Church

\textsuperscript{33} They can be accessed through [http://www.scotland.gov.uk/Topics/Justice/law/17867/samesex](http://www.scotland.gov.uk/Topics/Justice/law/17867/samesex)
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- Metropolitan Community Church
- Muslim Council of Scotland
- Pagan Federation of Scotland
- Quakers
- Roman Catholic Church
- Salvation Army
- Scottish Catholic Education Service
- Scottish Council of Jewish Communities
- Scottish Episcopal Church
- Scottish Interfaith Council
- Scottish Transgender Alliance
- Stonewall
- Unitarian Church
- United Free Church of Scotland
- United Reformed Church.

Changes between the draft Bill and the Bill as introduced to Parliament

152. Following the consultation on the draft Bill, the Scottish Government made some changes to the Bill. The main changes are as follows.

Marriage by cohabitation with habit and repute

153. We have removed the section which would have repealed the remaining law on marriage by cohabitation with habit and repute\(^34\). Section 3(3) and (4) of the Family Law (Scotland) Act 2006 extended the concept of marriages through cohabitation with habit and repute to cases where a couple erroneously believed themselves to be married overseas but it transpires after one of them dies that the marriage was not valid. Part of the rationale for repealing these provisions was that the 2006 Act, including section 29, improved rights for cohabitants. However, a number of consultees noted that the proposed repeal could remove rights from certain people and section 29 might not be an adequate solution. Given these points, we are not proceeding with the repeal of section 3(3) and (4).

154. Given the terms of section 4 of the Bill, section 3(3) and (4) of the 2006 Act will now extend to same sex relationships as well as opposite sex relationships.

\(^{34}\) The discussion on this in the second consultation was at paragraphs 2.28 to 2.31: [http://www.scotland.gov.uk/Publications/2012/12/9433/272394](http://www.scotland.gov.uk/Publications/2012/12/9433/272394)
Section 4: meaning of marriage and related expressions in enactments and documents

155. Section 4 of the Bill makes provision on how terms such as “marriage” should be interpreted in legislation and private documents following the introduction of same sex marriage. The Government has extended and clarified this section so that, for example, it covers references in legislation to unmarried persons living together as if they were husband and wife. This reflected comments by consultees that it was not clear how the provisions of the Bill would relate to references in enactments to cohabitants.

Jurisdiction

156. The Scottish Government has added provisions on jurisdiction to the Bill at section 6 and schedule 1. These provide for the Scottish courts to have jurisdiction in relation to same sex matrimonial actions which mirrors the courts’ jurisdiction in relation to opposite sex matrimonial actions.

157. The Bill also makes provision for the Scottish courts to have jurisdiction in certain circumstances where no other court has jurisdiction. Those provisions are designed to assist a couple who married in Scotland but continued to live in a country which does not recognise same sex marriage. For example, it might not be possible for such a couple to get a divorce in their home country.

158. Section 21 of the Bill now clarifies the jurisdiction of the sheriff court in relation to declarators of opposite sex marriage. More details explaining the reasons for these changes are provided at paragraphs 77 and 78 of this Memorandum.

Changing qualifying civil partnership into marriage

159. Section 8 now allows Ministers to make regulations on administrative procedures for changing civil partnerships into marriages. This is in addition to section 7, on civil partners changing their relationship by undergoing a marriage ceremony. Section 8 has been added following comments from consultees that an administrative route should be available (e.g. to cover people who entered into a civil partnership in Scotland but now live overseas and who might not wish to return to Scotland to undergo a marriage ceremony).

Belief ceremonies

160. Instead of introducing separate belief ceremonies, the Bill now makes provision so that non-civil ceremonies are “religious or belief”. The definitions relating to “belief” have been amended to remove references to “humanitarian”. More details explaining the reasons for these changes are provided at paragraphs 15 to 30 of this Memorandum.

Marriage and civil partnership schedules

161. The Bill now changes the usual period for issuing of schedules from not less than 14 days to not less than 28 days. The Bill also makes provision so that different marriage schedules could be prescribed for opposite sex marriage when compared with same sex marriage. More details on these changes are provided at paragraphs 57 to 61 of this Memorandum.
Bigamy

162. Changes have been made to the proposed statutory offence of bigamy. In particular, the penalties following summary conviction and the existing offence at section 100 of the 2004 Act, on purporting to enter into a civil partnership when already married or in a civil partnership, have been clarified.

Transgender people

163. The Bill now contains provisions on transgender persons. The consultation on the draft Bill outlined possible approaches to policy on transgender persons. The Bill now contains detailed provisions that reflect points made in consultation. The provisions are in line with the approach that the UK Government has taken in the Marriage (Same Sex Couples) Bill. More details on the provisions are provided at paragraphs 110 to 118 of this Memorandum.

Modifications to the Family Law (Scotland) Act 1985

164. The Scottish Government removed schedule 1 as it appeared in the consultation draft of the Bill. The schedule modified the Family Law (Scotland) Act 1985. The Bill allows a couple to change their civil partnership to a marriage. The schedule was designed to ensure that the time in the civil partnership could be counted towards the period of the marriage. The provisions are no longer considered necessary. The policy intention is the same, but the Government has determined that section 9(1)(b) of the Bill achieves the desired effect.

EFFECTS ON EQUAL OPPORTUNITIES, HUMAN RIGHTS, ISLAND COMMUNITIES, LOCAL GOVERNMENT AND SUSTAINABLE DEVELOPMENT

Equal opportunities

165. The second consultation included a draft Equality Impact Assessment.

166. On religion and belief, a number of bodies have expressed their concern about the introduction of same sex marriage. The Scottish Government has tried to mitigate these by providing protections, such as the protections outlined at paragraphs 90 to 93 for religious and belief bodies and celebrants. Other religious and belief bodies have welcomed the planned introduction of same sex marriage and the opportunities for them to take part.

167. On sexual orientation, the Bill allows same sex couples to marry, thus increasing equality of opportunity.

168. On gender reassignment, the Bill removes the requirement on married transgender people to divorce before obtaining a full GRC. It also makes provision so that transgender people in a civil partnership can obtain a full GRC and stay together (in the civil partnership if both are acquiring a new gender or by changing the relationship to a marriage if one of them is acquiring a new gender). This increases equality of opportunity markedly for those affected.

35 This is at [http://www.scotland.gov.uk/Publications/2012/12/9433/272408](http://www.scotland.gov.uk/Publications/2012/12/9433/272408)
169. On age, data is available on the ages at which people marry or enter into a civil partnership and on how views on same sex marriage can be affected by the age of the person holding the views. However, it is hard to see any equality impact on the protected characteristic of age.

170. There is no evidence that the Bill has any impact on the protected characteristics of disability or race.

171. On sex, it appears that more women than men enter into civil partnership. However, it is hard to see any equality impact on the protected characteristic of sex.

Human rights

172. The Scottish Government considers that the Bill appropriately balances various rights. Those include the rights of those wishing to enter into a same sex marriage or civil partnership and the rights of religious and belief bodies and celebrants who do not wish to solemnise same sex marriages or register civil partnerships.

173. The Bill allows same sex couples to marry. It allows religious and belief celebrants who wish to solemnise such marriages, and register civil partnerships, to do so but also contains no requirement on any religious or belief body or on any religious or belief celebrant to make a request or apply to be authorised to solemnise or register a same sex marriage or civil partnership. The Bill respects the right of celebrants to hold any beliefs in relation to the solemnisation of same sex marriages and registration of civil partnerships. The Bill also makes it clear, in section 14, that the introduction of same sex marriage has no adverse impact on existing rights to freedom of expression.

174. The provisions of the Bill appear to the Government to be a proportionate response, dealing with conflicting aspirations.

175. The Government understands that the leading ECHR case on same sex marriage is Schalk and Kopf v Austria. Paragraph 61 of the judgment notes that “the question whether or not to allow same-sex marriage is left to regulation by the national law of the Contracting State”. Paragraph 62 goes on to say that: “In that connection the Court observes that marriage has deep-rooted social and cultural connotations which may differ largely from one society to another. The Court reiterates that it must not rush to substitute its own judgment in place of that of the national authorities, who are best placed to assess and respond to the needs of society”.

176. Therefore, the Government considers its proposals on same sex marriage and the religious or belief registration of civil partnerships are in line with the leading relevant case from the European Court of Human Rights.

177. In addition, the Government does not consider that any of the other provisions in the Bill conflict with the European Convention on Human Rights.

36 The judgment in Schalk and Kopf v Austria is at http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-99605#"itemid":"001-99605"
Island communities

178. The Bill has no identified differential effect on Scotland’s island communities.

Local government

179. The Bill has an impact on registration services provided by local government. These are considered in more detail in the Financial Memorandum and in the partial Business and Regulatory Impact Assessment (BRIA) prepared as part of the second consultation.

180. In brief, local authorities will no longer need to approve places where civil marriage ceremonies can take place. In future, civil marriage ceremonies can take place anywhere (other than religious premises) agreed between the couple and the registrar. Local authorities may lose licensing income in relation to approved places but will also be relieved of a licensing burden. There may also be increased demand for civil marriage ceremonies.

181. Local authority registrars will also need to familiarise themselves with arrangements for same sex marriage and for religious and belief registration of civil partnership. Familiarisation should be straightforward as arrangements are built on existing arrangements.

Sustainable development

182. The Bill has no effect on sustainable development.

SECTION 104 ORDER

183. There are a number of consequences flowing from the Bill which are matters reserved to the UK Parliament under the Scotland Act 1998. The Scottish Government and the UK Government will prepare an order under section 104 of the 1998 Act to cover these matters. The order will be voted on at Westminster.

184. At the moment, the Scottish Government has identified the following areas to be covered by the order:

- the amendment to the Equality Act 2010 to provide further protection as regards discrimination (more details on this are contained in paragraph 93);
- amendments to the Social Security Contributions and Benefits Act 1992; the Pension Schemes Act 1993 and the Human Fertilisation and Embryology Act 2008. These enactments are all reserved. The amendments made to them by the UK Bill following the proposed introduction of same sex marriage south of the border only extend to England and Wales and so amendments will be needed for Scotland;
- provision for Scottish same sex marriages to be recognised as civil partnerships in Northern Ireland;

37 The partial BRIA is at http://www.scotland.gov.uk/Publications/2012/12/9433/272407
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- ensuring that references to being married in existing and new legislation are taken to be read as applying equally to opposite sex and same sex marriage in relation to reserved matters. (Section 4 of this Bill only extends to devolved matters);

- amendment to section 14 of the Asylum and Immigration (Treatment of Claimants, etc.) Act 2004 to reflect that the Bill makes bigamy a statutory offence in Scotland rather than a common law offence;

- provision so that transgender people who married or entered into a civil partnership in Scotland but now live elsewhere in the UK are recognised under the laws applying elsewhere in the UK, as well as under Scots law;

- potentially, provisions to protect Scottish religious and belief celebrants carrying out armed forces weddings overseas, so that they do not need to carry out same sex ceremonies. (Schedule 6 to the UK Bill already has protections but these may need to be extended for marriages having a connection with Scotland);

- potentially, provisions to allow transgender persons resident in England and Wales but who married in Scotland to go to the High Court to appeal if they were issued with the incorrect Gender Recognition Certificate.
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

DELEGATED POWERS MEMORANDUM

PURPOSE

1. This Memorandum has been prepared by the Scottish Government in accordance with Rule 9.4A of the Parliament’s Standing Orders, in relation to the Marriage and Civil Partnership (Scotland) Bill. It describes the purpose of each of the subordinate legislation provisions in the Bill and outlines the reasons for seeking the proposed powers. This Memorandum should be read in conjunction with the Explanatory Notes and Policy Memorandum for the Bill.

2. The contents of this Memorandum are entirely the responsibility of the Scottish Government and have not been endorsed by the Scottish Parliament.

BACKGROUND

3. The Marriage and Civil Partnership (Scotland) Bill makes a number of changes to marriage and civil partnership law. Key points in the Bill are:

- It allows same sex couples to get married, with protections for religious bodies and celebrants who do not wish to take part.
- It puts belief celebrants on the same footing as religious celebrants.
- It introduces the religious and belief registration of civil partnerships.
- It makes provision so that persons in a civil partnership registered in Scotland can change the civil partnership into a marriage.
- It makes provision so that persons who are married can stay married and obtain a full Gender Recognition Certificate, providing legal recognition in their acquired gender.
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

- It gives the Scottish Ministers power to prescribe in regulations qualifying requirements which religious and belief bodies must meet before their celebrants are authorised to solemnise marriage or register civil partnerships.

- It allows civil marriage ceremonies to take place anywhere agreed between the couple and the registrar, except in religious premises.

- It makes bigamy a statutory offence.

- It makes provision so that deacons of the Church of Scotland are authorised on the face of the Marriage (Scotland) Act 1977 (“the 1977 Act”) to solemnise opposite sex marriage.

4. The Bill follows two consultations by the Scottish Government. The first consultation ran from 2 September 2011 to 9 December 2011. It was on general principles and attracted around 77,500 responses. The second consultation ran from 12 December 2012 to 20 March 2013. It was on a draft Bill and attracted around 15,000 responses.

APPROACH TO USE OF DELEGATED POWERS

5. The Government has had regard, when deciding where and how provision should be set out in subordinate legislation rather than on the face of the Bill, to:

- the need to strike the right balance between the importance of the issue and providing flexibility to respond to changing circumstances (for example, changes in relation to the existence and doctrine of religious or belief bodies) and to make changes quickly without the need for primary legislation;

- the need to allow detailed administrative and procedural arrangements to be kept up to date within the basic structures and principles set out in the primary legislation;

- the need to make proper use of valuable Parliamentary time; and

- the need to anticipate the unexpected, which might otherwise frustrate the purpose of the provision in primary legislation approved by the Parliament.

DELEGATED POWERS

Section 4(8) to (9) – meaning of marriage and related expressions in enactments and documents

<table>
<thead>
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Provision

6. Section 4(1) to (6) makes provision on how references to terms such as marriage in existing legislation and at common law should be interpreted. The provisions give the result that such terms will be interpreted to include same sex marriages. The power at subsection (8) gives the Scottish Ministers an order-making power to provide that the subsections have effect in a different way or do not apply. Such an order can, under subsection (9), include provisions which are consequential, supplementary, incidental, transitional, transitory or saving.

Reason for taking power

7. The general intention is that, in future, references to “marriage” and to married couples will be interpreted as including both same sex and opposite sex couples. However, there may be a small number of exceptions, reflecting that rights and responsibilities may not be exactly the same. For example, in public sector pension schemes, the intention is that same sex married couples will be treated in the same way as civil partners, rather than in the same way as opposite sex married couples. So contrary provision to the general intention may be required.

8. The power also allows consequential, supplementary, incidental, transitional, transitory or saving provision to be made. This reflects that the desired result may not be achievable by simply modifying or dis-applying the effect of any of the subsections (1) to (6). Additional provision may be necessary to ensure the intended meaning in terms of the order is clear. For example, in some cases provision may be needed to reflect the position of married transgender people, who may have been in an opposite sex marriage and which may become a same sex marriage.

9. It is also possible that transitional, transitory or saving provision may be needed in an order where, for example, the aim is to disapply the general intention for a limited period of time only, to allow adjustments to be made to take account of the general intention.

Choice of procedure

10. It is considered that negative procedure will offer an appropriate balance between, on the one hand, expedition and convenience and, on the other, the need for scrutiny for provisions of this nature. The power does not extend to amending primary legislation but rather can only be used to modify the effect of or disapply any of subsections (1) to (6). The Government expects to discuss any potential order with key stakeholders beforehand to obtain technical and policy comments on what is proposed.
Section 8(1) – change of qualifying civil partnership into marriage

Power conferred on: The Scottish Ministers, after consultation with the Registrar General of Births, Deaths and Marriages for Scotland

Power exercisable by: regulations

Parliamentary procedure: negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies

Provision

11. This provision relates to procedures by which qualifying civil partnerships can change their civil partnership to marriage by means of an administrative process. Under section 8(7), “qualifying civil partnership” is defined by reference to section 5(6) of the Marriage (Scotland) Act 1977 (as inserted by section 7(3)(b) of the Bill). The definition covers civil partnerships registered in Scotland and certain civil partnerships registered overseas through the UK diplomatic service and the UK armed forces.

12. The provision allows regulations to be made covering the application process; the information required from the applicants; evidence needed; any requirement to attend at a particular place or appear before a particular person; the conferring of functions (including in relation to the recording of information and issuing certified copies of any such information); fees and the effect of changing a qualifying civil partnership into a marriage.

Reason for taking power

13. The Bill, at section 7, already allows qualifying civil partners to change their civil partnership to a marriage by going through a marriage ceremony. However, some civil partners (for example, persons who registered in Scotland but now live overseas) may wish to change their civil partnership to a marriage through administrative arrangements. The detailed arrangements may be complex – the Government would intend to establish a working group to consider them. Therefore, it is appropriate to set out the detailed provisions in secondary legislation rather than on the face of the Bill.

14. The power includes the ability to make consequential, supplementary, incidental, transitional, transitory and saving provision and the ability to modify any enactment including the Bill.

15. This reflects that, for example, changing a qualifying civil partnership to a marriage may have an effect on the existing registration of the civil partnership and provision may be required on what the consequences of that effect should be. Provision may include altering existing legislation about, for example, the register of civil partnerships.
16. Provision may also be needed on the effect of changing a civil partnership to a marriage. Section 9 of the Bill makes provision on the effects of having a marriage ceremony to change a civil partnership to a marriage. The general intention is that when civil partners in a qualifying civil partnership become married through administrative arrangements established under section 8, the effect of that change will be the same as in section 9(1) of the Bill. Consequential provision may be needed using the powers at section 8(5) on the effects of changing a civil partnership to a marriage through administrative arrangements, for example to make provision similar to section 9(6) and (7) in the Bill.

17. Provision may also be needed in respect of people in a civil partnership who obtain an interim gender recognition certificate. Under section 4C(3) of the Gender Recognition Act 2004, inserted by paragraph 5 of schedule 2 to the Bill, a person in a protected Scottish civil partnership (defined by amendments at paragraph 2 of schedule 2) may, in certain circumstances, make an application to change an interim gender recognition certificate to a full gender recognition certificate. (A full gender recognition certificate provides legal recognition in an acquired gender).

18. Section 4C(3) operates on the basis that the civil partners change their civil partnership to a marriage through a ceremony. The powers at section 8(5) may need to be used to amend section 4C(3) to reflect any administrative arrangements established under section 8 to change civil partnerships to marriages.

Choice of procedure

19. In line with usual practice, the regulations will be subject to affirmative procedure if they amend any primary legislation. Given the likelihood, as mentioned above, that there will be a need to amend provisions in the Gender Recognition Act 2004, the Government considers it likely that an order under these powers would be used to amend primary legislation and, therefore, affirmative procedures would apply. If any order should not amend primary legislation, it would appear appropriate for negative procedure to apply, given that the provisions are detailed and technical and deal with procedural matters.

Section 9(4) and (5) – effect of marriage between civil partners in a qualifying civil partnership

Power conferred on: The Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure

Provision

20. Section 9(1)(b) of the Bill provides that when civil partners in a qualifying civil partnership have a marriage ceremony to change their relationship to a marriage, the civil partners are to be treated as having been married to each other since the date on which the qualifying civil partnership was registered.
21. Section 9(3)(b) provides that this is subject to any contrary provision made by order under subsection (4). The power at subsection (4) gives the Scottish Ministers an order-making power to provide that section 9(1)(b) has effect in a different way or does not apply. Such an order can, under subsection (5), include provisions which are consequential, supplementary, incidental, transitional, transitory or saving.

Reason for taking power

22. The general intention is that same sex couples who change their civil partnership into a marriage should be regarded as having been married from when they first entered into the civil partnership. This is relevant, for example, if the couple subsequently divorce. Under the Family Law (Scotland) Act 1985, financial provision is based on a concept of “matrimonial property”. This is, broadly, property acquired for and during the marriage. It could produce perverse results if property acquired for and during the preceding civil partnership did not count as part of the “matrimonial property”.

23. However, there may be circumstances where it is not always appropriate to treat same sex couples who change their civil partnership into a marriage as having been married from when they first entered into the civil partnership. For example, provision may be needed in relation to civil partnerships which turn out to be void but are changed into marriage before it is realised they are void so the marriage is not backdated to when the civil partnership first started. In addition, there may be a need to recognise any court decrees from outwith Scotland which relate specifically to civil partnerships.

24. The power includes the ability to make consequential, supplementary, incidental, transitional, transitory and saving provision. It may not be straightforward to make provision for cases where marriages formed after changing civil partnerships to a marriage are not to be treated as having been formed when the civil partnership was first entered into. For example, any provision relating to the recognition of foreign decrees applying to civil partnerships which have now become marriages might need to outline what recognition should be given to such decrees and whether there should be any time limits on the recognition of such decrees.

Choice of procedure

25. It is considered that negative procedure will offer an appropriate balance between, on the one hand, expedition and convenience and, on the other, the need for scrutiny for provisions of this nature. The power does not extend to amending primary legislation but rather can only be used to modify the effect of or disapply subsection (1)(b) in specified cases. The Government expects to discuss any potential order with key stakeholders beforehand to obtain technical and policy comments on what is proposed.
Section 10(2)(a)(ii) (amendment to section 8(1)(a)(ii) of the 1977 Act) – Persons who may solemnise marriage: power to prescribe religious or belief bodies whose celebrants are authorised to solemnise opposite sex marriage

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure

Section 10(2)(b) (inserted section 8(1B)(a)(i) of the 1977 Act) – Persons who may solemnise marriage: power to prescribe religious or belief bodies whose celebrants are authorised to solemnise same sex marriage

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure

Section 22(13) (inserted section 94A(1)(a)(i) of the 2004 Act) – Registration of civil partnership: power to prescribe religious or belief bodies whose celebrants are authorised to register civil partnerships

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure

Provision

26. Section 10(2)(a)(ii) of the Bill amends section 8(1)(a)(ii) of the 1977 Act. This amendment extends the existing regulation-making power to allow the Scottish Ministers to prescribe religious or belief bodies whose celebrants are authorised to solemnise opposite sex marriage. The existing power relates to religious bodies only.

27. Section 10(2)(b) of the Bill inserts a new subsection (1B) into section 8 of the 1977 Act. Section 8(1B)(a)(i) allows the Scottish Ministers to prescribe religious or belief bodies whose celebrants are authorised to solemnise same sex marriage.

28. Section 22(13) of the Bill inserts section 94A into the Civil Partnership Act 2004 (“the 2004 Act”). Section 94A(1)(a)(i) allows the Scottish Ministers to prescribe religious or belief bodies whose celebrants are authorised to register civil partnership.

Reason for taking power

29. Section 10(2)(a)(ii) amends existing powers in the Marriage (Scotland) Act 1977 in relation to prescribing religious bodies whose celebrants are authorised to solemnise opposite sex marriage.
30. There are, at the moment, four ways in which celebrants can be authorised to solemnise marriage. Church of Scotland ministers are automatically authorised by section 8(1)(a)(i) of the 1977 Act; religious bodies can be prescribed by regulations made under section 8(1)(a)(ii); other religious bodies can nominate persons to the Registrar General for Scotland to be registered to solemnise marriage under section 9 and the Registrar General may give temporary authorisation for celebrants under section 12.

31. The effect of prescribing bodies by regulations is that their celebrants are then authorised to solemnise marriage. The reason for prescribing bodies is to reduce bureaucracy: it saves them from having to regularly nominate persons to the Registrar General. There may be bodies whose celebrants solemnise a large number of ceremonies each year\(^2\). Authorising their celebrants by name under section 9 is likely to be onerous for them and for the Registrar General who deals with each application.

32. Prescribing bodies under section 8, rather than authorising persons under section 9, also effectively places an onus on the body to ensure that their celebrants are following appropriate procedures on the conduct of ceremonies. Whereas if a celebrant is authorised by name under section 9, the Registrar General may, under section 10 of the 1977 Act, remove that person from the register where procedures have not been complied with.

33. The amendments made by section 10(2)(a)(ii) of the Bill allows the Scottish Ministers to prescribe belief bodies whose celebrants would then be authorised to solemnise opposite sex marriage. This reflects the overall policy intention to place belief bodies on the same footing as religious bodies in relation to opposite sex marriage.

34. Paragraph 2.26 of the Scottish Government’s second consultation, on a draft Bill, noted that the current regulations (SI 1977/1670) need to be revised. The current regulations are made under the existing powers. The consultation noted that one body (the Congregational Union of Scotland) no longer exists; another body, the United Reformed Church, has indicated that it would like to be prescribed; and, with the exception of the Hebrew Congregation, all of the bodies currently prescribed are Christian and there may be scope to prescribe other non-Christian bodies. In their response to the second consultation, the Scottish Council of Jewish Communities (SCoJeC) noted that the nomenclature of “The Hebrew Congregation” should be changed to “The Jewish Community”\(^3\).

35. The Scottish Government would intend to contact extant bodies which are currently prescribed, and other major religious and belief bodies, and ask if they would wish to be prescribed so their celebrants could solemnise opposite sex marriage in future. The Government expects to consult publicly on prescribing bodies. Any consultation would be linked to the “qualifying requirements”: the “qualifying requirements” are explained at paragraphs 45 to 62 below.

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\(^3\) The SCoJeC response to the second consultation is at [http://www.scojec.org/consultations/2013/13iii_marriage_and_civil_partnership.pdf](http://www.scojec.org/consultations/2013/13iii_marriage_and_civil_partnership.pdf) The comments on nomenclature are at the end of the response.
36. Section 10(2)(b) of the Bill allows Ministers to prescribe religious or belief bodies whose celebrants are authorised to solemnise same sex marriage.

37. This power in section 10(2)(b) is separate to the power in section 8(1) to prescribe religious or belief bodies whose celebrants are authorised to solemnise opposite sex marriage. This separate power reflects that a number of bodies who wish to solemnise opposite sex marriage may not wish to solemnise same sex marriage.

38. Some bodies which are prepared to solemnise same sex marriage may have celebrants who object to doing so, notwithstanding the position of the body they belong to. In these cases, the Scottish Government would not expect to prescribe the body using the power in section 8(1B) of the 1977 Act. Instead, the body could, under section 9 of the 1977 Act, as amended by the Bill, nominate persons to the Registrar General to be empowered to solemnise same sex marriage. This would allow the body to nominate only those persons who are content to solemnise same sex marriage.

39. The Scottish Ministers would expect to consult publicly on prescribing bodies whose celebrants would be authorised to solemnise same sex marriage. Any consultation would be linked to the “qualifying requirements”: the “qualifying requirements” are explained at paragraphs 45 to 62 below.

40. Section 22(13) of the Bill inserts section 94A into the 2004 Act. Section 94A(1)(a)(i) allows the Scottish Ministers to prescribe religious or belief bodies whose celebrants are authorised to register civil partnership. At the moment, civil partnerships can only be registered through a civil ceremony. The Bill changes that to allow them to be registered through a religious or belief ceremony as well. The proposed procedures are in line with the procedures used to authorise celebrants to solemnise marriage. Therefore:

- religious or belief bodies can be prescribed by regulations so that their celebrants are authorised to register civil partnership; or
- the names of persons wishing to be empowered to register civil partnership can be put forward by religious or belief bodies to the Registrar General.

41. In addition, the Registrar General may grant temporary authorisations.

42. As with marriage, the reason for prescribing bodies is to reduce bureaucracy. It saves such bodies from having to regularly nominate persons to the Registrar General and saves the Registrar General from having to deal with individual applications. Where members of a religious or belief body have mixed views on carrying out services for same sex couples, it may be appropriate for a body to nominate persons to the Registrar General rather than be prescribed by regulations.

43. The Scottish Ministers would expect to consult publicly on prescribing bodies whose celebrants would be authorised to register civil partnerships. Any consultation
would be linked to the “qualifying requirements”: the “qualifying requirements” are explained at paragraphs 45 to 62 below.

Choice of procedure

44. The Scottish Government considers that negative procedure will provide the appropriate level of scrutiny in relation to regulations which list religious or belief bodies. Before making the regulations, the Scottish Government will have liaised with the bodies to confirm that they wish to be prescribed. The existing regulation-making power in section 8(1)(a)(ii) of the 1977 Act on prescribing of religious bodies is not subject to negative or affirmative parliamentary procedure, consistent with the general approach taken by the 1977 Act.

Section 10(2)(b) (inserted section 8(1E) of the 1977 Act) – Persons who may solemnise marriage: power in relation to qualifying requirements for bodies to meet before they can be prescribed so their celebrants are authorised to solemnise marriage

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure

Section 11(2)(e) (inserted section 9(2A) of the 1977 Act) – Registration of nominated persons as celebrants: power on qualifying requirements for nominating bodies to meet when putting forward persons to the Registrar General to be empowered to solemnise marriage

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure

Section 12(2)(b) (inserted section 12(1D) of the 1977 Act) – Temporary authorisation of celebrants: power on qualifying requirements in relation to temporary celebrants

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure

Section 22(13) (inserted section 94A(5) of the 2004 Act) – Registration of civil partnerships: power in relation to qualifying requirements for bodies to meet before they can be prescribed so their celebrants are authorised to register civil partnerships

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure
Section 22(13) (inserted section 94(B)(3) of the 2004 Act) – Registration of civil partnership: power on qualifying requirements for nominating bodies to meet when putting forward persons to the Registrar General to be empowered to register civil partnership

Power conferred on: The Scottish Ministers  
Power exercisable by: regulations  
Parliamentary procedure: negative procedure

Section 22(13) (inserted section 94E(4) of the 2004 Act) – Registration of civil partnership: power on qualifying requirements in relation to temporary authorisations to register civil partnerships

Power conferred on: The Scottish Ministers  
Power exercisable by: regulations  
Parliamentary procedure: negative procedure

Provision

Qualifying requirements in respect of prescribed religious or belief bodies so its celebrants can solemnise marriage

45. Section 10(2)(b) of the Bill inserts subsection (1A) into section 8 of the 1977 Act. The new subsection (1A) provides that the Scottish Ministers may only prescribe a religious or belief body so that its celebrants can solemnise opposite sex marriage if the body requests to be prescribed and the body meets the qualifying requirements.

46. Section 10(2)(b) of the Bill inserts subsection (1C) into section 8 of the 1977 Act. The new subsection (1C) provides that the Scottish Ministers may only prescribe a religious or belief body so that its celebrants can solemnise same sex marriage if the body requests to be prescribed and the body meets the qualifying requirements.

47. Section 10(2)(b) of the Bill inserts subsection (1E) into section 8 of the 1977 Act. The new subsection (1E) provides that “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Qualifying requirements when persons are nominated to the Registrar General to solemnise marriage

48. Section 11 of the Bill amends section 9 of the 1977 Act. Under the provisions, religious or belief bodies, other than the Church of Scotland and bodies prescribed by regulations, can put forward to the Registrar General persons they wish to be empowered to solemnise opposite sex marriage. Similarly, religious and belief bodies, other than those prescribed by Statutory Instrument, can put forward to the Registrar General persons they wish to be empowered to solemnise same sex marriage.
49. The Registrar General has to reject nominations when certain circumstances arise. One of these is when, in his or her view, the nominating body does not meet qualifying requirements set out in regulations made by the Scottish Ministers. Under the new subsection (2A) of section 9 of the 1977 Act, inserted by section 11(2)(e) of the Bill, the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Qualifying requirements in respect of temporary authorisation of celebrants to solemnise marriage

50. Section 12 of the Bill amends section 12 of the 1977 Act. Under these provisions, persons who are members of a religious or belief body may obtain temporary authorisation from the Registrar General to solemnise opposite sex or same sex (or both) marriages. Under new subsection (1A) of section 12 of the 1977 Act, inserted by section 12(2)(b) of the Bill, the Registrar General may grant an authorisation only if satisfied that the body of which the person is a member meets the qualifying requirements. Under new subsection (1D) of section 12 of the 1977 Act, the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Qualifying requirements in respect of prescribed religious or belief bodies so its celebrants can register civil partnerships

51. Section 22(13) of the Bill inserts section 94A into the 2004 Act, on persons who may register civil partnerships. Section 94A(2)(b) provides that the Scottish Ministers may only prescribe a religious or belief body so its celebrants are authorised to register civil partnerships if Ministers are satisfied that the body meets the qualifying requirements. Section 94A(5) provides that the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Qualifying requirements when persons are nominated to the Registrar General to register civil partnerships

52. Section 22(13) of the Bill inserts section 94B into the 2004 Act. This makes provision so that a religious or belief body which has not been prescribed by regulations made under section 94A can nominate to the Registrar General persons who it wishes to be empowered to register civil partnership. Section 94B(2)(d) provides that the Registrar General must reject a nomination if in the Registrar General’s opinion the nominating body does not meet the qualifying requirements. Section 94B(3) provides that the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Qualifying requirements in respect of temporary authorisation of celebrants to register civil partnerships

53. Section 22(13) of the Bill inserts section 94E into the 2004 Act. This makes provision so that the Registrar General may grant temporary authorisation to register civil partnerships to any member of a religious or belief body. Section 94E(2) provides that
the Registrar General may only grant such an authorisation if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements. Section 94E(4) provides that the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

Reason for taking power

54. Paragraphs 2.15 to 2.17 of the second consultation outlined the rationale for introducing qualifying requirements.

55. As the consultation outlined, the Scottish Government and the Registrar General wish to ensure the integrity of Scottish marriage ceremonies, both opposite sex and same sex, which are legally recognised by the state. One of the strengths of the Scottish system is its diversity and variety. Couples are free to have a civil or religious or belief ceremony. However, recognising a wide range of bodies to solemnise marriages brings its own challenges. As the consultation noted, forced marriages and sham marriages are growing problems.

56. Therefore, the aim of the qualifying requirements is to ensure that religious and belief bodies have robust procedures in place for dealing with issues which may arise in relation to marriage ceremonies. Powers to lay down qualifying requirements for bodies to meet in relation to civil partnerships have also been taken. The Government is not aware of any particular issues at the moment in relation to forced civil partnerships but such issues could arise. Sham civil partnerships could be set up for similar reasons as sham marriages (eg to avoid immigration controls).

57. The type of requirements which might be laid down were outlined in paragraph 2.21 of the second consultation paper. These referred specifically to marriages but similar points could arise in relation to civil partnerships:

- The religious or belief body and their celebrants would not be allowed to solemnise marriages, or register civil partnerships, for profit or gain.
- The religious or belief body would have to show that their celebrants were trained in areas such as tackling forced marriage and sham marriage or civil partnership.
- The religious or belief body would have to show that their celebrants discuss the forthcoming marriage or civil partnership with the couple.
- The religious or belief body would have to show that their celebrants have a track record in carrying out relevant ceremonies (eg marriages recognised by the state; marriages or blessings not recognised by the state; baptisms or baby namings).

58. New sections 8(1F), 9(2B) and 12(1E) of the 1977 Act, inserted, respectively, by sections 10(2), 11(2) and 12(2) of the Bill, allow regulations to make different provision for different cases or circumstances. This would, for example, allow Ministers to
distinguish between the requirements to meet to solemnise opposite sex marriage and the requirements to meet to solemnise same sex marriage. Power is also taken in respect of transitional and saving provision. This may be needed in respect of marriages planned before any qualification requirements are put in place.

59. The regulation-making powers added to the 2004 Act are subject to the provisions already in place at section 258 of the 2004 Act.

60. The second consultation made it clear, at paragraph 2.20, that there would be a consultation on any regulations establishing qualifying requirements before the regulations are brought into effect. This would cover any regulations introducing qualifying requirements, whether in relation to marriage or civil partnership.

Choice of procedure

61. The negative procedure applies to all of the regulations, as a result of the following provisions:

- section 8(1G) of the 1977 Act (inserted by section 10(2)(b) of the Bill);
- section 9(2C) of the 1977 Act (inserted by section 11(2)(e) of the Bill);
- section 12(1F) of the 1977 Act (inserted by section 12(2)(b) of the Bill);
- section 126(4) of the 2004 Act, as amended by section 22(20) of the Bill.

62. It is considered that negative procedure will offer an appropriate balance between, on the one hand, expedition and convenience and, on the other, the need for scrutiny for provisions of this nature. There will be consultation on any regulations laying down qualifying requirements. In particular, the Government will work closely with religious and belief bodies, and with National Records of Scotland, before any regulations to lay down qualifying requirements are made. The Government considers that the key aim of ensuring the integrity of marriage and civil partnership ceremonies is shared across society but recognises that the detail will be important for religious and belief bodies, to ensure that what is proposed is practical and realistic.

Section 16(2) – the marriage schedule

<table>
<thead>
<tr>
<th>Power conferred on:</th>
<th>The Registrar General of Births, Deaths and Marriages for Scotland, with the approval of the Scottish Ministers.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power exercisable by:</td>
<td>regulations</td>
</tr>
<tr>
<td>Parliamentary procedure:</td>
<td>laid before Parliament under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010</td>
</tr>
</tbody>
</table>
Provision

63. Section 16(2)(a) amends section 6 of the 1977 Act. Section 6 of the 1977 Act relates to the marriage schedules – forms which are completed when a marriage takes place. In accordance with section 6(1) of the 1977 Act, a marriage schedule is to be in a form prescribed by regulations. Section 26(2) of the 1977 Act provides that “prescribed” means prescribed by regulations made by the Registrar General. The amendment allows different provision for different cases or circumstances.

Reason for taking power

64. The current marriage schedule refers to “bridegroom” and “bride”. These terms are not appropriate in relation to same sex marriage. The amendment would allow different marriage schedules to be prescribed for same sex marriages when compared with opposite sex marriages.

Choice of procedure

65. This provision amends existing powers in the 1977 Act. The approach taken in the 1977 Act is that regulations made by the Registrar General are not subject to negative or affirmative Parliamentary procedures (unless they set fees, when they are subject to the negative procedure). Having no negative or affirmative Parliamentary procedure for this amended power is consistent with the 1977 Act generally. The default position applies under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010, so that the regulations are laid before Parliament.

Section 22(15) – Registration of civil partnership: prescribed forms requiring delivery of civil partnership schedule

Power conferred on: The Registrar General, with the approval of the Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative

Provision

66. Section 22(15) adds section 95ZA to the 2004 Act. The new provision allows the district registrar to serve notices in the prescribed form if the civil partnership schedule is not delivered to the district registrar.

67. By virtue of section 126 of the 2004 Act, “prescribed” means prescribed by the Registrar General, with the approval of the Scottish Ministers, in regulations subject to annulment in pursuance of a resolution of the Scottish Parliament (i.e. the negative procedure).
Reason for taking power

68. Currently, civil partnerships can only be registered through civil ceremonies. The Bill introduces religious or belief registration of civil partnerships.

69. As a result, the Bill makes provision for the schedule to be issued to one or both of the parties to the intended civil partnership where the partnership will be registered by an approved celebrant (see the amendments made to section 94 of the 2004 Act by section 22(12)(c) of the Bill). The Bill also makes provision for the schedule to be returned (see new subsection (1A) of section 95 of the 2004 Act, as inserted by section 22(14)(b) of the Bill).

70. The new section 95ZA makes provision on the district registrar serving notices in the prescribed forms if the schedule is not returned. The first notice, which can be served if the district registrar does not receive the schedule within 21 days of the date of registration, requires one of the parties to the civil partnership to deliver the schedule or post it to the registrar within 8 days. The second notice, served if the first is not complied with, requires the person to attend the registration office within 8 days to deliver the schedule to the district registrar.

71. As section 95ZA(2) provides, the purpose of these provisions is to enable the registrar to enter the civil partnership in the register.

72. Failure to comply with the second notice is an offence: see section 100(3A)(d) of the 2004 Act, as added by section 22(19)(b) of the Bill.

73. The provisions in section 95ZA are based on similar procedures in relation to marriage contained in section 16 of the 1977 Act.

Choice of procedure

74. The negative procedure appears appropriate to prescribe a form. This is in line with existing powers to prescribe forms relating to the registration of civil partnerships which are subject to the negative procedure. It would not appear to be an effective use of Parliamentary time to apply affirmative procedures to an SSI prescribing forms. The forms would be straightforward and would be based on similar forms already in place in relation to requiring the delivery of marriage schedules. We do not consider that the content of these forms should merit a higher degree of scrutiny than that already provided for in the 2004 Act in relation to other forms.

Section 28(1) – renewed marriage or civil partnership following issue of full gender recognition certificate

<table>
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<tr>
<th>Power conferred on:</th>
<th>The Scottish Ministers after consultation with the Registrar General of Births, Deaths and Marriages for Scotland</th>
</tr>
</thead>
<tbody>
<tr>
<td>Power exercisable by:</td>
<td>regulations</td>
</tr>
<tr>
<td>Parliamentary procedure:</td>
<td>negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies</td>
</tr>
</tbody>
</table>
Provision

75. This provision relates to a married person or person in a civil partnership who has obtained a full Gender Recognition Certificate being able to have a renewal marriage or civil partnership ceremony, to reflect the acquired gender.

76. The regulations could cover: the giving of notice of intention to enter into a renewed marriage or civil partnership; the information required from the parties; evidence needed; any requirement to attend at a particular place or appear before a particular person; the conferring of functions (including in relation to the recording of information, the issue of certified copies of any such information and the conducting of services or ceremonies); fees; and the effect of entering into a renewed marriage or civil partnership.

77. The Bill makes provision, in schedule 2, for married persons to apply to the Gender Recognition Panel and receive a full Gender Recognition Certificate, which provides legal recognition in the acquired gender. Provision is also made in schedule 2 for civil partners to obtain a full Gender Recognition Certificate when both are acquiring a new gender.

78. The regulation-making power at section 28 enables procedures to be established so that persons can have a renewed marriage or civil partnership ceremony in their acquired gender. This could be used so that the couple could receive a marriage or civil partnership certificate reflecting the acquired gender. There is also a regulation-making power at paragraph 8 of schedule 2 which could allow changes to be made to marriage and civil partnership certificates through administrative procedures.

79. The power includes the ability to make consequential, supplementary, incidental, transitional, transitory and saving provision. This reflects that, for example, undergoing a renewal ceremony may have an effect on the existing registration of the relationship. In addition, further provision may be needed to protect religious and belief bodies and celebrants who would not wish to carry out renewal ceremonies.

80. The Scottish Government, with the Registrar General, will discuss in a working group the detail of any provision in this area. In particular, the Government will discuss with stakeholders the benefits and dis-benefits of establishing procedures under this route and how such procedures will work together with or separately to the powers at paragraph 8 of schedule 2.

Choice of procedure

81. Negative procedure seems appropriate for detailed procedural matters in this area. In line with usual practice, the affirmative procedure will apply if amendments are made to primary legislation.

Section 31 – ancillary provision

Power conferred on: The Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies.

Provision

82. Section 31(1) allows ministers to make by order such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, or for giving full effect to, any provision of the Bill.

Reason for taking power

83. As with any new body of law, the Bill may give rise to a need for a range of ancillary provisions. This Bill makes a number of significant amendments to marriage and civil partnership law. The ancillary provision is needed to ensure that the policy intentions of the Bill are achieved if further changes are found to be necessary as a result of provision in the Bill. The ancillary power is wide-ranging but the Bill needs to interact well with existing legislation as well as practices and procedures in these areas. There are a number of areas which ancillary powers might have to deal with. These include, for example, formally revoking Scottish Statutory Instruments made under powers being repealed under this Bill and ensuring that marriages arranged before changes to celebrant authorisations are made can continue to take place.

84. The power will also allow the Scottish Ministers to make further changes should there be any unforeseen issues. Without this power, it may be necessary to make further primary legislation to deal with a matter which is clearly within the policy intentions of the Bill. The Scottish Government considers that this would not be an effective use of resources by the Parliament or the Scottish Government.

85. The power, whilst potentially wide, is limited to the extent that it can only be exercised if the Scottish Ministers consider it necessary or expedient for the purposes of, or in connection with, or for giving full effect to any provision of the Bill.

Choice of procedure

86. In line with usual practice, orders will follow the affirmative procedure when they are amending primary legislation. Otherwise, they will follow the negative procedure. It is considered that this provides the appropriate degree of parliamentary scrutiny where primary legislation is being amended but will strike the appropriate balance between expedition and convenience on the one hand and, on the other hand, the need for parliamentary scrutiny where subordinate legislation is being amended.
Section 32 – commencement

Power conferred on: The Scottish Ministers
Power exercisable by: order
Parliamentary procedure: laid before Parliament under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010

Provision

87. Section 32(2) enables the Scottish Ministers to commence the Bill by conferring a power on Ministers, by order, to bring the provisions of the Bill into force on such day as the Scottish Ministers appoint. Section 32(2) provides that such an order may include transitional, transitory or saving provision. This might be required, for example, in relation to marriages being solemnised using existing authorisations under the 1977 Act. It is usual practice for such commencement provisions to be dealt with by subordinate legislation.

Reason for taking power

88. It is standard for Ministers to have powers over the commencement of Bills. It is considered appropriate for the substantive provisions of the Bill to be commenced at such a time as the Scottish Ministers consider to be suitable.

Choice of procedure

89. As is now usual for commencement orders, the default laying requirement in section 30 of the Interpretation and Legislative Reform (Scotland) Act applies. We see no reason to depart from this position in relation to the order-making power in this case. As indicated in paragraph 87, a commencement order may include transitional, transitory or saving provision. The Government expects that any such provision should be straightforward. As indicated in paragraph 87, the particular area we have identified is ensuring that marriages already due to take place under existing authorisations under the 1977 Act when the relevant provisions in the Bill are commenced can continue to take place.

Schedule 1 (paragraph 1(4)) - jurisdiction in proceedings relating to same sex marriages

Power conferred on: The Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: affirmative procedure
Provision

90. The Domicile and Matrimonial Proceedings Act 1973 ("the 1973 Act") makes provision on the jurisdiction of the Scottish courts to deal with court actions on divorce, separation, declarator of nullity of marriage and declarator of marriage and on actions for declarator of recognition or non-recognition of relevant foreign decrees.

91. The rules in the 1973 Act often define jurisdiction by reference to Council Regulation 2201/2003 (known as Brussels IIa) on jurisdiction, recognition and enforcement of judgments in matrimonial matters and in the matters of parental responsibility. Paragraph 2 of Schedule 1B to the 1973 Act, as inserted by paragraph 1(4) of schedule 1 to the Bill, creates a power for the Scottish Ministers to make regulations about the jurisdiction of the courts in relevant proceedings in relation to a same sex marriage. The regulations may correspond with the terms of the Brussels IIa Regulation.

92. The regulation-making power also enables the Scottish Ministers to make provision as to the recognition, or non-recognition, in Scotland of any judgment of a court of another member State which orders the divorce, separation or annulment of a same sex marriage.

Reason for taking the power

93. Brussels IIa extends to opposite sex marriage only. The power in the Bill enables equivalent provision to be made for same sex married couples. In relation to the power about recognition of judgments, section 45 of the Family Law Act 1986 makes provision about recognition of overseas judgments in relation to divorce, annulments and legal separation. Section 45(2) specifies that section 45 and subsequent provisions do not apply to such judgments insofar as provision as to recognition is made by the Brussels IIa Regulation.

94. Given that Brussels IIa only applies to opposite sex marriage, it is considered useful for the Scottish Ministers to take a power to make equivalent provision to that set down in Brussels IIa as to the recognition, or non-recognition, of a judgment of a court of another member State in relation to a same sex marriage. The provision on recognition of judgments is capable of applying retrospectively to enable relevant judgments to be recognised even if the judgments were issued prior to the provision being brought into force.

95. Similar provision for civil partners was made in section 219 of the Civil Partnership Act 2004. This power has been used to make the Civil Partnership (Jurisdiction and Recognition) (Scotland) Regulations 2005 (SSI 2005/629)⁴

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Choice of procedure

96. As this involves jurisdictional issues in a number of areas, affirmative procedure seems appropriate. The equivalent power in section 219 of the 2004 Act is subject to affirmative procedures.

Schedule 2 (paragraph 6) – change of gender of married persons or civil partners

Power conferred on: Scottish Ministers, consulting the Registrar General for Scotland
Power exercisable by: order
Parliamentary procedure: negative procedure unless amendments are made to primary legislation in which case the affirmative procedure applies.

Provision

97. Schedule 2 to the Bill amends the Gender Recognition Act 2004. This Act makes provision on people applying to the Gender Recognition Panel to obtain legal recognition in an acquired gender. The key policy changes being made by the Bill are to allow a married people and civil partners to stay in their relationship when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender.

98. The Bill makes provision at section 7 for civil partners to change their relationship to a marriage and obtain a full Gender Recognition Certificate. Paragraph 6 of schedule 2 would allow an order to be made to introduce a more streamlined process, to reduce the number of steps civil partners would have to go through to change their civil partnership to a marriage and obtain the full Gender Recognition Certificate. The order could cover the evidence or other information required with the application; procedures to be followed; the effect of issuing a full Gender Recognition Certificate and provision to change the civil partnership into a marriage.

Reason for taking power

99. The aim is to introduce a more streamlined procedure to reduce the number of steps which civil partners would have to go through. The procedures may be detailed and so it is appropriate for them to be included in an order rather than on the face of the Bill. Potential procedures could include the applicant in a civil partnership applying to the Gender Recognition Panel to obtain recognition in an acquired gender; the applicant including statutory declarations to show that both parties wish to stay in the civil partnership; the Panel granting a full Gender Recognition Certificate and the couple then changing their civil partnership to a marriage.

100. Power is taken to amend primary legislation in cases changes are required to the Marriage (Scotland) Act 1977, the Gender Recognition Act 2004 and the Civil Partnership Act 2004.
This document relates to the Marriage and Civil Partnership (Scotland) Bill (SP Bill 36) as introduced in the Scottish Parliament on 26 June 2013

Choice of procedure

101. Negative procedure appears appropriate for detailed procedures matters of this nature. In line with usual practice, orders would follow the affirmative procedure if they are amending primary legislation.

Schedule 2 (paragraph 8) – change of gender of married persons or civil partners

Power conferred on: Registrar General, with the approval of the Scottish Ministers

Power exercisable by: regulations

Parliamentary procedure: negative resolution

Provision

102. Paragraph 8 of schedule 2 contains provisions to allow the Registrar General, with the approval of the Scottish Ministers, to make regulations on the registration of qualifying Scottish marriages and civil partnerships.

Reason for taking power

103. Following gender recognition where the person has stayed in his or her relationship, changes may be required to marriage and civil partnership certificates. These changes may be carried out by an administrative route or may follow a renewal marriage or civil partnership ceremony (as outlined in section 28 of the Bill). This power allows the Registrar General, with the approval of the Scottish Ministers, to lay down detailed procedures. Procedures could include the issue of a revised marriage or civil partnership certificate to reflect gender acquisition. In addition, it may be necessary for a link to be made from the original certificate to the revised certificate so that the parties to the marriage or the civil partnership can have access to both.

104. It is customary for the Registrar General to be involved in making regulations relating to registration.

105. The Government and the Registrar General will discuss the detail of procedures in this area with key stakeholders.

Choice of procedure

106. Negative procedure is considered appropriate for detailed procedural matters of this nature as the regulations would simply be setting out an administrative process under which qualifying marriages and civil partnerships may be registered and relevant certificates issued following the acquisition of a new gender. There will be consultation with key stakeholders on these regulations. In particular, NRS and the Government will work closely with the transgender community so that those who could be affected by any
registration procedure will be given the opportunity to express their views and ensure that what is proposed is practical and realistic.

Scottish Government
June 2013
Equal Opportunities Committee

5th Report, 2013 (Session 4)

Stage 1 report on the Marriage and Civil Partnership (Scotland) Bill

Published by the Scottish Parliament on 8 November 2013
Equal Opportunities Committee

5th Report, 2013 (Session 4)

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Equal Opportunities Committee

Remit and membership

Remit:

1. The remit of the Equal Opportunities Committee is to consider and report on matters relating to equal opportunities and upon the observance of equal opportunities within the Parliament.

2. In these Rules, “equal opportunities” includes the prevention, elimination or regulation of discrimination between persons on grounds of sex or marital status, on racial grounds or on grounds of disability, age, sexual orientation, language or social origin or of other personal attributes, including beliefs or opinions such as religious beliefs or political opinions.”

(Sitting Orders of the Scottish Parliament, Rule 6.9)

Membership:

Christian Allard (from 22 May 2013)
Marco Biagi (from 18 September 2012) (Deputy Convener from 8 November 2012)
Mary Fee (Convener) (until 4 September 2013)
John Finnie
Annabel Goldie (from 16 November 2011 until 16 January 2013)
Alex Johnstone (from 17 January 2013)
John Mason (from 30 October 2012)
Margaret McCulloch (Convener) (from 5 September 2013)
Siobhan McMahon
Dennis Robertson (until 16 May 2013)

Committee Clerking Team:

Clerk
Douglas Thornton

Assistant Clerk
Ailsa Burn-Murdoch
Equal Opportunities Committee
5th Report, 2013 (Session 4)

Stage 1 report on the Marriage and Civil Partnership (Scotland) Bill

The Committee reports to the Parliament as follows—

SUMMARY OF CONCLUSIONS

Marriage: meaning and purpose

We note the differing views expressed in evidence on the meaning and purpose of marriage.

(Paragraphs 1 to 121)

Protections and freedom of expression

We note stakeholders’ varying views on the approach taken in the Marriage and Civil Partnership (Scotland) Bill (“the Bill”) towards protecting celebrants of faith and religious organisations’ freedom to conduct legally valid marriages in keeping with their doctrines. We ask the Scottish Government to consider those views in its approach to the amending stages of the Bill.

(Paragraphs 122 to 206)

Registration of celebrants

We note the explanation in the Scottish Government’s Policy Memorandum as to why the Bill maintains two categories of ceremony rather than adding ‘belief’ ceremonies as a separate category. However, we also note the point raised by the Scottish Council of Jewish Communities – supporting the change aiming to designate, for example, Humanist marriages as other than ‘religious’, but disagreeing with the approach taken of designating them and religious marriages together as ‘religious or belief marriage’ rather than as ‘religious marriage or belief marriage’ – and seek the Scottish Government’s view on the suggested amendment to the redefinition of non-civil marriages, to more prominently reflect the distinction between religious ceremonies and belief ceremonies.
We seek the Scottish Government’s view on the opinion expressed by the Humanist Society Scotland that the treatment in marriage law of the Church of Scotland affords it a privileged status.

(Paragraphs 207 to 213)

Civil partnerships

We note that the Scottish Government plans to consider issues relating to reform of civil partnerships, including opposite-sex civil partnerships, in its forthcoming review.

We note that the Bill creates a requirement that those same-sex couples who have entered into a civil partnership in another country must dissolve their partnership before being permitted to marry in Scotland. We believe that if same-sex marriage is introduced, these couples should have similar access to the proposed administrative procedure for conversion of civil partnership to marriage as couples whose civil partnerships were conducted in Scotland.

(Paragraphs 214 to 247)

Change of gender of married persons or civil partners

We note the Scottish Government’s position that it has struck the right balance regarding gender-neutral ceremonies, and that allowing such ceremonies could cause problems for denominations that might not want to use a gender-neutral marriage declaration when marrying an opposite-sex couple. However, we believe that it should be possible to allow a choice of gender-neutral or gender-specific language for marriage declarations and call on the Scottish Government to reconsider its position.

We note evidence calling for the requirement for spousal consent to be removed from the gender recognition process. We accept the Scottish Government’s view that, whilst the non-transitioning spouse has at least two years to take action, it may be the application to the panel that makes a non-transitioning spouse consider his or her options. We realise that spouses of people seeking gender recognition may find themselves in circumstances that are very difficult to face and that we have not received evidence from their perspective. However, we believe that the non-transitioning spouse’s personal choice is sufficiently protected by the automatic grounds for divorce triggered by his or her partner’s seeking gender recognition. We therefore believe the requirement for spousal consent for gender recognition is unnecessary and should be removed.

We draw two further conclusions regarding gender recognition issues raised in evidence, whilst recognising that it may not be possible to deal with them effectively within the scope of the Bill—

- Regarding the difficulties facing long-termed transitioned people, we welcome the Scottish Government’s willingness to consult relevant stakeholders further with a view to lodging an amendment at Stage 2.
• We note the representations made to us about lowering the age requirement. We do not consider that we have received sufficiently comprehensive evidence in this area and ask the Scottish Government to provide, in advance of Stage 2, a detailed response on the issue.

(Paragraphs 248 to 281)

**Impact on other areas of life**

We draw the Parliament’s attention to the views expressed as regards the relationship between the Bill and public services, including educational matters.

(Paragraphs 282 to 334)

**Delegated powers**

We note and support the recommendations put forward by the Delegated Powers and Law Reform Committee, and ask that the Scottish Government provide a response in relation to the recommendations and any relevant amendments lodged should the Bill progress.

(Paragraphs 335 to 348)

**General principles**

We have considered the general principles in the context of opinions expressed in written and oral evidence to us. We recognise the validity of perspectives on all sides of this issue and draw the Parliament’s attention to the depth, range and sincerity of the views submitted to us. We recommend to members of the Parliament to approach the Stage 1 decision with the same dignified tenor as our evidence sessions and with due respect for a diversity of views.

The majority of the Committee supports the general principles of the Bill and recommends that Parliament approves the Marriage and Civil Partnership (Scotland) Bill at Stage 1. A minority of the committee does not support the Bill because they disagree in principle or because they are not convinced that adequate protections are in place. We wholeheartedly support the right of individual members to decide on the Bill as a matter of conscience.

(Paragraphs 349 to 351)
MARRIAGE REFORM

1. The Marriage and Civil Partnership (Scotland) Bill (“the Bill”), introduced in the Parliament on 26 June 2013, covers the following key matters relating to marriage law—

   • the introduction of same-sex marriage
   • putting belief celebrants on the same footing as religious celebrants
   • the arrangements for authorising celebrants to solemnise opposite-sex and same-sex marriage
   • civil partnerships changing to marriage
   • the authorisation of Church of Scotland deacons to solemnise opposite-sex marriage
   • allowing civil marriage ceremonies in any place agreed between the couple and the registrar, other than religious premises

Scottish Government consultations

2. Before introducing the Bill, the Scottish Government issued two consultations: between September and December 2011, *The Registration of Civil Partnerships Same Sex Marriage – A Consultation*¹ and, between December 2012 and March 2013, *The Marriage and Civil Partnership (Scotland) Bill – A Consultation*². Analyses of the respective consultations were published in July 2012³ and June 2013⁴. Subsequently, in October 2013, it transpired that 4,110 electronic responses to the second consultation, collected by Scotland for Marriage, were not successfully transmitted to the Scottish Government.⁵ We are satisfied with the Government’s position⁶ on including the responses concerned, which is that it will—

   • consider any additional points made in those responses which were not made in responses sent before the closing date for the consultation
   • put information on its website about this consideration

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• reach a view about whether any amendments at Stages 2 or 3 might be desirable and whether, therefore, the Government should lodge amendments to the Bill

Parliamentary scrutiny

3. When the Bill was introduced, we issued an open call for written evidence. On 2 July 2013, the Finance Committee also called for written evidence, on the Bill’s Financial Memorandum, and published the responses. By 23 August 2013, we received 1,311 written submissions. We held oral evidence sessions in September and October 2013; the extracts from the minutes of those meetings, listing the names of witnesses that gave evidence, are at Annex E. The official reports of those meetings, together with associated written submissions, are at Annex B and all other written submissions, as published, are at Annex C. The Delegated Powers and Law Reform Committee’s report to us on the delegated powers provisions in the Bill, published on 2 October 2013, is at Annex D.

MARRIAGE: MEANING AND PURPOSE

4. In this section of the report, we review, in the context of the reforms proposed by the Bill, evidence submitted to us on how marriage is viewed: for example, how it is looked on in faith groups, what it represents to LGBT people and, more generally, what social attitudes are on the matter.

Significance of gender

Complementarity and procreation

5. Currently, only couples formed of one man and one woman may enter into a legally valid marriage. The Bill would enable same-sex couples also to do so.

6. Some evidence to us described a concept of ‘complementarity’ between men and women in the context of marriage. For example, the Catholic Parliamentary Office on behalf of Bishops’ Conference of Scotland wrote—

“The complementarity of male and female, and their unique role in the transmission of life, underscores the reality of marriage as a natural social environment for the birth and growth of every person.”

7. John Deighan, Catholic Parliamentary Office, described that complementarity as the “inherent essence” of and “rational basis” for marriage—

“There are lots of friendships and they should always be valued … but why does the state take an interest in a particular relationship between a man and a woman? Fundamentally, we believe that it is because of the procreative capacity of that relationship. That is the only relationship out of which a child can come into the world. We want to ensure that that child is in the right environment. As the United Nations Convention on the Rights of the Child recognises, the priority should always be that the child is brought up with the

---

8 ‘Bishops’ Conference of Scotland. Written submission.
parents, which is what marriage does—it keeps the parents together for the sake of the child.”  

8. He conceded, however, that procreative capacity should not be a criterion for entering into a marriage—

“Saying that marriage is the environment in which procreation takes place is not the same as saying that we have marriage for only that reason. Typically and traditionally throughout society, we have recognised three ends of marriage: first, that it is built on love, the couple definitely love each other and it is for the mutual comfort of the couple, as they are attracted to each other; secondly, that they have the capacity to have children; and, thirdly, that the common good of society is aided by having that stable foundation for family life. Those are the three ends of marriage.

“Sometimes, those three ends do not always attain. For example, there are some people who just cannot have children. As a society we put a lot of effort into trying to help those people—we have adoption services and there is even quite an emphasis just now on fertility services—so we try to ensure that that environment is adequately understood and protected. We are not saying that anyone who cannot have children is not capable of entering marriage, but that is the archetypal model of what a marriage is.”

9. Asked whether they would marry people whom they knew to be infertile, the Rev David Robertson from the Free Church of Scotland, the Rt Rev Dr John Armes from the Scottish Episcopal Church and the Rev Dr Alan Hamilton from the Church of Scotland answered that they would. The Rev David Robertson said—

“Yes—I would have no problem in doing that, although I am not sure how I would know whether they were infertile.”

10. The Rev Dr Alan Hamilton said—

“I am not aware that that issue has ever been debated by the General Assembly of the Church of Scotland, but I am struggling to see why ministers would not do so—if they were told, which is fairly unlikely.”

11. On the same point, Ephraim Borowski, Scottish Council of Jewish Communities, said—

“Like the Rev Dr Hamilton, I am not aware that anyone has raised the question or has any concerns about the matter.”

12. In relation to Catholic Parliamentary Office’s view on the purpose of marriage – namely, to create an environment to ensure that children had parents – John Deighan was asked whether, for him, “parents” meant one man and one woman and could not involve any other combination.\[^{15}\] He replied—

“Biologically, we know that parents are a mother and a father. Yes, that is what parents are.”\[^{16}\]

13. He went on to draw a distinction between the child-centred view of marriage and what he described as a view that marriage was “just a loving relationship between any two people” who had committed themselves to each other, characterising the contrast as “a fundamental philosophical clash of opinions”.\[^{17}\] He stated—

“… the traditional view … is upheld by the Catholic Church, most of Christianity throughout time and most of western civilisation, that marriage centres around the fact that we create an environment to ensure that children have parents. That is the fundamental difference, and our grave concern is that, if we change the law as proposed, we will obscure that particular understanding.”\[^{18}\]

14. He added that the Bill would not “satisfy” everyone—

“There was talk earlier that the bill gives everyone the right option, but it does not. The issue is about how all of society, and not just religions, understand marriage. Is marriage about protecting children and ensuring that their parents are bound together so that they are there to bring up the children, or is it just a relationship that is a form of friendship? We believe that it is the former. We think that, for the common good of society, and particularly for children, we need to state that as a society and to protect it. That is about to be lost.”\[^{19}\]

15. Scotland for Marriage’s representative, Dr Gordon Macdonald, also spoke of a complementarity between men and women in marriage—

“The question that you have to ask yourselves is: what is marriage? Is marriage just a subjective expression of love between two individuals or is it more than that—does it have some sort of objective reality? In particular, what is the state’s interest in legislating for marriage? Throughout history and across societies, the state’s interest in legislating for marriage has arisen

because marriage is the context in which children are normally produced and reared, and it is the most stable and secure context. The sociological data show that children perform better if they come from a family with married parents than if they come from a single-parent family or some other sort of broken home. That being the case, I think that the state has an objective interest in recognising marriage in law.\textsuperscript{20}

16. He argued that the state had “never been interested” in whether a man and a woman getting married loved each other; for him, the state’s interest was in whether they were “committed to staying together” and would “provide a framework” in which children would be raised—

“In history, there have been many society marriages that were not love marriages. That does not happen as much any more, but it used to happen. There has been a historical development in that sense.

“The point that I am making is that the state’s interest relates purely to the production of children and the raising of the next generation, in the interests of the security and stability of society. That is why the biological complementarity of male and female is crucial to the essence of what marriage is.”\textsuperscript{21}

17. The Rev David Robertson (Free Church of Scotland) also emphasised procreation in terms of the meaning of marriage, in what he described as “basically the catholic Christian orthodox position”.\textsuperscript{22} Notwithstanding his earlier answer that he would marry an infertile couple,\textsuperscript{23} he said—

“The meaning of marriage is straightforward. It is the union between one man and one woman, for the threefold purpose of mutual companionship, the procreation and upbringing of children in a secure environment, and the good of society.”\textsuperscript{24}

18. The Rt Rev Dr John Armes (Scottish Episcopal Church) drew the following from the Episcopal Church’s canon 31—

“Marriage is a physical, spiritual and mystical union of one man and one woman created by their mutual consent of heart, mind and will thereto, and is a holy and lifelong estate instituted of God.”\textsuperscript{25}

\textsuperscript{22} Scottish Parliament Equal Opportunities Committee. \textit{Official Report, 12 September 2013.} Col 1458.
19. He said that the challenge currently faced in the Episcopal Church is whether to rethink that definition—

“If that is to change, we will have to undergo quite a long process of conversation, discussion and decision before we can accept that any of our ministers can preside at a marriage of two people of the same gender.”

20. The Rev Dr Alan Hamilton (Church of Scotland) added—

“There are undoubtedly theological nuances in relation to expressions of understanding of marriage across churches and religious traditions, but the issue for us here is whether or not marriage is only between one man and one woman. It is certainly the historical catholic—with a small c—Christian tradition that it is.”

21. He described the prospect of changing that as “an immense ask”, although he acknowledged that, under the Bill, the churches would be offered the possibility to change, rather than asked to do so.

22. Dr Salah Beltagui (Muslim Council of Scotland) added that marriage was “not just for the procreation of children” but also “for the growing up of the children in the family”. Drawing a link with society as a whole, he said—

“There are also the wider relationships of kinship within the family and extended family. If we lose that, we lose a lot of the cohesion of society. In relations based on the family, the children are the focus of those relations not only at the time when they are children; even when they grow up, there is still that relation between the children and their parents and grandparents. That is what holds society together, and it is important to keep that.”

23. He also felt that allowing same-sex couples to marry would take away the delineation of family roles—

“In our tradition, there are things—they are also mentioned in the bill—such as certain relations not being allowed to marry because they are so close in kinship. If we start changing the definition of marriage from what we know and what we know about who is coming from which line and who is not, there will be confusion and we will not know exactly where we stop and where we start. It will be very difficult to find out who is related to whom in those terms. Having a kinship relationship does not stop at only the father and mother—it

is much wider than that—and not only for the time but also for the future of the family.”

24. Dr Beltagui foresaw potential consequences of allowing same-sex marriage—

“What scares people are the things that will happen under the bill that are not expected. The bill gives a list of people whose relationships are too close for them to marry. For us, that list includes same-sex couples. It will be dangerous for society if we keep changing the list to exclude relationships that we currently recognise as making it not possible for people to marry. As people have said, that could lead to incest and other dangerous relations. That is one thing.

“Another thing is that the definition of adultery in the bill is confusing because the Government went back to the definition of adultery between a man and a woman. The bill makes marriage acceptable between two men or two women, but it uses the definition of adultery only between a man and a woman. That means that someone can have relations with someone of the same sex outside a same-sex marriage, including in a threesome, a foursome or whatever. Because the bill goes down a new road, diverging from the main traditional, historical way of marriage, it is creating situations that we do not know the end of, and we must be careful about these things.”

25. John Deighan summed up the perspective that gender is significant to the meaning of marriage—

“The proposals … are that man and woman do not matter—they are to be completely interchangeable. We do not think that reason supports that position.”

**Complementarity: other views**

26. John Phillips, representing the Religious Society of Friends (Quakers), gave a different point of view—

“For us, the crucial thing is the complementarity between two individuals who are making a committed relationship with each other and need the support of their community and of God, helping them through their lives. The complementarity is not to do with gender; it is to do with the particular relationship that two individuals work out between themselves, for the benefit not only of themselves but of the community in general.”

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27. Asked whether he agreed that there was a “complementarity of male and female”, the Equality Network’s Tim Hopkins said—

“Gender is not that simple. We know, for example, that there are transgender people, people who are born into a male body but grow up to discover that they are female, people who are intersex, who do not have a male or a female body but have a mixture of those two things, and people whose self-perceived gender identity is neither male nor female or is a mixture of those two things. The reality is that things are not as simple as people just being male or female.”

28. James Morton (Scottish Transgender Alliance) added a further dimension affecting intersex people—

“…people whose bodies are at variance with what is clearly male or female have contacted us and said that they and their partners are under massive amounts of stress as they are worried that, while same-sex marriage does not exist, their relationships might be challenged. Somebody might say, “Well, your body is not clearly male, therefore your marriage—in which you are the husband and you have a wife—is not legal because you should not be counted as male.” That causes a massive amount of distress. In addition to the detrimental discrimination faced by transgender people and their spouses under the current separate systems, there is also intense worry and distress for intersex people and their partners.”

29. Tim Hopkins acknowledged that “most marriages” and, indeed, “many same-sex couples” had children. However, he also pointed out that current marriage law did not require a marrying couple to be capable of having children and offered a different reading of the purpose of marriage—

“Our view is that the bill is about love—and marriage is about love. I think if you ask most married couples what their marriage is about they will say that it is about love, a commitment to each other and, if they have children, their family. All those things apply to same-sex couples, as well.”

30. The Rev David Coleman (United Reformed Church) expressed a view along similar lines—

“From our conversations over the past couple of years, the United Reformed Church synod of Scotland can have no objection to same-sex marriage on the basis that it will not result in the conception of children. We are of the view—I think that this is a general consensus—that the nature of marriage is primarily the fellowship of the couple and that children are an additional blessing to that. Speaking as a parent, my nurture of my children was not
exhausted by my donating one cell. The nurture of children goes on throughout people’s lives. Marriage can add to the stability of society by providing a place for that.”

31. Asked whether marriage has a role in broader society as a basis for family, rearing children and providing social stability, the Rev David Coleman replied—

“When we have had discussions in the synod of Scotland, we have started by trying to come to a mind, as far as possible, on what people who have different positions regard as essential to marriage—commitment, respect and equality. It is likely that people who have differing opinions would say that marriage itself is beneficial to and a stabilising factor in society. The discussion has been on how we define marriage rather than on whether it is a good thing. The committee was very much of a mind that the introduction of same-sex marriage will have no impact whatever on opposite-sex marriage.”

32. The Rt Rev Dr John Armes (Scottish Episcopal Church) said—

“Although some people in our church take the very conservative line that marriage is between a man and a woman, others see marriage as a covenanted relationship of love. In that sense, the issue is about love, not equality, and those people would see the opportunity for people of whatever gender to form an alliance in marriage as strengthening marriage itself. I would not want people to gain the impression from this conversation that everyone in our church is of the same mind on the matter.”

33. Responding to the same question, Ross Wright from the Humanist Society Scotland said—

“I find puzzling the suggestion that opponents of the bill make in relation to children and stability, particularly because—whether you like it or not—same-sex couples have children, by adoption, surrogacy or whatever. Logically, if someone believes that marriage is good for children, it must follow that they should support marriage for same-sex couples with children. It is incoherent to argue both ways. Our point of view is that, if children deserve the protection of marriage, all children deserve that protection.”

34. He went on to argue that the purpose of marriage was much simpler than many of the views advanced in evidence—

“… it is extremely important to realise that the majority of marriages in Scotland are not religious, and it has been that way for some time. Although the religious perspective is worth while for those who have a religious faith, part of the reason for my being here is to argue for those millions of people who do not share a religious faith, but share the legal definition of marriage as a private contract between two individuals. We can dress it up with as much philosophy as we like, but that is the legal definition of a marriage.”

35. Ross Wright also argued that the purpose of marriage need not be fixed—

“A final point on the concept of marriage is that the view that most religions currently purport is a current view of marriage. As members will be aware, marriage has in the past been about owning children and women, denying rights and stigmatisation through illegitimacy, all of which have now fundamentally changed. We need to recognise that the bill proposes just another small change to marriage. Those who do not hold a religious view should be allowed to do this.”

36. Arguing that equality was “not really about numbers,” he developed this point further—

“Even if 90 per cent of people are against a piece of legislation, if it benefits some people and does not cause demonstrable harm to others, it should be passed. The problem with rehearsing all these arguments again and again is that the opponents have not put forward a shred of evidence to show how such a measure could cause demonstrable harm or even how it has caused demonstrable harm in the countries where it has been implemented.”

37. Louise Cameron, representing the Scottish Youth Parliament, also gave an interpretation of the meaning of marriage that was not rooted in having and bringing up children—

“To the Scottish Youth Parliament, same-sex relationships are just as important as mixed-sex relationships. We will not discriminate against people because of their sexual orientation. We believe that everyone should have the right to get married. Whether they are in a mixed-sex relationship or a same-sex relationship, they should have the same right.”

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38. Asked specifically whether having children was a central purpose of marriage, she replied—

“No.”\textsuperscript{49}

39. Mark Bevan (Amnesty International) said that Amnesty did not have a position regarding the purpose of marriage and children—

“Our position is based fundamentally on the current inequality. The Parliament has the opportunity to introduce legislation that addresses an inequality, or it can decide not to do so. It can decide to lean towards the European mainstream on human rights, or not.”\textsuperscript{50}

40. He “absolutely”\textsuperscript{51} agreed, however, that, on the basis that all types of family deserved equal respect, the type of family involving a man, a woman and no children was a valid marriage.

\textit{Scottish Government}

41. Referring to the expression “definition of marriage”, used by many submitters of evidence, the Cabinet Secretary was asked whether there was a definition of marriage and, indeed, whether it could be defined. He replied—

“There is clearly a definition in law and there is a definition in each church about the union between a man and a woman and what rights and responsibilities are carried by marriage. The one change that the bill will make is that it will allow marriage to take place between two people of the same sex, whereas under current legislation a marriage in law in Scotland can take place only between one man and one woman.”\textsuperscript{52}

\textbf{Equality and human rights}

\textit{Equal recognition}

42. For Colin Macfarlane, Stonewall Scotland, the Bill was “about much more than the complementarity issue.”\textsuperscript{53} Returning to Tim Hopkins’ point about same-sex couples with children, he told us that an “increasing number of gay and lesbian people, particularly younger ones,” wanted their family structures to be “described in exactly the same way as everyone else’s are.”\textsuperscript{54} He said—

“… the bill is … much more about how gay people are viewed in society and about being equal in the eyes of the law. What the bill does for us is to


\textsuperscript{54} Scottish Parliament Equal Opportunities Committee. \textit{Official Report, 5 September 2013}. Col 1382
completely underline that. It is a robust, strong bill and it will provide gay people with equality in the eyes of the law.

“When civil partnerships were introduced in 2005, we were very much of the view—and we hoped—that the distinctions between gay people and heterosexual people would be eroded and that the way in which gay people were talked about and viewed in the public sphere would change.

“I am sad to say that our hard evidence shows that that has not been the case. Research that Stonewall Scotland commissioned from YouGov showed that in the past five years 216,000 people have experienced some form of homophobic or transphobic verbal or physical abuse in the workplace, and that 99 per cent of our young people have faced some form of discrimination or experienced some form of homophobic language in their playgrounds—half of those children have been directly bullied for being different or perceived to be gay. In the past year, there has been a 12 per cent increase in lesbian, gay, bisexual and transgender-reported hate crimes.

“What the bill will do is to make gay people equal in the eyes of the law, and until that happens the distinction and the public discourse that I talked about will be at risk of not changing.”

43. Responding to the suggestion that the law already gave equal rights and, therefore, debate about the Bill was really about the word “marriage” rather than legal rights or other legal differences, Colin Macfarlane said—

“At the moment, gay people are not equal in the eyes of the law. They are not equal in law. Until they are afforded the same rights and responsibilities as heterosexual married couples are afforded, and until they are able to marry legally in this country, they will not be equal and the distinction will continue. As I said, that distinction allows, in the public sphere, the kind of discrimination that I described. We are very much of the view that until gay people are seen as equal in the eyes of the law, and society sees them as equal in the eyes of the law, the distinction will continue.”

44. Whilst she felt that being LGBT was viewed as a problem less amongst younger people, Louise Cameron from the Scottish Youth Parliament said—

“Bullying is a big issue—homophobic bullying as well. In our consultation, 71 per cent of respondents thought that there should be more education on the stigma that follows LGBT people. Homophobic bullying is really common in schools, with 69 per cent of people having experienced it.”

45. Picking up the theme of young people and schoolchildren’s views on the issue, Mark Bevan from Amnesty International, pointed to a recent three-country

survey in Finland, the United Kingdom and France looking at suicide rates among children and young people and at the causes of the higher suicide rates—

“In the UK in particular, young gay people were at a very much higher risk of suicide than many other categories of people. For the Parliament not to pass a bill that would provide such equality would contribute to the existence of a status whereby some people have open to them only the second-class position of civil partnerships as opposed to marriage.”

46. He also responded to the citing of the fact that the Universal Declaration of Human Rights and the European convention on human rights conferred a right to marry in terms of a man and a woman as an argument against same-sex marriage—

“The Universal Declaration of Human Rights and, more pertinently, the International Covenant on Civil and Political Rights, as well as the European convention on human rights, are all written as what are referred to as live instruments. They are not written in a way that is fixed and frozen in time but are designed to be interpreted in the light of contemporary society. To paraphrase the United Nations Human Rights Committee, the concept of family is so varied across cultures that there can be no standard definition. The UN committee goes on to say that, despite all the arguments in relation to marriage, all arguments place an essential value on the principle of non-discrimination at the fore of the discussion about family—all types of family—and relationships.”

47. Describing marriage as being “perceived by many people as the gold standard for relationships”, Tim Hopkins (Equality Network) outlined an expectation that same-sex marriage would have an impact on practical discrimination and issues around status and stigma—

“Respondents have said, for example, that people had said to them, “But it’s not a real marriage, is it?” We have heard of hospitals turning people away as next of kin because the hospital has not understood what civil partnership is. One effect of introducing same-sex marriage will be to make that less likely to happen.”

48. It was put to Tim Hopkins that introducing same-sex marriage would change the legal status, but might not change people’s attitudes, which might continue to be framed in terms of ‘real’ and ‘gay’ marriage. He disagreed—

“I do not think that they will. Marriage is understood widely, and allowing same-sex couples to enter marriage will not only help them to feel better

about themselves, but genuinely reduce the stigma that people feel and the discrimination that they face in society.”

49. John Phillips (Religious Society of Friends (Quakers)) described the introduction of civil partnerships as having been “a significant and important step forward in equality” but continued—

“It is only through experience that we have learned, and really begun to appreciate, that same-sex couples feel that it makes them different in a way that we are unhappy about. We wish for inclusivity.

“We very much want to opt in to being allowed to conduct same-sex marriages, and we are convinced that when we have done so there will not really be any demand among our congregations for civil partnerships, because we know that marriage is what they have been seeking.”

50. Asked about the impact that the lack of equal civil recognition of same-sex relationships had on people’s ability to enjoy other rights, the Rev David Coleman (United Reformed Church) said—

“We … felt that if something is offered by the state it should be offered to all without exception. If a registrar who is an agent of the state has a conscientious problem, that is the problem of the state and somebody should be found—without hindrance or inconvenience to those who are applying—who can conduct the ceremony that is required.”

51. Ross Wright (Humanist Society Scotland) also commented—

“Our understanding of the civil partnership is that it was a nod to equality and a step in the right direction. However, it is like Rosa Parks in America being allowed to get on the bus. We see equal civil partnerships—which we would also like to have—and equal marriage as providing the fundamental step of allowing people to choose which seat they take on the bus.”

52. He went on to recount a situation that he had been placed in when conducting a ceremony—

“There was a marquee and everybody was wearing their finery. It was a beautiful day and everyone was happy, with kids running about mad and the mothers-in-law with their biggest hats on. It was a splendid day that was marred only because, when the bridal party, which was two brides, appeared, I could not say the word that everybody else at the gathering was saying,

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which was “marriage” … That was painful for me. However, every person there, including all the in-laws and the out-laws—Auntie Jeannie and all—saw it as a marriage. That is the emotional impact of the bill.”

**Human rights**

53. Amnesty International’s Mark Bevan gave a human rights reading of the proposal—

“The International Covenant on Civil and Political Rights makes it clear that equal marriage should be available to all, so that is a fundamental campaigning issue for us. We also see, from more than a decade of research, how intolerance of LGBT people across the world has led to very significant hate crime. That is as present in Scotland today as it is in far-flung places such as Russia. For example, in Arbroath earlier this week a woman was very badly mistreated in a public park because of her sexuality.”

54. Drawing a contrast with the position in certain other countries – allowing permissive attitudes in relation to hate crime, state executions for sexual behaviour, torture, limitations on demonstrations and movements – he went on to say—

“By comparison, to bring the issue closer to home, when we look at what the Scottish Parliament has done in the past, we see that it has been a Parliament that is founded on equality. However, there is inequality in law in relation to marriage at the moment. If, as successive Parliaments have done, this Parliament wants to take action and to take a lead on promoting equality and universal human rights, this is a bill that needs to be passed. There is a tension in Scotland at the moment for a number of reasons, including because Scotland has taken a strong position in relation to a number of human rights.

“Let me quote what the UN secretary general Ban Ki-moon said earlier this year:

‘To those who are lesbian, gay, bisexual or transgender, let me say: You are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values the United Nations … and I call upon all countries … to stand with you’.

“Any such attack is an attack on the Universal Declaration of Human Rights, which is a founding convention that supports a fair and civilised society.”

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55. Speaking whether all definitions of family relationships should be equally applicable, Mark Bevan said that the Bill challenged a “cultural norm”\(^{71}\) but that international law steered towards a “progressive view”\(^{72}\) of what a family relationship should consist of, with equality as the guiding principle—

“Therefore … I would state the obvious, which is that the bill reduces an inequality that currently exists in the context of the forms of family relationships and marriage that are currently taking place in Scotland.”\(^{73}\)

56. He added, however, that Amnesty International did not take a view on marriage being a preferable status from the point of view of societal cohesion—

“… that is not a human rights issue. However, we take a strong view that, when the forms of marriage that exist are not applied equally, that is contrary to societal cohesion.”\(^{74}\)

57. Mark Bevan also said—

“The bill provides an opportunity to deliver a more equal society, which—as I have said—successive Parliaments have tried to deliver. An action that a Parliament can take to foster greater tolerance, understanding and respect for other people will create a more equal society. You are quite right—it is not about whether people are homophobic; it is about equality and all people being treated the same.”\(^{75}\)

Scottish Government

58. The Cabinet Secretary said that the Bill was “essentially about addressing an inequality”\(^{76}\) for lesbian, gay, bisexual and transgender people—

“It provides the option for same-sex couples to marry and for the registration of religious and belief civil partnerships. It will also impact significantly on transgender people. A couple who are already married will no longer have to divorce, as is current practice, before the transgender person can obtain a full gender recognition certificate.”\(^{77}\)

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59. He said that passing the Bill would be a significant step to reduce inequality, but recognised the challenges for those who considered that marriage should remain a union between one man and one woman—

“We understand the concerns that they have, and that is why we have included in the bill strong protections for religious and belief bodies and celebrants, including an opt-in process for the religious or belief body and the individual celebrant before any solemnisation of a same-sex marriage can take place.”  

60. Describing marriage as a “key societal issue”, he added that amendments to the Equality Act 2010 had been agreed with the United Kingdom Government, that the Bill contained a provision on freedom of speech, that the Lord Advocate had already produced prosecution guidance on that matter and that the Cabinet Secretary for Education and Lifelong Learning was seeking views on draft guidance that reaffirmed the rights of parents to opt children out of sexual health education classes.

61. It was put to the Cabinet Secretary that everybody currently had identical rights and, therefore, that the Bill would redefine equality. He disagreed—

“The bill deals specifically with what I would regard as an inequality, which is the right of people of the same sex to marry one another and have that marriage legally recognised in Scotland. That is the inequality that we seek to rectify through the bill.”

62. He said that people who were gay had, generally speaking, the same rights as others in most, if not all, respects but that the “one right” that they did not currently have was the right to marry someone else of the same sex—

“The bill will close that gap to ensure that that part of equality is satisfied and that people of the same sex who wish to marry are allowed to do so.”

63. He added—

“The bill will not force anybody to do anything. All that it will do will be to give people more freedoms. It will give people of the same sex who wish to marry the freedom in law to marry.”

Social attitudes

Civil partnerships

64. Asked how attitudes towards civil partnerships had changed since being introduced, Tim Hopkins (Equality Network) said that, when civil partnerships were being proposed, the Equality Network had said that they were the “right measure

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to introduce” and would be “of huge benefit to same-sex couples” because they would allow them a legally recognised and protected relationship for the first time.\(^\text{85}\) However, he continued—

“... we also said that it was not equality—that it would be a separate but equal system—and that, in the medium term, the only thing that would be true equality would be to open up marriage to same-sex couples and to open up civil partnerships to mixed-sex couples, because the two are different and the same choices should be available to couples regardless of gender.

“We also said in 2003 that it would take several years for there to be a public discussion with politicians about opening up marriage to same-sex couples. That was 10 years ago. Those several years and more have now passed. There has been wide discussion publicly and within the Parliament about opening up same-sex marriage for four years. That is why we are now in a different situation from 10 years ago. Ten years ago, it was not time for same-sex marriage; now, it is time.”\(^\text{86}\)

65. Colin Macfarlane (Stonewall Scotland) took up the same point—

“To go back to the points that I made earlier, the issue is the distinction in how society views gay people. Tim Hopkins is right that, 10 years ago, we thought that civil partnerships would erode some of those distinctions and that the public discourse on how society views gay people would shift and change. However, I go back to the hard evidence that I showed you about 216,000 people having seen homophobic bullying in the workplace. Children in our schools are still suffering some form of homophobic abuse.

“The distinction has not shifted, and gay people have come to the view that, until they are seen as equal in the eyes of the law, which the bill would achieve—it would cement legality in the eyes of the law; it would confer on gay people the same rights and responsibilities that their straight friends and family have—that distinction will not be eroded.”\(^\text{87}\)

Same-sex marriage
66. Asked to explain the position that it had not been the right time for same-sex marriage 10 years before, Tim Hopkins said—

“That may relate to the way that we work as an organisation. We try to work in a consensual way, and we try not to work in an embattled way, which would set us up against other organisations. Ten years ago, we recognised that same-sex marriage was quite contentious. In 2002, when we developed the policy, only one country in the world—the Netherlands—had same-sex marriage, and a lot of countries had civil partnership. Now, all the countries surrounding us in western Europe apart from Ireland already have same-sex


marriage, and the Irish Government is working on it. The whole context has moved on.⁸⁸

67. He added that public opinion had also moved on—

“Back in 2002, the Scottish social attitudes survey found that 41 per cent of Scots were in favour of same-sex marriage. By 2006, that had risen to 53 per cent. By 2010, it had risen to 61 per cent of Scots in favour of same-sex marriage, with only 19 per cent against. We try to work in a consensual way.”⁸⁹

68. Further, he pointed to what he described as “quite a long list of legislation that discriminated against gay people and LGBT people and against same-sex couples” when the Parliament was set up 14 years ago—

“For example, there was a different age of consent for sex between men; there was section 28, which needed to be repealed; there was no recognition in law of cohabiting same-sex couples; adoption and fostering were not available to same-sex couples; sex offences law discriminated against same-sex couples; and there was no hate-crime legislation. It was a long list. We have been addressing those issues and, to the credit of the Parliament, it has been dealing with them one by one.”⁹⁰

69. He described marriage law as the “last one”⁹¹ of those discriminatory statutes—

“In terms of sexual orientation equality, this is the last big area where the law still discriminates against LGB people. If the Parliament passes the bill, which we hope it will, it can be very proud of the way in which the situation has been turned around in the past 14 years, and the very substantial discrimination that LGB people felt and faced 14 years ago will finally have been eradicated from the law.”⁹²

70. Professor John Curtice, an expert on research into social and political attitudes and survey research methods, said that, public trust in banks aside, the “principal secular change” over the last 30 years period had been in the area of sexual mores—

“As well as there being changes in attitudes to same-sex relationships, there has undoubtedly been a substantial change in attitudes towards sex outside

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marriage, particularly premarital sex. There have also been changes in attitudes towards abortion.\textsuperscript{93}

71. He set those changes in the context of a “more general apparent liberalising trend in attitudes towards sexual mores” in British society—

“Not all the changes have gone at the same pace, but they have all been going in the same direction. The change in attitudes that you refer to seems to be part and parcel of a similar liberalising phenomenon whereby society is taking a very different view of these things from what it did a relatively short time ago.”\textsuperscript{94}

72. Referring to the parallel that he had drawn\textsuperscript{95} between those changes and the trend towards people attending religious services less often, Professor Curtice was asked whether there had been any research on whether those two aspects were connected, i.e. whether society was becoming more liberal because people were attending church less. He replied—

“… it is perfectly clear that those who regularly attend religious services are more likely to take a conservative view on these subjects. However, it is also clear that that difference has widened.

“Back in the 1980s, for example, the attitudes of secular Scotland/Britain and those of religious Scotland/Britain were rather similar. The liberalisation of attitudes has occurred predominantly at the secular end of Scottish society but, that said, I also point out in my submission that there has been something of a liberalisation of attitudes even among regular worshippers. The decline of religious observance is undoubtedly one of the reasons why our society has become more liberal, but it also seems pretty clear that attendance at religious services and, indeed, religious organisations, many of which would adopt a conservative stance on these issues, seems to help to frame people’s attitudes.

“Of course, the other liberalising thing that is going on is the expansion of university education. I have not made this point in the submission, but it is clear that those with relatively high educational qualifications tend to be more liberal on these subjects than those with no educational qualifications. Therefore, as we become a better educated society, that tends to encourage social liberalism. That is another phenomenon that has tended to push our society in that direction.”\textsuperscript{96}

73. He added that, given the very strong relationship between age and attitudes towards same-sex relationships and given that each new generation of adults entering adulthood had been “consistently more liberal” on the matter than its


\textsuperscript{95} Written submission

predecessor, it was a reasonable supposition that public opinion was “probably going to become more liberal” on the subject—

“Even if one has question marks about how big or firm that majority might be at the moment, it is probably only going to get bigger and firmer over time.” 97

74. Dr Kelly Kollman (University of Glasgow) was asked to add an international perspective, specifically whether bringing about those changes had been led more by social movements or more by institutions such as the European Court or parliaments. She said—

“Social movements have played a very important part in this. Having said that, when you open marriage to same-sex couples—or even, certainly in the early years, introduce same-sex unions—it is the case that it brings Governments a great deal of attention and generally, as I said, it has been quite positive attention, so it really depends on where you are looking and on what countries you are looking at.

“In Spain a new Government came in in 2004—it was not expected to win that election—and the policy change was seen as being very Government led, although, of course, the LGBT groups were on board. In the Netherlands, the Labour Party supported that change quite a bit, but, in Germany, the SPD—the social democratic party there—was much more reticent. The change there was really led by the minority Green party and it was much more of a grassroots movement, so the answer is that it depends on the country.

“However, the debate has always been a very public debate in any country that has looked at it and therefore there has been a lot of public scrutiny and a lot of involvement of public groups on both sides. In that respect, I think that it has been a good debate; it has been aired in most of those countries. Also, as I said in my submission … it is one of those policy areas in which the international realm has been very important but it has not really been led by legal mandates.

“Politics sometimes matters, and what really matters here is the power of human rights arguments. They get translated in different ways—in the UK we often talk about equalities, while other countries talk about anti-discrimination or equal treatment—but ultimately, at this point in history, the power of human rights arguments is transformative, and much more so than legal mandates from international courts or EU policy.” 98

Liberalisation

75. Asked what motivated liberalisation and whether there was an increased tendency over time for people to go with the flow, Professor Curtice' response was to point to what public opinion was in the mid-1980s—

“The idea that society has, in some sense, gone with the flow is difficult to believe given the degree to which, little more than 25 years ago, we as a society pretty much unanimously adopted a critical attitude towards same-sex relationships. It looks to me very much as if there has been a genuine, quite dramatic but substantial change in attitudes, which, in a sense, has been a society not going with the flow. Society has reversed itself.”

99. He also made the point that older generations’ views had “certainly” changed over time—

“One suspects that that is, in part, as a result of being influenced by the greater liberal views of, for example, their own children. Equally, it is almost undoubtedly the case that the views of many older people with regard to cohabitation and heterosexual relations outside marriage have changed as a result of the behaviour of their own children.”

100. He said that, as regards liberalisation and sexual mores, it was “not the case” that society had become wholly permissive—

“For the most part, we seem to be in favour of monogamous relationships at any one point in time. It is simply that we have become much more relaxed, first, about whether the relationship takes place within marriage and, secondly, about the genders of the people who are engaged in the activity.”

101. He said that society’s preference for monogamous relationships was “very clear” and expanded on the point—

“A person’s partner and the quality and nature of the relationship are what seem to matter to people now rather than a sense of obligation, let alone some religious teaching. Therefore, cheating on one’s partner is now, if anything, regarded as even less acceptable because we value the quality of the relationship more than we value the formal institutional position.”

79. He also suggested that there was a “certain irony” around the Bill—

“... we talk about enabling people in same-sex relationships to enter an institution that relatively large sections of the heterosexual community no longer get involved in, at a time when society does not think that sexual relationships should necessarily take place within marriage. That is also part of the liberalising trend of the past 25 years.”^105

80. Professor Curtice went on to state that there was insufficient evidence to know whether attitudes within religious organisations and, in particular, within the clergy, were becoming more liberal. He added, however—

“... we do know ... that there is a difference between members of different religious denominations or religions. Perhaps contrary to the general impression, the section of Scottish society that seems to be most conservative on this subject is those of a Presbyterian faith—particularly, it seems, those Presbyterians outside the Church of Scotland. The numbers are relatively small, and we therefore have to be careful, but Episcopalians are probably towards the liberal end of the spectrum, with Catholics somewhere in between.”^106

Consultation: a measure of social attitudes?

81. Asked, with reference to the Scottish social attitudes survey showing that most people believe that same-sex marriage should be acceptable, whether there was any quantitative evidence to show that social attitudes supported the perception that marriage should be for the purposes of procreation, John Deighan said—

“The biggest survey and the most profound probing of public opinion was the Government’s consultation on the proposals, to which it received 77,000 responses. That was way greater than any other survey, which would typically involve 1,000 people. The consultation engaged people who really thought about the issue. We are in a live-and-let-live society—I have that approach myself—in which, if people want something, by all means we let them have it as long as it does not impact on the rest of society. Of the 77,000 people in Scotland who responded, 64 per cent said that same-sex marriage should not be approved and that we should not redefine marriage. So there is quantitative evidence on our side.”^107

82. Ross Wright (Humanist Society Scotland), however, commented that a consultation was “not a referendum” and he felt, therefore, that it would be

acceptable for the Bill to go through the parliamentary process despite most consultation responses expressing opposition.\(^\text{108}\)

83. Professor John Curtice was asked which was more accurately representative of public opinion: an open website-published Scottish Government consultation or a properly weighted scientific study such as the social attitudes surveys and reports carried out by the Scottish Centre for Social Research and the National Centre for Social Research. He replied—

“I note the terms of your question, which I suspect that not everybody would agree with. If anybody thinks that the purpose of a consultation is to find out the balance of public opinion, they do not understand that the value of a consultation is to come to some understanding of the arguments that people put forward on both sides, which you might not necessarily get out of a survey, and to uncover possible technical difficulties and objections to the detail of a bill that civil servants or ministerial colleagues might not have understood.”\(^\text{109}\)

84. He said that it was “to be regretted” that, with respect to the Scottish Government’s consultation on the Bill, there had been a tendency by protagonists on both sides of the debate to encourage standard replies, which added “no value at all to that kind of exercise”. He said—

“…To that extent at least, you should not look to consultations as a way of understanding the balance of public opinion as opposed to understanding the structure of public opinion and possible technical difficulties with any particular form of legislation.”\(^\text{110}\)

85. He also made the point that public opinion need not be the only driver in deciding whether to make a proposed reform—

“Although public opinion on the death penalty has begun to change, it has long been in favour of restoring the death penalty. Many a legislator would say, “I can think of an ethical argument why, on this occasion, I’m not going to follow public opinion.” Given that the role of legislators is, other things being equal, to take serious cognisance of public opinion, if you are going to say, “No, we’re not going to follow public opinion in this area” and if you accept my reading of public opinion, you have to come up with ethical arguments as to why following the public view is not necessarily in the public interest.”\(^\text{111}\)


86. Professor Curtice nonetheless pointed to the significance of social attitudes throughout Britain in the context of the enactment of same-sex marriage laws for England and Wales—

“... whereas even in 1999-2000 Scotland remained a more religious society than England and Wales in terms of levels of religious attendance, that is no longer the case ... attitudes in Scotland are now very similar to those south of the border on a whole load of other areas ... On social issues, Scotland, England and Wales now look very similar to each other. That inevitably raises an issue for this institution. Given that England and Wales have legislated first in the area, and given the similarity of outlooks on the two sides of the border, you would have to come up with good reasons for why Scotland should adopt a different perspective.”\textsuperscript{112}

Survey techniques
87. Professor Curtice was asked to comment on the notion that people get softened up with certain questions before the big question gets asked and whether how questions were asked made a big difference to the result—\textsuperscript{113}

“Any survey researcher will be extremely sensitive to the possibility that the context within which a question is asked and the way in which the question is phrased can affect the response. In my submission, I have tried to be quite open with the committee by indicating how differences in a question’s wording can make a difference. I think that that is absolutely the case.

“Some of the questions that I highlight in the submission are worded better than others, but I know that in the British or Scottish social attitudes surveys we are certainly very careful to avoid creating a context that leads in one direction or another. We might not always succeed, but our wish is to understand public opinion as accurately as possible and not to promote one or other cause. Clearly some of the other questions that I have highlighted have been commissioned by one side or another, and one might feel that as a result they might or might not have got the answers they were looking for.”\textsuperscript{114}

88. He said that, in the end, a judgment had to be made—

“We do not have a fantastic amount of evidence on this area—it has certainly not been polled intensively, particularly as far as attitudes in Scotland are concerned—but, looking at the variety of question wordings and the evidence across the piece, I think that on the simple question, “Should same-sex marriage happen or not?”, there seems to be a majority in favour, although I have to say that it does not necessarily look overwhelming.

\textsuperscript{112} Scottish Parliament Equal Opportunities Committee. \textit{Official Report, 19 September 2013. Col 1523.}
\textsuperscript{113} Scottish Parliament Equal Opportunities Committee. \textit{Official Report, 19 September 2013. Col 1516.}
\textsuperscript{114} Scottish Parliament Equal Opportunities Committee. \textit{Official Report, 19 September 2013. Col 1516-7.}
“Beyond that, if you ask people to choose between same-sex marriage, civil partnerships or doing nothing, it might not be the case that a majority of people would choose the introduction of same-sex marriage as their first choice but, equally, it seems pretty clear from follow-up questions that many of those for whom civil partnerships might be their first preference are not necessarily particularly opposed to the idea of same-sex marriage. That is simply an attempt to come up with a reasonable judgment of where public opinion seems to lie, given the variety of such opinion.”

The impact on marriage

89. Evidence to us gave a variety of views on whether the Bill would strengthen marriage, diminish it or do neither.

90. Kieran Turner, representing the Evangelical Alliance Scotland, said—

“I think that the crux of the issue about the principle is what the definition of marriage is and what the function of marriage is. We would broadly say that marriage is about commitment, children and complementarity. From the state’s point of view in particular, marriage is about children, as has already been said. Beyond that, we see marriage as being the foundational structural unit to bring through the next generation. That is where the state’s interest in marriage fundamentally lies.”

91. He highlighted a submission by the Faculty of Advocates to the Scottish Government’s consultation, which, he said, referred to the importance of defining what we mean by marriage and raised several questions—

“… is marriage intended to be a lifelong relationship? Should it imply the potential for a sexual relationship? Is it intended to be an exclusive relationship between the spouses? I think that we need to think through what we are defining as marriage … In terms of devaluing marriage, our concern is not solely about same-sex couples being allowed to marry. Our concern is about the fundamental foundational understanding of marriage as good for society, particularly in its context of family. As the Faculty of Advocates would say, although it obviously does not take a policy decision on this, if we lose that definition, we are in danger of losing the meaning of marriage and the foundational understanding of what marriage is as a structure for society. That is our concern. We recognise that love and commitment are good things, but that is not really why the state recognises marriage.”

92. The Rev David Robertson (Free Church of Scotland) commented—

“… the bill will not initiate a major decline in marriage, as there has been a decline in marriage and its value in society for a long time. The bill is just part

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of that process, which I would like to be reversed. I believe that it is because the understanding of marriage has become so weak that the bill is taken as a given by so many people, on the ground that it is just about equality ... My fear is that what is happening here is part of a process and that, if the bill is passed, all marriages will become civil partnerships. The bill represents a move away from the Christian teaching of marriage, on which our society has been based for well over 1,000 years.

“Therefore, I appeal to MSPs not to vote for the bill but to think about the enormous social consequences that the proposed change will have. Even though the bill fits in with the zeitgeist and there is enormous pressure to make such a change, MSPs should say no, at least until we have looked at what the consequences will be. The bill will accelerate the decline in marriage, and the social and economic consequences will be phenomenal.”\textsuperscript{118}

93. Dr Gordon Macdonald (Scotland for Marriage) said that he believed that the weakening of the status of marriage had weakened family life and that the Bill would weaken marriage further—

“The increase in divorce and cohabitation has almost certainly led to instability in society and in families. The official report into the riots in England mentioned that most of the people who participated came from broken homes. That is a different issue from the issue that the bill is concerned with, but the decline of marriage as a social norm cannot be divorced from a range of social problems that have arisen in our society.”\textsuperscript{119}

94. Asked how increasing the number of people who marry each year would cause a decline in marriage, the Rev David Robertson said—

“Because you are redefining marriage for everyone—you are changing what marriage is—so you are turning all marriages into civil partnerships.”\textsuperscript{120}

95. The Rev Dr David Easton from the Methodist Church in Britain expressed a different perspective—

“It is interesting that in the whole debate ... phrases such as “undermining marriage” and “strengthening marriage” are thrown around. I wonder how we would know whether marriage is being strengthened, undermined or diminished. We could consider the divorce statistics. The divorce rate has been very high historically partly because legislation has made it possible while we have had marriage only between men and women, although I understand that, recently, the divorce rate has dipped somewhat. Or would we consider another criterion such as the level of domestic abuse? It is difficult. I can see where you are broadly coming from, but how can we

determine whether marriage is being strengthened? What basis would we use to come to any conclusions? I could have cited examples other than those two.”

Scottish Government
96. Asked for a response to the argument that the Bill would weaken or diminish the institution of marriage, the Cabinet Secretary said—

“I have been married for 35 years and, personally, I do not feel that allowing people of the same sex to be married in any way diminishes my marriage, quite frankly. I know that there are some people who feel that, but I think that they tend to think of that more from a religious point of view than necessarily from a legal point of view.”

97. He pointed out that the Bill would recognise marriage between same-sex couples in law and that it would be “entirely up to individual churches and celebrants” to decide “from a religious point of view” on their approach—

“… obviously that has to be respected. My view is that, in many ways, the bill will actually enhance marriage because the issue of equality that I referred to in my introductory remarks will be satisfied. I think that it is unfair that people who are in love and who are of the same sex and who wish to marry are currently banned from doing so.

“Of course, one reason why institutions such as the Quaker church are in favour of this change in the law is that they believe that same-sex couples should be allowed legally to marry in their church. At the moment, the law bans, for example, the Quaker church from doing what the Quaker church would like to do, which is to administer same-sex marriages.”

Legitimacy to reform
98. Some evidence to us challenged the Parliament’s authority to reform marriage. For example, John Deighan (Bishops’ Conference of Scotland) said—

“Marriage is a natural institution and has arisen naturally from the first social grouping, which was between a man and a woman who then had children. That is the foundation of society and we believe it important not to mess around with those foundations.

“The state has a role in legislating on the civil effects of marriage but not on its essence. We cannot have laws saying, for example, that people who sell bracelets can call them watches if they do not tell the time. There is an
essence to marriage; a man and a woman lie at the heart of it, and that is the relationship that gives rise to children.”

99. Asked whether he saw no scope for differences of opinion, he responded—

“We are talking about an essence here. The state does not have the right to recreate what is a natural institution; it exists to uphold the common good, not to re-engineer new foundations for what it thinks could be the common good.”

100. He added that he did not believe that the church could redefine marriage either—

“We can all comment on it, discuss it and try to understand it, but marriage is a natural institution that precedes the church as well as any other institution in society.”

101. The Rev David Robertson (Free Church of Scotland) shared that point of view, going as far as to suggest that the Parliament would be acting ultra vires if it passed the Bill—

“… marriage is what marriage is. When David Cameron and others decided to bring in same-sex marriage, they had to redefine marriage for everyone, as Mr Cameron pointed out. I do not think that any Parliament has the right to redefine marriage any more than any Parliament has the right to say that a circle is a square. There are some things that are beyond the capability even of politicians and that is one of them. Marriage cannot be redefined in that way.”

102. He argued that the state had the right to legislate on “any civil contracts” that it wished—

“My point of dispute is that marriage is not just a civil contract and the state does not have the right to change such an age-old institution. Basically, it will destroy marriage by turning all marriages into civil contracts … I was intrigued to learn that adultery will not be a ground for divorce in a same-sex marriage and to hear the discussion about children and so on. In the bizarre world in which we live, our Governments are telling us that marriage is to be redefined as genderless or sexless, childless and faithless. That is an absurd

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position. The state can decide any civil contracts that it wishes, but I object to its saying, “We’re going to make all marriages a civil contract.”

103. The Rev Dr David Easton (Methodist Church in Britain) took a different view—

“I hear what my friend is saying, that the state does not have a right to determine what society does. We could turn that round and ask whether the church has a right to determine what society does. That is an issue for debate.”

104. He highlighted that, over the centuries, there had been a change in understanding—

“… not that long ago, for example, women—and indeed their property—were considered to be the possession of their husbands. We no longer hold to that now and one must assume that over a period of time civil and even religious understandings of marriage might change.”

105. He felt that the state had a role in this issue, just as he felt that religious leaders had a role in commenting on matters of public interest and defended the state’s legitimacy to legislate—

“Some of my fellow panellists might not agree with me—I do not know; they will have to speak for themselves—but I believe that the state has the right to express an opinion and pass legislation and indeed has done so through the years. We the electorate might not agree with those decisions and have the right to chuck you out at the next election … However, it seems to me that as long as you are members of the Scottish Parliament, or indeed any other democratically elected legislative assembly, you have the right to legislate on matters that come within the boundary and scope of your responsibilities. As a representative of the church, I might disagree strongly with you but that does not mean that I think that you do not have the right to legislate on the matter. I think that you do.”

Proportionality
106. John Deighan (Bishops’ Conference of Scotland) felt that the Bill would make a disproportionate change—

“Our religious belief disagrees with the state on that, as it may on other grounds, but we believe that our religious belief concurs with natural reason on this, and that marriage is naturally and self-evidently built on the fact that

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men and women have children. We have to balance up conflicting claims. The conflicting claim here is that, for the sake of the possibly one in 10,000 households that wants to have a same-sex marriage, we will change the definition of marriage for everyone in our society. That is the balance, if you think that it is a matter of a balance of principles. Marriage will mean a different thing for all society, including every child and every family. I think that two households out of 1,000 have a same-sex couple in them, and we have been told that it is expected that 5 per cent of same-sex couples will want a marriage. We are talking about one in 10,000 households possibly wanting a same-sex marriage, and the whole of society has to redefine marriage for the sake of that. That is disproportionate as well as wrong in principle.\(^{134}\)

107. Ross Wright (Humanist Society Scotland), however, felt differently—

“It is not about numbers; it is about whether the law will benefit some people or be detrimental to anybody. Those questions have been resoundingly sorted out, so we should continue to move on the legislation at the speed that we are going at. Everything has been examined thoroughly and there is no reason not to pass the bill.”\(^{135}\)

Pace of reform

108. Some evidence to us criticised the pace of reform. The Rev Dr Alan Hamilton (Church of Scotland), for example, said—

“... the General Assembly of the Church of Scotland has not debated the matter, but ... we are moving into uncharted territory. Unless we are saying that marriage between a man and a woman is of no real significance in society and is not that important anyway, to redefine it so significantly without having the debate that we feel should take place, and without carrying out the research that we feel should be done, over a protracted period—after all, the issue is extremely important, and not just theologically, although we would argue that our theology is also our understanding of society—would be to move too far, too fast.”\(^{136}\)
109. Whilst he averred that it was “of deep concern to almost everyone in the Church of Scotland that there should be protection for everyone, regardless of sexual orientation ... and that there should also be equality”, he expressed concern that the Bill moved “beyond equality”, given the existence of civil partnership legislation—

“It is a move beyond equality into sameness, which is another issue that concerns us and one that we do not believe has been properly considered.”

110. The Rt Rev Dr John Armes (Scottish Episcopal Church) supported the point about having a more protracted series of discussions on some of the issues.

111. Stating that the issue was “being driven by politics as much as by ethics”, the Rev David Robertson (Free Church of Scotland) said—

“... what you are doing here is following the herd. I have been involved in Scottish politics for 30 years and this issue has been raised only in the past five years. All of a sudden, we find that all the major political parties are saying that they are for equality. Why were they not for equality 15 years ago or 10 years ago? ... there has been a push for the change and that people are rushing into it without thinking it through. We are just trying to encourage people to think it through.

“I also think that politics is involved. There is almost a sense that we need to show that Scotland is a progressive country and we need to be ahead of England or the United Kingdom Government. I feel that the whole thing has been rushed, and that is why we put that statement in our submission.”

112. Dr Kelly Kollman (University of Glasgow) was asked about the pace of policy change other countries that have adopted policies on same-sex unions in recent years – whether there had been enough consultation in different countries and whether the process of bringing the bills to fruition had caused any problems. She said that so many different countries now had same-sex marriage policies that it was difficult to categorise—

“... but generally the countries that introduced those policies earlier probably had more controversy around them. However, in almost all the countries—there may be a few exceptions—it was the case that a majority of the public supported the policy when it happened. These have tended to be very high-

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profile debates and high-profile policy processes. That means that they have gotten a lot of scrutiny in Parliaments and also in the wider public debate.”

113. She said that it was “amazing” to look at the media coverage of, for example, same-sex unions as opposed to anti-discrimination laws that included sexual orientation—

“There were 10 times as many articles on same-sex unions or same-sex marriage as on anti-discrimination laws in some of those countries. Same-sex unions or marriages have a lot of symbolism; they tend to be something that the media covers a lot and therefore they tend to be something that Parliaments scrutinise a lot.”

114. On the question of whether such policies had caused problems in other countries, she said that there was “always” opposition—

“Oftentimes it is from religious organisations that have a particular cultural definition of marriage and feel uncomfortable about same-sex marriage. However, I have looked at the situation in most of the European countries and in the one North American country that has a national law, and I think that public opinion—with one exception—became more tolerant of homosexuality rather than less after same-sex unions came in, although that increase in tolerance was a year or two afterwards. I would not say that that increase in tolerance is necessarily causal always—there are general long-term trends towards an increase in tolerance for homosexuality. However, such policies have brought great visibility to lesbian, gay, bisexual and transgender communities and, in general, it has been positive visibility.”

A catalyst with consequences?

115. John Deighan (Bishops’ Conference of Scotland) suggested that a principle was being established with the Bill—

“... if you support this bill, you are saying that men and women are interchangeable and that gender really does not matter in any field of life. That area could easily be progressed.

“In some of the evidence and discussion, the belief that marriage is intrinsically and in essence built around the complementarity of male and female has been paralleled to segregation—we heard that earlier. Parallels have been drawn with the civil rights movement against racism. If there is to be any progression, that is where we have to look. Those are the principles

that are being established just now: if you hold that view, that is how you will be perceived by society. That ties in with the public sector equality duty and that is the mindset of those who have proposed this change. I have attended EHRC presentations where people have said, “There’s terrible discrimination in Scotland because some people believe sex only belongs in marriage between a man and a woman.” In other words, they are saying that in our society it is unacceptable to hold traditional Christian beliefs, traditional Muslim beliefs or the traditional beliefs of Judaism. This approach does not lead to pluralism but to the victory of a complete redefinition of marriage and its enforcement on all of society.”

116. Referring to his earlier comment describing marriage as “a covenanted relationship of love” and broadening it out from Jewish and Christian traditions to those of some Hindu and Muslim societies, the Rt Rev Dr John Armes (Scottish Episcopal Church) was asked why that should be restricted to two people. He answered—

“Marriage has existed in different forms in different cultures over the centuries. That is why the question whether the state has the right to define marriage—to say who can get married—is relevant. I personally, and the church that I represent, would say that the state has that right. If the state were to say that marriage could be between three or four people or more, I suppose that the state would have the right to do that. However, in the context of the Christian faith, marriage has always been between two people. For me, the idea of the covenanted aspect of the relationship is that it is a covenant between two people.”

117. He added that the Scottish Episcopal Church was currently “engaged in a conversation” on whether it could officiate at same-sex marriages, but that whether people could marry more than one spouse at one time would not be part of that conversation.

118. The Scottish Youth Parliament was asked, in relation to its position that two people in love should be allowed to demonstrate their love and commitment to each other in a way that reflected their personal feelings for each other, why it had chosen the number two. Louise Cameron (Scottish Youth Parliament) responded—

“We firmly believe that marriage is between two people. Polygamy is not a equal relationship—indeed, it is usually against the women involved—whereas we believe that a relationship between two people can be equal.”

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151 Scottish Youth Parliament, written submission.
Scottish Government

119. The argument that, if any two people in love with each other should be allowed to marry, by the same logic, two closely related people or, indeed, any three people should be allowed to marry, if they all loved one another and were willing, was raised with the Cabinet Secretary. He responded that, in terms of marriage, the Bill would do “one thing only”, namely to allow people of the same sex to marry each other—

“Let us confine ourselves to the provisions of the bill … Wider issues of defining marriage and so on are not the subject of the bill, which deals with one change and the consequences arising from that. Any other issues around the definition of marriage would require additional legislation, but we have no plans at the moment to introduce additional legislation around the definition of marriage.”

120. Responding to a similar point, that reforming marriage under the Bill could open marriage to further reform in future, he said—

“Well, we live in a democracy. My view is that this is an overdue reform of the law, but I do not envisage any further reforms to the definition of marriage, as it has been described, in terms of who can enter into a marriage legally in Scotland. My view is that, once the bill is passed, we as a Government certainly have no intention of introducing further legislation to amend marriage legislation in the future.”

Conclusion

121. We note the differing views expressed in evidence on the meaning and purpose of marriage.

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PROTECTIONS AND FREEDOM OF EXPRESSION

The ‘opt-in’ approach for religious and belief celebrants

122. The Bill would add provisions to the Marriage (Scotland) Act 1977 to allow celebrants (of religious and belief bodies) to be authorised to solemnise same-sex marriage. Under the Bill, the Scottish Ministers would only be able to prescribe a religious or belief body so that its celebrants were authorised to solemnise same-sex marriage if the body requested to be so and if Ministers were satisfied that the body met the qualifying requirements.

123. The Bill also provides that nothing in those new provisions would impose a duty on—

- any religious or belief body to request to be prescribed so that their celebrants could solemnise same-sex marriage
- any religious or belief body to nominate members to be empowered to solemnise same-sex marriage
- any person to apply for temporary authorisation to solemnise same-sex marriage;
- a celebrant approved to solemnise same-sex marriages to solemnise such marriages.

Need for protections

124. The Humanist Society Scotland stated—

“When considering calls for conscience clauses or protection of freedom of speech on this issue, the HSS would ask for equal marriage to be treated in the same way as equality law on race, gender or disability and those with other protected characteristics. When these laws were framed lawmakers did not consider enshrining in law special rights for those opposed to treating women, minority ethnic people or disabled people equally.”\(^\text{156}\)

125. Asked whether marriage was not different, Ross Wright said—

“… the position of the Humanist Society is that it is not different. Because the subject is sexuality, we seem to be getting into a real state over it and treating it differently from race or gender. It is puzzling to me why special provision is being made to bend over backwards to allow people that. Of course, they will still have the right to disagree and to say what they want about it. We are simply arguing for the right for people who want to have a same-sex marriage to have one.”\(^\text{157}\)

\(^{156}\) Humanist Society Scotland. Written submission.

126. Ross Wright also questioned whether protections were even necessary—

“People who are not registrars are given the right to conduct marriages, not the duty to conduct marriages. It is important to realise that. Because of that, it is a mystery to me why we even need the opt-out and opt-in provisions, which are an additional part. If anybody approaches me and asks me to marry them, I do not need to do that. I do not need to give a reason—I could be … otherwise busy that day. There is no need for me to give a reason why I will not marry someone.”\textsuperscript{158}

127. The Rev David Coleman (United Reformed Church) echoed Ross Wright’s view—

“… religious or faith celebrants have a right but not a duty to solemnise a marriage. We would like to safeguard the option for people not to go ahead with any marriage for conscientious reasons. That approach goes back a long time in the history of most churches, irrespective of the sort of marriage that we are talking about.”\textsuperscript{159}

**Protections for faith groups against celebrating same-sex marriages**

128. Various groups raised concerns about the Bill’s approach to protecting faith groups’ right to decide whether to celebrate same-sex marriage. Dr Salah Beltagui (Muslim Council of Scotland), for example, said—

“We collected evidence about the protections that the bill offers from many sources, all of which suggest that the protections might not be sustainable when a case is taken further, for example to a higher court such as the European Court of Human Rights.”\textsuperscript{160}

129. He described the current system, with celebrants opting into the government system and conducting a marriage at any place as “a good system”\textsuperscript{161} that was “working very well”\textsuperscript{162}. He said, however, that celebrants that he had spoken to had said that they would have nothing to do with the system of marriage proposed in the Bill—

“… they will have their own system and keep away from what is proposed. That is one example of how this interference in the definition of marriage will force some groups to have their own system, whereas the current system is working well at the moment. That is mainly because of this progression, and what you said yourself about the slippery slope. When I discuss the matter with celebrants, they say that they have heard it all before. That is an


example of what would happen. This situation between the Government and the celebrants could result in that."  

130. Pressed to explain why, given that celebrants would be able to continue to offer marriage as they wished, Dr Beltagui replied—

“That is what has been said, but celebrants feel, because of the history of this process, that, once the legislation is passed, they will be forced to do it. That is the feeling, because of what has happened, this progression …”

131. Asked what in the Bill could be said to cause that perception and how the Bill could be amended to address it, he said that those people’s minds could not be changed—

“… because they see what is coming. It is not about what is in the bill. We welcome what is in the bill—an opt-in system, which is good. However, celebrants are now in an opt-in system, and they have found that what is proposed will be called marriage, like any other marriage. They want to have their own marriage system separate, so that it does not get confused with the system that has same-sex marriage included. That is what we heard from the people in the front line of this relationship.”

132. Kieran Turner (Evangelical Alliance Scotland) welcomed the fact that there would be an opt-in system and that the Scottish Government had recognised that churches should be free to conduct marriages according to their conscience and according to their beliefs. He cautioned, however, that that opinion was not shared by everyone—

“There are definitely some folk in Scotland who would say that churches should be forced to do this, so we welcome the fact that the Scottish Government has taken a sensible approach on that.”

133. He went on to outline the Evangelical Alliance Scotland’s concerns relating to the long-term robustness of the protection—

“How long will it hold out for? Will there be a court case at some point that will try to force a church to marry a couple that it does not feel that it can marry? We have already started to see moves towards that in England, and our concern is that that will come in Scotland. A case might go all the way to the European court, where it may be that the protection is struck down.

“At the moment, our understanding is that it is still considered to be within the margin of appreciation for states, so it might be that that does not happen

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now. However, we would be concerned about that happening at some point in the future.”\footnote{Scottish Parliament Equal Opportunities Committee. \textit{Official Report}, 5 September 2013. Col 1413}

134. He then described wider concerns for the future—

“Our concerns … are much wider than the issue of the celebrant and the ceremony. They are about churches, organisations and individuals who still hold to a traditional view of marriage. Will their views be accepted in wider society? We appreciate that it is not the Government’s intention at the moment to say that that is an unacceptable view to hold, but will that come down the line? Will that have wider effects on churches and individuals?”\footnote{Scottish Parliament Equal Opportunities Committee. \textit{Official Report}, 5 September 2013. Col 1413}

135. The Rev David Robertson (Free Church of Scotland) took a similar line as regards the long term—

“Although I would like to think that opting out or opting in would work, in reality, it will not. At the very best, it will last for a short while if we have a state-imposed morality and we regard opposition to same-sex marriage as homophobia or its equivalent and therefore equivalent to racism. I do not think that anyone in the Parliament would argue that someone who wishes to be a racist and who says, for example, that they will not marry a black person to a white person should have an opt-in or opt-out. The default moral position of those who—out of conviction rather than political cynicism—argue for same-sex marriage is that opposition to it is exactly the same as racism. Therefore, inevitably, whatever the good wishes of politicians right now, an opt-in or an opt-out will not work, because politicians change every three or four years. I would love to think that teachers, charities and others will have complete freedom to express a view that goes against the zeitgeist and the current culture, but I suspect that that will not be the case.”\footnote{Scottish Parliament Equal Opportunities Committee. \textit{Official Report}, 12 September 2013. Col 1444}

136. Ephraim Borowski (Scottish Council of Jewish Communities) also expressed concerns—

“I represent a community that has within it a number of branches that take diametrically opposed views on the issue. However, the one thing on which they are all absolutely in agreement is that there should be no compulsion on any one of them to follow the views of the other. Therefore, whether it is a matter of opting in or opting out … there have to be protections for individuals and organisations. Much of the detail of our submission is to do with the wording of the draft legislation. We want to ensure that the protections are maintained and that there cannot be accidental slippage, as it were.

“We have given several examples of how we think the current wording might result in some people not being able to opt in to do what they want to do because, for example, of the happenstance that they do not currently have
an officially recognised celebrant. The bill is worded in such a way that a faith
group would have to have a celebrant from the beginning in order to be able
to carry out the ceremony. Likewise, individuals might find themselves
compromised because they are prepared to conduct same-sex marriages but
the organisation to which they belong says that it does not want to do that."\footnote{170}

137. Describing the protections in the Bill as "very weak", Dr Gordon Macdonald
(Scotland for Marriage) said—

"The Scottish Government’s intent is probably honourable—I would take what
it says at face value—but I do not think that it has backed it up with legislative
support. In a sense, what the Scottish Government has indicated to us
informally is that this is Scotland, everybody knows each other, we are all
friends here, nobody will do the sorts of things that happen in England and
therefore we do not need legal protection—it can all be guaranteed by
guidance and by a sort of informal agreement with the registrar general or the
Lord Advocate. That is the approach that the Scottish Government has taken.

"I do not think that that is sufficient. There are things that the Scottish
Parliament can do in terms of legislation to protect charities. We can look at
the definition of public benefit ... We can change the charity legislation so that
the Office of the Scottish Charity Regulator cannot do to churches what it is
doing to St Margaret’s adoption agency at the moment. We could introduce a
statutory right for parents to be informed and—depending on the age of the
child—to withdraw their child if they are uncomfortable with what they are
being taught. There are other things that can be done under devolved
legislation."\footnote{171}

138. The Rev Dr Alan Hamilton (Church of Scotland) indicated that the church
broadly shared those concerns—

"There are some important points to be made. First, the Church of Scotland
has no doubt that the Scottish Government is offering the protections that it is
offering in good faith and is seeking to preserve the right of individual
religious bodies and their celebrants to make a decision."\footnote{172}

139. He pointed out that the overall package of reforms included two “important
parts”\footnote{173} not present in the Bill, namely the delegated legislation and the
amendment to the UK Equality Act 2010—

"…we have the gist of what that might be but we have not seen the wording.
Those are important caveats, to which I would add another.

“There is deep concern that, even if everything falls into place, as the Scottish Government would like it to do, the proposed legislation will be ineffective in the face of a sustained challenge under the European convention on human rights. Once same-sex marriage is introduced, it will be extraordinarily difficult for a Government—a state—to discriminate. If the Scottish Parliament introduces same-sex marriage, the Scottish Government—the state—will find it extremely difficult either to discriminate or to allow others to do so.”

140. He believed that there was a vulnerability in the arrangements envisaged by the Bill because religious and belief bodies would be “seen as agents of the state”. He urged the Parliament to consider that, and highlighted the Church of Scotland’s proposal—

“…the vulnerabilities of the proposed scheme may be reduced if, instead of religious and belief bodies being agents of the state in carrying out marriages—as is currently envisaged in the statutory scheme—the religious ceremonies that they offered were simply recognised by the state as being efficacious in marrying two people. A religious body or a belief body would carry out what is essentially a private religious ceremony but the state would recognise it.”

141. Nevertheless, he said that, “even with that innovation”, the Church of Scotland had “deep concerns that, when challenged”, the proposed legislation would “unravel”, adding that there was “plenty of high-level legal opinion to that effect.”

142. The Rev David Robertson said—

“I do not think that any protections that the Parliament puts in place will ultimately last if the conception is that this is about equality … To me, the approach is intended to help to get the bill through but, ultimately, we will end up in a situation in which people who oppose same-sex marriage will automatically be regarded as bigots and as people who are discriminatory and who should therefore be discriminated against. I think that, in a short space of time, schools that do not teach the new morality and charities that do not accept the new morality will be legislated against. In fact, I do not think

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that there will need to be legislation; I think that the courts will find against us and we will get hammered.”¹⁸¹

143. Turning to the actual prospect of defending in court the position of faith groups not wishing to celebrate legally valid same-sex marriages, the Rev Dr Alan Hamilton said—

“We are voluntary bodies; we rely upon our members giving donations. The thought of years of exhausting and incredibly expensive legal challenge is very concerning. That is why in May the General Assembly of 2013 instructed my committee, together with other councils and committees in the Church of Scotland, to consider … whether it is worth the Church of Scotland continuing to offer marriages in Scotland. The matter gives us considerable internal problems and we are deeply concerned about the external threat.”¹⁸²

144. Ephraim Borowski suggested that the practice in some European countries and in other jurisdictions of civil marriage and religious marriage being completely separate from one another, with two separate ceremonies could occur more in Scotland than currently as an “unintended consequence” of the Bill—

“… we need to be conscious of the fact that what happens in all the jurisdictions in the UK is not the same as what already happens everywhere else regarding what is currently referred to as marriage. Following what one might call the European model may be a way of avoiding some of the problems that are being thrown up around the table.”¹⁸³

145. Asked about the article 9 protections in the ECHR, allowing the freedom to practice religion, and about the legal opinions that any attempt in the European Court of Human Rights to force a religion to hold same-sex marriage ceremonies would inevitably fail because of article 9, Kieran Turner said—

“There are conflicting legal views on this, which is where some of the concern comes from. We have not been there yet and no cases have gone to the court yet. Our concern is that those cases will come and we will be in danger. We know that, in a number of areas, there have been concerns about the article 9 protections and how far they go, particularly in the areas in which protected characteristics conflict. Our concern would be that doors would potentially be opened to other situations arising.”¹⁸⁴

146. John Deighan (Bishops’ Conference of Scotland) felt that the difficulty with using the ECHR as a protection was the immense cost associated with it. He added—

“In its interesting submission to the Government’s consultation, the Faculty of Advocates, without taking a position on the principle, pointed out that what will definitely give rise to difficulties and lead to conflict is section 149 of the Equality Act 2010, which relates to the public sector equality duty. This is not just about a re-understanding of marriage but about bringing down the weight of the state to enforce that particular understanding, which is what will happen through the public sector equality duty. That constitutes a considerable threat.”

147. Asked what, in practical terms, he meant by “bringing down the weight of the state”, he replied—

“As we heard earlier, those employed in the public sector, such as teachers, will have to promote the particular understanding of marriage that the state has set out. The public sector equality duty makes that clear. In England, for example, teachers have received advice from the Equality and Human Rights Commission that, in order to show that they have satisfied the public sector equality duty, they have to implement LGBT history month. That month would conflict with things, especially in Catholic schools, and there are immediate concerns for us in that regard.”

148. Dr Macdonald argued that the Bill could not be seen in isolation from other legislation, such as the Equality Act 2010 and the European convention on human rights—

“The problem that arose when adoption was considered by the Equal Opportunities Committee in the previous session of Parliament was that ministers gave lots of assurances that nothing in the Adoption and Children (Scotland) Bill would force Roman Catholic adoption agencies to do anything or shut them down. That was technically right; nothing in that act would do that. The equality legislation at Westminster is the problem that has led to most of the agencies shutting down.

“Ministers can give the same assurances on the Marriage and Civil Partnership (Scotland) Bill, but members have a moral responsibility to ask themselves whether the protections are robust and can withstand an ECHR challenge. There is already an attempt south of the border to challenge the Marriage (Same Sex Couples) Act 2013—which was passed only a few weeks ago—in regard to the Church of England’s position. It is almost certain that a similar challenge will arise north of the border. Therefore, members

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must ensure that not only this bill but other legislation—to the extent that they can influence it—is amended to provide protections."^187

149. John Deighan recognised that there were substantial protections around the celebration of a marriage ceremony, but did not think them to be “fully robust”. He said—

“… the crux of the matter … is that a religious celebrant provides a public service, so there will be avenues through which those protections could be challenged further down the line. I believe that that has happened in Denmark, where a church has been told that it must provide religious celebrants. I think that there will be a challenge on that issue."^188

150. The suggestion that churches in Denmark did not have the freedom to opt out was raised with Dr Kelly Kollman (University of Glasgow). She said—

“…my understanding from having looked at the case is that the law there has protections. As far as I know, most of the controversy happened when the church itself decided that it wanted to do blessings, which was not part of the original legislation that was passed in 1989. There was a lot of internal controversy in the church and a number of members of the church were not happy with those blessings. However, as far as I know, on marriage, there was far less controversy.”^189

151. The Equality Network also commented on the position in Denmark—

“The Church of Denmark is a state church, unlike the Church of Scotland, or even the established Church of England. The Church of Denmark cannot decide its own laws, and has no decision-making body like a General Assembly or Synod. Church law for the Church of Denmark can only be decided by the Danish Parliament, and there is accordingly a government Minister for the Church.

“Church of Denmark law is proposed by the Danish government in consultation with the Church, and there was consultation on the proposals for same-sex marriage. The majority of bishops and clergy of the Church of Denmark support same-sex marriage, but a minority are opposed, and the law, which came into effect in 2012, allows clergy who disagree to opt-out of conducting such marriages. The law is fully permissive and there is no compulsion on any celebrant. Two of the ten Church of Denmark bishops opted out of developing the same-sex marriage rite, and around one third of clergy have opted out of solemnising same-sex marriages.

“There are of course many other religious bodies in Denmark, many of whom provide legally-effective marriage. They are all free to decide for themselves whether to conduct same-sex marriages.”

152. Aidan O’Neill QC also pointed to a “different relationship” between the Church of Scotland and the state compared with the relationship in Scandinavian countries with established churches—

“As I understand it … the established church, which is the Lutheran church, has been seen as a department of state, in a similar way to the Anglican settlement. There is a minister in the Government who is in charge of church affairs. There is therefore a different relationship from the traditional relationship in Scotland, particularly because the Church of Scotland is not an established church. It is recognised as the national church under the Church of Scotland Act 1921, but it is most certainly not a department of state. That would be completely contrary to the whole reformation settlement and Calvinist ecclesiology.”

153. Like John Deighan, Dr Gordon Macdonald also felt that the protections were insufficient—

“… the issue comes down to what a public function is … In the Ladele case, the court ruled that Ms Ladele was a public authority because she performed a public function and yet the public function that a civil registrar performs is exactly the same public function that a minister of religion or a religious celebrant performs. Therefore, it then becomes an issue of balance of rights, and what a court would rule as regards the balance of rights may very well change over time and may very well change from one jurisdiction to another … The religious celebrant performs a function for the Government, but they do it within the context of a religious service.”

154. Tim Hopkins rejected the suggestion that religious bodies performed a public service when conducting legally valid marriage ceremonies—

“No. I would not call marriage a public service. As far as marriage that is done by religious bodies is concerned, it is a religious function—it is a sacrament as far as some churches are concerned … It is recognised in law, but it is clearly a religious function. In fact, the amendments to the Equality Act 2010 that are going to be made if and when the bill is passed make it clear that it is a religious function of churches.”

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190 Equality Network, supplementary written submission.
155. Asked what robust protections were in the Bill, Colin Macfarlane (Stonewall Scotland) said—

“We have had a lengthy consultation over the past two years, and the Scottish Government has listened to those who have concerns about protections. The protections in the bill are robust and strong, and the Government has got the balance right between freedom of speech and freedom of religion.

“The modifications and amendments that the Scottish Government has asked the UK Government to make with regard to celebrants et cetera are strong, and the Scottish Government should be applauded for listening to those concerns.”

156. Pressed on that point and, in particular, on whether the protections would work in practice, he said—

“I do not think that you are ever going to prevent people from making mischief, and you will never have a cast-iron guarantee that somebody is not going to try to take someone to court at some point, but the protections and the amendments to the Equality Act 2010 are—as I said—robust.”

157. He added that, across Europe, nine countries under the jurisdiction of the European Court of Human Rights had had equal marriage for around 12 years, and “not one single religious group in those countries” had been forced to carry out same-sex marriage. He reiterated his point that the protections were “strong and robust” in domestic law as well as in European and international law.

158. Tim Hopkins (Equality Network) agreed—

“… the Scottish Government has done a very good job of drafting the amendments to the 2010 act and getting them agreed by the UK Government. The legislation is now much stronger than the draft that was published last December. The Scottish Government has really listened to the concerns of churches about ensuring, for example, that people who take part in religious services, such as organists and those in the choir, can opt out of same-sex marriages, which they are free to do.”

159. He continued—

“The Government has also listened to concerns about ensuring that people who control religious premises are able to veto any other group that rents
those premises conducting a same-sex marriage. Those protections are all there.\textsuperscript{198}

160. Speaking about the protections that the Bill would afford to religious celebrants, Mark Bevan (Amnesty International) said—

“Having reviewed the proposals in the bill, we have no issues with those at all. The Lord Advocate has also made his position very clear.”\textsuperscript{199}

161. He also said that Amnesty International’s lawyers were not aware of any issue in the courts in those countries that had had legislation in place for some time.\textsuperscript{200}

162. The Rev David Coleman (United Reformed Church) also spoke in favour of the approach taken in the Bill—

“… we have been convinced that the guarantees that are contained within the bill are adequate. From one point of view, they might even be seen as excessive, but it might be sufficient guarantee that they are there and that no one is forced to engage in something that they are spiritually disinclined to do … As I said, we support the bill, because we believe that it contains guarantees, both to enable same-sex marriages to happen and to protect those who wish not to be party to that, while, from a public order point of view, not allowing them to bully those who wish to go ahead and prevent them from doing that.”\textsuperscript{201}

163. He said, however, that he was against amending the Bill to weaken the protections—

“We in the United Reformed Church greatly respect individual conscience and opinion, which is why we have not expressed an opinion as a denomination. We know that we contain people with different views. Having followed the process over the past two years, it seems that, because the protections are so thorough, the bill does not give total equality. However, on the other hand, at the end of the day, when a couple come and ask to be married, that will make no difference to them whatever. Therefore, if the protections reassure those who are opposed, let us go with them. We certainly do not advocate that the protections be weakened; we merely note that they bring into effect a state of inequality, although that is perhaps necessary to enable equality to happen.”\textsuperscript{202}

164. Turning to concerns about the European Court of Human Rights and the European convention on human rights, Tim Hopkins said that legal opinion from “experts in human rights” was very clear—

“… article 9 of the convention, which protects the freedom of religion and the freedom to manifest your religion, protects churches from having to conduct same-sex marriages. If the Scottish Government had written into the bill that churches had to conduct same-sex marriages—clearly it has not, but if it had—those churches would be able to win cases in the European Court of Human Rights because article 9 protects them. So, the domestic protection in the amendment to the Equality Act 2010 is underpinned by the European convention. That means that there is absolutely no prospect of anybody successfully taking a church to court and saying that it must conduct a same-sex marriage. The bill improves religious freedom by giving religious groups freedom to choose. We have always said that that should be the case and we are glad that the bill does that.”

165. John Deighan was asked whether, in any of the nine European countries that had already introduced same-sex marriage, his denomination had been compelled to perform same-sex marriage—

“The Catholic Church has not.”

166. Answering the same question, the Rev Dr David Easton (Methodist Church in Britain) said—

“There are Methodist churches throughout mainland Europe, although they are not large ones. I do not have the absolute figures at my fingertips to answer your question accurately. However, I am not aware of any instances in which member churches in those countries have been obliged to conduct same-sex marriages.”

Freedom for faith practitioners and groups wishing to celebrate legally valid same-sex marriages

167. Asked whether the current prohibition on performing same-sex marriages itself represented an infringement of his faith group’s religious freedom, John Phillips (Religious Society of Friends (Quakers)) said that he believed that it was—

“We have a number of gay couples in our Quaker meetings who have civil partnerships. From talking to them and working with them we can see that they feel that they have not been given the same opportunity, either by the Society of Friends or by society at large, to sanctify the relationship within the context of the religious community in which they practise. That has become clear to me really only over the past five years or so, since there have been a number of civil partnerships. We can, of course, hold meetings for worship to

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bless those couples, but there is something rather special about making the declaration itself within the context of religious worship. It is that which they feel singles them out as being different from opposite sex couples and which we have learned to greatly regret.”

168. Answering a similar question, Mark Bevan (Amnesty International) said that he “absolutely” believed that freedom to practise was an important human right and that it was a problem that many faiths in Scotland wishing to perform same-sex marriages and practise their faith in that way were forbidden to do so.

169. Ross Wright (Humanist Society Scotland) argued that the opt-in system was uneven—

“People whose organisations have opted in, like humanists, could refuse to conduct marriages, and that would be fair enough. However, freedom of conscience for people in those organisations that opt out—a Catholic priest or a minister of the Church of Scotland, for example—would not be respected. Conscience needs to be looked at from both directions.”

**Protections for public-sector employees and commercial-service providers**

170. It was put to Tim Hopkins that the question of protections had wider implications, for example in respect of people who are employed by public bodies? Asked whether there were robust-enough protections for those people, he replied—

“A relevant case down south is Adrian Smith v the Trafford Housing Trust. Mr Smith posted on his personal Facebook page that he disagreed with same-sex marriage and the trust demoted him because of that. That should not have happened. He went to court and he won his case. The court was very clear that that amounted to unlawful dismissal. The law is already clear that you cannot be subject to a detriment by your employer because you have views against same-sex marriage. We think, therefore, that the protections are already there.”

171. John Deighan (Bishops’ Conference of Scotland), however, felt differently—

“We believe that there will be detriments to people in terms of stating their belief. Employment law would need to be amended, because an employer could say that it does not think that someone weighs up to the latest standard...
on equality because of their beliefs on marriage. As we have heard, some people already think that such beliefs are akin to racist beliefs.”

172. He argued that the equality duty would “certainly” need to be changed so that people working in the public sector did not feel that they needed to promote a value “at odds with their beliefs”. He told us about people phoning his office to say that they had been told to implement diversity training schemes in their places of work—

“Those schemes are created in such a way that they stigmatise people who disagree because of their understanding of marriage. That is the breadth of detriment that we are facing in society if we go ahead with the legislation.”

173. He called for a change to the Equality Act 2010 to give an accommodation to allow people to distinguish between two things—

“… sexual orientation and the practice of the sexual behaviour. Those two things are conflated. I think that it is wrong to in any way discriminate against someone in an unjust manner based on their sexual orientation. I will give an example of the issue that we face. There might be someone working in a Christian organisation who has a particular sexual orientation, but if they want to propose their lifestyle of living in a same-sex relationship to children who they are perhaps trying to instil with a Christian education, those are two different things. However, the 2010 act does not allow us to distinguish between the two. That is the context that gives us the threat.”

174. Pressed to point to any ruling in court thus far under the public sector equality duty that would lead to the situation he described, he spoke of the Ladele case—

“… Lillian Ladele was told that, because she can get to church on a Sunday, her religious freedom was not being infringed. That is a very narrow understanding of religious freedom …

“It was Neuberger in the UK Supreme Court who said that Lillian Ladele’s religious freedom was not being infringed. The European Court of Human Rights stated in its judgment that it could not dismiss the issue as easily as that. We are looking at a very narrow understanding of religious freedom.”

175. Dr Gordon Macdonald (Scotland for Marriage) also felt that the possibility to opt in or out should apply more widely—

“Individual conscience should be respected in a free society. That does not just apply to a narrow band of people; it applies to everyone if society is to be truly free. If you say to someone that they have no right to a conscience

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when they work for the public sector, which is essentially what you are saying, that is no longer a free society but one that is becoming repressive. 215

176. Describing freedom of conscience for people who work across the public sector as “crucial”, he said—

“For instance, a local authority could easily provide a registrar service without imposing on the conscience of any of its staff. There is no problem in that being facilitated at local level. The problem is that some people and organisations want to force people to officiate at same-sex marriage or civil partnership ceremonies as part of an ideological agenda. That will apply not only to civil registrars but right across the public sector, particularly but not exclusively in schools. The question that members must ask themselves is whether they want to shut off careers in the public sector to people who have a conscientious objection to marriage being between two people of the same sex.”216

177. Ephraim Borowski (Scottish Council of Jewish Communities) said that a distinction between rural and urban areas was relevant—

“Normally, in urban areas, reasonable accommodation will be possible, because if a particular registrar does not want to get involved in something, he or she will have colleagues who can take over and who could be scheduled to do that shift or whatever.”217

178. He said that there was also another distinction, between people already in post – who had applied for it and been appointed with a reasonable expectation as to what the job involved – and people taking up a post in the future, knowing about the new legislation—

“What worries me is exemplified by the Ladele case. There is no doubt that there were other people in Islington who could have undertaken that duty, and Ms Ladele had been in post for many years. If we think about those two distinctions, that produces four classes. Ms Ladele should have been in the most protected class, having been in post in an urban area, with other people who could have been scheduled to do the work. Nonetheless, that became the crux of a case that has gone all the way to Europe.”218

179. Dr Macdonald elaborated on that point—

“The European Court of Human Rights recognises a margin of appreciation for nation states. The UK courts did not support Ms Ladele in her case. In the
Netherlands, the Parliament and the courts have ruled on the reasonable accommodation that registrars do not necessarily have to perform their function. That facility can be made—it would be within the competence of the Scottish courts to come to that view. If the Parliament gave a lead on that, it might increase the chances of that happening.\textsuperscript{219}

180. According to the Rev Dr Alan Hamilton (Church of Scotland), the church’s legal questions committee was “deeply concerned”\textsuperscript{220} that public servants, whether registrars or teachers, and particularly those who had begun their employment before the Bill was brought forward, would “find themselves prejudiced”\textsuperscript{221} and “might even lose their jobs”\textsuperscript{222}. For registrars and “others who might find themselves in positions of considerable conflict, including teachers”\textsuperscript{223}, he called for protections equivalent with those for faith celebrants.

181. The Rt Rev Dr John Armes (Scottish Episcopal Church) agreed—

“I simply concur with what Alan Hamilton has just said. We in the Episcopal Church have similar concerns.”\textsuperscript{224}

182. Tim Hopkins was asked whether the Scottish Government’s plan that people on the periphery of marriage, such as chauffeurs and photographers, would not have the freedom to choose not to take part in a same-sex marriage was just to move the discrimination away from the LGBT community on to the religious community. In his reply, Tim Hopkins accepted that there would be differences of opinion on the matter but made the point that the law would not change—

“The situation will not change at all. Wedding photographers are already required by law not to discriminate against civil partnerships so it is already the case that a commercial organisation that is selling photography services must not discriminate on grounds of religion, gender, race, disability or sexual orientation, which means that it must provide its services for civil partnerships.”\textsuperscript{225}

183. He said that, in the Equality Network’s view, the Scottish Government had “got it right”\textsuperscript{226} in the context of a difference between the operation of religious bodies, including the provision of all kinds of religious services by religious bodies,
and the provision of commercial services or employment by somebody who has a personal religious belief—

“We do not think that it is appropriate to allow somebody’s personal religious or philosophical beliefs to give them an opt-out from antidiscrimination legislation as an employer, for example, or as a commercial business selling services to the public. Where would that end? If somebody has a philosophical belief that is strongly against mixed-race marriages, are we saying that that person should be able to refuse to supply services to people who are entering a mixed-race marriage? Are we saying that public servants such as the people who empty ... rubbish bins, for example, will be allowed to say, “Well, I strongly disagree with same-sex marriage, therefore I don’t want to empty the rubbish bins of people who are in same-sex marriages.” I do not want to sound flippant, but the law says that such sexual orientation discrimination should not happen.

“We are very clear that where a business is supplying commercial services to the public, where public services are provided to the public using taxpayers’ money, and where non-religious employers are employing people, every member of the public and every employee should be treated with respect. I believe that the large majority of people would not have a problem with that. I may have a religious or philosophical objection to a number of things, but that does not mean that I will treat my colleagues at work, or the people to whom I would sell food if I were running a food stall with disrespect and refuse to serve them.”

Calls for a conscience clause, comparable with the Abortion Act 1967

184. Asked whether the way that abortion was enshrined in law was a good model, Kieran Turner (Evangelical Alliance Scotland) said—

“Yes, I think that that works well for that particular case. As has just been outlined, in most cases, discriminating against someone for any reason is wrong. Most of us agree on that. For most businesses in most situations, that would be wrong. Again, I will use as an example a member organisation that we might have. If a church runs a food bank, it will never turn away someone for any reason of discrimination. That would not happen and it would be wrong if it did happen. However, there has to be an accommodation for certain views. If someone is legally entitled to a public service, provided that they can access that public service, we should make accommodation. We should not try to batter rights against each other; we should take a reasonable and commonsense approach. ... The conscientious objection approach could work in particular circumstances.”

185. Tim Hopkins (Equality Network), however, did not think that same-sex marriage could be compared to abortion—

“You are, of course, quite right that there is a conscientious objection route for people who work in the health service who disagree with abortion. There is also a similar route for people who have a conscientious objection to fighting in the armed services in wars. Why are those routes provided? For abortion, it is because if a person has particular religious beliefs about it and is asked to be involved in one, that person would believe that they were being asked to be involved in murder. The same is true for people who have a conscientious objection to fighting in the armed services during war. Those opt-outs exist so that people are not required to be involved in committing what would be murder, according to their own beliefs.”

186. He explained that he thought that “very different” from asking a civil registrar to sign off on a civil same-sex marriage, which he described as “quite reasonable”.

187. Ross Wright (Humanist Society Scotland) expressed a similar view—

“Abortion is a fundamentally different thing from two people getting married. Nobody is dying. To put the two together is ridiculous. However, it is always useful to turn things on their head to determine, for instance, whether it would be reasonable for me, as an atheist registrar … not to marry somebody if I knew them to be religious. That would be unthinkable. Why, uniquely in this situation, with sexuality, are we making a special provision? If it is the opinion of MSPs that lesbian and gay people should be regarded as equal, then everybody is equal and there is no hierarchy of equality. I would fight equally for the privilege of people to believe what they believe and for their religion. All those things are equal.”

188. Tim Hopkins went on to make the point that civil marriage ceremonies were not allowed to include any religious content, so religion did not enter into it—

“The registrar is simply there to conduct a completely secular ceremony and then to sign the piece of paper to acknowledge that the couple have said their vows and signed up and that their witnesses have signed as well. Asking somebody to do that is not comparable to asking somebody to commit what they believe is murder.”
189. He pointed out the similarity with a civil registrar with Roman Catholic beliefs against divorce who would not be allowed to refuse to marry divorced people—

“We say that civil marriage is an entirely secular, non-religious function and that civil registrars should provide that function to all couples regardless of their personal beliefs about those couples’ lifestyles.”

190. Dr Salah Beltagui (Muslim Council of Scotland) was asked whether he agreed that abortion and war were not comparable with marriage. He replied—

“The case of marriage is exactly like abortion. It is an issue on which people will differ. We accept that abortion is a controversial issue, and marriage is at the same level, or perhaps an even higher level. Abortion involves one person with an unborn baby, but the issue of marriage involves the whole of society, where everyone has to adapt to the new vision.”

191. He emphasised the importance for him of the word ‘conscience’—

“… I do not see that word in the bill at all. That is something that we need to introduce. This committee is called the Equal Opportunities Committee. The issue is not about equality; it is about equal opportunity. Equality could mean that we treat people badly but in the same way. We have to give people equal opportunity to practise their religion, no matter their race or whatever, without being forced into something that they do not want.”

192. Dr Gordon Macdonald (Scotland for Marriage) said that, for many people of faith and others, it was a “fundamental” point—

“It is of equivalent moral significance to the issues that arise when a doctor performs an abortion—in fact, it might even be of more significance.”

193. Colin Macfarlane (Stonewall Scotland), however, supported the view expressed by Tim Hopkins—

“I think that most gay people listening to the comparison of gay people’s long-term committed loving relationships with abortion would be really hurt and disappointed by that.”
194. Reiterating the point that registrars perform a public service, paid for by the public purse, he said—

“LGBT people pay their taxes in the same way as everybody else. They deserve and expect exactly the same standard of service as everybody else, be it good or bad. Tim is right that providing an opt-out is a Pandora’s box, because as soon as you have an opt-out in one area, for example same-sex marriage, you can then start having questions around opt-outs for people who have issues around mixed-faith marriage or mixed-race marriage and, as Tim also clearly stated, for people who might have objections to divorce. The fact is this: registrars provide a public service that is paid for by the public purse and everybody, including gay people, deserves exactly the same standard and level of service.”

**Fears of attrition**

195. Regarding his comment that, until gay people were “seen as equal in the eyes of the law”, the distinction in society’s view of gay people would remain, Colin Macfarlane (Stonewall Scotland) was asked how that view reconciled with the Bill’s opt-in approach allowing any religious organisation that so wished not to opt in and, therefore, continue with its practice. Specifically, would there be calls in, say, 10 years’ time, if the situation evolved further, for those organisations to be required to opt in? He said that he believed that there would not be—

“The opt-in is right and the balance in the bill is right. It is not for any of us on the panel to tell a religious organisation what it should do. It is for the religious organisation to come to that conclusion itself through discussion and prayer. I cannot envisage a time when we would ask any organisation that still did not want to carry out same-sex marriage to do so. The bill has the right balance on freedom of speech and freedom of religion.

“What is also brilliant about the bill is that it allows organisations that wish to allow same-sex marriage the opportunity to do so. It is not right for one religion to tell another religion whether it should be allowed to carry out same-sex marriage. The opt-in system is absolutely right. That permissive system gets it right, and the Scottish Government should be applauded for that.”

196. Tim Hopkins (Equality Network) agreed—

“One thing that has changed in the past 10 years is that a number of religious organisations, including the Quakers in 2009, have decided that they want to conduct same-sex marriages. You asked what things would be like 10 years

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from now. Possibly some of the other churches will have decided in 10 years’
time that they want to conduct same-sex marriages. As Colin Macfarlane
says, that has to be a decision taken by the churches within the churches.
We can rest assured that that is the way that things will go.”

197. He drew a comparison with another other area of anti-discrimination law, that
of sex discrimination—

“The laws have now been in place for about 40 years, and discrimination on
grounds of sex is not allowed, but it is allowed for religious bodies. The
Roman Catholic Church, for example, is allowed to employ only men as
priests. Over those 40 years, there have been no moves to try to force the
Roman Catholic Church through the courts to employ women as priests.
Everybody understands that it is up to each individual church to decide
whether or not they want to open up their ministry to women, and those
decisions are rightly made within the church.”

198. Ross Wright (Humanist Society Scotland) commented—

“I see it as the endpoint in that the final legal hurdle to equality will have been
overcome. Whether other organisations—for example, the churches and so
forth—will want to adapt their positions later is up to them. That is their
choice.”

Comparison with adoption agencies
199. John Deighan (Bishops’ Conference of Scotland), speaking of a threat in the
context in which the Bill was coming in, drew a parallel with adoption by same-sex
couples. Referring to the situation whereby initially it was held that adoption
agencies would be able to place children with same-sex couples, assurances were
given that agencies disagreeing with that approach could operate in their own way
and refer same-sex couples to other agencies but, over time, they found
themselves compelled to place children with same-sex couples or lose their
charitable status, he said—

“I ask the committee not to make the same mistake as their colleagues who
told us that we had nothing whatsoever to fear from adoption by same-sex
couples—the quote on that is in our submission. The context is that, once
you establish criteria, the Equality Act 2010 enforces those on your religion.
Our adoption agencies suffered from that. If the bill is passed, we will suffer
in the same way when it comes to marriage counselling, marriage
preparation, marriage training and so on.”
200. Tim Hopkins (Equality Network) was asked about developments affecting adoption and whether he recognised the resultant concern that, by recognising same-sex marriages celebrated by faith groups, it would then become compulsory for faith groups to celebrate same-sex marriages. He disagreed with the description of the adoption agency situation—

“In 2007, two pieces of legislation were dealt with at the same time. The Scottish Parliament dealt with legislation to allow same-sex couples to apply jointly to be adoptive parents, because that is a devolved matter. What the law says about bodies that provide public services with public money and discriminate on religion, sexual orientation or any other ground is a reserved matter. As such, that issue was dealt with down in London at Westminster, which passed the Equality Act (Sexual Orientation) Regulations 2007.

“Westminster debated carefully the specific issue of adoption agencies and whether it was valid for adoption agencies to simply turn away all same-sex couples. Both Houses of Parliament concluded that they should not do that because adoption agencies use taxpayers’ money to provide services. For example, councils pay adoption agencies to match up prospective adoptive parents with children. Westminster’s view, which I agree with, is that where public services are being supplied and being paid for by public money—we all pay our taxes, whether we are heterosexual, lesbian, gay or bisexual—those public services should be made available to everybody. That is why adoption agencies are required to allow same-sex couples to apply to adopt. There is no right to adopt; anyone who applies is put through a stringent vetting process before they are accepted as adoptive parents.”

201. He pointed out that, in the Stage 3 debate in the Scottish Parliament on the Adoption and Children (Scotland) Bill, in 2006, the Scottish Executive had specifically referred to the fact that it was the UK legislation—then under consideration—that would determine whether adoption agencies could turn away all same-sex couples. He added that the UK legislation on adoption agencies had, after a 20-month period to allow adoption agencies to adjust, come fully into effect at the end of 2008, whilst the Scottish legislation allowing same-sex couples to adopt, he continued, had not come into effect until later—

“… so the rule applying to adoption agencies was already in place before it even became possible in Scotland for same-sex couples to adopt. Things have not changed since that legislation.”

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202. The example of the adoption agencies were raised with Ross Wright (Humanist Society Scotland), with reference to his assertion that the Bill was permissive and that the approach would not be compulsory. Asked whether, given what happened with adoption agencies, the same thing might happen in the context of the Bill, he said—

“My understanding of the situation, although I am not fully aware of it, is the adoption agencies could have stayed open, but that it was their choice to close down rather than treat people equally. No one forced them to close down; their conscience and their choice led them to do so.

“I strongly advocate that people should never be compelled to conduct same-sex marriages. Even the existing law, as far as I read it, says that I am not compelled to marry anyone.”

Balancing the rights of all parties

203. Asked about balancing rights in relation to different protected characteristics, Dr Salah Beltagui (Muslim Council of Scotland) said—

“I have asked this question ever since the equality legislation came in. If you have a conflict between two characteristics, to which do you give preference? It was always said that the decision would be left to case law, but I think that recent case law has given sexual orientation preference over religious practice. Again, that is one of the things that are not clear in the equality legislation. It is very difficult to decide which way the decision will go.”

204. Tim Hopkins (Equality Network) felt that considering whether the Bill provided a balance between equality on grounds of sexual orientation and better equality on grounds of gender identity on one hand and religious freedom on the other was “the wrong way to look at it”. He said—

“It is not a balance of those two things against each other; the bill promotes both at the same time. It increases sexual orientation equality and it increases freedom by allowing religious bodies such as that of John Phillips to conduct same-sex marriage while completely protecting the rights of religious bodies that do not want to conduct same-sex marriages not to do so.”

205. Mark Bevan (Amnesty International) similarly rejected the discourse about rights for different protected characteristics competing with one another—

“The fundamental position of Amnesty International is reflected in something called the Universal Declaration of Human Rights. That it is universal is the
most important thing about it. We would not see a conflict in rights here at all ... [between] our belief that same-sex marriage should be allowed in law and our belief in equality, set against—as some have argued—the opportunity for religious celebrants to refuse to marry ... The freedom to practise a religion does not conflict with the freedom to marry everyone else in the community on an equal basis.”^{255}

**Conclusion**

206. We note stakeholders’ varying views on the approach taken in the Bill towards protecting celebrants of faith and religious organisations’ freedom to conduct legally valid marriages in keeping with their doctrines. We ask the Scottish Government to consider those views in its approach to the amending stages of the Bill.

**REGISTRATION OF CELEBRANTS**

**Belief bodies**

207. Under the Marriage (Scotland) Act 1977, two types of marriage ceremony are possible: ‘civil’ and ‘religious’. Since 2005, the Registrar General for Scotland has temporarily authorised humanists as marriage celebrants under a provision of the 1977 Act designed for the temporary authorisation of religious celebrants. The Bill would set religious and belief celebrants on the same legal footing by redefining non-civil marriage ceremonies as ‘religious and belief’ ceremonies.\^256

208. Ephraim Borowski (Scottish Council of Jewish Communities) commented—

“It has been correctly recognised that the humanists feel to some extent compromised by the fact that the current fudge, for want of a better expression, allows them to conduct what are referred to as religious marriages. Humanists want to be able to continue doing what they currently do but not to have it labelled “religious”. That is perfectly acceptable. However, what is proposed will result in the religious aspect of genuinely religious marriage being kind of removed, because religious and belief marriages are left in the same basket. The distinction between them, which is a significant distinction that all my colleagues have founded on at various points in their answers to other questions, disappears. Therefore, we have suggested what looks like a trivial grammatical drafting change—from “religious or belief marriage” to “religious marriage or belief marriage”—because we believe that the distinction still exists and should not be elided in that way.”\^257

\^256 Policy Memorandum, paragraphs 15-17
Scottish Government

209. According to the Policy Memorandum\(^{258}\), when the Scottish Government consulted on marriage law reform prior to introducing the Bill, it proposed introducing ‘belief’ ceremonies as a third category, separate from civil ceremonies and religious ceremonies. The Policy Memorandum goes on to explain that, following the consultation, it was clear that it could—

- in some cases be difficult to determine whether a body was a religious body or a belief body. This suggested that it would be logical to have a religious or belief category
- be confusing to have three categories

Position of the Church of Scotland

210. Ross Wright (Humanist Society Scotland) commented on the Church of Scotland’s “preferential status”\(^{259}\) in law—

“… they are the only people who are, as of right, allowed to marry others. Everyone else has to be approved. Of course, that also creates a confusion in the bill in that it has required an additional amendment about deacons. If the church had been included with everyone else in the section in question, it could approve whoever it wanted, but because the Church of Scotland has this special privilege as of right to marry, a separate section relating to deacons has had to be included. Obviously, in giving evidence to an Equal Opportunities Committee, we would advocate that everyone should be treated equally; however, if a church is not established, it does not have the same special privilege.”\(^{260}\)

211. The Rev Dr Alan Hamilton (Church of Scotland), however, challenged the view that its treatment in marriage law made it privileged\(^ {261}\) and commented—

“The Church of Scotland believes that it has a responsible position that is no less than that of any other church. We have a responsibility to all the people of Scotland, regardless of religious belief or sexual orientation. That is where we are. How the state reflects the Church of Scotland’s position in the country’s national life is really up to it, but we do not seek a privileged position.”\(^ {262}\)

\(^{258}\) Policy Memorandum, paragraphs 19-20

\(^{259}\) Humanist Society Scotland, written submission


Conclusion

212. We note the explanation in the Scottish Government’s Policy Memorandum as to why the Bill maintains two categories of ceremony rather than adding ‘belief’ ceremonies as a separate category. However, we also note the point raised by the Scottish Council of Jewish Communities and seek the Scottish Government’s view on the suggested amendment to the redefinition of non-civil marriages, to more prominently reflect the distinction between religious ceremonies and belief ceremonies.

213. We seek the Scottish Government’s view on the opinion expressed by the Humanist Society Scotland that the treatment in marriage law of the Church of Scotland affords it a privileged status.

CIVIL PARTNERSHIPS

Shortcomings

214. Tim Hopkins (Equality Network) told us that there were “two significant differences”\(^{263}\) between marriage and civil partnership—

“One is in pension rights, in relation to the survivor’s pension. The other is to do with international recognition. The international recognition regime for civil partnerships is much weaker and is not common across countries that have civil partnerships, whereas it is common for same-sex marriage.”\(^{264}\)

215. He also described what he termed “practical discrimination”\(^{265}\) against civil partners—

“People have been quite distressed, for example, when they go to the bank and it does not understand what a civil partnership is or it has a form to fill in that has boxes for marriage but not for civil partnership. That type of thing … is still quite common. We carried out a survey of 103 people in civil partnerships in Scotland, and 58 per cent reported that they had not received the same respect or treatment as married couples for the reasons that I have mentioned.”\(^{266}\)

Treatment in the Bill of civil partnerships registered abroad

216. The Bill would enable couples who registered a civil partnership in Scotland to change their civil partnership into a marriage, either by having a marriage

\(^{266}\) Scottish Parliament Equal Opportunities Committee. Official Report, 5 September 2013. Col 1384
ceremony or via an administrative procedure to be established by the Scottish Ministers under regulations. 267

217. Tim Hopkins (Equality Network) raised an “anomaly” 268 in the Bill’s approach to civil partnerships registered abroad, and it relates to the changing of civil partnership into marriage—

“Under the bill, a couple can change their civil partnership into a marriage in two ways. The first is an administrative route … available only for people who registered their civil partnership in Scotland, for obvious reasons, because the registration to be changed is there on the record.

“The other way in which a couple can change their civil partnership to a marriage under the bill is simply to marry in the normal way. At the moment, the bill says that they can do that only if their civil partnership was registered in Scotland. That is causing real problems for a small number of people.” 269

218. He gave the example of a couple, one of whom is American and the other is a British citizen, who entered into a civil partnership while living in New Jersey and now live permanently in Scotland—

“They are recognised as being in a civil partnership. They would like to change that to a marriage when the bill is passed. Had they registered their civil partnership here, they would be able to do that, but because their civil partnership is registered in New Jersey, under the bill as it stands they will be unable to get married in Scotland.

“To marry, the couple would first have to dissolve their civil partnership, as that is the only way that they would be able to marry. The problem is that, in order to dissolve the partnership, they would have to show that it had irrevocably broken down: the same rule as for a divorce. Of course, their civil partnership has not broken down, so the only way that they could dissolve it would be to live apart for a year.

“We have, therefore, a couple who are in a civil partnership and want to change it to a marriage, which the bill would allow if they had registered their civil partnership in Scotland. However, because they registered the civil partnership in New Jersey, they would, if they wanted to get married, have to split up for a year …” 270

267 Policy Memorandum, paragraph 103-4
219. He described the situation as a “nonsense” and said—

“Only a small number of people are affected by that issue, but they are real people who have registered a civil partnership abroad and who, under the bill as it is currently drafted, will in effect be barred from entering a same-sex marriage. We think that a small change should be made to the bill to extend the part that allows people to get married in Scotland if they are already in a civil partnership to cover civil partnerships that are registered anywhere.”

220. James Morton (Scottish Transgender Alliance) added that there would be a particular issue for transgender people in that regard—

“If people are not able to convert their civil partnership that was registered in a foreign country into a marriage, they will not be able to get gender recognition without the state inhumanely forcing them to end their civil partnership, with all the trauma that exists around that. The people who are living in Scotland in a foreign civil partnership would remain the only couples for whom the inhumane divorce requirement would still apply after the bill. That would have a particular discriminatory effect on transgender couples in that situation.”

221. He also raised the prospect of problems with regard to immigration status—

“In order to ensure that people can live in Scotland with their partner, the immigration services would need to be satisfied that they are truly a couple. All the business of having to split up and get back together could easily result in immigration services being less than convinced that everything is above board.”

222. Colin Macfarlane (Stonewall Scotland) commented that there was also the “human factor” relating to the “very fact that two people … in a loving, committed and stable relationship would have to split for a year.” He said—

“That is particularly cruel. Our view is that, although only a small number of people will be affected, they are—as Tim Hopkins said—real people. The bill should be amended, and that could be done very simply. We agree with the principles that Tim has set out.

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Scottish Government

223. The point about the difficulty that couples in a foreign civil partnership would have with entering into a same-sex marriage in Scotland without dissolving their partnerships in their home jurisdictions was raised with the Cabinet Secretary. Asked whether the Scottish Government planned to look at that issue again with the passage of the Bill, the Cabinet Secretary explained that, “out of respect for foreign jurisdictions” 277, the Government was “not really inclined” to lodge any amendments on that matter—

“The law in other jurisdictions could cause enormous complications, particularly if it is proposed to dissolve the civil partnership or if it is proposed to dissolve the marriage in some way, if the partnership goes on to a marriage. The law would have to be very complicated if we tried to address those intricacies. It is much more straightforward and would not delay the passage of the bill if we did not lodge any amendments on that. 278

224. The Cabinet Secretary confirmed that civil partnerships registered abroad would be recognised in Scotland 279, that they could be dissolved in Scotland 280 and that polygamist marriages formed in countries where they were legal could also be dissolved in Scotland 281. That being the case, he was pressed on the question why those in a civil partnership performed abroad would have to dissolve the relationship, involving a year’s separation, before they could get married. The answer expanded on the reasons that he had already given—

“When we have looked at what other jurisdictions do in respect of changing overseas civil partnerships to marriages, some of them do and some of them do not. It seems to be the case that Holland and New Zealand would change overseas civil partnerships to marriages whereas Norway and Sweden would not. 282

“In Holland, one must either be resident in Holland or a Dutch national in order to get married there. That is not the case in Scotland. Pretty well anybody can come here and get married. If we introduced a residence requirement for civil partners to change their relationship to marriage in Scotland, that would be unusual in Scots marriage law. It is not impossible, but it would distinguish between most people getting married and people changing their civil partnership to marriage. There might have to be a residence requirement for those people." 283

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225. It was explained that, because of a provision in the UK act, there was probably no need to consider English civil partnerships. A further point, though, related to when the marriage would be deemed to have started—

“In the Scottish bill, we have provision that says that if you change your civil partnership to marriage, the marriage is deemed to have started when you went into the civil partnership. It might be hard for us to do that in respect of the overseas jurisdiction because we do not have the same sort of control over civil partnerships registered in overseas jurisdictions as we do in Scotland.”

226. Asked whether it was something that the Scottish Government would consider in future, the Cabinet Secretary said—

“We will see. Those issues may well be raised during the review—the remit is wide enough to take them on board ... This is not a straightforward process and a lot of consultation and research is needed before we can decide the best way forward. However, there is no reason why the review on civil partnerships could not consider those issues.”

The future of civil partnerships

Extend, maintain or abolish?

227. Brandi Lee Lough Dennell (LGBT Youth Scotland) said that the LGBT national youth council’s concept was to open up marriage and civil partnerships to all couples—

“Bisexual couples and trans people who do not want to pursue a GRC are limited by their birth sex, for instance, to having one sort of relationship or another.”

228. She said that people also saw it as a “matter of equality” that couples could not choose between marriage and civil partnership—

“Some couples would rather have a marriage to recognise their relationship in relation to society and other couples would prefer a civil partnership. For LGBT young people, same-sex marriages as well as mixed-sex civil partnerships are important issues of equality.”

229. It was put to her that, when Sweden and Denmark had legalised same-sex marriage, their equivalents of civil partnership ceased to be available to couples not already in them, in line with a view that civil partnerships were created purely as a compromise to avoid providing equal marriage and had become redundant. In response, Brandi Lee Lough Dennell spoke of a consultation with LGBT young

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people in seven youth groups and with two schools on the draft bill, responses to which showed that, if mixed-sex civil partnerships were not introduced, a “sizeable number” of respondents would not have a relationship status that represented their “ideals”. 289

230. Dr Kelly Kollman (University of Glasgow) confirmed that many countries had created same-sex unions that were not marriage in a “politically expedient” manner in the late 1990s and early 2000s. She also described “most national LGBT rights groups” as having marriage as their “ultimate goal” and that their argument had “largely been made on equalities issues.” 290 She highlighted, however, a further dimension—

“What sometimes gets lost in the debate is that, if we go back in history and look at the Scandinavian countries, part of what was going on was a pluralisation of family policy. The ways in which people live their intimate lives these days have become much more complex and pluralistic, and there was all this talk about different ways in which the state can define and recognise couples. That is a different argument from the equalities one.

“In some ways, however, the discussion and debate that we are having about same-sex unions can allow us to look at both issues. If we want to open marriage, that will help to solve the equalities issues between same-sex and different-sex couples, but, in doing so, especially as we have had another, non-marriage type of same-sex union before, we might want to start thinking about the other side of the debate as well—the one about pluralising family policy. If a Parliament opens marriage but then closes off civil partnerships, as they are in this country, it might be going against the second part of the debate, which is about pluralising family policy. I would encourage all Parliaments to think about that second goal as well, as some have done.” 291

231. Colin Macfarlane (Stonewall Scotland) commented that the Bill’s effect on civil partnerships was as yet unknown and referred to the forthcoming review by the Scottish Government, which he described as a “pragmatic and sensible” 292 policy decision—

“…we should wait for the Scottish Government’s review and we look forward to seeing what it produces.” 293

232. Tim Hopkins also welcomed the Scottish Government’s review—

“We think it important that that review start soon. It has taken two years to get to the bill from when the consultation on same-sex marriage started. We very

much hope that in two years some of us might be back here talking about legislation that would open up civil partnership to couples of any gender.”

233. Referring to the point about Sweden and Denmark’s abolishing of civil partnerships for couples not already in them when same-sex marriage was introduced, he recognised that it was “one way to go” but said that some other countries, “including France, Belgium, the Netherlands, New Zealand and South Africa”, had chosen to retain civil partnerships alongside marriage when marriage was opened to same-sex couples. However, Dr Kelly Kollman confirmed that the registered partnership schemes available in those countries were not all comparable with UK civil partnerships—

“They differ quite a bit. The scheme in the Netherlands is relatively comprehensive in terms of the rights that it gave to different sex non-married couples and same-sex registered partnerships. The French PACS is much less comprehensive. It is easier to get into and to get out of and does not include a lot of the benefits, duties and obligations that are associated with civil marriage in France.”

234. Tim Hopkins stated a preference for the Dutch model—

“In the Netherlands, the situation is quite similar to what we would like to see here: civil partnership and marriage are both available and have similar legal effects, but they are different and they are seen to be different. If you look at the stats in the Netherlands, about one quarter of same-sex couples choose civil partnership rather than marriage and three quarters choose marriage. About 90 per cent of mixed-sex couples choose marriage but 10 per cent choose civil partnership.

“Our surveys of LGBT people in this country have found similar proportions for same-sex couples.”

235. For Tim Hopkins, the point was to “maximise choices for everybody” and he said—

“Ideally, we would have liked to see mixed-sex civil partnership in the bill, but there is a lot in the bill already and there needs to be consultation and discussion about the future of civil partnership. Should it be opened up to all couples, regardless of gender, or should it be got rid of, as happened in Sweden?”

Scope for legal challenge

236. Asked whether maintaining civil partnerships for same-sex couples only might be subject to a legal challenge with merit, Aidan O’Neill QC argued that it would not, because an opposite-sex civil partnership would be no different from an opposite-sex marriage—

“The name is different, but the legal consequences are exactly the same.”

237. Although she pointed out that the legal consequences were “not quite the same”, particularly for couples who had been together for a long time, because of a “significant exclusion” in relation to pension benefits, Karon Monaghan QC agreed that any challenge would be “unlikely to succeed”. She said—

“… because there is, for an opposite-sex couple, no material distinction between a marriage and a civil partnership—that is, they can marry and get all their pension benefits—I think that the courts would say that this is an area where the legislature has some margin of discretion.”

Scottish Government

238. Asked for indication of a timeframe for the forthcoming review of civil partnerships, the Cabinet Secretary answered that he hoped for it to be done “reasonably speedily” and said—

“I have not put a deadline on it because it would make sense that our review, which has started—we have published the remit—is not totally completed until we see the conclusions and recommendations from the UK Government’s review. That is because many of the issues that will inform both reviews are reserved matters, particularly pensions and the like. It would therefore be sensible for our review to have the opportunity to study the recommendations and conclusions from the UK review in consultation with Maria Miller, the culture secretary and lead minister for the issue in the UK Cabinet. I have agreed with her that we want to try and get the review done and dusted reasonably quickly. We need to do it properly. It will be into 2014, but the sooner it is done the better.”

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239. Asked whether the Scottish Government was minded one way or the other on the possibility of opening up civil partnerships to mixed-sex couples, he said—

“The Government has no policy on that. We will wait and see what the review says and then decide what our policy should be.”

240. In relation to the case currently before the European Court of four mixed-sex couples seeking the right to enter into civil partnerships, the Cabinet Secretary said—

“We will wait to hear what the court says about that particular case and, if it requires us to take any action, we will consider that. Given that the issue is before the courts in Europe, it would be appropriate for us to wait to see what the court says.”

241. It was put to the Cabinet Secretary that, in the context of the current challenge in the European Court, the Bill could be seen as discriminating against mixed-sex couples. In response, the Cabinet Secretary disputed the premise that the Bill could be seen as discriminating against mixed-sex couples—

“We absolutely do not accept that interpretation of either our law or the ECHR … The Scottish Government’s very clear position is that the bill does not contravene the rights of mixed-sex couples.”

242. He said that, as the people in question could get married, the Scottish Government saw “no need” to amend the Bill. Nevertheless, he set out more detail on the matter—

“Clearly, we would need to reach agreement with the UK Government on a number of the reserved matters in relation to opposite-sex civil partnerships. When we have looked at the issue in the past, one of the big questions has been this: if you could enter into an opposite-sex civil partnership in Scotland, what would be your rights and responsibilities with regard to reserved matters both in Scotland and if you travelled outside Scotland? For example, there is no guarantee that, if you entered into an opposite-sex civil partnership with someone from overseas, you would be able to bring your partner into the country, because there is no guarantee that the UK Government would recognise the partnership for immigration purposes as it would recognise, say, a same-sex civil partner or a married person. There are also social security and, as the cabinet secretary mentioned, pensions issues to take into account, and we would very much have to work with the UK Government on the implications for reserved as well as devolved matters. Otherwise, couples could enter into mixed-sex civil partnerships thinking that they have full rights and responsibilities when, in fact, they could have quite limited

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rights and responsibilities, unless, as the cabinet secretary has made clear, the reserved matters followed.”

243. The Cabinet Secretary added that covering opposite-sex civil partnerships in the Bill would have made it “much more complicated” and would have had “a lot of ramifications”. He continued—

“… not moving in concert with our colleagues south of the border could cause a lot of problems instead of solving them. Our view is that the sensible course of action on this issue is for us to take our time and work with our colleagues south of the border and, hopefully, by some time next year, we will be very cognisant of all the challenges that might arise from that particular change in the legislation. A decision will then have to be made both south and north of the border on whether we go ahead with any recommendations that result from the two reviews.”

244. He was also asked whether the review would address the situation whereby a couple in a civil partnership would have to dissolve the partnership if one of them transitioned gender. He replied—

“The review’s remit is wide enough that it can look at such issues. I suspect that that issue will feature in the evidence that is given to the review.”

245. In relation to devolved powers on pension policy regarding certain public sector schemes, the Cabinet Secretary was asked why the Scottish Government planned to treat same-sex spouses in the same way as civil partners for the pension schemes under its responsibility. He said—

“Irrespective of the provisions in the bill, the policy of the Scottish Government, where we have devolved responsibility, is, as far as possible, to have a pensions policy that is compatible with the general principles of pensions policy throughout the UK. To do otherwise would result in many potential anomalies and difficulties. That is our general approach.

“However, a review is being undertaken by the UK Government of occupational pensions in particular. We reckon that that will report in about July next year. Once we see the results of that review, we can discuss the issue with our colleagues south of the border … We are very conscious of the issue. We have an open mind about it and we think that the sensible thing to do would be to await the review of occupational pensions by the UK Government because it will give us a clear indication of the best way forward in this area.”

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Conclusion

246. We note that the Scottish Government plans to consider issues relating to reform of civil partnerships, including opposite-sex civil partnerships, in its forthcoming review.

247. We note that the Bill creates a requirement that those same-sex couples who have entered into a civil partnership in another country must dissolve their partnership before being permitted to marry in Scotland. We believe that if same-sex marriage is introduced, these couples should have similar access to the proposed administrative procedure for conversion of civil partnership to marriage as couples whose civil partnerships were conducted in Scotland.

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

248. The Gender Recognition Act 2004 (“the GRA”) empowers the Gender Recognition Panel to issue a gender recognition certificate (“GRC”) to a person meeting certain criteria. Under the GRA, once a full GRC is issued, the person’s gender becomes for all purposes the acquired gender. The GRA currently provides that, where successful applicants to the Panel are married or in civil partnerships, the Panel should issue the applicant with an interim GRC. With interim GRCs, applicants do not change gender but are able to divorce or to dissolve civil partnerships, after which full GRCs are issued. The Bill would enable couples who married in Scotland or entered into a civil partnership in Scotland to stay together throughout the transition and acquisition of the new gender.  

Removing the requirement to end marriages and civil partnerships

249. Tim Hopkins (Equality Network) described the current situation as a “very important area of legal discrimination” affecting transgender people—

“Because we have a segregated system of marriage and civil partnership, if someone changes their legal sex because they are transsexual, they have to end their marriage and start a civil partnership. That causes all sorts of difficulties for people.”

250. The Humanist Society Scotland “strongly” supported that view.

Gender-neutral ceremonies

251. James Morton (Scottish Transgender Alliance) explained that somebody’s legal gender in one country does not automatically get recognised in other countries—

“You can have a situation in which a transgender woman who has gone through gender reassignment from male to female and has been fully legally

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315 Scottish Government, Policy Memorandum, paragraphs 110-12
317 Humanist Society Scotland, written submission
recognised in her home country—say, America—is not recognised as female in Scotland, where she would still be legally male in the eyes of UK law. If she saw herself as lesbian and had a female partner and wanted to get married in Scotland, the bill as it stands would require her to declare in front of all the wedding guests that she was the husband. Obviously, that would be a gross violation of dignity and privacy and would cause humiliation and embarrassment on what should be a happy and special day.”

252. He said that all that would be required to avoid those violations of dignity and privacy would be to allow the option, when the couple and the celebrant agree, to use gender-neutral language such as “We pronounce you married” rather than “You are now husband and wife”. He continued—

“We completely respect the fact that some religions might want to continue always to use the gendered terms “husband” and “wife”—that is fine—but we want religions such as the Quakers and the Unitarians, in addition to the Humanists, to have the option of respecting privacy and dignity and allowing gender-neutral language when somebody is technically entering a mixed-sex marriage but does not perceive themselves as being the gender that is on their legal status.”

Scottish Government

253. The Cabinet Secretary said that he thought that the Scottish Government had “probably struck the right balance” regarding gender-neutral ceremonies but recognised the sensitivity of the issue. He continued—

“As I understand it, the proposal is that both the denomination and the couple would have to agree to use the gender-neutral declaration. There might be further detail added to the arrangements for the ceremonies. I would not rule out change on that altogether ... However, I am concerned about the complexity. Any further changes to the bill in this respect would require a great deal of thought. It is not so much about the amendment or amendments that might come forward; it is about the implications and unintended consequences of any potential amendments. We would welcome comments from the committee, but it is an area that we would be quite cautious about, simply because it is particularly complex and I do not want to end up with unintended consequences, particularly if they damage the people whom we are trying to support to move forward.”
254. It was added that the Government would also want to make certain that no problems would be caused for denominations that might not want to use a gender-neutral marriage declaration when marrying an opposite-sex couple.\textsuperscript{324}

**Spousal consent**

255. James Morton (Scottish Transgender Alliance) set out a case for an amendment to the Bill to remove the ability of a spouse to obstruct his or her partner’s gender recognition—

“The European Court of Human Rights has recognised that for someone to have their gender identity legally recognised and respected by their Government is a human right. That is a very personal issue and is not something that another person should be able to block.”\textsuperscript{325}

256. He added that a balance needed to be struck—

“We feel that it is disproportionate to allow a spouse to block the whole gender recognition of their partner, but we recognise that some spouses might feel very strongly that they want the marriage to continue to be seen in the original way and to have the marriage certificate only in the original way as it was originally solemnised.

“Our proposed amendment would allow the transgender spouse to receive their gender recognition while remaining married, but without their partner’s consent the marriage would not be re-registered to show the new details. The bill regards a marriage between a trans person and a non-trans person that happens before someone’s gender recognition as a protected marriage. There is therefore no change to the pension rights, parental rights or any aspect of the marriage because the gender recognition of one party is granted. It is recognised that when the marriage was entered into, it was a mixed-sex marriage.”\textsuperscript{326}
257. James Morton explained that, for the Scottish Transgender Alliance, the proposed amendment would enable a balance between the rights to gender recognition for the trans person, which is their individual human right, and the rights of the non-trans spouse to avoid being given a marriage certificate that reflects new details. Indeed, he argued that the proposed amendment would provide better protection for spouses who do not wish to divorce their transgender partner—

“They might be against divorce—perhaps for religious reasons—and not want to have any change noted on their marriage certificate, because they feel strongly that how it was originally solemnised is what counts.”

258. He added that the amendment would not remove any rights for people to divorce their transgender partners and recognised that transition could be quite an arduous process for people, both bureaucratically and emotionally—

“We recognise that it can be profoundly difficult for a spouse to come to terms with their partner’s transition. That is another reason why we think that access to gender recognition should be separated from the issue of whether they continue their marriage. Sometimes, it can take a number of years for people to feel more at ease with the experience and they may want to wait and see how they feel rather than have to make a vast decision in order to allow their partner gender recognition.”

Scottish Government
259. Asked whether he saw any merit in requiring a declaration of spousal consent to continue with the issuing of a GRC, the Cabinet Secretary recognised the concerns but said that it was a “difficult issue” for the Scottish Government—

“The first point to stress is that spousal consent is not required to obtain a new gender; consent is required to stay in the marriage when a new gender is acquired. Both parties must be willing to stay in the marriage. In the bill, we have recognised the specific concern that some non-transitioning spouses may not wish to be in a same-sex marriage after their spouse obtains gender recognition. The point has been made that the non-transitioning spouse has at least two years to take action, given that the transitioning spouse must live in the acquired gender for two years before applying to the gender recognition panel. However, it may be the application to the panel that makes a non-transitioning spouse consider his or her options. This is quite a complicated area, but we have been listening to the concerns and we believe that we are addressing them.”

260. Asked whether the provision in the Bill allowing a person to continue to receive a gender recognition certificate if their spouse died before the application

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was complete covered all eventualities, the Cabinet Secretary said that he was aware of the issue and was willing to take any comments “seriously”.

Long-term transitioned people

261. James Morton (Scottish Transgender Alliance) told us that, under the GRA, there had initially been a two-year period allowing people who had transitioned more than six years previously to have their gender recognised without having to provide the same level of medical evidence as others. He explained why such an arrangement was important—

“The standard route requires that a person provide not only a letter from their GP detailing what medical treatment they have had for gender reassignment, but a letter from a gender specialist evidencing exactly how they were diagnosed. They can access such a letter only while they are still in touch with that gender specialist, and if someone has been transitioned for more than six years they will be out of the system and will no longer be attending a gender identity clinic. Therefore, they will have to try to re-enter the system, in which it currently takes between one and two years to get a first appointment.”

262. He added that they would also be taking up a space that could otherwise go to somebody in greater need simply in order to get re-diagnosed for the purposes of proof for the gender recognition panel. He went on to set out the solution put forward by the Scottish Transgender Alliance—

“We propose that the long-term transitions route be reopened in recognition of the fact that some people could not access it the first time round because they did not want to divorce or because they disagreed with the discriminatory requirement for other people to divorce and felt that, on principle, they should not take advantage of a system that their fellow trans people could not access. We feel that that would be of benefit not only to transgender people but to the gender recognition panel because, when there is a difficulty in gathering evidence, that makes the process of trying to help an individual to get through the gender recognition process more time consuming for the panel. We feel that it would be to the benefit of all to reinstate that option and to require people who have been transitioned for more than six years to provide only a GP letter evidencing their medical treatment, to enable them to have their gender recognised on that ground.”

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263. Asked for clarification as to whether that process should be put in place for people eligible for it originally or reopened retrospectively for all people, he said—

“We think that it would be best simply to reopen the route and not try to define exactly who would be eligible for it. The UK Government has tried to effect a restricted opening of it, but it seems not to have got the grouping quite right. It is hard to select exactly the right people, and we think that there are other reasons why people might need to use the long-term transitions route. For example, if they live in a rural Highland area they might not yet even have heard of the Gender Recognition Act 2004. It can take a long time for people who have been long-term transitioned and are no longer in contact with any transgender groups—people who are now just living their lives—to find out about their rights and be able to access things. We feel that it would be fairest simply to open the route for anybody who has been transitioned for more than six years.”  

Scottish Government

264. The evidence requirements and the difficulties that people who were long-term transitioned could have in meeting those requirements, were raised in the evidence session with the Cabinet Secretary. His answer explained that the Bill was very similar to the UK act in this area—

“That is deliberate because, given that the gender recognition panel operates on a UK basis, we wanted to stay as far as possible in line with the way that it operates. After speaking to us, the UK Government decided to amend its bill at quite a late stage to introduce what is sometimes called a fast track for long-term transitioned people who possibly cannot get the full range of medical evidence. Obviously, the UK act relates to people who could not use the original fast track under the Gender Recognition Act 2004 when it was brought forward because they did not want to end their marriage. We think that we might lodge an amendment at stage 2 along similar lines to what is already in the UK act to try to address that issue.

“We will have some detailed discussions with the Equality Network and the Scottish Transgender Alliance, because we have seen what they have proposed in this area. We will also speak to the UK Government and the gender recognition panel, given that the panel operates on a UK basis. In principle, we think that there is scope to introduce an amendment at stage 2.”
Lowering the age requirement

265. Asked about the current requirement that a person be at least 18 years to secure a gender recognition certificate, James Morton (Scottish Transgender Alliance) said—

“Transgender people aged 16 or 17 will remain discriminated against under the bill as drafted: because they are unable to legally change their gender, they will be unable to access a marriage or civil partnership as they identify.”

266. He argued that making the age at which someone could obtain a gender recognition certificate equal to the age at which they could “undertake the life-changing decision to marry and found a family” would not “in any way” encourage more people to transition or encourage people to transition at a younger age—

“After all, this is not about the start point of a transition but about recognising the end point; it is not about access to medical treatment but about recognising the small but significant number of transgender people whose identity as the other gender is so profound and so known to them from a young age that with parental support they have been living in the other gender throughout their teenage years. Only with parental support could they have changed their school and NHS records and their name and therefore be able to evidence their readiness for a gender recognition certificate at the age of 16.”

267. He described how, without the GRC, those people would, for example, be unable to get married in the church that they wished to get married in—

“… although the Church of Scotland regularly marries transgender people and their spouses, the minister in question might not perform same-sex marriages. As a result, 16 and 17-year-old transgender people are being discriminated against.”

268. James Morton also refuted that the proposal, which would “enable people to make various decisions about their lives at the age at which Scotland recognises their legal capacity to do so” – i.e. at 16 – was controversial.
269. Brandi Lee Lough Denne ll (LGBT Youth Scotland) said that young people were aware of their gender identity “far earlier”\textsuperscript{342} than they were of their sexual orientation—

“We work with a number of trans young people who began their transition long before the age of 16. When we consulted the trans young people in our service, we found that a large number of them were very upset by the fact that at 16 they could leave education, get a job or get married but could not legally have their gender recognised. For them, there was a very large disconnect in that respect. In fact, on this very issue, a young person told us:

‘I’m currently 17 and am going away to college next year. I would much prefer to have myself as male on the official records, but they need to have my ‘real’ details on the system.’

“In our consultation, we also asked young people whether the age at which they could get a GRC, which is 18 at the moment, had stopped any of them from entering into a marriage, and several young people told us that they had delayed marriage in order to receive their GRC. If the bill as drafted is passed, someone who enters into a marriage when they are 16 would have to wait until 18 to get their GRC and then would have to re-register their marriage afterwards. If the bill does not pass, they will not have the option.\textsuperscript{343}

270. Asked whether there was an issue in terms of less favourable treatment in respect of transgender young people who, although currently able to live in the acquisition gender, were unable to obtain formal recognition of that—i.e. a GRC—until the age of 18, whereas a non-transgender young person could marry at the age of 16, Karon Monaghan QC said that there “probably” was—

“… the position would require justification. Certainly, there would be potential for that to be the subject of a discrimination claim. The issue of whether it be justified would depend on issues such as whether transgenderism is something that takes a level of maturity on the part of an individual to be clear about, such as they might be expected to attain by the age of 18. I do not know the answer to that question. However, potentially, it could violate the convention—article 8, for example—and it would require justification if it were to be lawful.”\textsuperscript{344}

271. Lynn Welsh (Equality and Human Rights Commission) agreed with that position.\textsuperscript{345}
Scottish Government

272. The Cabinet Secretary was asked why the minimum age for applying to the gender recognition panel was 18 when the age of consent for marriage and sexual activity was 16. He described the point as a “serious issue” and responded—

“Before a person may apply to the gender recognition panel, they must produce evidence that they have lived full time and exclusively in their acquired gender for a minimum of two years. That alone suggests a gap between 16 and 18.”

273. He went on to state that the age for applications was set at 18 in the GRA to reflect the fact that people are expected to live for two years in their acquired gender—

“Most adolescents can be expected to have reached sexual maturity at the age of 16, which is also the age of consent to sexual intercourse. Some people mature more quickly than others, but it might be difficult to vary the age limit from case to case.”

274. Moreover, he argued, if the age limit were lowered generally, “practical concerns” would arise about how a child between the ages of 14 and 16 would show that they had lived “full time and exclusively in their acquired gender,” as the panel looked at documents such as driving licences, household bills and passports with a person’s gender-appropriate name on. He continued—

“We would need strong medical evidence to support any change in the age limit and before we could agree to any moves to lower the limit. I would be extremely reluctant to lower the limit, for the reasons that I have outlined.”

275. It was put to the Cabinet Secretary that an individual could have lived in the acquired gender for two years before turning 16 and that confirmation of that could be obtained from the individual’s school or from a general practitioner, who could also confirm what medication they were on. He recognised that, “theoretically”, that was possible, but said—

“… we have to be quite cautious about how we move forward on the issue … As a Government and in the bill, we have shown that we are keen to ensure that transgender people have all the rights that they should have, but I think that we have to strike a balance here, because there are issues to do with the maturity of people of that age and, in particular, the ability of people who are aged between 14 and 16 to show that they have been living in that way. I take quite a cautious view … it would take a fair bit of persuading for me to decide that the bill needed to be changed in that regard … [and] we did not


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consult on the matter, so I think that it would raise issues if we amended to 16 the age for applying to the gender recognition panel."

276. Asked whether he recognised that there were public bodies involved in recognising the lifestyle choice that people from the age of 12 and upwards had made, the Cabinet Secretary said that he did—

“You mentioned the age of 12. Should we pick 12, 14, 16 or 18? This is an area in which I am being quite cautious, because the law will apply to everyone. If we allowed waivers for different age groups or variations in what is allowed, we would end up in an extremely complex situation. If we went down that road, we would end up with a bill that was almost unmanageable. I think that it is necessary to choose between 16 and 18. For the reasons that I have outlined, our view is that 18 is appropriate, although we will listen to what the committee has to say. However, it should be borne in mind that we have not consulted on the issue.”

277. The Cabinet Secretary was questioned further about the suggestion that, by not allowing a 16-year-old transgender person to marry when a non-transgender person can marry at that age, there may be grounds for a human rights challenge on the basis of less favourable treatment in law. He replied—

“Everything in the bill has been human rights law proofed. We do not believe that any aspect of the bill would be open to a successful human rights challenge. However, if the committee feels strongly that we have not got things right, we will listen to what it has to say. I admit that I am being cautious on the issue—for good reason, I think—but if the committee suggests an alternative, we will take it seriously.”

278. It was added that the situation in Scotland and in the UK more generally was “broadly in line with the position in other jurisdictions”.

Conclusion

279. We note the Scottish Government’s position that it has struck the right balance regarding gender-neutral ceremonies, and that allowing such ceremonies could cause problems for denominations that might not want to use a gender-neutral marriage declaration when marrying an opposite-sex couple. However, we believe that it should be possible to allow a choice of gender-neutral or gender-specific language for marriage declarations and call on the Scottish Government to reconsider its position.

280. We note evidence calling for the requirement for spousal consent to be removed from the gender recognition process. We accept the Scottish Government’s view that, whilst the non-transitioning spouse has at least two years to take action, it may be the application to the panel that makes a non-transitioning spouse consider his or her options. We realise that spouses of

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people seeking gender recognition may find themselves in circumstances that are very difficult to face and that we have not received evidence from their perspective. However, we believe that the non-transitioning spouse’s personal choice is sufficiently protected by the automatic grounds for divorce triggered by his or her partner’s seeking gender recognition. We therefore believe the requirement for spousal consent for gender recognition is unnecessary and should be removed.

281. We draw two further conclusions regarding gender recognition issues raised in evidence, whilst recognising that it may not be possible to deal with them effectively within the scope of this Bill—

- Regarding the difficulties facing long-termed transitioned people, we welcome the Scottish Government’s willingness to consult relevant stakeholders further with a view to lodging an amendment at Stage 2.

- We note the representations made to us about lowering the age requirement. We do not consider that we have received sufficiently comprehensive evidence in this area and ask the Scottish Government to provide, in advance of Stage 2, a detailed response on the issue.

**IMPACT ON OTHER AREAS OF LIFE**

**Education**

*Impact in the classroom*

282. Stephen McCrossan (Educational Institute of Scotland) was asked whether the Bill would have an impact on how teachers taught in the classroom. He replied—

“I do not think that the bill will have a significant impact on the way in which teachers teach in the classroom. We simply see the bill as another strand in equality and diversity, promoting equal opportunities and challenging discrimination. I do not think that it will make a significant difference to classroom practices and how teachers teach in the classroom. 357

283. He accepted that teachers might have personal views either for or against same-sex marriage but pointed out that they adhere to a code of professionalism and conduct through the General Teaching Council for Scotland—

“They role in the classroom is clearly defined as non-judgmental. The responsibility and onus would therefore be on the teacher to devise appropriate classroom activities to allow the children and young people to look at and explore the issues in the bill on their own and make up their own

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minds about it. Essentially, it is the responsibility of the teacher to be inclusive and non-judgmental in how they operate in the classroom.”

284. He told us that teachers were often asked what their own views were but, in his experience, they set down the parameters with the class at the beginning of the year on what was expected in the classroom—

“The teacher’s views and opinions would certainly not matter; it is all about the children exploring and expressing their own views. That would be established as a basic classroom rule.”

285. Responding to a suggestion that, on issues like this, a teacher’s interaction with, for instance, a primary 4 class would be quite different from that with a secondary 4 class, where there would be more of a discussion, he said—

“I have no experience of the primary sector, but I can say that classroom practice and teaching methodologies have opened up as a result of curriculum for excellence, and teachers are now being encouraged to explore and use many more new teaching methodologies such as collaborative learning, the use of information and communication technologies for research purposes, active learning and peer learning. People’s views of traditional teaching approaches have changed and teachers are now able to pick and choose from the approaches that I mentioned, depending on their audience.”

286. Cara Spence (LGBT Scotland Challenging Homophobia Together Schools Project) felt that the issue was not necessarily as controversial as people perceived it to be—

“LGBT Scotland has just completed a three-year project in which we worked with more than 9,000 pupils in 47 schools across Scotland and trained 350 school staff. There is a fear that this is a controversial issue and when teachers hear such language they get alarmed. However, when you unpick the issue and show that it is okay to talk about, say, love, bullying and anti-bullying approaches, teachers are okay with it. Our work with teachers was fantastic and positive; those teachers are leading the way in Scotland and particularly think that issues such as prejudice-based bullying need to be challenged in schools.”

287. John Brown (Catholic Education Commission), however, felt that a “strongly controversial” aspect of the Bill was its “redefinition of marriage” which, he
said, would “come into conflict with the belief held in Catholic schools and by the Catholic church about the sanctity and dignity of marriage as being between a man and a woman”\(^\text{364}\). According to John Brown, teaching in those schools would have to represent marriage according to that religious stance and sought an assurance that it would not “change or challenge the faith curriculum in Catholic schools”\(^\text{365}\). He outlined a specific concern—

“In a Catholic school, we would be teaching the idea of marriage as being between a man and a woman. That is the sacramental element in a Catholic school. That does not prevent me from stating that some people live different lifestyles and deserve respect for that. My worry is that if a teacher says in a classroom that they do not believe something to be marriage in the sense that we understand marriage, they could be liable to be attacked or taken to court because they are seen to be against something that the state has promulgated. Therefore, we need some sort of legal protection in the bill so that we can say what we believe within the Catholic understanding of marriage and we are not prevented from saying that some people go through a form of ceremony that they call marriage but is not marriage in our view.”\(^\text{366}\)

288. Michael Calwell (Family Education Trust) also spoke of a conflict, between two “normative views of marriage”\(^\text{367}\), which he characterised as, on one hand, a “purposeful sexual union of a man and a woman … vital to human society”\(^\text{368}\) and, on the other, a “radical, new vision of marriage … invented by a pretty small political class in a very small corner of the world in the past few years”\(^\text{369}\). He said—

“We must decide which of those two conflicting understandings of the human institution of marriage we teach to children. We would say that the bill should not proceed at all. However, should it proceed, the decision on which of those conflicting views of marriage is taught to children would have to be made by parents because, in any free society, they are ultimately the people who are responsible for raising and educating their children and they have a basic right to have their ontological, philosophical and religious views communicated to their children.”\(^\text{370}\)
289. Asked why a school would have to take one side or the other, rather than have teachers explain, similar to an issue like abortion, that some people agreed with it and others disagreed with it, Michael Calwell said—

“With older children—in the teenage years, for example—we could probably tease out some of the political and ideological concepts that have gone into the bill. We could talk about gender theory, critical theory and all the ideologies that have driven the bill and then juxtapose the vision of marriage that is contained in the bill with what the human family understands the nature and purpose of marriage to be. Therefore, we could teach it in the context of a wider political and ideological conflict that is going on in this part of the world at this point in time.

“However, when it comes to small children, who really cannot digest all that complexity, the people who must decide what marriage is—what its basic meaning and purpose are—and what they want to communicate to their children about that must be the parents. We emphasise the primacy of parental sovereignty in the debate.”

290. Ruth Hunt (Stonewell/Stonewall Scotland Education Champions Programme) disagreed, feeling that there was a “fundamental misunderstanding at the heart of the debate”, namely the assumption that the law was based on people’s individual belief and faith rather than on what the nation needed. She set out the Stonewall experience of how teachers could present their own views without coming into conflict with the law—

“Faith schools that work with Stonewall Scotland and those that choose not to but still take the issue seriously are clear that teachers are able to present their views and beliefs in a respectful and dignified way while still teaching truth. People in every faith community and those of no faith would agree that all children need to be taught the truth. Children under 11 do not need Michael Caldwell’s analysis of Foucault’s changing nature of gender variance. They need to know that different couples love each other and that love and relationships are important.

“Providing age-appropriate materials and ways of describing that is exactly how good faith schools work. The faith schools with which we work say that homophobic bullying is not fair, not right and not Christian and that they strongly believe in that. They also say that some people believe that same-sex couples should be able to get married and some do not because they believe that marriage should only be between a man and a woman. Children, regardless of their level of sophisticated understanding, are able to grasp that concept easily.”

291. She argued that it was possible to present different notions of faith without telling “lies”\(^{374}\) and set her argument in the context of current, existing law—

“The truth at the moment is that opposite-sex couples can get married in a religious premises or in a registry office. Some people do not have any religion when they get married, but that is okay. Some gay people can enter into something called a civil partnership. Those are facts—factual pieces of information. The teacher can then say, for example, ‘I don’t believe that gay people should be allowed to have a civil partnership. That’s because I believe that relationships should only be sanctioned by the state when they are within a construct of faith.’ You know, you can have that conversation while presenting the truth.

“When the bill is passed, the teacher could say, ‘Some gay people get married; some don’t. Some heterosexual people get married; some don’t. I believe that gay people shouldn’t get married.’ That is not an impossible position to occupy within a school environment.”\(^{375}\)

292. She disagreed with suggestions that the Bill would “force”\(^{376}\) teachers into a position where they could not say that they did not believe that same-sex marriage was a good thing—

“The reality is that good teachers, including good Catholic teachers, frequently manage their beliefs in juxtaposition with the curriculum that they are teaching. I remember a very good lesson in my Catholic secondary school, in which we were taught about evolution but the teacher began by saying, ‘I do not believe in evolution. This is my personal belief, but I will now teach you.’ As a pupil, that was a fascinating insight into the different ways of seeing the world, but the lesson also enabled me to pass my physics GCSE. These things are not contradictory.”\(^{377}\)

293. Pressed to explain on what grounds she believed that teachers would be able to manage the juxtaposition between their beliefs, those of their schools’ denominations and the law – and if, for example, there was a specific legal protection, Ruth Hunt maintained that it was what happened already—

“This legislation will not make any difference to how teachers in faith schools and indeed non-faith schools—are already managing these issues. Teachers hold a range of beliefs about a range of different issues, but the fact is that they know that they need to teach things so that kids can pass their exams; so that they can live, work, socialise and pray in a modern society when they leave school; and so that they are equipped to work and to manage in society. Teachers

\(^{374}\) Scottish Parliament Equal Opportunities Committee. *Official Report, 26 September 2013*. Col 1537

\(^{375}\) Scottish Parliament Equal Opportunities Committee. *Official Report, 26 September 2013*. Col 1538

\(^{376}\) Scottish Parliament Equal Opportunities Committee. *Official Report, 26 September 2013*. Col 1538

want to ensure that young people respect their neighbours, their colleagues and the people they are going to work with. Of course, that does not preclude them from expressing a belief; indeed, young people are very interested in the range of beliefs that people hold on issues. There is no way—in fact, it is physically impossible—to say to a teacher, ‘You have to draw a line and not say what you believe here and teach only the facts there.’”

294. She added that, were this a new issue or concern, she would be “less confident” in her answer—

“… but the reality is that teachers navigate a fine line all the time about issues relating to contraception, genetics and modern crop rotation. We constantly battle with ethical issues of interest and issues that involve holding conflicting beliefs and teaching the facts. Good teachers are very well equipped to deal with that.”

295. Stephen McCrossan said that the EIS’s view was that the system already worked—

“Normally, if a teacher has difficulties with the teaching resources that he or she is expected to use in the classroom, their professionalism allows them to flag up their difficulty with the particular topic and local arrangements come into play in the school. As the Government has pointed out, teachers have a responsibility through their professionalism, but employers also have a responsibility under the public sector equality duty to respect the beliefs of the individual teacher.”

296. According to Stephen McCrossan, he and his colleagues had not come across any cases at national level in which disciplinary procedures had been applied to teachers who had said that using certain materials went against their beliefs—

“… which indicates that such issues are either being dealt with at local level, or they simply do not happen.”

Dealing with bullying
297. Cara Spence (LGBT Scotland Challenging Homophobia Together Schools Project) was asked whether leadership that came from the classroom reduced bullying. In her answer, she emphasised the welfare of children and young people—

“At the end of the day, we know that lesbian, gay, bisexual and transgender young people are in classrooms across Scotland. They tell us that if teachers

said negative things about same-sex relationships, or said that same-sex
relations are harmful or not equal to heterosexual relationships, they would
find that damaging and hurtful. That is the most important thing. 382

298. She described considering the welfare of children and young people as
“paramount” in a teacher’s role—

“… it is not secondary to their beliefs or views. Before a teacher makes a
statement in the classroom, they should consider whether it might have a
damaging effect on a pupil in that classroom. Teaching should not be biased;
It needs to be factual. If the bill is passed, the legislation will be fact. There is
no need for teachers to state negative opinions in the classroom in relation to
the legislation.” 384

299. Responding to the same question, Chief Superintendent Grant Manders
(Police Scotland) said that he had been in the police for 26 years and could not
remember any instances of bullying that had been precipitated by what a teacher
had said in the classroom. He said that it was “more of a peer issue in the
playground” than something that began in the classroom. 385

300. Relating the incidence of bullying to the introduction of civil partnerships and
the prospect of same-sex marriage, Ruth Hunt (Stonewell/Stonewall Scotland
Education Champions Programme) said—

“Civil partnerships brought us up a gear. We heard a lot from young people
who had attended a civil partnership ceremony and then talked about them in
school, and we think that civil partnerships created an environment in which
these matters could be talked about in an easily understood way.” 386

301. However, she continued, civil partnerships had not completely eradicated
homophobia in schools—

“… 50 per cent of young lesbian, gay and bisexual people still experience
bullying—and the sense of otherness that comes from having two separate
systems is incredibly damaging to gay people’s sense of self and how that is
described in schools. We thought that the situation would be better than that
and that things would move more quickly, but that has not happened.” 387

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302. Whilst she recognised that same-sex marriage would “absolutely ... not end homophobic bullying”\(^{388}\), she put forward the view that it would have a “transformative effect on Scottish society”\(^{389}\). She reasoned that in other countries, people began to “stop worrying quite so much about equal marriage”\(^{390}\) when it was introduced and that that would also be the case in Scotland—

“Oh, there has already been some movement and relaxation from the Church of England and the Pope on these matters. It is perhaps not as important an issue as child poverty and some of the other major issues that faith communities are concerned about.”\(^{391}\)

303. Pointing out that not all faith communities shared the same views on the issue, with many gay and heterosexual people of faith seeing marriage as a “good endorsement of good relationships”\(^{392}\), she argued that marriage would have a “civilising effect”\(^{393}\) on people’s consideration of lesbian, gay and bisexual issues that would “feed down into the playground”\(^{394}\).

304. Acknowledging that there had been “some confusion” over why same-sex marriage would reduce homophobic bullying, she set out an explanation—

“The acceptance of equal marriage in Scotland will be heard and understood by those young people up and down the country who are sitting in their living rooms reading the papers that this country has voted for equal marriage and equal rights for lesbian, gay and bisexual people. That is very positive and inspiring news for lesbian, gay and bisexual people, their parents, their godparents and their friends and families, and it will have an impact on the culture in schools.

“The type of vitriol that we are hearing about gay people right now will have a damaging impact and damage the young lesbian, gay and bisexual people who are watching on live stream—and I can assure you that they will be watching it. They are interested in what is being said, and the way people are talking about gay people will have a negative impact. A positive vote for this legislation will change culture and attitudes and, crucially, make modern 21st century Scotland a nation that lesbian, gay and bisexual people want to stay in.”\(^{395}\)
305. Cara Spence gave some context from research—

“... the research that we carried out with 350 LGBT young people in Scotland showed that 69 per cent of LGBT respondents had experienced homophobic or bi-phobic bullying and 10 per cent had left education as a direct result of homophobia broadly within the school environment. The research also showed that homophobic bullying can impact on young people’s mental health, increase the suicide risk and the potential for someone to self-harm, and lead to poorer educational attainment.”

306. Ruth Hunt gave some further data—

“‘The School Report’, which is a self-selecting survey of lesbian, gay and bisexual young people in Scotland ... found that half had experienced homophobic bullying, one in four had tried to take their own life at some point and more than half had deliberately harmed themselves. It is also worth flagging up that the work that we did with YouGov on the Scottish attitudes survey found that 92 per cent of people of faith stated that schools should tackle homophobic and transphobic bullying. There is a very real understanding and buy-in.”

307. She emphasised that including positive examples of lesbian, gay, bisexual and trans issues in day-to-day, ordinary teaching had a positive impact on lesbian, gay and bisexual people—

“It is worth remembering that if the only things that young people hear about sexual orientation are statements such as, “Your shoes are so gay”, “It’s so gay”, and “You’re so gay”, and if they go home and their parents are unhappy and their GP or chaplain are unable to help them, that leads to low self-esteem. A positive reinforcement makes those young people feel better, and it makes the heterosexual young people who hang out with them feel better, too.”

308.Asked how Catholic schools tackled homophobic and transphobic bullying, John Brown said that they deal with it in exactly the same way as all schools did—

“Whenever HMIE reports and collects statistics on whether pupils have ever been bullied in school, the figures are horrendous ... Rightly, all schools in Scotland, including Catholic schools, have zero tolerance of all forms of bullying, but that does not stop the bullying. I agree with what has been said about the scale of homophobic bullying, but it could also be said about lots of...”
other kinds of bullying. Schools are trying to stop all bullying—some successfully, some less successfully.  

309. In relation to a question about how teachers in Catholic schools would handle a situation in which a young person had experienced homophobic bullying that had been, in some way, justified by a twisted reference to scripture, John Brown said that they would “recognise the dignity of that young person as a person” which, he said, would not be dependent on their sexual orientation. He continued—

“The other side of it is that we just would not accept homophobic bullying. If the youngster who was bullying was able to quote scripture, I would question both his ability and his understanding of scripture. As with all understanding of sacred scripture, people can pull out bits and pieces without seeing the whole. We must be very careful of that, and the person who is doing the bullying—whether it is homophobic or not—must be dealt with severely. We must help young people to understand that every person in society has dignity, and under Catholic belief that dignity is formed by the fact that every person is made in the image and likeness of God. For me as a Catholic, the principle that every human is made in the image and likeness of God means that I must treat other people with a tremendous amount of dignity, whatever their sexual orientation.”

310. A question about whether there was bullying in schools of religious young people or of children holding traditional values was raised. Michael Calwell (Family Education Trust) said that he knew of people who had been bullied—

“I know a young lady who expresses religious views and has been bullied. The school, which I will not name, has dealt with it. There is an increasing amount of vehement intolerance. The process that we are undergoing here is likely to lead to more of that kind of intolerance.”

311. John Brown said that he had never seen any evidence to suggest that it was known whether people had been bullied for religious reasons. Ruth Hunt, however, quoted the national data sets which, she said, showed that bullying came in the following order—

“First and foremost, young people are bullied because of their weight, and second because of their sexual orientation, or perceived sexual orientation. About number five on the list is people who have faith. They tend to be of
Muslim, Sikh or Hindu faith and are perceived to be terrorists, basically. Christian faith is lower down the list.”

Potential for controversy

312. Asked whether there were any concerns that the changes proposed by the Bill could set off a debate over teaching and classroom reactions similar to the controversy witnessed at the time of the ‘section 2A’ repeals under the bill that led to the Ethical Standards in Public Life etc. (Scotland) Act 2000, John Brown (Catholic Education Commission) raised a concern about equality duties—

“…[under] the public sector equality duty … a local authority, if it is to fulfil that duty, might develop corporate policies that champion the need to advance equality. Advancing equality uniformly at the expense of the protection of religion and belief is where I see the difficulty. The public sector equality duty does not protect teachers who say things like, ‘I don’t believe that this is marriage but the Government is allowing people to enter into what they call marriage’, and that might lead to difficulties with employment law. There are examples of people who have been castigated and taken to court because they have made statements about what marriage is in essence and said that they disagree with the bill. We are looking for protection.”

313. Ruth Hunt (Stonewell/Stonewall Scotland Education Champions Programme) described what she saw as the “fundamental impact” of section 2A on Scottish schools and young people—

“… teachers felt paralysed and unable to talk about anything that related to sexual orientation. That legacy lives on in our schools. Some teachers think that that legislation still exists, and some know that it has been repealed but do not know what that means in terms of what they can do. That leads to there being very little reference to lesbian, gay and bisexual issues in any classroom, faith or no faith. The bill has reopened that discussion and it will give teachers the opportunity to think about how they can talk about these issues in an age-appropriate and sensitive way that reflects their belief system.”

314. She said that any additional legislation relating to education should be avoided “at all costs” as it would be “perceived and received” by children and
teachers as the “equivalent” of section 2A and as a “signal to teachers that they could actively go against” teaching the facts—

“... that is a legacy that you do not want to return to and we do not want to return to under any circumstances. Existing guidance and legislation protects teachers of all faiths and none when they discuss these issues in a sensitive way that protects religious freedom but also enables children to learn the facts about how our society works in 21st century Scotland.”

315. In relation to the same point, Stephen McCrossan (Educational Institute of Scotland) said—

“I work in the equality department of EIS and, as a trade union, we see it as our responsibility to keep teachers informed and give them a more informed view of equality issues. In undertaking that work, we organise LGBT networks for teachers, we have policies for giving advice to LGBT members, we are actively engaged with the Scottish Trades Union Congress to promote LGBT issues, and we actively encourage partnership activity with organisations such as LGBT Youth and Stonewall Scotland. Recently we highlighted Stonewall’s “The School Report: The experiences of gay young people in Britain’s schools in 2012”, its approach to learning and teaching materials on different families, and its education champions programme. We have made our members aware of the LGBT Youth teachers’ toolkit and lesson plans that it has provided.”

Rights and freedoms
316. Michael Calwell (Family Education Trust) felt that it was important to be mindful of demographic changes, “particularly with the inflow of people from very strong pro-marriage, pro-family cultures”. He said—

“That is visibly the case, particularly where I live. Scottish society will become increasingly reliant on people from those demographic backgrounds as our natural population, if you like, declines.”

317. He argued that, without provisions in the Bill to protect parents who wanted and needed their children to have an understanding of marriage consistent with their views, there could be “a lot of problems in classrooms, particularly with parents taking local education authorities to court for violating their rights”.

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Quoting “Article 2, protocol 1” of the European convention on human rights, he said that three provisions needed to be added to the Bill—

“... first, a statutory obligation to inform parents if any teaching about marriage that conflicts with their views is done in the classroom; secondly, a right to withdraw children from such teaching; and, thirdly, a positive obligation on the state to provide children with education that conforms to their parents’ understanding of the vital—pre-political, if you like—nature and purpose of marriage.”

318. For Michael Calwell, even if the young individuals’ views differed from those of their parents and they wanted to be part of the education that was offered in school, parents should be the “ultimate arbiters” of what their children were taught on issues such as this, up to the age at which they could understand the “nuances” of the arguments. He continued, expressing a fear that the state education system would not teach about the subject of marriage in an impartial manner—

“We can already see forces at work within the education system and the civil service that are antagonistic towards the traditional, established view of marriage. We would therefore not be necessarily comfortable that the state education system would provide a properly contextualised version of the wider debate about marriage not just in Scotland but throughout the world.”

319. Cara Spence (LGBT Scotland Challenging Homophobia Together Schools Project) disagreed—

“As a youth organisation, we are really clear that parents’ rights should not be privileged over the rights of young people. It is important that young people’s views are listened to and considered in any decisions that are made about their lives. Such a view is outlined in current practices such as getting it right for every child as well as in the United Nations Convention on the Rights of the Child.

“We recognise that some parents may want to remove children from classes such as sexual health and relationships education. However, we believe that it would be phenomenally impractical on the ground—if the bill goes through—for teachers to remove children from the classroom every time same-sex marriage is mentioned. Ultimately, good education is about dialogue between pupils and teachers—it is about discussing issues—so it

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420 Scottish Parliament Equal Opportunities Committee. Official Report, 26 September 2013. Col 1547
421 Scottish Parliament Equal Opportunities Committee. Official Report, 26 September 2013. Col 1547
would be difficult to plan for when a young person may raise the issue or to discuss it in the classroom.\cite{footnote:422}

320. Stephen McCrossan (Educational Institute of Scotland) gave a different view on the subject of whether it would be possible to know in advance whether a subject was going to be taught in the classroom—

“...The curriculum for excellence offers an awful lot of opportunity. I think that—touching on a previous point—there is now perhaps more of an emphasis on parental involvement within the working life of a school. Parent councils have a more important role.

“It is also good practice within schools that, if any contentious issues are going to be covered within the curriculum, parents are advised of that well in advance. As regards any instances that I have come across, parents have the right to approach the school, the headteacher or perhaps a member of the parent council to register their objection or to withdraw their child from that specific aspect of the religious education curriculum or the sex education curriculum. That is simply my experience, but certainly the curriculum for excellence gives an opportunity for parents to express their views more powerfully.”\cite{footnote:423}

321. Asked whether, should the Bill be passed creating marriage for same-sex couples as well as heterosexual couples, he would expect teachers in schools not to discuss that situation if there were pupils with same-sex parents, Michael Calwell said—

“This is why the bill is very problematic. Ultimately, it would be down to the parents of the other children to decide which of the conflicting versions of marriage they wanted their children to be taught about. That is one of the problems that the bill poses. I wish that I had an easy answer to that question, but the bill raises more questions than it answers.”\cite{footnote:424}

322. John Brown (Catholic Education Commission) felt that the point was not about the discussion of marriage in the way that the Bill would allow it—

“... it is about the business of what marriage is. In that discussion of what marriage is, we want to say that the current legislation about denominational schools remains the same and is guaranteed so that, in the discussion of marriage, a teacher can clearly state that, for some people in society, although the Government has made a decision to call it equal marriage, in the view of the church we cannot call it marriage in the sense that we believe in marriage. That is where the problem arises: we want some sort of right to determine the faith aspects. That is not to say that we will not discuss these issues; the question is whether we say that they are exactly the same ... we


\footnote{\textit{Scottish Parliament Equal Opportunities Committee. Official Report, 26 September 2013. Col 1550}}

\footnote{\textit{Scottish Parliament Equal Opportunities Committee. Official Report, 26 September 2013. Col 1547}}
want the right and the freedom to teach the definition of marriage that the church would hold to. We also want an assurance that the faith curriculum is not going to be seen necessarily as discriminatory. That is the issue that we need to be careful about in whatever comes out of the bill.”

323. Asked whether, in the specific circumstances of a teacher in a Catholic school having a strong opinion and wanting to express that, the legislation as currently proposed would leave that teacher protected or unprotected, he said—

“First, I do not think that the teacher would have the right simply to say, “This is my strong belief.” However, the teacher would have the right to say, “This is the belief of the Catholic church.” We must clarify that. Secondly, as the bill stands, I believe that a teacher who made that statement would be unprotected, and that worries me.”

324. John Brown was also asked whether teachers in the sector of the Scottish education system that he covered would be allowed to express views that were different from those of the church and still hold down their jobs. He replied—

“Yes and no. A teacher is able to express any view. However, the expectation is that they will say, ‘This may be my view, but the view of the church is X.’ Parents who send their children to a Catholic school have certain expectations, one of which is that the teachers will teach what the Catholic church is about and what its views are. A teacher would be at liberty to say—as has happened in the past—‘I personally may disagree with the church on this particular point, but this is what the church believes and teaches.’ I do not think that the teacher can go beyond that.”

325. Responding to a question about teachers in Catholic schools who said, as a matter of faith, that they didn’t believe that women should be priests nor that they should be ministers and whether such teachers were currently protected under any legislation, John Brown said that he did not know. He added—

“What we are looking at here has to do with marriage, and it is the equalities legislation that worries me. If a teacher said, for example, that women cannot be priests within the Catholic church, society would see that as something for the church to sort out within the church guidelines. However, what is suggested in the bill goes beyond simply the church. That is where my worry would be.”

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326. Speaking to the same point, Cara Spence (LGBT Scotland Challenging Homophobia Together Schools Project) said—

“I assume—although I am not a lawyer—that teachers would be protected under article 9 of the European convention on human rights, in particular in relation to religious freedom. I assume that that is the case as regards protections. 429

327. In relation to whether protections set out in guidelines could be guaranteed, Ruth Hunt stated—

“Existing guidance probably needs to be more clearly stated. We would very willingly work with Government to ensure that the guidance is very clearly stated, but that does not require legislation.

“I would also argue that new legislation would not solve the problem anyway, because it would lead to even more disputes about what means what and in what context. Teachers need to teach the facts and they need to know how far they can go in expressing their beliefs. Different schools will have different approaches to that issue, but it is not something that you can legislate about from the top, nor should you.” 430

328. John Brown (Catholic Education Commission), however, reiterated his concern that local authorities could set policies that could lead to difficulties for teachers who express their beliefs—

“We are looking for something in the bill, not just in advice, because, for example, the Lord Advocate’s advice that is given could change tomorrow. All that that requires is a change of Government and a change of personnel.

“We are looking for some sort of guarantee in the bill that … ensures that there is not the possibility of someone being considered to be discriminatory or homophobic because they hold a particular view about marriage. That would not apply to having a view about equal rights. We have to be very careful that we are not equating equal marriage with equal rights. They are not necessarily the same thing, unless we define marriage in a particular way, and that definition of marriage is not there now.

“We are saying that we want to hold to the traditional church view of marriage and to have it included in the legislation that, under the public sector equality duty … there is protection for the teacher who says, ‘I believe that this is what marriage is.’ I do not think that such protection is in place now.” 431

329. Cara Spence, however, emphasised the importance of recognising teachers as professionals—

“I have worked on the ground with teachers; of course they have beliefs and opinions on a wide range of subjects. As a professional—I am a youth worker who works with young people—I have a duty to consider the impact of what I say. Professionals who work with young people reflect critically all the time on what they will say and the impact that it might have on a young person. I do not think that it would make sense to legislate to take the power away from highly competent teachers.”

330. It was put to Cara Spence that greater protection was needed, particularly for denominational schools. She responded—

“For me, a teacher who works in a denominational school should be treated in the same way as everyone else. I know that there are lesbian, gay, bisexual and transgender young people in Catholic schools, and they need to hear positive messages, too, regardless of the educational establishment that they are in. All teachers have the same duties, which are outlined in the GTC code of conduct. That is already there.”

Chaplaincy within public services

331. Asked about concerns regarding clergy who also worked as chaplains within public services – for example, in hospitals – and whether expressing a view against same-sex marriage when conducting a service outwith their chaplaincy roles might conflict with their public service duty, the Rev Blair Robertson (Healthcare Chaplaincy (NHS Scotland)) said that he did not see the issue as a concern—

“Ministers of the Church of Scotland and other denominations who work as healthcare chaplains are employees of the national health service and are bound by the codes of equality and diversity and their own professional codes of conduct, as is the case for any NHS employee.

“Healthcare chaplains often have a dual status in that they are a minister or representative of a faith community as well as a healthcare chaplain. What someone says in their pulpit on a Sunday, as a minister of their church, is what they say on a Sunday; what they do as a healthcare chaplain is what I am interested in, as their manager. I would want to ensure that the service that the chaplain delivered in the hospital was in keeping with NHS equality and diversity policies and our professional code of conduct.”


332. Adding that healthcare chaplains in the NHS were not appointed to represent any faith or tradition but to deliver a service of spiritual care to people of all faiths, he explained that not all healthcare chaplains were ministers—

“… not all have a church for which they are responsible or where they preach on Sundays. We have a number of chaplains who are laypeople. In some respects, I would see the situation as being analogous to the fact that, when someone is on NHS premises, they do not smoke, but what they do when they get home is their own business. We do not represent a faith within the hospital: we are not there on behalf of any faith or church as chaplains.”

333. The Reverend Robertson added that action would only be taken if there was the potential that a chaplain had “brought the good name of healthcare chaplaincy into disrepute” or “misrepresented NHS policies”.

Conclusion

334. We draw the Parliament’s attention to the views expressed as regards the relationship between the Bill and public services, including educational matters.

DELEGATED POWERS

335. At its meetings on 3 and 10 September and 1 October 2013 the Delegated Powers and Law Reform Committee (“the DPLR Committee”) considered the delegated powers provisions in the Bill at Stage 1.

336. The DPLR Committee outlined its scrutiny of the Bill in its report of 2 October. It agreed that the majority of the powers outlined in the Bill did not need to be drawn to the attention of the Parliament; however, concerns were raised over two main issues. The first concerns the proposed administrative procedure for the conversion of civil partnerships to marriage. The other concerns changes to the law on the effect of a change of gender on marriage or civil partnership.

Converting civil partnerships to marriage

337. Persons who are in a “qualifying” civil partnership are to be able to marry each other by going through a marriage ceremony under the Marriage (Scotland) Act 1977 as amended by the Bill. Section 9 sets out the effect of such a marriage. It provides that the civil partnership ends on the date of the marriage and the parties are to be treated as having been married from the date of registration of the civil partnership.
338. Section 8 proposes that there should be an alternative mechanism for converting qualifying civil partnerships to marriage in the form of an administrative process rather than through the full solemnisation of the marriage. The DPLR Committee was concerned that section 8(2)(g) allows the Scottish Ministers to make provision about the effect of a qualifying civil partnership changing into a marriage through this procedure. Given (a) that the Bill itself sets out the effect of converting to marriage through a marriage ceremony and (b) the Scottish Government’s position that the effects of converting to marriage administratively should be the same, it was unclear to the DPLR Committee why Ministers required power to make provision about the effect of an “administrative conversion”, rather than the provisions of section 9 also applying to section 8.

339. The DPLR Committee invited the Scottish Government to reconsider whether the power in section 8(2)(g) is necessary or is broader than required to deliver the intended policy of replicating the effect of section 9. If the Scottish Government considers that the power in section 8(2)(g) remains necessary then the Committee is of the view that the higher level of scrutiny afforded by the affirmative procedure is merited given the scope of the power and the potential for it to make different effect to that contained in section 9.

**Effect of change of gender on marriage or civil partnership**

340. Part 4 of the Bill concerns the effect of a change in the gender of a party to a Scottish marriage or a Scottish civil partnership. The Gender Recognition Act 2004 sets out how persons may have a change in gender legally recognised. It is not currently possible for a married person or for a party to a civil partnership to remain in that legal relationship if they change gender and their spouse or partner does not. That is because the nature of the relationship would then be incompatible with the nature of marriage or civil partnership. The Gender Recognition Act 2004 therefore only allows a full recognition certificate to be issued to persons who are not in a legal relationship or where both parties to the relationship change gender at the same time.

** Renewed marriage or civil partnership following issue of full gender recognition certificate **

341. Section 28 confers power on the Scottish Ministers to make provision about the solemnisation of a “renewed marriage” or the registration of a “renewed civil partnership” following on from the issue of a full gender recognition certificate to one or both of the parties to a marriage or both parties to a civil partnership. Before making regulations the Scottish Ministers must consult the Registrar General. Section 28(2)(h) allows the Scottish Ministers to make provision about the effect of entering into a renewed marriage or a renewed civil partnership.

342. The DPLR Committee was not clear what the effect of a “renewed marriage” or a “renewed civil partnership” was to be. As the Scottish Government confirmed that there would be no distinct legal effect, the DPLR Committee was not clear why there was a need to make provision about the effect of any change.

343. It concluded that it is not clear that the need for the power in section 28(2)(h) is justified and invited the Government to reflect on whether it should be removed. If further clarification is required as to the continuation of renewed marriages or
renewed civil partnerships then it should be provided in the Bill itself. If amendments to the 1977 or 2004 Act are required to enable those Acts to operate properly then the DPLR Committee would consider those powers further. If further justification for provision about effect can be provided then, in line with its consideration of the power in section 8(2)(g) the DPLR Committee considers that such a power should be subject to the affirmative procedure.

Change of gender of married person or civil partners: additional circumstances

344. Sections 4(2)(c) and 5C of the Gender Recognition Act provide that a full gender recognition certificate can only be issued to a person in a civil partnership where both parties qualify for recognition of their change in gender at the same time. This will remain the position once the Bill is in force.

345. However, the Bill provides a route by which civil partners may stay in a legally recognised relationship after one of the parties changes gender. If the civil partners convert their civil partnership to a marriage (either before or after the issue of an interim gender recognition certificate) then new section 4C of the Gender Recognition Act provides that a full gender recognition certificate can be issued to the party changing gender provided their spouse consents to the marriage continuing.

346. The DPLR Committee expressed concerns as to whether a valid case for the delegation of power in the terms set out in section 5D had been met. New section 5D of the Gender Recognition Act 2004 confers power on the Scottish Ministers “to provide for the issue of a full gender recognition certificate in additional circumstances to those specified in section 4(2)(c) or 5C”. The DPLR Committee questions whether it is appropriate for the Scottish Ministers to be given a wide-ranging power to specify ‘any’ additional circumstances in which a full gender recognition certificate may be issued and would prefer that matter to be set out on the face of the Bill. The DPLR Committee therefore recommended that the Government bring forward amendments to address this issue during the passage of the Bill.

347. The DPLR Committee also recommended that the power should be subject to the affirmative procedure as a minimum level of scrutiny. Given that it was clear from the Scottish Government’s evidence there are a number of possible different options available, the Committee considered that a requirement for consultation on a draft laid before the Parliament would also be appropriate.

Conclusion

348. We note and support the recommendations put forward by the Delegated Powers and Law Reform Committee, and ask that the Scottish Government provide a response in relation to the recommendations and any relevant amendments lodged should the Bill progress.
GENERAL PRINCIPLES: CONCLUSION

349. Under Rule 9.6.1 of Standing Orders, we, as lead committee, are required to report to the Parliament on the general principles of the Bill.

350. We have considered the general principles in the context of opinions expressed in written and oral evidence to us. We recognise the validity of perspectives on all sides of this issue and draw the Parliament’s attention to the depth, range and sincerity of the views submitted to us. We recommend to members of the Parliament to approach the Stage 1 decision with the same dignified tenor as our evidence sessions and with due respect for a diversity of views.

351. The majority of the Committee supports the general principles of the Bill and recommends that Parliament approves the Marriage and Civil Partnership (Scotland) Bill at Stage 1. A minority of the committee does not support the Bill because they disagree in principle or because they are not convinced that adequate protections are in place. We wholeheartedly support the right of individual members to decide on the Bill as a matter of conscience.
ANNEXE A: EXTRACTS FROM THE MINUTES OF THE EQUAL OPPORTUNITIES COMMITTEE

25th Meeting, 2012 (Session 4) Thursday 13 December 2012

Petition PE1413 on Preserving marriage: The Committee considered a petition by Amy King, calling on the Scottish Parliament to urge the Scottish Government to make no changes to the current definition of marriage, as being a union between one man and one woman, regardless of what happens in Westminster. The Committee agreed to draw the Scottish Government’s attention to the petition and to consider it again following the introduction of forthcoming legislation on marriage.

11th Meeting, 2013 (Session 4) Thursday 28 March 2013

Work programme (in private): … The Committee also considered its approach to the Scottish Government’s forthcoming marriage and civil partnership bill and agreed to schedule a briefing with the relevant bill team and, on introduction of the bill, issue a call for written evidence.

16th Meeting, 2013 (Session 4) Thursday 23 May 2013

Forthcoming legislation on marriage and civil partnership (in private): The Committee considered its approach to the scrutiny of a forthcoming bill on marriage and civil partnership and agreed that, at its meeting on 20 June, it would, in private, (a) take a briefing from the Parliament’s solicitor and (b) consider its approach to taking evidence on the bill.

20th Meeting, 2013 (Session 4) Thursday 20 June 2013

Forthcoming legislation on marriage and civil partnership (in private): The Committee considered its approach to the scrutiny of forthcoming legislation on marriage and civil partnership at Stage 1 and agreed (a) arrangements for a call for written evidence, (b) an initial programme of oral evidence sessions and (c) an expected timetable for its inquiry and report.

21st Meeting, 2013 (Session 4) Thursday 5 September 2013

Marriage and Civil Partnership (Scotland) Bill - witness expenses: The Committee agreed to delegate to the Convener responsibility for arranging for the SPCB to pay, under Rule 12.4.3, any expenses of witnesses in the inquiry.

Marriage and Civil Partnership (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

Colin Macfarlane, Director, Stonewall Scotland;
Brandi Lee Lough Dennell, Policy and Participation Manager, LGBT Youth Scotland;
John Phillips, The Religious Society of Friends (Quakers);
Tim Hopkins, Director, Equality Network;
James Morton, Scottish Transgender Alliance Manager, Scottish Transgender Alliance;
Dr. Salah Beltagui, Chair, Parliamentary Committee, Muslim Council of Scotland;
Rev. Dr. David Easton, Chair, The Methodist Church in Scotland, The Methodist Church in Britain;
John Deighan, Parliamentary Officer, Bishops' Conference of Scotland;
Kieran Turner, Public Policy Officer, Scotland, Evangelical Alliance Scotland.

Marriage and Civil Partnership (Scotland) Bill: The Committee considered its approach to the scrutiny of the Bill at Stage 1 and agreed to take further oral evidence.

22nd Meeting, 2013 (Session 4) Thursday 12 September 2013

Marriage and Civil Partnership (Scotland) Bill: John Finnie declared an interest as a member of Amnesty. The Committee took evidence on the Bill at Stage 1 from—

Rev. Alan Hamilton, Convener, Legal Questions Committee, Church of Scotland;
Gordon Macdonald, representative, Scotland for Marriage;
Ephraim Borowski, Director, Scottish Council of Jewish Communities;
Rev. David Robertson, Minister (Dundee), The Free Church of Scotland;
Rt. Rev. Dr. John Armes, Bishop of Edinburgh, Scottish Episcopal Church (Faith and Order Board of the General Synod);
Louise Cameron MSYP, Vice Chair, Scottish Youth Parliament;
Rev. David Coleman, Convenor, Church & Society Committee, National Synod of Scotland of the United Reformed Church;
Ross Wright, Celebrant, Humanist Society Scotland;
Mark Bevan, Programme Director, Amnesty International.

23rd Meeting, 2013 (Session 4) Thursday 19 September 2013

Marriage and Civil Partnership (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

Dr. Kelly Kollman, Senior Lecturer in Politics, University of Glasgow;
Karon Monaghan QC, Matrix Chambers;
Aidan O'Neill QC, Ampersand Advocates;
Lynn Welsh, Head of Legal, Equality and Human Rights Commission;
Professor John Curtice, Professor of Politics, Strathclyde University Research Consultant, ScotCen Social Research
24th Meeting, 2013 (Session 4) Thursday 26 September 2013

Marriage and Civil Partnership (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

John Brown, Catholic Education Commission Member, Scottish Catholic Education Service;
Michael Calwell, Spokesman, Family Education Trust;
Ruth Hunt, Deputy Chief Executive, Stonewell/Stonewall Scotland Education Champions Programme;
Chief Superintendent Grant Manders, Head of Safer Communities, Police Scotland;
Stephen McCrossan, National Officer for Education and Equality, The Educational Institute of Scotland;
Rev. Blair Robertson, Head of Chaplaincy and Spiritual Care, NHS Greater Glasgow and Clyde, Healthcare Chaplaincy (NHS Scotland);
Cara Spence, Policy Director, LGBT Scotland/Challenging Homophobia Together Schools Project.

25th Meeting, 2013 (Session 4) Thursday 3 October 2013

Decision on taking business in private: The Committee decided to take consideration of its draft report on the Marriage and Civil Partnership (Scotland) Bill at Stage 1 in private at this meeting, at item 3, and at future meetings.

Marriage and Civil Partnership (Scotland) Bill: The Committee took evidence on the Bill at Stage 1 from—

Alex Neil, Cabinet Secretary for Health and Wellbeing, Simon Stockwell, Family and Property Law, Julia McCombie, Family and Property Law, and Francesca Morton, Solicitor, Scottish Government.

(item 3) Marriage and Civil Partnership (Scotland) Bill: The Committee considered its draft Stage 1 report.

27th Meeting, 2013 (Session 4) Thursday 31 October 2013

Marriage and Civil Partnership (Scotland) Bill: The Committee considered a draft Stage 1 report. Various changes were agreed to and the Committee agreed to consider a revised draft, in private, at its next meeting.

28th Meeting, 2013 (Session 4) Thursday 7 November 2013

Marriage and Civil Partnership (Scotland) Bill (in private): The Committee considered a revised draft Stage 1 Report. Various changes were agreed to, and the report was agreed for publication.
ANNEXE B: ORAL AND ASSOCIATED WRITTEN EVIDENCE – EQUAL OPPORTUNITIES COMMITTEE

WRITTEN EVIDENCE RECEIVED IN ADVANCE OF ORAL EVIDENCE

Church of Scotland  
Dr. Kelly Kollman  
Evangelical Alliance Scotland  
Family Education Trust  
Free Church of Scotland  
Humanist Society Scotland  
LGBT Youth Scotland  
Methodist Church in Britain  
Muslim Council of Scotland  
Professor John Curtice  
Religious Society of Friends (Quakers)  
Scotland for Marriage  
Scottish Catholic Education Service  
Scottish Catholic Parliamentary Office on behalf of the Bishops' Conference of Scotland  
Scottish Council of Jewish Communities  
Scottish Episcopal Church  
Scottish Transgender Alliance  
Scottish Youth Parliament  
The Equality and Human Rights Commission  
The Equality Network  
United Reformed Church

ORAL EVIDENCE

21st Meeting, 2013 (Session 4) Thursday 5 September 2013

Colin Macfarlane, Director, Stonewall Scotland;  
Brandi Lee Lough Dennell, Policy and Participation Manager, LGBT Youth Scotland;  
John Phillips, The Religious Society of Friends (Quakers);  
Tim Hopkins, Director, Equality Network;  
James Morton, Scottish Transgender Alliance Manager, Scottish Transgender Alliance;  
Dr. Salah Beltagui, Chair, Parliamentary Committee, Muslim Council of Scotland;  
Rev. Dr. David Easton, Chair, The Methodist Church in Scotland, The Methodist Church in Britain;  
John Deighan, Parliamentary Officer, Bishops' Conference of Scotland;  
Kieran Turner, Public Policy Officer, Scotland, Evangelical Alliance Scotland.
22nd Meeting, 2013 (Session 4) Thursday 12 September 2013

Rev. Alan Hamilton, Convener, Legal Questions Committee, Church of Scotland; Gordon Macdonald, representative, Scotland for Marriage; Ephraim Borowski, Director, Scottish Council of Jewish Communities; Rev. David Robertson, Minister (Dundee), The Free Church of Scotland; Rt. Rev. Dr. John Armes, Bishop of Edinburgh, Scottish Episcopal Church (Faith and Order Board of the General Synod); Louise Cameron MSYP, Vice Chair, Scottish Youth Parliament; Rev. David Coleman, Convenor, Church & Society Committee, National Synod of Scotland of the United Reformed Church; Ross Wright, Celebrant, Humanist Society Scotland; Mark Bevan, Programme Director, Amnesty International

23rd Meeting, 2013 (Session 4) Thursday 19 September 2013

Dr. Kelly Kollman, Senior Lecturer in Politics, University of Glasgow; Karon Monaghan QC, Matrix Chambers; Aidan O'Neill QC, Ampersand Advocates; Lynn Welsh, Head of Legal, Equality and Human Rights Commission; Professor John Curtice, Professor of Politics, Strathclyde University Research Consultant, ScotCen Social Research

24th Meeting, 2013 (Session 4) Thursday 26 September 2013

John Brown, Catholic Education Commission Member, Scottish Catholic Education Service; Michael Calwell, Spokesman, Family Education Trust; Ruth Hunt, Deputy Chief Executive, Stonewell/Stonewall Scotland Education Champions Programme; Chief Superintendent Grant Manders, Head of Safer Communities, Police Scotland; Stephen McCrossan, National Officer for Education and Equality, The Educational Institute of Scotland; Rev. Blair Robertson, Head of Chaplaincy and Spiritual Care, NHS Greater Glasgow and Clyde, Healthcare Chaplaincy (NHS Scotland); Cara Spence, Policy Director, LGBT Scotland/Challenging Homophobia Together Schools Project

25th Meeting, 2013 (Session 4) Thursday 3 October 2013

Alex Neil, Cabinet Secretary for Health and Wellbeing, Simon Stockwell, Family and Property Law, Julia McCombie, Family and Property Law, and Francesca Morton, Solicitor, Scottish Government.
SUPPLEMENTARY EVIDENCE

The Equality Network
Scottish Transgender Alliance
Scotland for Marriage
Scottish Youth Parliament
Amnesty International
Family Education Trust

CORRESPONDENCE

Dr Gordon Macdonald, CARE for Scotland, to Convener – 11 October 2013
Scottish Government to Dr Gordon Macdonald, CARE for Scotland – 11 October 2013
Dr Gordon Macdonald, CARE for Scotland, to Convener – 5 November 2013
Scottish Government to Clerk – 6 November 2013 (93KB pdf)
ANNEXE C: OTHER WRITTEN EVIDENCE – EQUAL OPPORTUNITIES COMMITTEE

Anonymous – 1 to 508

Abercrombie, David
Action for Children
Adam, Heather
Ainsworth, Mary
Aitken, Gordon
Aitken, Graeme
Alexander, Isla
Alexander, James
Allan, Andrew
Allan, Grant
Allen, Mrs K
Allison, Archie
Anderson, Peter
Anderson, Robert
Anstey, Christopher
Anthony, David
Anthony, Lily
Arnott, Andrew
Ashman, Alex
Atkinson, Michael
Avison, Amanda
Bain, Hugh
Bain, Peter
Baird, Prof. Alfred
Baird, William
Baker, Sally
Baptist Union of Scotland
Barker, Timothy
Barrie, Emma
Barringer, Brian
Bat Or, Clare
Beattie, Jennifer
Belcher, Helen
Bell, Gordon
Bender, Rev. Stephen
Bennet, Lorna
Bentley, Steven
Beresford, John
Bestwick, Christine and John
Bevington, Jim
Beyer, Erin
Bhatti, Lesley
Bi Community News
Black, David
Blackburn, Helen
Blance, Darren
Blench, Declan
Boden, Fergus
Bo’Ness Old Kirk (Church of Scotland)
Boyle, Anne-Marie
Bradley, Samuel
Braine, David
Braithwaite, Megan
Brash, Derek
Bray, Isobel
Brew, Marc
Brian, David
Brodie, Andrew
Brown, Allan
Brown, Ian
Brown, Lesley Anne
Brown, Talitha
Browne, Phil
Brownsey, Paul
Burn, Rowan
Bush, Alan Mark
Butterworth, Frances
Buxton, Anthony
Calder, Calum
Calder, Stephen
Calvary Carluke Christian Fellowship
Calwell, Michael
Cameron, Ross
Cammisar, Georjean
Campbell, Anna
Campbell, Craig
Campbell, Douglas
Care
Carlin, Eric
Carmichael, Alison
Carmichael, Helen
Carnall, Jane
Carroll, Sinead
Catholic, Truth
Cavers, Shelia
Chandler, Fiona
Changing Attitude Scotland
Chapman, Vaila
Charlotte Baptist Chapel
Charleston, Taylor
Charlwood-Green, Lisa
Cheyne, Susan
Children in Scotland
Chmiel, Ross
The Christian Institute
Christy, Neil
Chryston Church of Scotland
Church of Scotland – Watt, Rev Dr Hugh
Clark, Jessica
Clark, Matthew
Clarkson, Jamie
Clayton, Kevin
Clement, Rebecca
Clinton, Michael
Cochrane, Audrey
Coleman, Emma
Collins, Owen
Community Church Edinburgh
Convery, Maeve
Cookson, Lucas Jaiden
Coroon, Rebecca
Cowie, Kevin Mark Stephen
Craig, Margaret
Cree, Lisa
Creechan, Henry
Creechan, Michael
Crockard, Deborah
Crozier, Caroline
Cruikshank, Paul
Cummings, Chelsea
Cunningham, Stephanie
Custodio-Forbes, Hugh
Dalrymple, Amy
Dalziel, Kirsty
Daniel, George and Linda
Davidson, Euan
Davies, Hugh
Davis, Laura-Jayne
Deeside Christian Fellowship Church
Denyer, Veronica
Diamond, Ian
Dian, Jenny
Dickie, Eileen
Dickson, Karen
Dietz, Karen
Digance, Claire
Dix, Fiona
Dodds, Dr Euan
Dolby, Douglas
Doran, David
Dorigo, Lewis
Douglas Renton Ministries
Downie, David Nathan
Dowsett, Rosemary
Ducker, Judi
Duffy, Chris
Eadie, Danielle
Earlie, Nancy
East Ayrshire Council
Edwards, Andrew
Edwards, Julie
Emily
Ewing, Mandy Evans
Faculty of Advocates
Farrell, Keith Francis
Faulds, Allan
Faulkner, Emma
Ferguson, Gavin
Fife Islamic Centre Glenrothes
Figures, Craig
Findlay, Alan
Finlayson, Connor SP
Fire Brigades Union LGBT National Committee
Fitzpatrick, Storm Potratz
Fleming, Donald
Forbes, James
Forde, Amanda
Fothergill, Rev Andrew
Fox, Richard
Fraser, Grant
Fraser-Granados, Tim
Free Church of Scotland - Dr John Morrison
Free Church of Scotland (Continuing) - Public Questions Religion and Morals Committee
Free Church of Scotland - Thomas Davis
Free Presbyterian Church of Scotland
French, Deborah
Frew, Iain
Fulton, Kirsty
Gallagher, Aodhan
Gallagher, Daniel Arthur
Gann, Roger
Garman, Chris
Gay, Charlene
Gibson, Alexander W
Gill, Catriona
Gilmour, Paul
Glasgow City Council
Glasgow Unitarian Church
Goodhall, Adam
Goodman, David
Gordon, Jimmy
Gorman, Caroline
Gosling, Sarah
Graham, Natalie
Granados, Michael
Green, Liz
Greig, Shaun
Gronowski, Dr Rebekah
GUSRC
Gusterson, Mary and John
Hadfield, M
Haga, Ismar
Haggerstone, Linda
Hall, Tim
Halliday, Amy Denise
Harkinson, Anthony
Harris, Jennifer
Harris, Paula
Hart, Eric
Hearty, David
Heggie, Louise
Henderson, Roisin
Hendry, Courtney
Henry, Lynne
Heppell, Pat
Heppenstall, Jane
Higgins, Sherrie
Holdsworth, Ashley
Holmes, Mark
Honhold, Nick
Hopkins, Al
Hothersall, Duncan
Howard, CB
Howie, Alexander G
Howitt, Jamie
Hoyda, Claire
Hughes, Helen
Hughes, Ian
Hughes, Laura
Humanist Fellowship of Scotland
Humphrey, Rhianna
Hunter, Ciaran
Hunter, Dr Ross
Hunter, Glen
Hutchin-Bellur, Sunil
Hutchinson, Ellie
Hutchison, Craig
Hutchison, Kirsty
Hutchison, Maureen
Hyams, Cheryl
Hylands, Jamie
Inglis, Stewart
Inshes Church of Scotland
Jack, Gillian
Jack, Ross
Jackson, Fiona
Jackson, Marilyn
Jeffrey, Peter
Jewish Gay and Lesbian Group
Johnston, Fiona
Jones, Hefin
Jones, Ria Elaine
Jupp, Ed
Keilty, Ray
Kellner, Anna
Kellock, Andrew
Kelly, Blair
Kelly, Kathleen
Kennedy, Maureen
Kermode, Jennie
Kidd, Benjamin
King, Roslyn
King, Sam
Kingswood, Jane
Kinmond, James
Klip, Hugo
Laing, David
Law Society of Scotland
Lee-Chan, Bryan
Leinster, Paul
LGBT - Bristol
LGBT - Labour Scotland
LGBT & Liberal Democrats
LGBTory
LGCM
Lindsay, Caron
Linton, Mary
Little, Eilidh
Little, Gordon
Livingstone, Marc
Lloyd, Beth
Lloyd, Raychel
Lockhart, Mary
Love, Edward
Mac An Tuairneir, Marcas
MacConnell, Mr FJ
MacConnell, Mrs Angela
MacDonald, Angus
Macdonald, Don
MacDonald, Sheila
MacGillivray, Moranne
Macgregor, Loran
Mackay, Raymond
MacKenzie, Bill
MacKenzie, Jennifer
MacKenzie, William
Maclean, Sarah
MacLeod, Fraser
Macleod, Murdina
Macleod, Alasdair BM
Macphail, Kevin
Macpherson, Catriona
MacRae, Jeanette
MacVicar, James
Madden, Niamh
Magee, Andrew Campbell
Manning, Mark
Mansfield, Nigel
Marshall, Heather
Marszalek, Agnes
Martens, Roushan
Martin, David
Martin, Iain
Martin, Lee
Mason, Jonathan
Mathers, Avery
Mathie, Hugh Alexander
Matthew, Laurie
Mauchline, Emma
McArthur-Worby, Fiona
McBride, Kenneth Martin
McCabe, Liam
McCahill, Seanpaul
McClure, Anne
McCrone, Carolyn
McDonald, Eilidh
McDowell, Jacqueline
McFarlane, Fraser
McGarva, Michelle
McGread, Vincent
McGregor, David
Mcguire, Siobhan
McInally, Clarisse
McIntosh, Alex
McIntosh, Colin Stephen
Anderson McIntosh, Hugh
McKay, Gemma Caitlyn
McKenna, George
Mckenna, Revd Scott
McKiernan, Jennifer
McLay, Alan
McLean, Derek
McLean, Jackie
McLeod, Lindsey
McMahon, Alan
McMurtrie, David
McNicol, Nik
Merican, Kat
Millar, Stephen
Miller, Marsali
Miller, Staci
Milner, Kerri
Mitchell, Gregory
Mitchell, Vivienne
Mitchison, Shirley
Monsma, Kylie
Moody, Maria
Mooney, Agnes
Moreland, Caroline
Morland, John-Ross
Morrison, Ian
Morrison, Katie
Morrison, Mrs Betty
Morrison, Murdo
Morrison, Peter and Marion
Morton, Craig
Mothers' Union
Muir, Greig
Murray, Elizabeth
Muslin Council of Scotland
National Trans Police Association
National Union of Journalists
McCallum, John
Nelson, Sandy
Newth, Hilary
NHS Grampian
NHS Greater Glasgow and Clyde
NHS Highland
Nightshade, Cleodhna
Nobbs, Brian
Noble, Alastair
North Lanarkshire Muslim Women and Family Alliance
NUS Scotland
O'Docherty, Neil
O'Hara, Andrew
O'Hara-Thomas, Mark
One Spirit Interfaith Foundation
O'Neill, Jennifer
O'Neill, Joanne
O'Neill, Thom
Osborne, Nicola
Our Lady of Perpetual Succour Parish
Overton, Kim
Oxborrow, Trevor
Pagan Federation (Scotland)
Parish Church in the Church of Scotland
Paterson, Iain
Paton, Hugh
Pearce, Dr Augur
Plinkett, Blair
Plinkett, Ronald
Porter, E
Porter, Jemma
Pott, Jonny
Potter, Megan
Potter, Rosemary
Potter, Stella
Predota, Elinor
Preston, Susan
Price, Julie
Priest, Alex
Proctor, John
Puntis, Timothy
Qiu, Alexander
Quakers – Helen Keating
Quinn, Robin
Randall, David
Rankin, Jason
Reilly, Joe
Reoch, Gillian
Reynolds, Michael
Rhatigan, Tara
Richards-Hill, Jaye
Richardson, Nathan
Richter, C
Rigg, Simon
Robertson, John
Robertson, Sabrina
Robertson, Tony
Robertson, Victoria
Robinson, Elaine
Rodgers, Sarah
Roper, Beverley
Rose, James
Ross, C Brian
Rowell, Karen
Russell, C
Ryan, Sylvia
Rychter, Tomas
The Salvation Army
Sarbat
Sayers, Samantha
Schmitz, Tony
Schofield, Freya
Scott, John
Scottish Catholic Education Service
Scottish Independent Advocacy Alliance
Scottish Unitarian Association
Scottish Youth Parliament on behalf of five children and young people’s organisations
Scrutton, Erin
Seabrooke, Kim
Semple, Lynsey
Semple, Ross
Serra, Carlo
Service, Jonathan
Shaw, Stephen
Shedden, Dave
Shields, Alison M
Shirkie, William
Simmons, Peter
Slater, Jeremy
Smart, Liam
Smith, Alisdair
Smith, Amanda
Smith MSP, Elaine
Smith, Alan
Smith, Fiona
Smith, Gary
SNP Students
Solomon, Rabbi Mark
South Lanarkshire Council
Stainsby, Cath
St Andrews Aquarium
St Augustine's Church
St Bernadette's Church Larbert
St Marys Cathedral Glasgow
Stenhouse, Ryan
Stevens, Laurel
Stewart, Gillian F
Stewart, Maroanne
Stewart-Amsden, Derby
Stocks, Margaret Weir
Strachan, Andrew
Sullivan, Elizabeth
Sutherland, Josh
Sutherland, Lynsey
Swan, Greg
Tait, John R S
Tesco Bank
Thompson, Joe
Thomson, Tim
Thorburn, Aimee
Timmins, Thomas
Timothy, Susan
Tod, Darren
Todd, James
Tombs, Margaret
Tomlinson-Curley, Rio
Toner, Ashley
Totterdell, Tamise
Turnbull, Stuart
Turner, Yorath
Unison
United Free Church of Scotland
University of St Andrews Students Association
University of Warwick
Unsworth, Keli
Vance, Ryan
Van Der Watson, Jessica
Waitz-Rainey, Astrid
Walker, Eleanor
Walker, Zamantha
Wallace, Mary
Ward, Nicola
Ward, Sarah
Watson, Niamh
Watson, Oliver
Watt, Cailean
Watt, Conor
Watts, Stewart
Webster, Mark
Weir, Kimberley
Weir, Stephen
Welsh, Stephen
West Dunbartonshire Council
West of Scotland LGBT Forum
Westbury, Hannah
White, Nikki
White, Peter
Whyte, Ross
Wilcox, John
Wilkes, Daniel
Wilkinson, Sue
Williams, Anna
Williams, Derek
Wilson, David
Wilson, Fiona
Wilson, Hannah
Wilson, Hazel
Wilson, Patrick
Wilson, Sophie
Wilson, Stew
Wood, Andy
Woodsford-Dean, Mark
Wright, Ross
Wylie, Ralph
Wyllie, Callum
Young, Lynzi
Young, M C G
Zdravkov, Hristo
ANNEXE D: THE DELEGATED POWERS PROVISIONS IN THE MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

The Delegated Powers and Law Reform Committee’s report to the Equal Opportunities Committee on the delegated powers provisions in the Marriage and Civil Partnership (Scotland) Bill, published on 2 October 2013.

51st Report, 2013 (Session 4): Marriage and Civil Partnership (Scotland) Bill
WRITTEN EVIDENCE RECEIVED IN ADVANCE OF ORAL EVIDENCE

Church of Scotland
Dr. Kelly Kollman
Evangelical Alliance Scotland
Family Education Trust
Free Church of Scotland
Humanist Society Scotland
LGBT Youth Scotland
Methodist Church in Britain
Muslim Council of Scotland
Professor John Curtice
Religious Society of Friends (Quakers)
Scotland for Marriage
Scottish Catholic Education Service
Scottish Catholic Parliamentary Office on behalf of the Bishops’ Conference of Scotland
Scottish Council of Jewish Communities
Scottish Episcopal Church
Scottish Transgender Alliance
Scottish Youth Parliament
The Equality and Human Rights Commission
The Equality Network
United Reformed Church
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM CHURCH OF SCOTLAND

Same sex relationships

1. The 2013 General Assembly affirmed the Church of Scotland’s historic and current doctrine and practice in relation to human sexuality. Nevertheless it moved towards permitting individual congregations to depart from that doctrine so that they could call as their minister a man or woman who is in a civil partnership. However, this has not yet become the law of the Church since enabling legislation has not yet been presented and it will require to be passed by two successive General Assemblies and, in the intervening 12 months, a majority of presbyteries (under the Church’s Barrier Act 1697).

2. The Church’s 2011 General Assembly declared that:

(1) It is contrary to God’s will that Christians should be hostile in any way to a person because he or she is homosexual by orientation and in his or her practice. In other words we view homophobia as sinful. We do not include in the concept of homophobia both the bona fide belief that homosexual practice is contrary to God’s will and the responsible statement of that belief in preaching or writing.

(2) It is the duty of the Church to welcome, minister, and reach out to people regardless of their sexual orientation and practice. The Church should strive to manifest God’s love to all of his people.

(3) In particular, the Church should recognise the heavy burden which a homosexual orientation continues to place on some who find it difficult or impossible to reconcile their orientation with their understanding of God’s purposes as revealed in the Bible. There is a particular need for the Church to reach out pastorally to them and to make them welcome.

(4) People who are homosexual by orientation are not barred by their orientation from membership of the Church or from taking up leadership roles in the Church, including the ministry of Word and Sacrament, the diaconate and eldership.

3. The General Assembly maintained the unlawfulness of discrimination in the Church on the ground of sexual orientation (see Church’s Act V, 2007 Anent Discrimination).

4. The Church recognises that there is intense and passionate debate within Scottish society about same sex relationships. This is reflected with the Church itself. The issue impacts upon the lives of our fellow citizens, particularly among those Scots who are lesbian, gay, bi-sexual or transgender. There is much pain and sorrow, as well as frustration. The Church has undiminished concern and desire to care for all people in...
Scotland regardless of sexual orientation or theological opinion. Therefore, the Church believes that it has a responsibility to our nation to be part of that debate and to help to shape public opinion and state policy in accordance with what it understands to be the will of God. In making this submission, the Church has no desire to stifle the ongoing debate and hopes that it will be a helpful contribution.

**Principle of same sex marriage**

5. The Church of Scotland does not support the introduction of marriage between persons of the same sex.

6. This would fundamentally change marriage as it is understood in our country. The nature of marriage in Scottish culture is that it is a relationship between one man and one woman. This is the position in law and fact.

7. If the Church were to support the redefinition of marriage to include same sex marriage this would involve a fundamental change in its understanding of marriage. In accordance with the historic position of the Christian Church, the Church of Scotland has always viewed marriage as being between one man and one woman. Despite recent discussions on the status of same-sex and other relationships, and of civil partnerships, the General Assembly has at no point been invited to consider any such redefinition of marriage. Indeed, a recent consultation among elders and ministers indicated only limited support for same-sex marriage (Report to General Assembly 2011 of Special Commission on Same Sex Relationships and the Ministry).

8. The Church has only ever taught that marriage is the union of a man and a woman. Scriptural references to marriage, whether literal or metaphorical, all operate under this understanding. Furthermore the point is established within the Reformed tradition of the Church, not least in its subordinate standards. The Church sees itself as part of the catholic or universal Church within which there is agreement, across confessional divides, that marriage is between one man and one woman. Most recent work under the auspices of the General Assembly, in particular the work conducted by the Joint Commission on Doctrine (with the Roman Catholic Church) through the 1980s and 1990s, and the specific report on marriage from the Panel on Doctrine in 1994, have likewise upheld what can only be called the conventional or regular understanding of marriage.

9. If the Church were to change its position on marriage to include same-sex marriage, such a change would only be enacted into the law of the Church under its Barrier Act 1697.

10. The Church remains concerned at the speed with which the introduction of same sex marriage is proceeding. It appears that the Government has, with only limited exceptions, failed to persuade the religious community in Scotland. The Church believes that much more measured consideration is required before the understanding of marriage which is entrenched and
valued within the culture of Scotland, both secular and religious, is surrendered to accommodate this. To redefine marriage to include same-sex marriage may have significant and, as yet, inadequately considered repercussions for our country and, in particular, for the well-being of families and communities and of individuals.

11. There is no legal requirement for the Scottish Parliament to enact legislation introducing same-sex marriage (Schalk and Kopf v. Austria (2011) 53 E.H.R.R. 20). If they choose to be registered as civil partners, same-sex couples are not disadvantaged either legally or fiscally by not being ‘married’.

**Principle of religious civil partnerships**

12. The Church of Scotland does not support the introduction of religious civil partnerships.

13. In 2006/7, the Church of Scotland decided against declaring that a minister or deacon ‘who conducts any service marking a civil partnership does not commit a disciplinary offence.’ In the light of this decision, the Church cannot agree that legislation should be changed so that civil partnerships may be registered through religious ceremonies whether these are conducted by religious celebrants or not or take place on religious premises or not.

14. If the Church were to agree to register civil partnerships through religious ceremonies this would require it to depart from the traditional understanding of same-sex relationships. Reference is made to paras. 1-4 of this Submission.

15. If registration of civil partnerships through religious ceremonies or in religious premises were permitted, this would so fundamentally alter the nature of civil partnerships that they would cease to be such. Civil partnerships are a creation of statute (Civil Partnership Act 2004, s. 1). Ministers or deacons and other religious celebrants are not included in the definition of ‘authorised registrars’ who may carry out registration as civil partners (s. 87). Section 93(3) specifically excludes ‘religious premises’ as a ‘place of registration.’ Therefore, the Church believes that civil partnerships were intended to be a civil institution only. Registration through religious ceremonies or in religious premises is antithetical to the original purpose for which they were introduced.

16. Furthermore, the Church is concerned at the speed with which the Scottish Government is proceeding on this issue. It appears that the Government has, with only limited exceptions, failed to persuade the religious community in Scotland. Civil partnerships, as a civil institution, were only introduced on 5 December 2005 (The Civil Partnership Act 2004 (Commencement No. 2) (Scotland) Order 2005). There is no legal requirement for the Scottish Parliament to enact legislation permitting civil partnerships to be registered through religious ceremonies (Courten v United Kingdom ((4479/06) ECtHR November 4, 2008). Civil partners are not legally or fiscally disadvantaged in comparison with married couples.
The provisions of the Bill

17. Moving beyond its positions in principle on same sex marriages and religious civil partnerships, the Church broadly welcomes the essentially permissive, 'opt-in' scheme outlined in the Bill. However, much of the detail of that scheme will be contained in an amendment to the Equality Act 2010 and delegated legislation which have not yet been published (see paras. 26-32 of this Submission).

18. The Church is also concerned than even if enacted and issued, such legislation and guidance is subject to repeal and revocation and to potential challenge in the Scottish and UK courts and in the European Court of Human Rights.

19. The Church has been considering how the permissive, ‘opt-in’ scheme outlined in sections 8 and 9 of the Bill might be rendered less vulnerable to challenge under the European Convention on Human Rights. As the Marriage (Scotland) Act 1977 is currently presented and proposed to be amended, celebrants of religious bodies, including the Church’s ministers anddeacons, appear to be authorised by the State to solemnise marriages (and, in future, same-sex marriages and register religious civil partnerships), making it arguable that the celebrant is acting on behalf of not only the Church but also the State. A decision by the Church or by any of its ministers or deacons to decline to do so would be vulnerable to challenge under section 29 of the Equality Act 2010 and the European Convention on Human Rights. If the religious celebrant is considered to be (in part) an agent of the State, then (after “marriage” has been redefined to encompass same sex marriage) the compatibility with the European Convention on Human Rights of any consequent amendment to section 29 becomes questionable. However, if it were put beyond doubt that the solemnisation of marriages, both opposite and same sex, and the registration of civil partnerships by a religious body’s celebrant (of any confession) were not authorised by the State but merely recognised by it (like a marriage solemnised abroad) this would mean that a decision to decline to solemnise a same sex marriage or register a religious civil partnership would be an act done in the capacity only of agent of the religious body concerned, in the exercise of that body’s religious freedom and in no sense attributable to the State. A scheme based solely upon ‘recognition’ by the State would respect the autonomy of the religious body concerned and, in particular, be consistent with the terms of the Church of Scotland Act 1921 which declares the Church’s independence in spiritual matters generally and in matters of doctrine, worship, government and discipline as well as with article 9 of the European Convention on Human Rights and with article 17 of the Treaty on the Functioning of the European Union. At the same time, such a ‘recognition’ scheme would limit the act of civil authority to the recognition by the State of a religious marriage or civil partnership. This should substantially reduce the risk of a successful challenge to provisions of the Marriage and Civil Partnership (Scotland) Bill and subordinate legislation and amendments to the Equality Act 2010 intended to preserve the freedom of religious bodies and individual celebrants.
to refrain from solemnising same sex marriages or registering religious civil partnerships. It would still allow different sex marriage solemnised by the same bodies to be recognised by the civil authority as having full effect in law. Furthermore, it would allow same sex marriages and civil partnerships solemnised and registered by individual celebrants who were permitted by their religious bodies and who wished to do so to be recognised by the state as having full effect in law.

20. In order to achieve a ‘recognition’ scheme for solemnisation of marriages, the Bill could be amended as follows:

Section 8
in new section 8(1D) delete “empowered” and substitute “competent”.

Section 9
(a) in existing section 9(1), delete “empowered” and substitute “competent”;
(b) in new section 9(1D), delete “empowered” and substitute “recognised as competent”;
(c) in section 9(4):
   (i) delete “empowered” and substitute “recognised as competent”;  
   (ii) delete “empowered” and substitute “recognised as competent”

The parallel provisions relating to registration of civil partnerships would be similarly amended as would the provisions relating to temporary status as a celebrant if thought necessary.

21. The Church welcomes the proposed extension of section 8(1)(a)(i) of the 1977 Act to include Church of Scotland deacons.

22. The Church welcomes the intention of the Scottish Government to prescribe, after public consultation, qualifying requirements to apply to religious and belief bodies and celebrants in relation to the solemnisation of marriages and registration of civil partnerships (Policy Memorandum, paras. 65-74; Delegated Powers Memorandum, paras. 29-62).

23. The Church is deeply concerned that specific provisions have not been introduced to protect public servants who may face situations where there is a real conflict between their religious beliefs and the expectations of their employment, such that they may face job loss or disadvantage if they do not support same sex marriage or civil partnerships. The Church accordingly urges the Government to provide appropriate protections in the legislation to ensure that the rights enshrined in Article 9 of the European Convention on Human Rights will be upheld.
24. The Church believes that registrars should not be forced to solemnise same sex marriages or register civil partnerships under threat of job loss or disadvantage. Registrars should be entitled to the same protections as celebrants. This is particularly so for registrars who are already in post.

25. The Church believes that teachers should not be forced to support same sex marriage or civil partnerships in the course of teaching under threat of job loss or disadvantage. Teachers should be entitled to equivalent protections to celebrants. This is particularly so for teachers who are already in post.

Proposed Amendment to Equality Act 2010

26. The Church welcomes the agreement of the Scottish Government that the proposed amendment to the 2010 Act should not be restricted only to cases where solemnising same sex marriage or registering civil partnerships would conflict with the celebrant’s religious or philosophical beliefs or to cases of sexual orientation discrimination (Statement on the Equality Act, para. 17). However, it awaits sight of the final wording.

27. The Church welcomes the agreement of the Scottish Government that the proposed amendment to the 2010 Act should cover persons who play an integral part in the religious aspects of the marriage ceremony or the registering of a religious civil partnership (Statement on the Equality Act, para. 21). However, it awaits sight of the final wording.

28. The Church welcomes the agreement of the Scottish Government that the amendment of the 2010 Act will provide that a person controlling the use of religious premises does not contravene section 29 of the 2010 Act by refusing to allow the premises to be used for a same sex marriage or a civil partnership (Statement on the Equality Act, para. 29). However, it awaits sight of the final wording.

29. The Church welcomes the agreement of the Scottish Government that the amendment to the 2010 Act will provide similar protection for chaplains working for secular employers as is offered by section 2(5) of the 2013 Act (Statement on the Equality Act, para. 32). In fact, it urges that the protection provided should be in the same terms.

Proposed Delegated Powers

30. The Church welcomes the statement of the Scottish Government that it would not expect to use the powers conferred by proposed section 8(1B) of the 1977 Act to prescribe a body which was prepared to solemnise same sex marriage but some of whose celebrants objected to doing so (Delegated Powers Memorandum, para. 38).

31. The Church also welcomes the statement of the Scottish Government that it would use the powers conferred by proposed section 9(2A) of the 1977 Act to prescribe that a body which was prepared to allow its celebrants to solemnise
same sex marriage would be allowed to nominate only those of its celebrants who consented to do so (Delegated Powers Memorandum, para. 38).

32. The Church understands that the Scottish Government intends to use its powers in relation to authorising celebrants to register religious civil partnerships in line with those relating to same sex marriage (Delegated Powers Memorandum, para. 40).

Church of Scotland
23 August 2013
I am an academic researcher, who has published widely on same-sex unions (SSU) policy in the established democracies of Western Europe and North America. My most recent publication on the topic, *The Same-sex Unions Revolution in Western Democracies: International Norms and Domestic Policy Change* (Manchester University Press, 2013), seeks to address two questions (1) Why have so many western democracies adopted a national SSU law since 1989? (2) Why have countries implemented different models of same-sex relationship recognition (opening marriage v. registered partnerships v. unregistered domestic cohabitants)? Below I outline the main findings from this research that I think are relevant for the Equal Opportunities Committee as it considers the Marriage and Civil Partnership (Scotland) Bill.

**Rapid Policy Convergence**

Since 1989, when Denmark adopted a registered partnership (RP) law, more than thirty countries, twenty-three of them in Europe, have implemented a comprehensive national policy that recognizes same-sex couples in law (see table). Before that date not one country had such a policy in place.¹ The activist and policy campaigns that led to this rather stunning convergent change in family policy have been very similar in content, at least in broad terms. Almost all have sought to define civil relationship recognition as a right that the state in a liberal democracy should not deny same-sex couples simply because of their sexual orientation. Until very recently the goals of family policy, and therefore marriage and partnership recognition, in many western democracies had been understood in terms of promoting a particular cultural institution, namely the nuclear family, rather than a right that accrues to individuals. Today in Western, and increasingly in Central and Eastern, Europe, state relationship recognition is largely accepted as a human right that should apply to lesbians, gay men, transgenders and bisexuals (LGBT). This represents a major change in our thinking about the purposes of family policy, although it is in keeping with the 20th century trend of erasing gender distinctions in marriage law and family policy. With a few exceptions, national SSU laws in western democracies have been well-received by a majority of the public and appear to have helped to increase already growing levels of tolerance towards LGBT-identified people (see Kollman 2013: 79-81)

**The Role of ‘Europe’ and the International Community in SSU Convergence**

I have argued in several publications (Kollman 2007; 2009; 2013) that the rapid adoption of SSU policies in Europe since the 1990s and the similarity of the arguments used by national SSU activists to promote relationship recognition are not mere coincidence, but rather the result of an increasingly powerful international norm. More specifically, a cross-border network of LGBT activist has been able to create an international norm for same-sex relationship recognition that explicitly defines such recognition as a human right. SSU supporters have drawn on the increasing number of states that have an SSU law in place as well as the partial incorporation of sexual orientation into international and European

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¹ Both the Netherlands and Sweden adopted legislation before 1989 that recognised same-sex domestic cohabitants for certain legal purposes. This legislation was piecemeal and limited in nature until well into the 1990s.
human rights law to add legitimacy to their claims. In the context of the current debate about opening marriage in Scotland and the United Kingdom and fears about religious bodies being forced by European courts to perform same-sex marriage ceremonies in the future, it is crucial to note that this norm for same-sex relationship recognition has been created largely without legally binding mandates being imposed on member states by European courts or international tribunals. Very few such mandates currently exist in European law or policy and the two premier courts in the region—the EU’s European Court of Justice and the Council of Europe’s European Court of Human Rights—to date have been relatively conservative in their jurisprudence on the issue. SSU activists have relied far more on the power of international examples and the international legitimacy of human rights arguments to foster policy change than on the formal legal mandates of European courts.

Models of Same-sex Relationship Recognition

Before the Netherlands became the first country to open marriage to same-sex couples in 2001, European countries experimented with different forms of SSU recognition. Many (Norway, Sweden, Ireland, Austria) followed Denmark’s lead of implementing a registered partnership law that grants same-sex couples most of the rights, benefits and duties associated with civil marriage, although many of these laws at first did not allow same-sex couples jointly to adopt children. Others (Germany, France, Belgium) implemented less comprehensive registration schemes and still others (Portugal, Hungary) implemented unregistered domestic cohabitants law. These distinctions between non-marriage SSUs have become less pronounced over the years, however, as most countries have expanded the rights, including adoption rights, associated with their RP laws since the mid-2000s.

Intriguingly some countries (the Netherlands, Belgium and France) allow different-sex couples to enter their non-marriage unions. By contrast, the Nordic countries, Germany, Austria and Ireland—as well as the various jurisdictions in the United Kingdom—only allow same-sex couples to enter such schemes. Some have argued that RP laws that are open to different-sex couples fulfil the equality goals of SSU campaigns better than those laws that create a separate and exclusionary institution for same-sex couples. In addition these more open RP laws fulfil a second, less recognized, goal of SSU reform, namely to pluralise the institutions and ways that states use to recognize intimate relations to better reflect modern families. Demographic research in France shows that the RP law there, known as pacte civil de solidarité, has proven relatively popular with different-sex couples (Prioux and Mazuy 2009). This suggests that pluralizing family policy may well be beneficial to many in society and worth considering.

After implementing a registered partnership law in 1998, the Netherlands became the first country to allow same-sex couples to enter civil marriage in 2001. Belgium, Canada, Spain and South Africa followed their lead in 2003, 2005, 2005 and 2006 respectively. Interesting all five of these early marriage adopters had medium to high levels of religiosity. This suggests that the argument that withholding the symbolism of marriage from same-sex couples is discriminatory initially was easier to make in countries where marriage itself had greater symbolic value.

Since 2009 there has been a clear trend towards opening marriage to same-sex couples. Six European countries, and nine worldwide, have opened marriage to same-sex couples since that date. In that same period only three European countries implemented an RP law...
and none has implemented a domestic cohabitants law for same-sex couples. The international norm for general relationship recognition is fast hardening into one in which marriage is seen, and certainly argued by most national LGBT rights organizations in Europe, to be the only way to guarantee same-sex couples full social, legal and cultural equality. Again this policy convergence has happened almost entirely in the absence of legally binding mandates from international sources.

Many of the countries that have opened marriage since 2009 did so after implementing another form of SSU. Governments have varied in their approach of how to deal with this non-marriage institution. The three Nordic countries (Norway, Sweden, Denmark) withdrew their RP laws with the passage of marriage. The Netherlands, Belgium and France have all kept their non-marriage schemes in place. Interestingly all three allow different-sex couples to enter these RP unions.

Summary

- If the Scottish Parliament were to pass the Marriage and Civil Partnership (SCOTLAND) Bill, it would be following a recent, but increasingly well-established international trend of recognizing same-sex couples by allowing them to enter civil marriage.
- It is likely that the passage of this legislation would bring the country and parliament significant international recognition.
- This trend towards opening marriage to same-sex couples and implementing SSU policies more generally has been catalysed to a significant degree by international examples and normative influence. To date this influence predominantly has NOT occurred through the legal mandates of European courts or international tribunals.
- Countries that have opened marriage to same-sex couples after implementing another form of SSU have varied in their approach to dealing with the original SSU law. The Nordic countries have withdrawn their RP law and essentially replaced it with marriage. Many of the countries that allow different-sex couples to enter their RP law have retained the latter when opening marriage.
- Opening marriage while maintaining or even creating alternative recognition schemes open to same and different-sex couples fulfils the equality goals of same-sex relationship recognition. Such alternatives to marriage also help to pluralize family policy to better reflect the reality of modern families. The latter goal cannot be accomplished by either withdrawing registered partnerships or maintaining RP laws that are open to same-sex couples only.

Dr Kelly Kollman
13 September 2013

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2 These countries still recognize the partnerships that were entered into before the marriage law was implemented but they have not allowed any additional same-sex couples to register their relationships since that date.
Table 1: National Same-sex Unions Legislation since 1989

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<td>Liechtenstein (2011)</td>
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*Both the Netherlands and Sweden adopted legislation before 1989 that recognised same-sex domestic cohabitants for certain legal purposes. This legislation was piecemeal and limited in nature until well into the 1990s.
References


Introduction

1. The Evangelical Alliance in Scotland is the largest body serving evangelical Christians in Scotland and has a membership including denominations, churches, organisations and individuals. Across the UK, Evangelical Alliance membership includes over 700 organisations, 3500 churches and thousands of individuals. Our members in Scotland include the Baptist Union of Scotland, Vineyard Churches, the Salvation Army, Newfrontiers, Elim Pentecostal Churches, Assemblies of God, The Free Church of Scotland, Brethren, a number of congregations within the Church of Scotland and other independent churches. We have a number of organisations as members in Scotland including Glasgow City Mission, Bethany Christian Trust, Tearfund and Scripture Union Scotland.

General Comments

2. The Evangelical Alliance is very concerned by the Scottish Government’s plan to redefine the meaning of marriage. We are concerned at two levels, both on the principle of the proposed changes and also the practical implications of the current Bill as it stands for the protection of those who disagree with the planned new definition of marriage. We are disappointed that despite two consultations on the planned legislation the Scottish Government appears to have made little substantive effort to acknowledge the potential negative effects this legislation will have on those who disagree, other than celebrants, and that there are no provisions within the Bill to effectively protect civil liberties, freedom of speech or freedom of conscience. We hope that the committee will be fair and open-minded to these concerns as it scrutinises the legislation over the coming months.

3. At the outset it is important to state that our primary concern in relation to this Bill is for the future status of marriage as a universal, historical and cultural good for society. As evangelical Christians we believe that all people have equality and dignity as made in the image of God and all are equally in need of the grace of God to find ultimate fullness of life. We are therefore not in the position of trying to deny inherent human equality or promote the rights of some individuals or groups over others. Legal equality already exists for individuals (who may equally enter into a marriage or civil partnership if they wish) and couples (where marriage and civil partnership are almost identical). This is therefore for us not a debate about equality but rather about the nature of marriage.

The Principle of redefining marriage

4. The Evangelical Alliance is very concerned about the principle of redefining marriage as proposed in the Bill. We acknowledge that a free society based on rights, responsibilities and respect requires legal frameworks to secure social institutions, reflect majority opinion and protect minority identities. However, such a society is more than the sum of rights-claiming individuals. It involves institutions that are essential for its survival and prosperity – such as marriage. As a foundational and reproductive union at the centre of society,
marriage is a particularly valuable institution, and it is in this area that it is in the interest of the state. Although it is recognised and valued as the life-long, voluntary union of one man and one woman for procreation of children, marriage is much more than this. Predating Scots law, the modern state and even the Christian church, it is a universal, historical and cultural good.

5. As all cultures and civilisations attest, the uniqueness of marriage is largely premised upon the fact that only a man and a woman can produce biological children, and this confers the vital elements of identity and inter-generational affinity that contribute so fundamentally to children's wellbeing. We are concerned that redefining marriage would undermine this distinctive building block of society and it is concerning to us that the place of children in marriage does not even seem to be mentioned with regards to the proposed Bill.

6. Importantly, marriage does not, and has never merited, special recognition simply because it marks an intimate 'committed relationship' between two people. If that were the case, there would be no reason to prevent marriage, for example, between siblings or between a parent and his or her child. Rather, marriage between a man and a woman has a unique place in law because of its potential to produce children, because of the proven benefits it brings both to children and to society, and because of the web of intergenerational structure it provides.

7. Marriage is therefore about much more than mere 'love' and 'commitment' or a 'contract' between two people. Whether secular or religious, it is covenantal and premised upon the natural complementarity for having and raising children. It is about the fundamental, relational meaning of society and it has direct implications for kinship and family. Although it precedes and supersedes the state, it does confer responsibilities upon the state to encourage respectful and sustainable attitudes to life and others through the promotion of positive and responsible attitudes to motherhood, fatherhood and family life.

8. We are therefore concerned that redefining marriage will actually weaken the understanding of the structure of marriage, its purposes and its benefits to society. This is especially true if there were to be further redefinitions in the future. It is concerning that the Scottish Government do not seem to be able to articulate a new definition of marriage in the Bill and so this leaves room for further groups who feel themselves excluded in the future to claim their right to marriage on the same basis. Once there is no fixed definition of marriage it is devalued of its meaning. As an organisation passionately committed to the common good of society this is not something we are able to support.
Practical Concerns

9. We also have a number of concerns in relation to the practical outworking of the Bill, namely with regard to those who hold to the present legal definition of marriage and oppose redefinition. We are particularly concerned with the Scottish Government’s lack of protections in the Bill itself despite repeated assurances that it is consulting seriously on the implications of marriage redefinition. We have a number of specific concerns in this regard.

Protections for celebrants

10. We very much welcome the stated commitment of the Scottish Government to ensure that no church or celebrant will be forced to solemnise a same-sex marriage however we have concerns about the long term robustness of this protection. It is probable that this will be challenged in the courts (as is already happening in England) and legal opinion suggests that if a case went to the European Court it may well rule in favour of such a claim. This is in part attributable to the recent European Court case Gas and Dubois v France which has generated a consensus among lawyers that it will be illegal to refuse to carry out same-sex ceremonies where a country has adopted same-sex marriage. We have also recently seen the example of Denmark where there is now a duty upon the national church to host same-sex marriage.

Effect of Public Sector Equality Duty

11. Our wider concerns with the Bill affect the impact of the Public Sector Equality Duty upon those individuals and groups who disagree with the redefinition of marriage. This is particularly concerning for us as a membership organisation where a number of member organisations engage in productive and useful partnerships with local authorities and other statutory agencies.

12. At a time when churches are increasingly providing valuable welfare support in the form of Foodbanks, Debt Advice, Family Support, Street Pastors, Chaplaincy and other services we are extremely concerned that holding to the traditional view of marriage may cause tension or even complete breakdown in these relationships, which are widely recognised as beneficial to individuals and communities across Scotland. Whilst we recognise that the Scottish Government does not wish to see partnership with faith groups eroded in this way it is concerning that this desire does not seem to connect with the implications contained within the Bill as enforced by the Public Sector Equality Duty. It is eminently possible to include an amendment to the Bill stating that no organisation should suffer detriment in this way solely due to their view upon the definition of marriage. In addition the Scottish Government could include this issue in its discussions with the UK Government on amending the Equality Act 2010 and push for a further amendment in this area to ensure robust protection.

Fostering and Adoption

13. Finally we are concerned with the implications for those wishing to foster and adopt children. At present there is a major drive to recruit possible foster carers and adoption families from within churches to help tackle the national shortage of foster placements. Whilst clearly not all potential carers will be suitable candidates there is real concern that a person’s view on the definition
About Family Education Trust

For over forty years, Family Education Trust has conducted research into the causes and consequences of family breakdown. By means of its publications and conferences, and through its media profile, the Trust seeks to stimulate informed public debate on matters affecting the family and the welfare of children and young people, based on reputable research findings.

Family Education Trust is a registered charity and has no religious or political affiliations.

4. How would you characterise your views on the Bill in general?

In opposition.

Strongly committed as it is to creating legal parity between opposite sex and same-sex relationships, in drafting the legislation the Scottish Government has been unable to escape the fact that they are fundamentally different. No amount of rhetoric or manipulation of language will ever be able to make them the same. The whole notion of ‘equal marriage’ for same-sex couples is flawed.

We are concerned that, in pursuing something which does not and cannot exist out of a desire to accommodate the wishes of the few, the Scottish Government will inevitably create a whole host of injustices and inequalities for the many.

Please see our response to Question 5 for a fuller explanation of the basis on which we oppose the proposals contained in the Bill.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition.

We are opposed to the redefinition of marriage for the following reasons:

- There are four key components in the definition of marriage: it is voluntary, heterosexual, monogamous and lifelong. These four elements belong together. If any one of them were to be amended or removed, it would change the definition of marriage and the meaning attached to marriage in society. The Scottish Parliament should no more legislate for same-sex marriage than it should legislate for forced marriage, polygamous marriages, or temporary contract marriages.

- Marriage does not merit special recognition simply because it marks an intimate relationship between two people. If that were the case, there would be no reason to prevent marriage between siblings or between a parent and his or her child.¹ Rather,

¹ As Professor John Haldane of the University of St Andrews has observed, ‘In those countries where the arguments for same-sex marriage were first pressed, various polyamory and genetical sexual attraction groups now deploy parallel arguments in support of multi-party and sibling marriage (hetero- and homosexual).’ Letter to the *Daily Telegraph*, 21 March 2012.
marriage between a man and a woman has a unique place in law because of its potential
to produce children, because of the proven benefits it brings both to children and to
society, and because of the web of intergenerational support it provides.

- Once the state legislates for marriage between two men or two women simply because
  they 'love each other and want to formalise a commitment to each other', it is difficult to
  maintain a principled objection to marriage between a group of men and/or women who
  are seeking a formal recognition of their love for each other.

- Since same-sex couples can already obtain all the legal benefits of marriage by entering a
civil partnership, there is no compelling need for same-sex marriage.

- If marriage were to be redefined as proposed, the law would be sending out the message
  that a household of two women or two men is just as appropriate a context for raising
children and that it does not matter whether children are reared by both their mother and
their father, or by a parent of each sex at all. There is no evidence to suggest that children
raised by a same-sex couple in a redefined version of marriage would reap the same
benefits that are associated with being raised by their natural father and mother when they
are married to each other.

Although research into the outcomes for children brought up by a same-sex couple is
sparse, a recent study published in the journal *Social Science Research* found ‘numerous,
consistent differences’ on 40 different social, emotional, and relational outcome variables
between young adults raised by a parent who has had a same-sex romantic relationship
and those raised in other family contexts. The differences were particularly marked when
comparing the children of women who have had a lesbian relationship and those with still-
married (heterosexual) biological parents.²

- Some employees have already faced disciplinary action and even dismissal because they
  found themselves unable in good conscience to facilitate civil partnerships as part of their
employment duties. Since same-sex marriage arouses stronger sensitivities than civil
partnerships, the conflict experienced by employees is likely to be much more widespread.
(See response to Question 12 below.)

- Legislating for same-sex marriage would have implications for the education of children.
Children in schools would have to be taught that society recognises no distinction between
a marriage between a man and a woman, and a marriage between two men or two
women. Large numbers of both parents and teachers would object to this.

- Legislating for same-sex marriage would inevitably lead to individuals and organisations
facing legal challenges for expressing the view that, by its nature, marriage can only be
between a man and a woman. (See response to Question 13 below.)

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² Mark Regnerus, ‘How different are the adult children of parents who have same-sex relationships? Findings from the
8. How would you characterise your views on civil partnerships changing to marriage?

In opposition.

Since civil partnerships were set up to be a separate and entirely distinct institution from marriage, it should not be possible to convert one to the other as if there were no material difference between them.

There are four key components in the definition of marriage: it is voluntary, heterosexual, monogamous and lifelong. These four elements belong together. If any one of them were to be amended or removed, it would change the definition of marriage and the meaning attached to marriage in society. Since a civil partnership is defined as ‘a relationship between two people of the same sex’, it is not possible for a civil partnership to change into a marriage.

As Lord Filkin, the minister for constitutional affairs at the time the Civil Partnerships Bill was being debated, put it: ‘The concept of homosexual marriage is a contradiction in terms.’ It was so then, and it remains so now.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

(a) The position of registrars who do not recognise same-sex marriage

If the proposed legislation is passed, many registrars will find themselves exposed to the risk of dismissal if they express a conscientious objection to conducting a same-sex marriage. Several registrars found themselves in this position when civil partnerships were introduced, but in view of the even greater sensitivities aroused by same-sex marriage, it is likely that many more registrars would be affected.

We would venture to suggest that the Scottish Government’s proposal not to allow an opt-out for registrars who cannot in good conscience preside at same-sex marriage ceremonies runs counter to its expressed aim to ‘provide equality whilst, at the same time, promoting and protecting religious freedom and freedom of speech’. Registrars who support the historic and well-nigh universal definition of marriage would run the risk of being denied the opportunity to continue in their role on an equal basis with those who are comfortable with embracing the redefinition of marriage.

Not all registrars who object to same-sex marriage do so on the basis of a religious faith, but if no opt-out is provided, those with a religious motivation would not enjoy the protection of religious freedom and freedom of speech which the Scottish Government professes to offer. Such protections should not be limited to the official representatives of faith groups, but should be extended to all people of faith who cannot in good conscience recognise the union of two people of the same sex as a bona fide marriage.

In the absence of an opt-out for registrars with a conscientious objection to same-sex marriage, we foresee that not only will some experienced registrars be lost to the profession, but that in the future many individuals would find themselves excluded from the field of civil registration on account of their views on marriage.

(b) The position of other wedding service providers

The Scottish Government is seeking to protect faith groups and individual religious celebrants who are persuaded that marriage can only ever be between a man and a woman.

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However, with the exception of faith representatives who do not wish to solemnise same-sex marriages, the Bill currently contains no protections for other individuals who do not wish to be involved with same-sex marriages in the course of their employment duties, whether they are motivated by a religious faith or not.

For example, while a priest, minister, rabbi or imam is free to say he does not believe in same-sex marriage and wants nothing to do with the ceremony, the Bill provides no protection at all for the chauffeur, the seamstress, the printer, the photographer, the caterer or the marriage counsellor who is no less committed to the principle of traditional marriage than any faith leader.

It is not only church and faith leaders who require strong and effective protection. We would therefore like to see provision made within the Bill for a duty on an employer to accommodate an employee who has a conscientious belief that marriage is the union of one man to one woman for life to the exclusion of all others. In practice, that would mean taking steps to ensure that an employee is not put under pressure to assist with making arrangements for a same-sex wedding when to do so would go against his or her conscience.

‘Reasonable accommodation’ has a long pedigree in other parts of the world and particularly in the United States. The Civil Rights Act 1964 requires that employers reasonably accommodate the sincerely held religious beliefs of employees, unless doing so would impose an undue hardship on the operation of the employer’s business. This protection extends to manifestation of those beliefs. Without such protection, employees could be faced with the stark choice of being forced to act against their conscience or losing their job.

13. Would you like to comment on the wider issue of freedom of speech?

Over recent years, several individuals have been investigated by the police for publicly expressing views deemed offensive to homosexuals, even though their views were expressed in a measured way. For example, childcare author Lynette Burrows was questioned for expressing the view that same-sex adoption was not in the best interests of children,⁴ and an Anglican bishop was similarly subjected to police inquiry for suggesting that it was sometimes possible for homosexuals to ‘reorientate themselves’.⁵ Although charges were not pressed in either of these cases, the very fact that the police considered the expression of such views worthy of investigation is in itself a matter of some concern.

Adrian Smith was demoted by Trafford Housing Trust and had his salary cut by 40 per cent for referring to same-sex marriage ‘an equality too far’ in a post on his personal Facebook page in his own time. Although he won his High Court appeal,⁶ he was not reinstated to his post. The cost of his case exceeded £30,000, but he received only £98 in damages.⁷

We are not convinced that section 14 of the Bill will prove an adequate safeguard in cases such as these.

We are also concerned that teachers who indicate that they do not support same-sex marriage or who are unable in good conscience to use teaching materials that refer positively to same-sex marriage may face disciplinary action. We would therefore like to see protections written into the Bill to safeguard teachers who do not accept that same-sex marriage is possible by definition and also to pay due respect to the rights of parents who do not wish

⁶ Smith v Trafford Housing Trust [2012] EWHC 3221 (Ch).
⁷ Adrian Smith, Memorandum to the House of Commons Public Bill Committee: Marriage (Same-Sex Couples) Bill (MB 37), 27 February 2013.
their children to be taught that same-sex marriage is equivalent to the marriage of a man and a woman. This would include granting to parents the right to withdraw their children from classes in which same-sex marriage is to be discussed.

Norman Wells
Family Education Trust
20 August 2013
of marriage could be used to disbar them from the process. We welcome the Scottish Government’s commitment to consider issuing guidance in this area but again there could easily be an amendment added to categorically ensure that no potential foster carer could be disallowed solely because of their views on the definition of marriage.

Kieran Turner  
Public Policy Officer – Scotland  
Evangelical Alliance in Scotland  
23 August 2013
The Organisation

The Free Church of Scotland is dedicated to bringing the Good News of Jesus Christ into public life and beyond. The Free Church is reflective of many within the Christian community who feel that in rejecting much of Scotland and Britain’s Christian past, the baby has been thrown out with the bathwater. We believe there is a danger not primarily to the church, but rather to the wider society (especially the poor and the marginalised), when the historic values of Christianity are replaced by a confused and confusing morass of whatever happens to be the secular moral vogue of the day. It is for that reason that we wish to contribute towards this consultation. We are concerned that the debate has been framed in such a way (tolerant pro-gay marriage vs intolerant religious bigots) that there is in effect little change of there being a rational, civilised and tolerant debate on what we believe is a vital subject for the future of this country.

The Consultation

The Free Church is not convinced this consultation is more than political camouflage – and thin camouflage at that. The parallel same-sex consultation by the Westminster Government suggests there is a ‘done deal’ by the ultra-liberal, secular establishment to push through these controversial proposals. While Downing Street is under compulsion from the Liberal Democrats to act, it is surprising to see a Scottish Government with a different background falling meekly into line. Nevertheless, given the social importance of the changes, the Free Church has decided to participate. It is for Scottish Ministers to show that the consultation is genuine, that they are prepared to listen to Scottish values and that they are not just a tool of the Conservative/Liberal Democrat Coalition in London.

Civil Partnerships for Same Sex Couples

These novel arrangements came into existence on a UK basis by the Civil Partnership Act 2004 after a sustained lobby by same sex campaigners. The Act has only been in existence for six years from 2005 and has resulted in a meagre response of 3,307 partnerships compared with 175,552 marriages during the same period.

The evidence is that that they have not had the pick-up expected by the lobbyists and have had little social impact apart from the initial novelty. It is too soon to make an assessment of the medium term impact made on society but as these are essentially bi-lateral contracts, they are private arrangements between consenting couples.
While it was argued at the time of the legislation that same sex couples did not have the taxation or succession benefits given married couples, any argument over human rights entitlement (if any) is satisfied by the Act. It is remarkable that given the short period that has elapsed since the primary legislation and the minimal take up of partnerships that the Scottish Government has found it necessary to consult on this issue with a view to legislation. It would appear to have succumbed to persistent lobbying and surprisingly can find legislative time on this issue despite the huge number of priority social and economic problems affecting the country and awaiting urgent attention by the Government.

The main issue is whether same sex couples should be allowed to have religious celebration of their private contracts. This runs the danger of offending against the principle that church and state should be kept separate. In mainland Europe frequently, marriage (and by extension civil partnerships) are constituted by registration by the State with religious celebration being an optional and non-essential addition to the occasion. Under the 2004 Act, partnerships are constituted and recognised by the state by registration. The parties can have any other ceremony or religious blessing in any location they wish following upon registration. They suffer no discrimination or hardship under the current arrangements and the Free Church believes there should be no further legislation. Any such would be a prodigal waste of legislative time for 450 people a year (and declining) when more urgent issues require the attention of Scotland’s Parliament.

The Scottish Government is out of touch with reality when the Ministerial Foreword states:

“...we also hope that everyone will treat those with different or opposing views with courtesy and respect, within the very highest standards given of democratic discourse.”

In the vernacular: “nae chance”. By opening up this minefield on behalf of a tiny minority, as evidenced from the numbers from the Registrar General for Scotland mentioned above, the Government cannot be unaware that the same sex issue affecting the clergy in our largest church is causing distress. Equally, the gay rights lobby will not rest until all religious bodies, be they Christian, Muslim or other be compelled to conduct same sex partnerships (or marriages) under equality law. The Government speaks of opts-out and protections, but ultimately once the principle of religious celebration is conceded, such protections will melt away under incessant pressure. If the Government is arguing that on the grounds of justice and equality, same sex-marriages should be allowed, then it cannot consistently argue that churches should be allowed to ‘discriminate’. Despite the assurances that none will be compelled, we are not reassured. The vitriolic and over the top reaction to MSP John
Mason’s entirely reasonable motion to the Scottish Parliament that what the Scottish Government were assuring us would be the case anyway (that religious organisations would not be compelled to act against their beliefs), is an indication of how necessary his motion is. For such a reasonable request to be described by an MP as a ‘nasty little motion’, is testimony enough that the Government’s wish for a civilised democratic discourse was never likely to happen.

The Government cannot bind its successors. Nor can the Government influence the courts. It has already lost major appeals on human rights grounds to the UK Supreme Court and equality law will also be a source of litigation. The Scottish Parliament is not sovereign. Its acts are subject to judicial approval on human rights grounds. And even if the ‘gay rights’ lobby were prepared to tolerate non compulsory religious celebration as proposed by the Government (an unlikely prospect), the atheist and secular movements will be only too glad to cause discord for the Churches. We suspect that it will not be long before churches lose their charitable status for daring to go against the governing consensus.

Whilst we do not wish to affirm conspiracy or paranoia theories, it is already the case that some secular zealots have seen fit to attack Christians in the United Kingdom on their wearing of crosses and crucifixes. How many ministers, priests and imams or sheikhs will go to jail for non-compliance with a secular law that strikes at the heart of their faiths? Think twice before you enact this legislation. Martyrs to the faith have not been unknown in the past. Is this to be shadow on the future? This is not fanciful. MSPs have already been attacked viciously for daring to disagree with religious celebration of partnerships or marriage. The first stone has been thrown against free speech on this issue, even within the governing party.

We are aware of politicians, journalists and educationalists who dare not voice their own private opinion on this subject because of the sustained campaigns which will kick in against them, the minute they open their mouths. The gay rights lobby have sought to have candidates removed, websites banned and advertising removed, if any one dare to challenge their shibboleth. We find it interesting that the Scottish Government’s Equality Unit has funded the three national LGBT organisations to the tune of £5.94m since 2001/2 whilst giving only £3.82m to religious groups. Christian groups received £595,223 of which £104,320 was given to the Iona Community, an organisation that is affiliated with the Lesbian and Gay Christian Movement. Given the role of the churches in fighting poverty and providing many public services we think that it is more than a little disproportionate that organisations which represent less than 2 per cent of the Scottish population should receive ten times as much as the Christian churches, who represent more than 50 per cent of the population. This money is then used to ensure that government policy is prejudiced towards the gay rights agenda and to demonise any who dare to question it.
Despite the proclaimed desire of both the Scottish and Westminster governments to ‘consult’, we are concerned that there will be little consultation, because the pre-suppositions of the gays rights lobby have already been accepted by the cultural and political elites of our culture. It is assumed (rather than rationally argued) that evidence of a tolerant ‘liberal’ society is that one is for gay marriage. The conclusion has been pre-determined before the consultation has even been had. This is hardly the action of a mature, reflective and tolerant democracy. It is little wonder that there has been little civilised and tolerant discourse.

**Same Sex Marriages**

The Government’s perceived wish to give same sex couples the same status and rights as for opposite sex marriage (as they now charmingly describe it) is ill thought out and ultimately harmful. Of the 193 members of the United Nations, there are only 22 countries which have recognised same sex unions and 9 that have recognised same sex marriage. Whilst it may appear superficially attractive for some (witness David Cameron’s boast that Britain would be at the forefront to homosexual rights) to appear to be leading the way in the world, in reality all that the Scottish Government would be doing is following a course of action which is entirely the product of a Western liberal elitist liberalism, which is in fact far from liberal. Whilst politicians might like to talk about how tolerant and liberal they are, thinking that there is little of consequence for marriage, they need to stop and reflect that in fact this is a major step which has potentially extremely destructive consequences.

We again ask if there is minimal demand for same sex partnerships, where then will come the numbers to warrant such a revolutionary change in society. The Government is again reminded that since the Civil Partnership Act came into force, there have been only 3,307 partnerships set against 175,552 marriages. 2 per cent is not a solid foundation for tinkering with something that has been the foundation of British and Scottish society for over 1,500 years. You do not mend ‘Broken Britain’ by breaking its very foundations.

The key question, which very few seem to have actually considered, is just simply to ask, ‘What is Marriage?’ and it is to that that we now turn.

**Nature of Marriage in Society**

We contend that when the Prime Minister, or the Scottish Parliament claim the right to ‘redefine’ marriage, they are claiming something to which they have no claim. They are in fact acting *ultra vires*. It as though they are claiming the right to pronounce the earth flat or the ability to make square circles. The meaning of marriage is straightforward. It
is the union between one man and one woman, for the threefold purpose of mutual companionship, the procreation and upbringing of children in a secure environment, and the good of society. If one accepts this traditional definition of marriage then by definition there can be no such thing as gay marriage – precisely because the pro-creation of children cannot be achieved by two people of the same sex. The secular state may wish to claim all sorts of powers, but the ability to enable two people of the same sex to have children, without the intrusion of a third or fourth party, is beyond even the power of the State!

When the Scottish Government claims that it has the right to redefine marriage, it is in fact doing nothing of the sort. It is simply undermining the Christian (and traditional) understanding of marriage to the extent that we believe it negates it completely. Once a government abrogates to itself the right to redefine marriage then there is of course no logical reason why any government should stop at same sex marriages. Why not redefine marriage so that polygamy is allowed? After all if the arrangement is between consenting adults who ‘love’ one another, what is the difference? And why stop there? Why not redefine marriage so that a brother can marry his sister, or a father his daughter? If marriage is not about pro-creation, and with the availability of modern birth control methods, then why should this not be allowed as well? The inevitable hysterical cry will come that we are equating gay marriage as being synonymous with polygamy and incest. We are not. We are just simply pointing out that the criteria being used in the current debate would, if accepted, be logically and equally applicable in these cases.

Human Rights to Same Sex Marriage

There is no human rights entitlement to same sex marriages. The position is clearly set out in the Consultation Document as follows:

a. The **Universal Declaration of Human Rights**

   **Article 16**

   (1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

   (2) Marriage shall be entered into only with the free and full consent of the intending spouses.

   (3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.
b. European Convention of Human Rights

Article 12

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing exercise of this right.

Nowhere in these fundamental statements of human rights is there any reference to same sex marriages. Same sex couples have thus no human right to marry. Indeed, the statements go further. The UN Statement links marriage of a man and a woman as a natural and fundamental group unit of society and declares that the family as thus defined is entitled to protection of society and the State. The reference to founding a family is echoed by Article 12 of the European Convention. This is common sense. The generating and rearing of children is essential to the survival of the human race, and vital in Scotland which has an ageing population. Marriage is essential to the human condition; same sex unions are a biological cul-de-sac.

If the Scottish Government goes ahead with its proposal, it will have no validity as an exercise of human rights. Indeed, by adulterating the concept of a marriage as a union of a man and a woman, it will be guilty of removal of the protection of the state in Scotland required of it by Article 16 of the Universal Declaration. Furthermore, what consideration has the Scottish Government given to the rights of millions of people who are married? Some, of course, will approve, many will not care and a huge number will find the legislation offensive. It is arguable that their human rights under international law will be breached by the Scottish Government. Will they be entitled to separate status? Will they be compensated? Indeed, if convicted criminals can obtain compensation for slopping out as a breach of their human rights, why should those who entered into regular marriage under international human rights law not receive compensation when their ‘marriages’ are redefined in terms that are not natural and which they do not recognise? Even if after many years, the Government emerges as victor, the cost in administrative and legal time together with legal aid on-costs will not be insignificant.

Religious Celebration of Same Sex Marriages

If unrest is anticipated over religious celebration of civil partnerships, then the comments made earlier on behalf of the Free Church apply with even greater force.

By issuing this consultation, the Scottish Government has effectively lit the blue touch paper. It should extinguish it before causing needless stress to itself and its successors. It is the beginning of wisdom to recognise that you attack the essential building block of society at your peril. The days when the Christian faith will be bullied into secular
submission are over. It may be that the Scottish Government does not really wish to return to a pagan society, or a pre-Christian-Greco Roman world, but we will believe that that will be the inevitable consequence. The secular myth of the continual progress of humanity towards an enlightened, liberal secular state is one, that despite all the evidence from recent history, is stubbornly held to, almost as an article of faith. We believe that this is blind faith and as such we are in danger of being led into the very opposite of what is intended.

We realise that there are many who would accept the basic arguments we are putting forward and who in their heart of hearts, do not agree with same sex marriage, and yet who will regard is as a relatively unimportant matter, and therefore not one to risk career or reputation over. They therefore, in order to appear ‘enlightened, liberal and tolerant’ will just go along with the prevailing cultural narrative. To such however we issue this plea – what if you are wrong? We offer three reasons as to why this matter is of such importance.

1) Past - This is not a new struggle. Dostoyevsky, always an astute observer of society, had one of his characters sum up the agenda of the self-styled radicals “Make haste and lock up the churches, abolish God, do away with marriage, destroy the right of inheritance, take up your knives,” (The Possessed - The Devils). In different forms several societies of Right and Left in the 20th Century attempted to enact this ‘radical’ agenda, with disastrous consequences for humanity. We find it ironic that almost all politicians and political parties in Britain are rushing lemming like into something which in effects negates marriage – at least in the eyes of the State.

2) Present – We understand why politicians either want to enact this or at the very least are not prepared to oppose it. The modern narrative is one of enforced ‘tolerance’. All the basic pre-suppositions are so fixed that to question them is to immediately be ostracized. We have seen this recently in the Conservative party – where it has been determined by the powers that be that the New Conservatism must be seen to be liberal, tolerant and that therefore any potential parliamentary candidate who does not accept the mantra and pre-suppositions of the current ruling cultural elite, will immediately be blackballed. The irony is of course that such a course of action is fundamentally intolerant, preventing any discussion and difference of opinion. We have even reached the stage where gay rights groups have succeeded in persuading major information and internet companies to censor groups who do not accept their point of view. For example Apple were persuaded to remove an app which was set up by The Manhattan Declaration. The Manhattan Declaration are not a group of right wing wacky religious fundies. They are a respected group of Christian leaders from different backgrounds. Yet their views are considered to be so extreme that they are
censored. Meanwhile pornography, extremist politics and violence are allowed. At some point someone is going to have to say – enough is enough. Diversity and tolerance are going to have to be practiced rather than just words used in the most Orwellian of fashions.

3) The Future – We do not believe that the attack on marriage or on Christianity will end with the Scottish or British Parliaments’ ‘redefining marriage’. As each new piece of legislation has failed to bring in the secular humanist ‘Nirvana’, its proponents have become more and more desperate and have pushed for more. We do not advocate any form of homophobia (and indeed regard the constant accusation of such as being little more than a smokescreen and bullying tactic, to try and enforce silence), and we repeat the Christian teaching that we are to love and respect all peoples, whatever their sexual orientation. However we are concerned at the way this issue is being used to demonise and attack Christianity, whilst at the same time being used to reshape and change society in a way which we believe is ultimately harmful. The gay rights groups, funded by the State, will continue to push for that State, not just to be ‘tolerant’ of gay marriage, but intolerant of any who do not accept their agenda. There will be more pressure for social ‘re-education’ through popular media, the education system and the social welfare and political systems. The attack on the traditional understanding of marriage will not be the end of this assault on Christian morality and values. We urge our MSPs to take this into account and at the very least make an informed decision thinking about the long term consequences, rather than merely the short term sound bites and media pressure.

Conclusion:

“Scotland has chosen to believe in itself and our shared capacity to build a fair society. The nation can be better, it wants to be better, and I will do all I can as First Minister to make it better. We have given ourselves the permission to be bold and we will govern fairly and wisely, with an eye to the future but a heart to forgive.” _ Alex Salmond – Victory Speech – Kirkcaldy – May 2011

We applaud the First Minister’s desire to make Scotland a better nation and a fairer society. We do not however think that instigating gay marriage and thus undermining even further the Christian foundations of this society will lead to a better or fairer nation. Indeed in our view, it will lead to further social disintegration, sexual confusion and greater intolerance, where any in public life or service, who dare to uphold the Christian view of marriage, will be ostracised and discriminated against. If the Scottish Parliament takes the step of redefining marriage rather than displaying boldness, fairness and wisdom, we believe it will demonstrate cowardice, injustice and folly. We therefore request that the Parliament do not take such a retrograde and reactionary step and we would ask you to refuse the request to redefine marriage.
In saying this we are not arguing that the current legislation on civil partnerships should be repealed. That is a route that the State has chosen to go down and it is not the issue at stake here. Indeed there are those who wonder what all the fuss is about – given that civil partnerships already give all the same legal rights as marriages. As indicated in our submission we believe it is important because of the wider agenda being pursued.

I believe this is of such a destructive nature to Scottish society that, rather than leaving the decision to a group of MSPs (who themselves are very susceptible to the threats to their careers and positions of political and media lobbying), this decision should be put to a referendum of the Scottish people. If our relationship with the rest of the United Kingdom warrants a referendum, then surely our relationship to over 1,500 years of Christian teaching on that most fundamental of society’s institutions (marriage), merits the same treatment? Let the people have their say.

Rev. David Robertson
Free Church of Scotland
6 September 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM HUMANIST SOCIETY SCOTLAND

How would you characterise your views on the Bill in general?

In support

The Humanist Society Scotland (HSS) heartily endorse the thrust of the Bill and the intention behind it, to create a more equal Scotland. As the fundamental principle behind Humanism is that every human deserves equal rights, the HSS fully supports both allowing same sex couples to marry and equalising the status of Belief celebrants. As believers in a secular state where all are treated equally, the HSS regrets that within this Bill heterosexual couples will not have a right to form civil partnership but welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law and promptly enact legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally the HSS would like to see the criteria on which organisations are judged as suitable to conduct marriage being applied equally. In chapter 3, section 2 of the Bill this would require an amendment to the Bill which would remove the privileged status of The Church of Scotland currently enshrined in section 8 (1) (a) (i) of the Marriage (Scotland) Act 1977. For clarity and to reflect their equal status in law, where previously some titles of Christian Celebrants eg, minister, priest or pastor have been specifically included, these specifics in the Bill are replaced throughout by the phrase “Celebrant of a Religious or Belief body”

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Humanist philosophy is about treating people equally and the HSS welcomes this move towards creating a more equal and accepting society by recognising the equal validity of love between partners of the same sex and affording the same rights and responsibility of marriage to same sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

As would be expected, the HSS strongly welcomes the move toward equal treatment of all marriage celebrants.
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The HSS supports the right of celebrants of all beliefs and religions to opt out. We appreciate the care that has been taken to allow a conscience opt-out for individual celebrants where their organisation has opted in to conducting same sex marriages. We are therefore disappointed that the reciprocal freedom of conscience has not been granted to allow individual celebrants within opted-out organisations from individually choosing to conduct same sex marriages and civil partnerships. A small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious or belief bodies that wish to, should be permitted to continue to use the “husband and wife” gendered form of the marriage ceremony, and same sex couples should be also be given the choice of wording within a civil marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

The HSS believes that both civil partnerships and marriages should be available to both same-sex and opposite sex couples. The HSS also believes that there should be no cost incurred if a couple in a civil partnership wish to change to a marriage. We consider it unjust that a group of individuals who have been discriminated against should have to pay to have that discrimination corrected. We do also think an amendment is needed to allow couples who registered a civil partnership abroad and then moved to Scotland to marry here.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

The HSS agrees that more freedom should be accorded to all individuals to have their marriage solemnised in a way, and in a place that suits them and so support this increased freedom for civil marriage ceremonies.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Once again the HSS support increasing freedom of choice and that all couples should be free to choose the type of legal recognition they want for their relationship, as well as who conducts the ceremony and where it takes place.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

The HSS strongly supports the ability for a transgendered person to remain married when obtaining a full Gender recognition Certificate.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The HSS does not perceive there is any legal risk to individuals who choose to speak against same-sex marriage and the provisions set out in chapter 4 reinforce that no presently existing freedom of expression will be curtailed. As regards calls for a conscience clause for registrars, it is unthinkable that a public official carrying out a public service be allowed to discriminate on the grounds of sexuality/sexual orientation. It would also be contrary to statutory obligations under the Equality Act 2010. The HSS considers that in the public sphere everyone is either equal or we are not. If the Bill becomes law, public servants will, like anybody, be free to think and believe whatever they like about anyone else. Indeed it is a fundamental human right. However, personal beliefs must not intrude in the performance of a public duty, particularly not to the detriment of those seeking a service to which they are legally entitled. Like everybody else registrars will be subject to the laws of the land. The HSS considers the existing safeguards which prevent teachers and others in authority using their position to promote a particular viewpoint sufficient.

**Would you like to comment on the wider issue of freedom of speech?**

When considering calls for conscience clauses or protection of freedom of speech on this issue, the HSS would ask for equal marriage to be treated in the same way as equality law on race, gender or disability and those with other protected characteristics. When these laws were framed lawmakers did not consider enshrining in law special rights for those opposed to treating women, minority ethnic people or disabled people equally. In deciding to allow same-sex marriage MSPs will have decreed that the state will no longer allow discrimination against gay and lesbian people in the public sphere. If individuals opposed to equality experience social disapproval for their opposition to same sex marriage, the HSS would welcome this, in the same way it welcomes social disapproval of sectarian behaviour or racism and sexism.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The HSS agrees with politicians and the Registrar General that conducting marriages should not be a business. As a charity, the ceremonies carried out by our celebrants are only part of our work but we are concerned that some charities have been set up which appear to be operating as marriage businesses. We therefore welcome the modification to Section 12: Temporary Authorisation and, for clarification, that the criteria for suitable organisation should be defined as in section 10 (4) (a), and we request that if no other criteria for temporary authorisation should be permitted.

Are you responding as...

a celebrant faith/belief-based organisation

Liz Rowlett
Humanist Society Scotland
22 August 2013
Q4 & Q5 How would you characterise your view of the Bill in General? How would you characterise your views of the introduction of same sex marriage?

LGBT Youth Scotland welcomes the Marriage and Civil Partnership (Scotland) Bill. We strongly believe that this Bill will have a positive impact on lesbian, gay, bisexual and transgender people by creating equal access to marriage for all couples regardless of sexual orientation or gender identity. At present it is a robust Bill although some parts of the Bill could be improved to ensure it is considers the needs of lesbian, gay, bisexual and transgender people fully.

The key areas of the Bill which we believe are positive are:

- Making marriage available to same-sex couples
- Enabling religious and belief bodies the opt-in for conducting religious civil partnerships and same-sex marriages
- Recognition that there are currently sufficient legal protections to ensure that those who disagree with equal marriage are not negatively affected.

Mixed-sex Civil Partnerships

The LGBT National Youth Council, representing LGBT young people from across Scotland, first began campaigning on equal marriage in 2009. They believe that all couples, whether they are classified as ‘same-sex’ or ‘mixed-sex’ should have the same options for legal recognition. Their manifesto called for marriage and civil partnerships to be made available to all couples.

As we have stated in our previous two consultation responses, we believe that this Bill should include provision for mixed-sex civil partnership. As the current Bill does not extend civil partnerships to mixed-sex couples, it has the potential to negatively impact on bisexual people and transgender people who wish to have a civil partnership when in a mixed-sex relationship. It could also have a negative impact on transgender people who do not conform to binary gender identities. For example, those who do not identify as male or female (androgyne people) under the current legal system are forced to identify as the sex recorded on their birth certificate. This Bill would mean that they would not have access to civil partnerships if their birth certificate indicated that they were in a mixed-sex relationship, negating their gender identity.

During the consultation on the draft Bill, we asked LGBT young people what they felt about the proposed legislative changes. They expressed disappointment that the proposals created inequality based on sexual orientation or gender reassignment.
I’m bisexual and may one day want to enter a civil partnership instead of a marriage. It’s more of a right to choose between two options that’s important.

Work place – if you don’t get mixed-sex civil partnerships and at work you have to say your relationships status as civil partnership you instantly open yourself up to discrimination and homophobia.

This is also reflected in current opinion polls which showed that 71% of respondents said that mixed-sex couples should have the right to get a civil partnership. (Ipsos MORI Scotland Opinion Poll 2012)\(^1\). LGBT Youth Scotland agrees with the young people consulted that opening up mixed-sex civil partnerships would reduce inequality, increase freedom of choice and be very important for including and normalising bisexual and transgender people. We therefore ask the Equal Opportunities Committee to include in their stage 1 report the importance of the proposed review of mixed-sex civil partnership.

**Age of Gender Recognition**

There are additional instances where an individual of marriage age may be restricted due to gender identity. In Scotland the age of legal capacity is 16, meaning that young people aged 16 can not only consent to medical treatment, but enter into a marriage. The age for receiving a Gender Recognition Certificate, however, is 18. It is important that this Bill mirrors Scottish law in regards to the age of legal capacity.

We work with many transgender young people who begin living in their acquired gender far earlier than the age of 16. In addition to having an extended wait time prior to applying for GRC, these young people may be faced with a choice to enter into a marriage that will need to be re-registered once they are old enough to receive GRC, or wait until they attain the age of 18 and a GRC before entering into marriage.

When we asked young people from two transgender-specific youth groups what the current rules meant for them, they said:

I’m 18 and am currently engaged. My partner and I have been engaged for approximately a year and a half now and although we were both very keen to be legally married and had planned to do so the summer following our engagement. However, as the age for GRC is 18 and at the time we were 17, we couldn’t get married…[Changing the age of GRC to 16] would have made a huge difference, my partner and I could have been married when we originally planned.

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Others highlighted the disconnect between having the ability to leave education and enter the workforce, being treated as an adult, but being denied the right to have all official documents reflect their acquired gender.

I’m currently 17 and am going away to college next year. I would much prefer to have myself as male on the official records, but they need to have my ‘real’ details on the system.

The ability to understand your own gender comes well before 16.

Legally, I could have been recognised as the gender I am and be able to be exactly who I am in every life situation as soon as I was old enough to leave school.

Q7 How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex relationships.

LGBT Youth Scotland agrees that religious and belief bodies should be allowed, but not required to conduct same-sex marriages. We agree with an opt-in process for religious and belief bodies in authorising celebrants as this would protect religious bodies and celebrants who do not wish to solemnise same-sex marriage or religious civil partnership without restricting the freedom of religious or belief bodies who wish to conduct them.

Q8 How would you characterise your views of civil partnerships changing to marriage?

We agree that couples should have the right to convert their civil partnership to a marriage. Many same-sex couples would have entered into a civil partnership in order to gain legal recognition when the option of marriage was not available to them.

Registration of marriages should be gender neutral and there should be no difference between the forms and certificates used for same-sex and mixed-sex marriages. There should be an option for couples to decide what designation they would like to use, such as spouse or bride and bridegroom. This would ensure that religious bodies who chose to not recognise same-sex marriage have the option of retaining ‘bride’ and ‘bridegroom’ during the ceremony, yet other individuals in mixed-sex marriages are also free to choose ‘spouse’.

Gender neutral language is particularly important for transgender individuals who identify as androgyne or who do not wish to apply for a GRC. Although such individuals would be able to enter into a marriage regardless of their gender (unlike for Civil Partnerships, as discussed above), gendered documents may force individuals into using language with which they are uncomfortable. For instance, if someone who identifies as androgyne enters into a marriage and their official
documents designate that marriage as a ‘mixed-sex’ marriage, they may be obligated to choose ‘bride’ or ‘bridegroom’ although they do not identify with such gendered concepts. Once the Bill passes, there should not be a distinction between the documents used to register same-sex and mixed-sex marriages, there should only be marriage documents which contain wording options. For further information on the specifics around converting civil partnerships to marriage and re-registering marriages after GRC, please see the discussion by Equality Network, which we support.

The administrative route should be available alongside the ceremony route to converting civil partnerships and should be available to those in qualifying civil partnerships who currently reside in Scotland. These individuals should not be required to undertake a ceremony in order to claim the legal status that they were denied at the time of registering their civil partnership. Couples may have already registered their civil partnership with a ceremony or celebrated with family and friends and the administrative route must be an option to all couples. The administrative route should be a simple procedure, such as attending a local registrar to verify documents and signatures, and should not cost more than the staff time and documents required.

Q10 How would you characterise your views on allowing the religious and belief registration of civil partnerships?

LGBT Youth Scotland welcomes the introduction of religious and belief options for same-sex couples of faith who wish to include their faith or belief community in celebrating their legal relationship commitment.

Q11 How would you characterise your views of allowing transgender persons to stay married when obtaining a full GRC?

We welcome the change to the law that would enable couples to remain married when obtaining a full Gender Recognition Certificate. Our concern, however, lies with the requirement for spousal consent prior to receiving a GRC. Although it should be required for both partners to consent to remaining in the relationship, it should not be the role of the spouse to block their partner from receiving official gender recognition. We propose that spousal consent be changed to only apply for re-registering the marriage rather than recognising the individual’s gender.

Individuals possessing an interim certificate should be permitted to apply to the sheriff court to receive a full GRC, without divorcing. This would not re-register the marriage but enable it to continue in its present state. If the couple wishes to re-register their marriage with updated details, they would then supply a statutory declaration stating that they wish to remain in the relationship and re-register taking the GRC into account. For further details on the proposed changes to this process, see the Scottish Transgender Alliance’s written evidence.
Q12 & 13 Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage? Would you like to comment on the wider issue of freedom of speech?

The Bill states that exercise of freedom of thought, conscience and religion or expression are not affected by the content of the Bill and individuals continue to remain protected in regards to these under existing laws. We feel that these protections are made clear and are sufficient, but this section must remain in the Bill. We are pleased to see reference to General Teaching Council for Scotland’s Code of Professionalism and Conduct in the Policy Memorandum. This recognises that teachers have a duty to provide young people with unbiased information and consider their rights and wellbeing; our research shows that this results in positive learning experiences for young people.

The Policy Memorandum also mentions that the Education Circular 2/2001 will be updated and maintain the right of parents and carers to withdraw children and young people from sexual health education. While we recognise the importance of including the views of parents and carers in their child’s education, and are not advocating that they be withdrawn, it is important that the rights of adults are not privileged over the rights of children and young people.

Sexual Health and Relationships Education within schools are often the only classes in which same-sex relationships are mentioned, meaning that there is low visibility for LGB identities in education and rarely does this include transgender visibility. We know that when LGBT young people do not receive appropriate health information they are less likely to have knowledge of safer sex practices, healthy relationships and may place themselves at increased risk of domestic abuse, sexual exploitation or sexually transmitted infections. It is therefore worth noting that this would be exacerbated for LGBT young people who are withdrawn by parents or carers from sexual health education.

Under the UNCRC, young people have the right to receive information that is relevant to them (Article 13) and to have a say in decisions that affect them (Article 12). At the time of the consultation on the draft Marriage and Civil Partnership (Scotland) Bill, we consulted with young people in seven youth groups and two school classes. Overall, young people felt that without their opinions taken into account, parental opt-out limits their education, undermines their right to information and implies that young people are unable to choose what is best for them. The Scottish Youth Parliament consulted with young people around PSE in schools. The majority felt that young people should be asked their views and have them taken into account where their parents have asked for them to be withdrawn from a lesson (80.7%). A smaller majority believed that they should be able to take part in lessons.

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3 Scottish Youth Parliament (February 2013) ‘What Do You Think About PSE in Schools’ survey.
if they don’t agree with their parents’ view that they should be withdrawn, regardless of age (71.4%).

As noted in our previous consultation response: ‘Any decisions that result in a child being removed from a class should take into account the principles of the UN Convention on the Rights of the Child regarding equal treatment, the child’s best interests, and giving appropriate weight to the views of the child. This is specifically noted in GTC Scotland’s Code of Professionalism and Conduct ⁴ which outlines these core principles and suggests that teachers ‘should be aware of the general principles of the UN Convention on the Rights of the Child’.

Including the views of young people would promote better Health and Wellbeing Experiences and Outcomes as outlined within Curriculum for Excellence under ‘relationships, sexual health and parenthood’.

**Q14 Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above.**

We have dealt with the wider issues in line with the questions above.

Brandi Lee Lough Dennell
Policy and Participation Manager
LGBT Youth Scotland
15 August 2013

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The Methodist Church welcomes this opportunity to give evidence to the Equal Opportunities Committee

Within the Methodist Church there is a spectrum of views on human sexuality. Methodist Standing Orders, however, state our belief, “that marriage is a gift of God and that it is God’s intention that a marriage should be a life-long union in body, mind and spirit of one man and one woman.” At the same time we have for nearly twenty years explicitly recognised, affirmed and celebrated the participation and ministry of lesbians and gay men, and been committed to a pilgrimage of faith to combat discrimination and give dignity and worth to people whatever their sexuality.

The Methodist Conference, voted in July 2013 to appoint a working group to consider whether the Methodist Church's position on marriage needs revising in light of changes in society. It also agreed that the membership of the working group should take account of the Methodist Church's breadth of theology, age, ethnicity, gender and experience.

A report submitted to the Conference by the Methodist Council had asked for a working group to undertake this consideration with reference to "scripture, tradition, reason and experience". The working group will be tasked with considering the implications of any change in legislation with reference to the Church as a consequence of the Marriage and Civil Partnerships (Scotland) Bill and the Marriages (Same Sex Couples) Bill relating to England and Wales. Recommendations for any changes in the Church's practice or polity will also be made by the working party.

Any recommendations by the Working Party will be brought to the Methodist Conference for ratification, or otherwise.

Reverend Dr David P Easton
Chair of the Methodist Church in Scotland
28 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM MUSLIM COUNCIL OF SCOTLAND

4. How would you characterise your views on the Bill in general?

In-opposition

The Scottish Government SG intends to proceed with the introduction of very controversial issue of same sex marriage SSM despite of the results of the consultation in 2011 with over 77,000 responses two thirds majority opposing SSM.

By forcing a new definition of marriage the Government is interfering in one of the fundamental practices of most faith communities and their way of life.

The scope of the present consultation is very limited because it seeks views on the detail of the legislation after having already ignored the objection to the principle itself.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In-opposition

From the Islamic perspective we totally oppose same sex marriage in any shape or form. This view is very clear and straightforward within the teaching of Islam, as is the case with the very large majority of the world religions.

This belief does not and should not be considered a homophobic behaviour.

Marriage is a sacred institution and not just a contract to live together and is defined as "the union of a man and a woman with the interest of the children as the first priority and at the heart of it.

As a matter of principle, Governments do not have the right to redefine marriage and/or subject the people to such a controversial environment with severe implication for the large majority of the Scottish People.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

We are not supportive of the proposal to establish ‘belief’ ceremonies because we do not wish to encourage secular marriages, which will cause confusion in defining what is Religious Faith and Secular Belief. There is a clear difference between marriage based on faith with rules that are divine and well tried for centuries and belief contracts which could be introduced by followers at any time with no experience of application.
7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

We welcome the opt-in registration arrangement in the Bill. This goes well with the fact that the marriage is the act of worship as acknowledged by the SG in the consultation document.

While the UK Government will amend the Equality Act 2010 to give individual celebrants the right to refuse to solemnize same sex marriage even if their organizations opt in for solemnizing same sex marriages, there is a strong possibility that a claim of a breach of human rights might be taken against a religious organization by an individual celebrant.

This matter may be ultimately determined by the European Court of Human Rights. There is no guarantee that, at some future date, the court will not rule that religion and belief celebrants must either solemnise all 'marriages' or cease to marry people altogether.

Although the European Court of Human Rights has made it clear that it won’t impose same-sex ‘marriage’ on nation states, if a country makes it available in some contexts it must be made available on an equal basis. Discrimination in the provision of same-sex ‘marriage’ could be ruled to contravene the Convention.

In summary, while the Government brings about equality for same sex marriage and the definition and meaning this has, it will also undoubtedly have a severe negative impact on traditional marriage and the very rights of the individuals being compromised or taken away to their detriment.

8. How would you characterise your views on civil partnerships changing to marriage?

In Opposition

As stated before same-sex relations/unions are not accepted in our faith under any name.

This is one of many features of inconsistency in this Bill, This will create a two tier system giving same sex couples more options to register their relationships than is available to heterosexual couples.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In Opposition

SG has not specifically clarified what they mean by ‘religious premises’. Our concern is that many Islamic mosques/ Islamic centres have halls or spaces either within or linked to the premises which they may hire out.
We agree civil marriages, especially same-sex ‘marriages’, should not be performed on religious premises as, this may force a religious organisations to let their halls for a same-sex civil ‘marriage’ ceremony against their belief.

We require that in any case clear legislation should be made to guarantee the protection of religious premises from being used for SSM and not be subject to litigation based on discrimination of supply of services.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In Opposition

As stated before same-sex relations/ unions are not accepted in our faith under any name.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In Opposition

No Comment

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The SG Equality Impact Assessment (EIA) annexed to the Bill, is very biased in favour of the perceived positive implications of the Bill.

Little or no mention is made in the EIA of the negative implications of this legislation for people who hold to a religious belief or who have a conscientious objection. Rather it limits the potential negative implications of the legislation solely to the matter of religious celebrants.

It does not consider the implications of this legislation for many other faith organizations and others working across the breadth of the public sector. They may find themselves being placed in the position of having to choose between following their religion/ conscience or obeying their employer. In the event they chose their religion/ conscience they could be disciplined or even lose their job.

We made it clear that in Islam we cannot support this change in any shape or form, however we outline the following areas in the event the SG does not listen to the Scottish people and the various element of the legislations need to be addressed:

- Civil registrars are likely to be required by their employers to ‘marry’ same-sex couples.
- Teachers may well be asked to teach pupils about ‘same-sex marriage’.
- Local authorities, owing to the public sector equality duty contained in the Equality Act 2010, may well decide that they cannot partner with, let halls to or provide grants to religious organisations which refuse to ‘marry’ same-sex couples.
Some religious organisations may lose their Charity Status if they refuse to allow same sex marriages in their premise.

Chaplains working in the public sector could lose their jobs if they preach traditional marriage.

Those with a religious/ conscientious objection to same-sex ‘marriage’ might find it difficult to foster or adopt children.

We believe, like other religious organisations, that traditional family structure is the best environment to bring up children.

The introduction of this Bill will force many professionals to adopt the new definition in their teaching and work, which may be against their conscience and for those who do not comply, there is a real risk that they may be sacked from their employment.

Let us not be in any doubt that this will present limitations, restrictions and controversy on the freedom of religion.

Some of the areas of discrimination to list a few are as follows: those employed as registrars; teachers; student advisors; health workers; chaplains and also employers such as charities and businesses.

Further we would add that this would have serious impact and be detrimental to Imams, Mosques Trustees/ Executive Committee member(s), Charity Accreditations, application for funding and use of public places etc. It needs to be stressed that Islam is not the only faith which will be severely affected by this Bill, but majority of the religious organisations here in the UK and worldwide will be in a similar position.

Civil registrars, social workers, teachers etc who oppose same sex marriage may well lose their jobs. At the very least, new entrants to these professions will find it difficult to get a job if they continue to oppose same sex ‘marriage’ or have been vocal about their beliefs in the past.

Given the situation explained above, we are in no doubt that in the long term this will lead to an employment system which will exclude people who oppose SSM from both employment and from contribution to public life.

We would further state that given the religious background of the ethnic minority communities, the fact that employment within some groups of ethnic minorities’ communities being as high as three to four times higher to its white counterpart; it will give disproportionate impact to different groups of people thus widening the unemployment ratio even further.

We believe that the Civil Partnership Act 2004 in the UK already gives same sex couples most of the rights and responsibilities of a civil marriage. Taking this further as outlined in the Bill will put an entirely and exceptionally bizarre dimension to the society at large to the detriment of all who oppose it and shattering their civil rights and freedom of expression and religious conscience. We don’t believe much of the assurances given by the Scottish Government, with the best of intention, will be either practical or sustainable.
13. Would you like to comment on the wider issue of freedom of speech?

Many concerns were expressed by respondents to the 2011 consultation that freedom of speech could be inhibited if the ‘same-sex marriage’ is introduced.

Government should state in the Bill that SSM is a controversial issue and amend to clarify that public discussion or criticism of marriage, as regards the sex of the parties to marriage, would not of itself amount to an offence of stirring up hatred because of sexual orientation or any other discrimination category.

There are many case examples which happened or happening already, some are still in courts, such as:

- A robust debate about ‘same-sex marriage’ in a public place could lead to a charge of Breach of the Peace, within the context of street preaching.
- Distributing religious leaflets or preaching outside a football stadium could be treated as an offence under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.
- Offensive behaviour under this Act includes behaviour seen to be ‘homophobic’ etc.
- Any other public sector employee who speaks out against ‘same-sex marriage’ may be disciplined at work.
- A hospital Chaplain who preaches in his place of worship against same sex marriage can be disciplined by his employer.
- Similarly a University Chaplain, Prison Chaplain etc

Prosecutorial Guidelines by the Lord Advocate are not subject to consultation and can be easily amended by a future Lord Advocate. For these reasons we would like to have seen these guidelines as part of the Bill since we are already on a fine line to what may constitute criminal offences.

Whilst this Bill may give freedom of marriage to same sex couples, it could be detrimental to traditional marriage and religious communities in general. This could have a detrimental impact on positions that are/ or have been held by individuals due to it being a criminal offence under these changes.

It will also affect their future status in many aspects including employment.

In the circumstances the SG claims that guidance relating to NHS chaplains, current employment law and the European Convention of Human Rights are sufficient to protect freedom of expression, is not sustainable.

The European Court of Human Rights has already ruled in some cases that freedom of expression and manifestation of religion should be of secondary consideration to non-discrimination on grounds of sexual orientation where a clash of rights has occurred. There are also many cases to this effect in USA and Canada.
14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

At the outset it needs to be said that the Scottish Government (SG) ignored the main issue of introducing same sex marriage despite a large majority to the consultation in 2011 (which received 77,000 responses) two thirds of which were opposed to the introduction of same sex marriage, we are now asked to comment on the Bill itself despite the SG having already ignored the objection to the principle itself.

The Muslim Council of Scotland cannot support the proposal which enables “all couples” to have a civil marriage ceremony. This is not only the views of the Islamic community but reflects the views of the world religions, excluding a very few.

This Bill seeks to makes serious changes to accommodate Same Sex Marriage. The words such as “Mother”, “Father”, “son” & “daughter”, which have been with us since history began can reveal kinship relations and are now at risk of being diluted to no specific relations if changed to accommodate Same Sex Marriage. To this end we draw your attention to section 1 (2e) of the Bill. Further, we draw your attention to the table on page 27 of the Policy Memorandum attached to the Bill outlining how the relationships will be described. We strongly disapprove of these changes and we don’t believe that majority of the Scottish people will approve of this either. We don’t believe that the implications of these changes have been fully explained to or appreciated by the public at large.

On the wider scale, all literature and teachings on marriage will lose their original meaning as intended by the authors, this action would amount to a rewriting of history and cultures.

The assertion that “religious marriage” will be unaffected by the proposal is totally untrue, since fundamentally changing the state’s understanding of marriage means that the nature of marriage solemnised in places of worship would also be changed.

The Scottish Government has given various assurances that the civil liberties of those who have a conscientious objection to ‘marry’ same sex couple will be respected. We are of the strong view that whilst the Scottish Government may have the best of intention to address equality; however, it is not realistic or sustainable. We draw you attention to some of our arguments stated below:

Article 9 (1) of the European Convention on Human Rights, ECHR:

“Everyone has the freedom of thought, conscience and religion: the right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public and private, to manifest his religion or belief, in worship, teaching, practice and observance.”

Article 9 (2) “Freedom to one’s religion or belief shall be subject to such limitation as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or the protection of the rights and the freedom of the others.”
Whilst it is understood what Article 9(1) is stating, applying it in context with the controversial issue of ‘Same Sex Marriage’ as proposed in the Bill is going too far and opens up floodgates to the detriment of large majority of Scottish people. The Scottish Government would be going too far in pleasing and protecting the rights of a minority whilst seriously encroaching and negatively impacting the rights of the majority. Further, The interpretation which the Scottish Government will take of Article 9(2) is at present a total mystery as the Lord Advocate guidelines are not available and none will be made available until after the Bill has been passed.

It is our understanding that if the member state chooses to make provision in its domestic law for same sex marriage, then as far as the ECHR is concerned same sex marriage is protected by the convention in the same way that opposite sex marriage is protected: the right to marry contained in Article 12 is applicable to both categories so far as the state is concerned.

Whilst we may be prepared to accept that the present Scottish Government will do whatever is necessary to safeguard the interests of the majority of Scottish people, we must not forget that much of this will be outwith the remit of the Scottish Government and it will not be sustainable to uphold the assurances given. For example, the Equality Act 2010 is with the UK Government, articles 8,9,12 &14 fall under the European Human Rights Convention ECHR.

The European Court of Human Rights has already ruled in some cases that freedom of expression and manifestation of religion should be of secondary consideration to non-discrimination on the grounds of sexual orientation where a clash of rights has occurred.

Also, we conclude that the Religious organisations not willing to ‘marry’ same sex couples may well lose their charitable status or be excluded from hiring or using public facilities. We are aware of the Scottish Government guidelines and assurances, but we do not believe much of this will be sustainable as it will be outwith the jurisdiction of the Scottish Government.

In summary we would reiterate that the Scottish Government is under no obligation to introduce this controversial Bill and that there is adequate provision already within the legislation for same sex couples.

While the Government brings about equality for same sex couples to marry, it will undoubtedly have a severe negative impact on traditional marriage and the very rights of the individuals being compromised or taken away to their detriment. The Government has a clear obligation to uphold, sustain and protect the moral values of the people. Bringing this Bill will have a serious impact on the moral fabric of the Scottish society and the Scottish Government should be very cautious before interfering with this right.

Introduction of this Bill will be detrimental to the society and many of the safeguards assurances given by the Scottish Government are unrealistic and we fear that they will not be sustainable.
We therefore oppose this Bill as a matter of principle and for the reasons explained above. The SG will not be able to give safeguards to the majority who oppose SSM as this reality can be seen from those countries that have legalised SSM.

Muslim Council of Scotland
22 August 2013
1. This note attempts to summarise what is known about public attitudes towards same sex (also known as ‘gay’ and ‘equal’) marriage in Scotland. To do so it draws both upon the evidence of polls and surveys conducted solely within Scotland and those that have been conducted across Great Britain as a whole. The note should be read alongside a set of Powerpoint slides, also entitled ‘Public Attitudes to Same Sex Marriage’. Reference here to a slide in that presentation is made thus: {n}.

2. The debate about same sex marriage, both in Scotland and in England and Wales, follows what might be regarded as a revolution in attitudes towards same sex relationships during the last 25 years {2}.

3. In 1983, the first year in which the annual British Social Attitudes (BSA) survey (Park et al., 2013) was conducted, as many as 62% said that ‘sexual relations between two adults of the same sex’ were either ‘always’ or ‘mostly’ wrong, while just 21% said that they were ‘rarely’ or ‘not at all wrong’. This reading was taken shortly after the initial discovery of AIDS, which in the ensuing few years became particularly associated with male same sex relationships, and attitudes became even more critical such that by 1987 as many as 74% said they same sex relations were always or mostly wrong.

4. Since then, however, attitudes have gradually but consistently become more liberal. In 2003, shortly before the introduction of civil partnerships for same sex couples, the proportion who felt that same relations were rarely or not all wrong outnumbered those who felt that they were always or mostly wrong for the first time. Thereafter attitudes have become yet more liberal such that according to the most recent reading, taken in 2012, as many as 57% now say that same sex relations are rarely or not all wrong while just 28% feel that they are always or mostly wrong. The balance of opinion on the subject is now almost a mirror image of what it was thirty years ago. The change represents one of the most marked changes in attitudes to have been identified by BSA.

5. Exactly the same question has been asked on four occasions since the Scottish Social Attitudes survey was conducted in 1999 {3}. Across the decade covered by those four readings both the balance of opinion in any one year and the trend over time are very similar to the picture uncovered by BSA. Given that is the case and given too the relative paucity of evidence from polls and surveys conducted in Scotland alone, it would seem both reasonable and desirable to take cognisance of Britain wide evidence in making assessment of the state of public opinion in Scotland. It might be noted that a further example cited below of where a direct comparison can be made between the results
of a Britain-wide and a Scotland only survey supports this contention {12}.

6. Attitudes are strongly related to age, as illustrated by {4} which shows for each age group the proportion in the 2010 SSA that said that same sex relations were rarely or not at all wrong minus the proportion saying they were always or mostly wrong. Younger people are more liberal than older people, while the only group amongst whom the proportion who say that same sex relations are always or mostly wrong outnumbers the proportion who feel they are rarely or not all wrong are those aged 65 and over. The views of this group, who will have come of age at a time when male homosexual activity was still illegal throughout the UK, are markedly different from those of the remainder of the population. Further analysis of the long-term trend in attitudes across Britain as a whole reveals that one of the reasons why attitudes have become more liberal is that each new generation of adults has adopted a more liberal stance than its predecessor, albeit each individual generation has become more liberal over time too (Park and Rhead, 2013). This suggests that, in the absence of some unforeseen event that has a similar impact to the outbreak of AIDS in the 1980s, attitudes towards same relations can expect to continue to become yet more liberal for the foreseeable future.

7. SSA has asked its respondents on three occasions whether they agree or disagree that ‘gay or lesbian couples should have the right to marry one another if they want to’ {5}. On the first occasion in 2002, 41% agreed and while 29% disagreed. Thereafter much as one would expect given the trend in attitudes towards same sex relations in general, support for the proposition increased such that by the most recent reading in 2010, as many as 61% agreed and only 19% disagreed (see also Ormston et al., 2011).

8. A similar pattern of response to SSA’s most recent reading was obtained in an Ipsos MORI poll that was conducted in Scotland in June 2012 and which asked a not dissimilarly worded item on behalf of the Equality Network. This found that 64% agreed that ‘same sex couples should have the right to get married’, while 26% disagreed.

9. Religious organisations have been prominent amongst those opposing the introduction of same sex marriage. And indeed as well as varying with age, attitudes towards same sex relationships also vary by adherence to a religion. Thus those who say they belong to a religion are less likely to agree that same sex couples should be able to marry than are those who do not {6}. Note though, that even amongst those who claim adherence to a religion, supporters of same sex marriage outnumber opponents.

10. Not everyone who claims adherence to a religion necessarily attends a religious service on a regular basis. A sharper picture of the relationship between religion and attitudes towards same sex marriage
is obtained by looking at reported frequency of attendance at a
religious service. Opponents of same sex marriage do outnumber
supporters amongst those who say they attend a religious service at
least once a fortnight (though it might also be felt that regular
worshippers still appear quite divided on the issue). Conversely,
amongst those who attend a religious service only occasionally or
never at all, supporters outnumber opponents by ratios of the order of 3
or 4 to 1.

11. If we look at the change in attitudes towards same sex relationships
over the long term using BSA data, we can see that the views of those
who are regular worshippers now appear more isolated than they did
thirty years ago. In 1983 clear majorities felt that same sex relations
were always or mostly wrong irrespective of their frequency of
attendance at a religious service. While a majority of those who are
regular attenders (defined as attending a religious service at least once
a fortnight) still adopt the same outlook, the same is no longer true of
those who are occasional attenders or who do not attend a religious
service at all. Thus whereas in 1983 there was just a 12 point
difference between regular attenders and non-attenders in the
proportion who felt that same sex relations are always or mostly wrong,
now the equivalent gap is 38 points. Note, however, that even amongst
those who are regular attenders attitudes are somewhat more liberal
now than they were thirty years ago.

12. Just over one in eight people in Scotland now attend a religious service
on a regular basis, down from the one in five who did so as recently as
1999. Nearly three-quarters of Scots now claim never to attend at all.
As a result, whereas once the level of religious observance was higher
in Scotland than in England & Wales, this now no longer appears to be
the case. (According to the 2012 BSA, 12% of people in England &
Wales are regular attenders, while 71% are non-attenders.)

13. Answers to survey questions can often depend on how they are
worded. It is thus inadvisable to rely on the evidence of a single
question, however expertly it might be thought to have been crafted.
We might note in particular that the SSA question on same sex
marriage does not explicitly distinguish between the possibility that
legal recognition to same sex relationships should be available via a
civil partnership and the proposal that it be available via a marriage,
and that perhaps the picture might look a little different if this distinction
were to be drawn to the attention of respondents.

14. This distinction was drawn explicitly to respondents’ attention in three
polls conducted by Angus Reid across Britain as a whole. It invited
respondents to choose between three options: Same sex couples
should be allowed to legally marry, Same sex couples should be
allowed to form civil partnerships, but not legally marry, and Same sex
couples should not have any kind of legal recognition. Although on the
three occasions on which this question was posed between January
2012 and January 2013, the proportion saying that same sex couples should be allowed to marry was the single most popular response, the proportion in favour was somewhat less than half. However, when on one of these surveys (conducted in January 2013) respondents were then also asked which option they would choose if the only options on offer were to allow same sex couples to legally marry or not, 52% said that they would support same sex marriage, while 38% said they would not. Thus it would appear that not all those for whom same sex marriage is not their first preference are necessarily strongly opposed to its introduction.

15. A yet rather different picture was obtained by an Ipsos-MORI poll of people that was conducted across the whole of Britain in December 2012 and which not only referred to the distinction between marriage and civil partnerships, but also between a civil and a religious marriage. Respondents were invited to choose between the following four options:
   A. Gay people should not be allowed to get married to each other and should not be allowed to form a civil partnership
   B. Gay people should not be allowed to get married but should be allowed to form a civil partnership
   C. Gay people should be allowed to get married to each other but religious organisations should not be required to provide wedding ceremonies to gay people
   D. Gay people should be allowed to get married to each other and religious organisations should be required to provide wedding ceremonies to gay people

As many as 45% supported option C while another 28% backed option B, thereby implying that as many as 73% backed same sex marriage. (17% backed option B and 7% option A). It may be that the lesson of this poll is that opposition to same sex marriage diminishes somewhat if it is clear to respondents that its introduction may not necessarily involve religious marriage.

16. Further readings taken by YouGov across Britain as a whole during the height of the debate at Westminster about the introduction of same sex marriage also found consistent evidence, similar to that obtained by Angus Reid, that when faced with the dichotomous choice of supporting or opposing independence, just over half support same sex marriage {11}. (The question was introduced as follows: Since 2005 same-sex couples have been able to enter into civil partnerships. While civil partnerships offer the same legal rights as marriage, same-sex couples are not able to marry. Would you support or oppose changing the law to allow same-sex couples to marry?) It might be noted too that it appears that the public debate that surrounded the introduction and passage of legislation by Westminster had no discernible impact on the balance of public opinion.
17. The potential impact of question wording on the pattern of responses obtained is also sharply illustrated by the responses to an item that was carried on behalf of the organisations, Coalition/Scotland for Marriage {12}. Respondents were asked whether they agreed or disagreed that, 'Marriage should continue to be a lifelong exclusive commitment between a man and a woman'. Just over half agreed with this proposition, both when it was asked both across Britain as a whole and in Scotland in particular. However, it may be the case that rather than taking the word ‘exclusive’ to imply that marriage could ‘only’ take place between a man and a woman, some respondents may have felt that it meant that marriage should be a monogamous relationship, and it is apparent from the most recent BSA survey that there is still widespread disapproval of sexual infidelity (Park and Rhead, 2013).

18. From the available evidence it would appear that following a dramatic change in attitudes towards same-sex relations during the course of the last 25 years, a change that has perhaps left some older people and those with strong religious convictions living in an unfamiliar world, that there is now probably a majority, albeit not necessarily an overwhelming one, in favour of same-sex marriage, at least when the proposal is posed as a dichotomous choice {13}.

Professor John Curtice
12 September 2013

References


Public Attitudes to Same Sex Marriage

John Curtice
Strathclyde University
A Cultural Revolution?

Source: British Social Attitudes
Much the Same Change in Scotland

Source: Scottish Social Attitudes
The Generation Gap

% not wrong - % wrong

Source: SSA 2010
Change Reflected in Attitudes towards ‘Gay Marriage’

Gay/lesbian couples should have right to marry

Source: SSA
An Issue of Religion?

Gay/Lesbian Couples Right to Marry

- No religion: 72% agree, 12% disagree
- Church of Scot: 50% agree, 25% disagree
- Other Prot: 43% agree, 33% disagree
- Catholic: 55% agree, 21% disagree

Source: SSA 2010
Only for those in the Pews?

Source: SSA 2010
Religious views now very distinctive (though not unchanged)

Attitude to same sex relations

Source: British Social Attitudes
Levels of Religious Attendance

Source: Scottish Social Attitudes
Depends on how you ask us? - 1

Source: Angus Reid (GB)
Readings During E&W Debate

Source: YouGov (GB)
Depends on how you ask us? - 2

Marriage should continue to be a lifelong exclusive commitment between a man and a woman

Source: ComRes/Coalition/Scotland for Marriage
Conclusion

• There has been a dramatic and quite recent change in attitudes towards same sex relationships
• That has left some sections of society behind
• And many religious organisations looking rather isolated
• Now a (not overwhelming?) majority for equal marriage – as a dichotomous choice – and some would still be content with just civil partnerships
How would you characterise your views on the Bill in general?

In support

We warmly welcome the Bill as we are strong supporters of both equality and religious freedom.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

We have been celebrating same sex partnerships in the context of our religious worship for many years and welcome the possibility that we shall be able to register and celebrate them as marriages, giving such couples complete equality with heterosexual couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

We are fully accepting of the right to equality of those communities which do not recognise their basis of belief to be religious.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

We seek a permissive law as we fully recognise that those who do not take our stance should not be put in a difficult position. The proposal that those wishing to take advantage of the right to conduct same sex marriages should opt into such an arrangement would seem to be the best option to ensure the rights of all.

How would you characterise your views on civil partnerships changing to marriages?

In support

We hope couples will be offered this possibility.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

We see no clearcut distinction between sacred and secular.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

If other-sex or same-sex couples prefer civil partnership to marriage, we hope they will be allowed the freedom to have their partnerships registered as such.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

It is central to our views on religious freedom, as a people who in the past have been persecuted for our faith, that full protection is ensured for those who feel their religious or belief stances are threatened by the proposed legislation.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a faith/belief-based organisation

Phil Lucas
Quakers in Scotland
8 July 2013
Freedom of speech – Section 14 of the Bill, which is intended to provide reassurance regarding freedom of expression, is worthless. The Lord Advocate’s prosecutorial guidelines are also insufficient. Specific free speech safeguards should be included in public order legislation.

The Equality Act 2010 – Should be amended to specify that the protected characteristic of religion or belief includes the belief in marriage as presently defined.

Public Sector Equality Duty – The Scottish Government should pursue an amendment to the Equality Act 2010 making clear that compliance with the PSED requires ensuring that no-one should suffer any detriment as a result of holding or expressing the view that marriage is between a man and a woman. The PSED should not be used to deny religious organisations known to be opposed to same-sex marriage the ability to provide public contracts or to hire public buildings.

Public sector employment – Nobody working, or seeking a career, in the public sector in Scotland should have their equality and diversity credentials (and their suitability for employment) disputed merely because they hold to the existing view of marriage.

Protecting organisations and charities – There should be a principle of reasonable accommodation to ensure that organisations with traditional views on marriage can continue to operate in the public sphere. Charity law should be amended to specify that holding a belief in traditional marriage does not constitute a disbenefit for the purposes of the public benefit test.

Protecting chaplains – Chaplains operate in various spheres in the public sector and need protecting.

Protecting foster carers – The right of those who hold to the traditional definition of marriage to foster and adopt children must be upheld.

Protecting teachers, pupils and parents – Legislative changes and not simply provisions in guidance are necessary to safeguard the civil liberties of teachers, parents and pupils. Necessary steps include a reinforced right of withdrawal and a requirement to inform parents about relevant lesson content.

Protecting civil registrars – The Bill should protect civil registrars with a conscientious objection to officiating at same-sex marriages.

Protecting religious celebrants – There are many uncertainties surrounding the operation and stability of the proposed opt-in scheme.
1. Scotland for Marriage

Scotland for Marriage is a campaign to support marriage as the union of one man and one woman. Established in November 2011, our focus is on making the positive case for marriage based on its importance for society, and in particular its importance for children.

Though supported by partners such as CARE for Scotland, the Catholic Bishops’ Conference, The Christian Institute and Evangelical Alliance Scotland, our campaign is broad-based and is open to Scots of all faiths and none.

The Scotland for Marriage petition, which supports the retention of the present definition of marriage, recently passed 50,000 signatures and currently stands at 51,245.

We have a high level of grassroots support. Over the past year we have held over 80 public meetings for supporters the length and breadth of Scotland attended by almost 2,000 people. We are supported by a team of several hundred volunteers who have helped to deliver well over half a million pieces of literature door to door, and have collected in excess of 2,500 signatures for our petition at on-street campaign days.

2. The case for marriage

The current understanding of marriage as a lifelong, exclusive commitment between one man and one woman has served Scotland well for centuries.

While a variety of circumstances may prevent it, it is our sincere conviction that the ideal scenario for every child is that they be brought up by their own biological mother and father in a stable relationship. Marriage is therefore a key, foundational building block of any society, and we are genuinely concerned about the potentially far-reaching implications of tampering with it.

3. Equality

The main argument used by those in favour of redefining marriage is that it will provide equality (‘equal marriage’) for same-sex couples. However it is far from clear what additional legal benefits (if any) same-sex couples will enjoy to which they are not already entitled via civil partnerships. If there were any, civil partnership legislation could simply be amended to cater for that.

As noted above, marriage has always been understood as a unique relationship between a man and a woman. Scotland already recognises a variety of different relationships, so there is no credible equality argument for redefining marriage.

Furthermore, as discussed in more detail below, the disproportionate impact of the Bill in terms of potential infringements of civil liberties outweighs any benefits which might accrue to those who wish to see the law changed in the manner proposed.

4. Public support

We are genuinely concerned that the Scottish Government is intent on fundamentally altering the long-established definition of marriage without any obvious mandate. The SNP election manifesto promised to consult on same-sex marriage, which as a minimum implies that the views duly expressed by those responding would be taken into account.
The fact that around 77,000 people chose to respond to the consultation underscores the huge strength of feeling on this issue, and represents a far greater number of people than any opinion polls are able to. **On the specific question of whether same-sex marriage should be allowed in Scotland, it is hugely significant that of the 62,057 responses from within Scotland, 64% (39,724) said that it should not.**

As noted above, our own petition currently stands at 51,245 signatures and rising, which further demonstrates the huge number of Scots who fundamentally disagree with the Bill. The best test of public opinion on this issue would be to hold a referendum.

While it is clear that a significant majority of MSPs support the redefinition of marriage, it is hard to escape the conclusion that the level of support within the Scottish Parliament is wholly disproportionate to that exhibited among the population as a whole.

**5. Free to disagree**

At the very least, the high level of public concern about same-sex marriage should cause the Scottish Government and the Scottish Parliament to make absolutely certain that, should the law be changed, those who hold to the current definition of marriage will be fully protected. This goes way beyond the oft-cited issue of preventing churches or religious celebrants being required to marry same-sex couples.

It is essential that both the Scottish Government and the Equal Opportunities Committee fully appreciate the strength of deep, personal conviction with which a great many people hold to the view that marriage can only be between a man and a woman. This has nothing to do with bigotry or intolerance. On the contrary, belief in the current definition of marriage has been the mainstream, prevailing view in our society for centuries and is an integral tenet to the faith of many Christians, Muslims, Jews and others. It is surely the hallmark of any free, liberal and democratic society to show the utmost tolerance and respect for those whose views may differ from the state’s own position, and to celebrate that difference. We note that the Director of Stonewall Scotland, Colin Macfarlane, recently said in giving oral evidence to the Equal Opportunities Committee that not believing in same-sex marriage does not make an individual homophobic “in any way, shape or form”.

Sadly, Mr Macfarlane’s view is not shared by everyone in our society and a lack of respect for those who disagree with same-sex marriage has been much in evidence in Scotland of late. For example:

- Rev Brian Ross, a retired Church of Scotland minister and police chaplain in Strathclyde was removed from his chaplaincy role because he voiced support for traditional marriage on his own personal blog.

- Gordon Wilson, the former leader of the SNP, was voted off the board of Dundee Citizens Advice Bureau in October 2011 for publicly supporting traditional marriage.

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1 The Scottish Government – Registration of Civil Partnerships Same Sex Marriage: Consultation Analysis (SGSR, 2012), page 85
• John Mason MSP was attacked from within his own party for lodging a parliamentary motion on same-sex marriage. SNP MEP Alyn Smith wrote in *Scotland on Sunday* that: “What is in the small, mean, angry heads of bigots is a matter for them.”

• Labour MSP Elaine Smith was vilified for expressing her opposition to same-sex marriage at a meeting in her constituency in June 2013, including being labelled “akin to a Ku Klux Klan member” and “no better than a racist.”

It is interesting that the description of a belief as being “worthy of respect in a democratic society” is a key test used by the European Court of Human Rights. While the Policy Memorandum states that “Many people and organisations hold the view that marriage can only ever be between a man and a woman. The Government has made clear its respect for this view”, we firmly believe that this statement should appear on the face of the Bill.

Should the redefinition of marriage be agreed by Parliament, it is vital that individuals and organisations who do not agree with the new definition be free to express that disagreement without fear of reprisal. We are very strongly of the view that the Bill, as introduced, fails to take account of this, and we would therefore urge the Equal Opportunities Committee to scrutinise the following areas in some detail.

(a) Freedom of speech

While Section 14 of the Bill is clearly intended to provide reassurance regarding freedom of expression, it falls well short of fulfilling the Scottish Government’s pledge that the “legislation will be accompanied by important protections for freedom of speech.” We believe it is particularly important that the relevant public order legislation be amended to specify that it is not wrong simply to criticise same-sex marriage.

The Bill fails to properly protect free speech in at least two respects. Firstly, Section 14 simply states that there is no effect on the exercise of existing rights, whether under the Convention or rule of law – something that must necessarily be true of any Scottish Parliament legislation with or without this section. Section 14 is therefore meaningless. Secondly, it simply refers to “nothing in this Part” affecting the exercise of free speech, i.e. the section only applies to the Bill itself. Yet the free speech issues do not necessarily arise with the Bill directly. The concerns relate to the impact of the redefinition of marriage on how existing public order law will be applied in practice. It must be recognised that in a completely new situation where marriage has been redefined, the effectiveness of existing rights could well be reduced. What is needed to protect free speech and reassure those with reservations in this area is clear protection within public order legislation itself, to reflect the fact that there are sharply differing views in society on what the definition of marriage should be.

Free speech clauses have very clear precedent, both at Westminster and Holyrood. The incitement to religious hatred offence created in 2006 by Westminster includes a robust free speech clause that was passed with SNP support. The Scottish Government included a free speech clause in Section 7 of the Offensive Behaviour at Football and

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6 Policy Memorandum – Marriage & Civil Partnership (Scotland) Bill (Para. 97)
8 Section 29J of the Public Order Act 1986
Threatening Communications (Scotland) Act protecting religious debate in the light of the threatening communications offence. The Scottish Government took important steps to mitigate the dangers posed by its legislation. The same applies to the redefinition of marriage: in order to protect free speech and debate, free speech clauses should be included in public order legislation. We note that the Marriage (Same Sex Couples) Act 2013 adds a specific subsection to the incitement to hatred on grounds of sexual orientation offence, making it clear that disagreeing with same-sex marriage does not breach that law.\(^9\)

The Lord Advocate’s new prosecutorial guidelines with regard to hate crimes are inadequate. Although expressing opposition to same-sex marriage would not be the sole grounds for prosecution, it may be a factor used to justify the prosecution of street preachers, football fans and, should an incitement to homophobic hatred offence be introduced at a later date, academics, ministers of religion or those in churches who record sermons for distribution via the internet or other means. As such, it represents a significant threat to freedom of speech and religious liberty. Moreover, to relegate a hugely important issue to guidance, when the proper way to deal with it is through free speech clauses in the law, is highly unsatisfactory. Specific amendments should be made to existing legislation, such as the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 and the ‘threatening or abusive behaviour’ offence under Section 38 of the Criminal Justice and Licensing (Scotland) Act 2010.

\((b)\) The Equality Act 2010

Arguably the key piece of legislation in ensuring that the beliefs of those who hold to the current definition of marriage are protected is the Equality Act 2010. The Policy Memorandum confirms that the Scottish and UK Governments are in the process of preparing amendments to the Equality Act relating to celebrants, other persons involved in a marriage ceremony and persons controlling the use of premises.\(^10\) There is however scope for further alterations to the Equality Act on the basis that the Act generally, and the Public Sector Equality Duty (PSED) specifically, are at the root of many of the concerns with the Bill.

The Act is meant to protect against discrimination on the grounds of “religion or belief”. However it has not, so far, protected people with strong beliefs about marriage, such as Adrian Smith. Mr Smith, a housing manager in Manchester, was demoted and had his salary cut by 40% because of his views on marriage expressed on his Facebook page.\(^11\) His subsequent victory in the High Court came under contract law; the court had no power to reinstate him and could only award him £98 for lost earnings. He was advised by his lawyers that he would not succeed on a religion or belief discrimination claim.

We would therefore like to see the Equality Act amended to specify that the protected characteristic of religion or belief includes the belief in marriage as presently defined, thereby making clear that beliefs about marriage are covered by the religion or belief ground of discrimination law. It would not guarantee success in court, but would confirm that the belief is capable of being protected by the Equality Act.

\((c)\) Public Sector Equality Duty

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\(^9\) See Schedule 7, para. 28 of the Marriage (Same Sex Couples) Act 2013, amending Section 29JA of the Public Order Act 1986

\(^10\) Policy Memorandum - Marriage & Civil Partnership (Scotland) Bill (Para. 93)

\(^11\) Daily Mail, 24 October 2011
The Public Sector Equality Duty (PSED) in Section 149 of the Equality Act 2010 puts public authorities under a duty to have regard to the need to “eliminate discrimination”, “advance equality of opportunity” and “foster good relations”, including the need to “tackle prejudice”.

Although on paper the Equality Act, including the PSED, protects religion or belief just as much as sexual orientation, the protected characteristic of belief has consistently been trumped by that of sexual orientation, both in the courts and the actions of public authorities. Under the PSED, the local authority effectively chooses which rights will prevail in any clash. We therefore believe that the Scottish Government should pursue a further amendment to the Equality Act making clear that compliance with the PSED requires ensuring that no-one should suffer any detriment as a result of holding or expressing the view that marriage is between a man and a woman. The European Court of Human Rights case law demonstrates that religion or belief is a category in which weighty reasons are required to justify any difference of treatment.12

Ultimately, nobody working, or seeking a career, in the public sector in Scotland should have their equality and diversity credentials (and their suitability for employment) disputed merely because they hold to the existing view of marriage – whether expressed or not.

(d) Protecting organisations and charities

An important principle which should be prioritised in assessing how to fulfil the PSED is that of reasonable accommodation. Many organisations, such as churches and religious charities, are at the forefront of tackling social problems in their area, such as work with the homeless or food-banks. It must therefore be made clear that the PSED should not be used to deny religious organisations known to be opposed to same-sex marriage the ability to provide public contracts or indeed to hire public buildings (as many churches do). Public bodies should therefore seek to make reasonable accommodation for religious groups in order to facilitate those organisations maintaining their ethos.

This principle has not been implemented to date, as exemplified by the case of the Catholic adoption agencies. Scotland for Marriage is concerned that churches which do not ‘marry’ same-sex couples may be targeted by over-zealous officials in public bodies. For example, a local authority may claim that it would be in breach of the PSED if it were to give a grant towards the cost of a community project to, or to enter into a contractual relationship with, a local church if the church concerned is unwilling to marry same-sex couples.

We are also concerned that the Office of the Scottish Charity Regulator (OSCR) may seek to remove charitable status from churches and other faith groups which are unwilling to marry same-sex couples. Despite previous ministerial assurances regarding the future of the Catholic adoption agencies, OSCR is in the process of removing charitable status from St Margaret’s Children and Family Care Society because St Margaret’s gives preference to married couples. That which politicians currently say will not happen, may very quickly become normal practice if there are no robust legal protections in place. We therefore strongly urge an amendment to existing charity law to specify that holding a belief in traditional marriage cannot be treated as a disbenefit for the purposes of the public benefit test.

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12 Carson, R (on the application of) v Secretary of State for Work and Pensions [2005] UKHL 37, para. 58
Many of these concerns were tackled in the Westminster legislation in Section 2. That section states that no person may be “compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement)” to be involved in a same-sex marriage. This will prevent a tit-for-tat scenario occurring, for example a religious organisation being refused hire of public buildings because it has not registered for same-sex marriages. The Marriage and Civil Partnership (Scotland) Bill should include a similar safeguard.

**(e) Protecting chaplains**

Chaplains operate in various spheres in the public sector – schools, NHS, police – sometimes on a voluntary basis. Volunteers would have no statutory employment rights, therefore adequate protection for them is doubly important.

Cause for concern in this area was highlighted recently in the Scottish Borders, where the Deputy Leader of Scottish Borders Council, Catriona Bhatia, implied that school chaplains who disagree with same-sex marriage should not be allowed to say so in schools. Councillor Bhatia said: “Some chaplains will stay away from issues such as [gay marriage], but others may sway into it. Some religions have different rules and they are entitled to that, but they should not be introduced in our schools.”

**(f) Protecting foster carers**

The Scottish Government’s willingness to consider amending existing fostering guidance “to make it clear that a would-be fosterer should not be rejected just because of his or her views on same sex marriage” is welcome and necessary.

A case in Derby saw a Christian couple turned down as foster carers apparently on the basis of their religious views on homosexuality. Lord Justice Munby and Mr Justice Beatson said that placing children with foster carers who objected to homosexuality and same-sex relationships “may well be a conflict with the local authority’s duty to ‘safeguard and promote the welfare’ of looked-after children”. Aidan O’Neill QC has affirmed that there “is no doubt that similar considerations would apply in Scotland” and is of the view that it would be lawful for a local authority to refuse a couple’s application to be foster carers on this basis.

Whether or not a local authority would similarly object based on a couple’s view of same-sex marriage is as yet untested, however it would be a terrible injustice for everyone concerned if otherwise suitable foster carers were turned down because of their views on marriage. The legislation should therefore include a clause stating that views on the nature of marriage cannot be taken into consideration during the process of approving prospective foster or adoptive parents and upholding the right of those who hold to the traditional definition of marriage to foster and adopt children. A statutory safeguard should also be introduced into the Children and Young People (Scotland) Bill to ensure that the views of potential adopters on same-sex marriage do not influence decisions on their applications.

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14 Policy Memorandum - Marriage & Civil Partnership (Scotland) Bill (Para. 126)
16 *The Implications for Freedom of Conscience and Religious Liberty Arising from Redefining Marriage in Scotland Advice – Aidan O’Neill QC,* June 2012 (Para. 11)
(g) Protecting teachers, pupils & parents

One of our key areas of concern is education. With same-sex marriage being an undeniably controversial issue, it is paramount that the rights of parents as to what their children are taught, and the rights of teachers as to what they are obliged to endorse, are fully protected. It is of course correct that children be taught the law of the land, regardless of whether they, their parents or their teachers agree with it. This is not in dispute. However this is very different from lessons which essentially endorse or promote a particular lifestyle to which many parents, teachers and children may have a sincere moral objection – such as same-sex marriage.

The Scottish Government appeared to concede the need for safeguards in this area in July 2012 when it promised that the consultation would “consider any additional measures that may be required to guarantee freedom of speech and religion in specific circumstances, including education”.\(^{17}\) It is therefore unfortunate that this area has seemingly been neglected in the Bill itself.

The Scottish Government’s approach appears to be to simply rely on guidance, and the consultation ruled out strengthening the parental right of withdrawal. This is unacceptable. Guidance does not carry sufficient weight, and the current right of withdrawal is limited to religious and sex education. The issue of same-sex marriage will inevitably be dealt with more broadly across the curriculum. There must be mechanisms in place for parents to be made aware of lessons that are going to be focused on this issue, with a corresponding right of withdrawal from such lessons. It must be guaranteed that neither parents nor pupils will suffer any detriment at the hands of schools as a result of their traditional views on marriage. When schools teach about same-sex marriage it must be done sensitively and with awareness that there is no consensus on the issue in society.

For pupils, it is crucial that those who believe in traditional marriage or have parents holding those beliefs are not victimised at school. Bullying is a blight on the lives of many young people. In recent years there has been an emphasis on the need to eradicate bullying based on sexual orientation. Emphasis must also be given to preventing those who believe in the traditional definition of marriage being bullied.

For teachers, we believe that a conscience clause should be inserted into the Education (Scotland) Act 1980, under which teachers with a conscientious objection to same-sex marriage would be protected from being forced to actively endorse it. While in Scotland there is no statutory duty equivalent to that in England and Wales to teach about the importance of marriage in sex education, there is guidance which mentions both marriage and stable relationships. (The Scottish Government specifically recommends that schools teach children about the value of marriage as part of sex education.\(^{18}\)) Clearly teachers with a conscientious objection to same-sex marriage would be in a difficult position in attempting to adhere to the guidance and the ‘new’ meaning of marriage. We are already aware of a teacher at a Scottish secondary school who was told that he would have to teach a relationships course promoting same-sex marriage “without exemptions or safeguards”, despite it contradicting his beliefs.

For parents, we would support a further amendment to the Education (Scotland) Act allowing parents to withdraw their children from lessons on marriage. Many parents, because of their religious or other convictions, will not want their children to learn about

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\(^{17}\) Scottish Government Press Release 25 July 2012

\(^{18}\) Scottish Executive Education Department, Circular 2/2001 (Para. 7)
same-sex marriage before a certain age, fearing they will find it confusing. Others may be concerned that teaching on the subject will not be balanced, or will not respect their own convictions on the matter.

According to official guidance parents have the right to withdraw their children from sex education, but same-sex marriage could be included in a range of other subjects across the curriculum to which the right of withdrawal does not apply. There is a danger that without an extension of the right of withdrawal the deeply-held beliefs of parents will be undermined and their ability to have their children educated in accordance with their own convictions (Article 2 of the First Protocol to the European Convention on Human Rights) will be infringed. We note that the UN Convention on the Rights of the Child also points to the central role of parents in the raising of children and the duty of State Parties to respect the rights of, and support, parents in this role (see e.g. Articles 3.2, 5 and 29).

It is important that the Committee and the Government take note of what has already happened elsewhere:

- In 2009, Muslim and Christian parents in Waltham Forest, East London, were threatened with prosecution for withdrawing their children from primary school lessons that used the gay marriage story book, ‘King & King’. The council said the withdrawals were “unauthorised” absences and that action would be taken against the parents. 20

- International experience also illustrates the likely dangers. Gay marriage was legalised in the US state of Massachusetts in 2004 following a state court ruling. In 2006 two sets of parents took legal action against the school district of their children’s elementary school. A teacher in a second-grade class (children aged 7 to 8) had used the ‘King & King’ storybook, in which a prince marries another prince in a gay wedding. The parents said the book’s themes were not appropriate for their children’s age, and that using the book without their consent was a violation of their civil rights. 21 But judges in a federal appeal court ruled against the parents and sided with the school. 22 Stonewall recommends King & King for use in Scottish primary schools.

It should be made a part of Education Scotland’s inspections to ensure the system of withdrawal is operating properly and that parents, pupils and teachers suffer no detriment as a result of their views on marriage.

(h) Protecting civil registrars

The Bill does not protect civil registrars who do not wish to officiate at same-sex marriages. The Scottish Government claims that as registrars conduct a civil function it is not appropriate to allow them an opt-out on conscience grounds. A longstanding member of staff being required to do something, against their conscience and which has never previously been part of their job, is surely a scenario that employees should be protected from. Registrars face having their job transformed around them, and since the Scottish Government is responsible for this transformation it is incumbent upon the Scottish Government to provide protection for those who are disproportionately affected. The

19 Scottish Executive Education Department, Circular 2/2001 (Para. 13)
21 The Boston Globe, 27 April 2006
Scottish Government’s approach to the issue of civil registrars is fundamentally illiberal. There are other areas where – in a free society - conscientious objections are respected. The right of doctors to refuse to participate in an abortion is an example, as is the right of conscience not to fight in time of war, or the right of atheists not to participate in religious observance in schools.

Public bodies are able to fulfil their duties whilst respecting the consciences of their employees. If there is no disruption to the carrying out of the civil function, why should there not be scope for conscientious objections to be respected? It seems perfectly clear that reasonable accommodation could be made, to the effect that a registrar would be able to opt-out of solemnising same-sex marriages as long as the service provision was not unduly disrupted. The Bill should therefore contain a specific conscience clause requiring local authorities to allow civil registrars to opt-out of performing same-sex marriages.

Additionally, the Bill should include a clause which requires individual civil registrars to opt-in along the lines of that proposed for religion and belief celebrants. Moreover, the Scottish Parliament’s Equal Opportunities Committee should ask the Westminster Government to amend the Equality Act 2010 in order to incorporate the principle that an employer must make reasonable accommodation of the manifestation of religious belief by employees. It is essential that this protection is provided. Until a commitment is obtained from the UK Government, the Scottish Parliament should refrain from pursuing the introduction of same-sex marriage.

(i) Protecting religious celebrants

Even if the proposed amendment to the Equality Act does provide the necessary legal protection, many questions remain about how the proposed opt-in system will operate. Under the proposed scheme, both the religious body and the individual celebrants will have to be authorised. There will be different ways of doing this, including in some cases all the celebrants belonging to a particular body being authorised if the religious body is ‘prescribed’. To be prescribed, the religious body must assure the Registrar General in writing that all their celebrants are content to carry out the ceremonies. There are many questions about how this will work in practice. There is a heavy reliance on the religious body in question. In a large body, is it realistic for the hierarchy to be certain how all their celebrants feel? How can the Government be sure that the written assurance provided by the body is comprehensive?

From the consultation document, it seems as though the religious body is also responsible for informing the Government of any dissenting celebrants as and when they arise. There must be a mechanism for the individual celebrants themselves to inform the Government that they do not wish to be able to marry same-sex couples. If the religious body is not prescribed, they will be able to send to the Registrar General a list of celebrants to be authorised. Will this list have some kind of evidence that each celebrant on the list has agreed? Otherwise, how can the Registrar General be sure of the reliability of the list? Would there be a mechanism for individual celebrants being informed that they had been listed, giving an opportunity to decline? Would individual celebrants be able to contact the Registrar General directly to ask to be removed from the list, or would it have to be through the religious body? There are too many unanswered questions about the proposed opt-in scheme.

In addition, there is doubt over whether such a scheme would survive a challenge at the European Court of Human Rights. Currently the Court has said it will leave whether or not
member states provide same-sex marriage to the member states, as there is no consensus on the issue across Europe. Clearly, such a consensus may emerge and the Court, in line with its treatment of the Convention as a ‘living instrument’, may find there is a right to same-sex marriage. The Scottish Government needs to be sure that its arrangements are future-proofed. More importantly in the short term, the Court insists that where same-sex marriage is allowed, it is allowed on the same basis as opposite-sex marriage.$^{23}$ It is this requirement of like-for-like treatment that could leave the proposed opt-in scheme open to challenge.

Scotland for Marriage
6 September 2013

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$^{23}$ Sexual orientation discrimination has been identified by the Court as being deserving of particular attention, and particularly weighty reasons are required to justify difference of treatment.
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM SCOTTISH CATHOLIC EDUCATION SERVICE

How would you characterise your views on the Bill in general?

In opposition

In line with our previous submissions, and in full agreement with the submissions made on behalf of the Bishops Conference of Scotland, we are opposed to this Bill in principle. Once again we express our disappointment that the Scottish Government is proceeding with legislation to which there was overwhelming opposition in the largest ever response to a public consultation in Scotland. We repeat our commitment to recognising the worth of every human being and to respecting the dignity of all people on an equitable basis. We urge politicians to accept that equality is not synonymous with uniformity and to respect the diverse characteristics and the complementary natures of male and female in human life.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

We believe that this legislation is unnecessary, as current arrangements for civil partnerships bestow the same legal rights as Marriage. It is regrettable that State authorities are attempting to impose a re-definition of Marriage which has always been understood as having both a unitive and a procreative function, which are not present within a same sex relationship. We fear that such a significant change may have profound consequences for society, in particular for the nurturing of children by mothers and fathers and for how society views the complementary nature of the sexes. The apparent equality which is being sought by some may lead to greater inequalities in society, particularly for children.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We are not assuaged by the rhetoric of the Scottish Government, claiming that the faith curriculum of Catholic schools will not be changed by this legislation. Such claims offer no legal protection to teachers and parents who are charged with the responsibility of educating children within a tradition of Christian moral and ethical teaching. Recent history demonstrates that political assurances are worthless when Equality legislation is exploited to champion the rights of individuals over the beliefs, traditions and practices of faith communities. Catholic schools are regularly being challenged to justify their teaching, their practices and their very existence by individuals and groups which appear determined to remove the rights of parents to choose faith-based education for their children. This Bill will provide encouragement to such challenges. Parents who sincerely believe that an authentic state of Marriage can only be realised in the union of a man and a woman may be prevented from educating their children in that belief, if schools are obliged to promulgate a revised definition of what it means to be married. This may lead to many parents seeking to withdraw their children from lessons where this new orthodoxy is being advanced. This will have a significant impact on children and on schools. Ultimately it will be children who will suffer by being confused over the new meaning of words such as wife, husband, mother, father.

Would you like to comment on the wider issue of freedom of speech?

We are fearful that teachers in all schools may be compelled by their employers responsibilities, under public sector equality duty legislation, to conform to a new orthodoxy when teaching about Marriage. We are certain that this will lead to teachers being pressurised to follow their employers instructions, despite their own sincere conscientious objections. We urge the Scottish Government to offer greater protection to teachers than their current exhortations to Councils to follow good employment practice.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
The concerns we are expressing are not narrow in their scope and they do not merely represent our particular denominational interests. This issue has huge implications for the common good of society as a whole and we fear that its ramifications are not being fully anticipated. This legislation is another measure which will damage the role of the family within society.

Are you responding as...

a faith/belief-based organisation

Michael McGrath
Scottish Catholic Education Service
23 August 2013
Overview

In submitting evidence on the Marriage and Civil Partnership (Scotland) Bill, the Bishops’ Conference of Scotland takes this opportunity to repeat its conviction that marriage should not be re-defined.

The wisdom of the ages, the light of human reason and the teaching of Christian faith concur that marriage is a conjugal union of a man and a woman designed so that the children who may be born of that union will have a father and a mother.

The institution of marriage pre-exists and pre-dates the State. This means that marriage can only be contracted by a man and a woman, and the State has no authority to redefine marriage. Crucially, children have a right to the complementarity of a father and a mother, and not just to “parents”.

We note a lack of adequate protection for civil liberties for the substantial number of citizens who will have a conscientious objection to endorsing a revised understanding of marriage.

Rights and Right

In recent public discourse there has been a tendency to view social issues in terms of personal rights. The Church has identified repeatedly the importance of recognising the inherent rights of everyone to ensure the protection of the dignity of the person. However, prioritising personal rights can lead to demands for radical personal autonomy which conflict with rational choices for society. The full context for considering society’s understanding of marriage is that in which the consequences for society are objectively assessed. The wellbeing of children and the promotion of family life are irrevocably linked to the present and future wellbeing of society. "The future of humanity passes by way of the family.”

Unrestrained demands for personal rights can turn from freedoms into a form of self-destruction. This is why the state limits certain behaviours, known to be harmful and outlaws others altogether. Eroding a foundation may not immediately damage an edifice but can hasten its long term destruction. Re-engineering the understanding of marriage, and thereby the family, is such a change. As marriage is marginalised children are increasingly vulnerable to the ill effects associated with family fragmentation.

The Equality of All Persons and Unjust Discrimination

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1 For example *Pacem in Terris* details a range of rights see paragraphs 11 - 27: “Man has the right to live. He has the right to bodily integrity and to the means necessary for the proper development of life, particularly food, clothing, shelter, medical care, rest, and, finally, the necessary social services. In consequence, he has the right to be looked after in the event of ill health; disability stemming from his work; widowhood; old age; enforced unemployment; or whenever through no fault of his own he is deprived of the means of livelihood.”(para 11)

2 *Familiaris Consortio*, Pope John Paul II, Paragraph 86
The Church believes that all persons are equal in dignity. It is necessary to embrace all people in society and to provide the environment for the flourishing of all persons. The recognition of the equal dignity of each person however does not support the notion that men and women are identical in nature and interchangeable in their family roles. Such a vision of ‘sameness’ in fact diminishes the respect for the inherent dignity of male and female.

"Since something of the glory of God shines on the face of every person, the dignity of every person before God is the basis of the dignity of man before other men (Gaudium et Spes, 29). Moreover, this is the ultimate foundation of the radical equality and brotherhood among all people, regardless of their race, nation, sex, origin, culture, or class."3

At times society has been insensitive to injustices arising in relations to people in same sex relationships. There are those who have suffered because of their sexual attraction to those of the same sex. Regrettably the unfortunate experiences of some people have created feelings that identify the traditional structures of family life as sources of intolerance. Though sincerely held, these feelings are misplaced. The failings of individuals and groups to understand and react compassionately to the needs of persons with same-sex attraction are greatly regrettable. The human dignity of every person should be recognised at all times. Christians too have suffered denigration and injustice because of their beliefs on marriage and human sexuality. This has contributed to making the issue of same-sex marriage difficult to consider objectively in the public forum. We restate our commitment to a healthy democracy based on respect and freedom directed for the common good in which reasoned argument must be protected.

**Nature of Marriage and the Family**

The complementarity of male and female, and their unique role in the transmission of life, underscores the reality of marriage as a natural social environment for the birth and growth of every person.

"The family has central importance in reference to the person. It is in this cradle of life and love that people are born and grow; when a child is conceived, society receives the gift of a new person who is called from the innermost depths of self to communion with others and to the giving of self to others. It is in the family, therefore, that the mutual giving of self on the part of man and woman united in marriage creates an environment of life in which children develop their potentialities, become aware of their dignity and prepare to face their unique and individual destiny".4

"The first and fundamental structure for ‘human ecology’ is the *family*, in which man receives his first formative ideas about truth and goodness, and learns what it means to love and to be loved, and thus what it actually means to be a person. The obligations of its members, in fact, are not limited by the terms of a contract but derive from the very essence of the family, founded on the irrevocable marriage covenant and given structure in the relationships that arise within it following the generation or adoption of children."
The State does not have the authority to redefine the family.

Given the precedence of the family as the first society in which the human person is formed, its nature and function are not a creation of the state or of civil society, therefore it follows that the State does not have the authority to redefine the family.

“The priority of the family over society and over the State must be affirmed. The family, then, does not exist for society or the State, but society and the State exist for the family”.

Given this precedence of the family built on marriage as a natural good, ordered for the growth and flourishing of society, it is not in the gift of political or legal authorities to redefine its very nature.

This understanding of marriage and the family arises from human reason and is not a religious imposition. The European Convention of Human Rights, for example, recognises the nature of marriage built on the complementarity of male and female. The right to marry, Article 12, begins with the formulation “Men and women have the right...” rather than using the form “Everyone has the right...” which is used to assert other articles in the convention. This has been recognised as significant by the European Court of Human Rights and there is no right for same-sex marriage. “The choice of wording in Article 12 must thus be regarded as deliberate. Moreover, regard must be had to the historical context in which the Convention was adopted. In the 1950s marriage was clearly understood in the traditional sense of being a union between partners of different sex.”

Parental Bonds and Children’s Welfare

The wellbeing of children is closely linked to the family unit. It is self-evident that children have a male and female parent and that this unit is the foundational structure of social life.

Claims that “LGBT people are the only group who are banned from marrying” are unreasonable and untrue. Brothers and sisters and not discriminated against because they cannot marry each other. The law rightly restricts marriage, for example, on the basis of degrees of relationship and age. Children as a group are not allowed to marry. Those who call for same-sex marriage are not excluded from marriage; rather they wish the state to ratify and affirm a relationship which is not marriage.

The Scottish Parliament needs to ensure that it pursues an intellectually robust assessment of the provisions rather than provide an emotional response to this issue. This requires some level of objective analysis of the claims made supporting redefinition of marriage. A redefinition of marriage in law will inevitably obscure the notion of marriage’s link to parenthood in the eyes of citizens.

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5 Compendium of Catholic Social Doctrine, paragraph 214
6 Case of Schalk and Kopf v. Austria(Application no. 30141/04), European Court of Human Rights Judgement, 24 June 2010, paragraph 55
In the pursuit of an abstract theory of equality which promotes ‘sameness’ the proposal is now made that male and female are interchangeable, denying the inherent dignity of the human person in their complementary natures of male and female. This ideological proposal creates a form of intolerance which can be fundamentalist in its denial to others of the right to proclaim what they believe to be true.

We urge those involved in the political process to be objective in their analysis of the reality of marriage and family life, rather than be guided by appeals to emotion. The consequences of this Bill will be far-reaching and will impact most profoundly on children. The loss of a sense of marriage paves the way for family instability as marriage is de-institutionalised and replaced by less stable and often chaotic serial relationships which often weaken or sever the relationships children have with their parents.

**Civic Freedoms**

Equality laws are so structured that they will pose a threat to basic civil freedoms if marriage is redefined. Warnings about the dangers of previous legal changes were not accepted yet have been shown to be real. Redefining marriage will lead to threats against freedom of expression, belief and association.

Following the passage of Same-sex Marriage Act there already are threats to challenge Churches in England and Wales which will not perform same-sex marriage ceremonies.\(^8\) School teachers are already vulnerable to coercion to contravene their conscience by promoting alternatives to marriage as equally valid.\(^9\)

We can learn from other jurisdictions where there are calls for people to be dismissed from employment if they don’t support same sex marriage.\(^10\) We foresee that the Equality Act 2010 provisions in conjunction with redefined marriage will lead to similar calls in Scotland, should this bill be passed.

The Equality Act 2010 has provisions which combine with other pieces of legislation to give unexpected outcomes. Catholic adoption agencies were repeatedly assured that they had nothing to fear from changes in law which permitted same-sex couples to adopt. It was stated that the “committee considered carefully the issues that relate to adoption agencies that are attached to a faith. We are sure that nothing in the bill will require such agencies to provide adoption services to people whom they feel are inappropriate. However, the committee felt that those agencies should be required to refer such people to an appropriate agency. I do not think that an ECHR issue will arise, provided that the people concerned are referred appropriately.”\(^11\) These reassuring words were quickly shown to be wholly inaccurate. We are left with no easy remedy for the apparently unintended consequences that have arisen. We are

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\(^9\) C.f. Marriage (Same Sex Couples) Bill, Memorandum submitted by Samuel Webster (MB 97), URL: [http://www.publications.parliament.uk/pa/cm201213/cmpublic/marriage/memo/m97.htm](http://www.publications.parliament.uk/pa/cm201213/cmpublic/marriage/memo/m97.htm)


following a parallel path in changing marriage and there will be parallel consequences for those who will not wish to condone the new version of marriage.

The Public Sector Equality Duty of the Equality Act 2010 threatens to become an instrument where controversial views are imposed rather than permitted. The Equality and Human Rights Commission has already suggested that schools could comply with the public sector equality duty by teaching Lesbian Gay Bisexual and Transsexual History Month.\(^\text{12}\)

There is a right not to be compelled to assert falsehood as truth. However, due to the structuring of the current framework of equality laws there will be an impact on civic bodies which will promote and enforce views on marriage which are contrary to the truth of human identity and the nature of sexual unions.

In consequence, freedom of expression will be undermined and the career prospects of those asked to cooperate in this work will be jeopardised.

Safeguards protecting essential democratic freedoms are lacking. The protections provided in the Bill are modest and neglect the wide implications for civil liberties for those who would wish to uphold authentic marriage.

Conclusion

We conclude our response by once again repeating that legislation for same sex marriage is wrong. It will diminish rather than strengthen marriage and it will disadvantage children. It will divide society for the sake of a totem of ‘equality’ which has arisen amongst some campaigners despite the tiny percentage of same-sex couples who avail themselves of marriage in jurisdictions where it is available to them\(^\text{13}\). Parliament should not proceed to make such changes against so many strong recommendations to the contrary and an overwhelming public rejection of the proposals in unprecedented numbers during the consultation period. For the sake of the common good, we appeal to parliamentarians not to proceed with this legislation.

John Deighan
Parliamentary Officer
Catholic Parliamentary Office
on behalf of the Bishops’ Conference of Scotland
23 August 2013


\(^\text{13}\) C.f. ‘Demand For Same-Sex Marriage: Evidence From The United States, Canada, And Europe’, Maggie Gallagher & Joshua K. Baker, Institute for Marriage and Public Policy, Vol. 3, Issue 1, April 2006; see also Baroness Scotland, House of Lords Debate, 22 April 2004, Hansard Volume 660 Column 392
Please note that this response has been prepared in consultation with all branches of Judaism represented in Scotland, and reflects all of their differing views. The majority of the Jewish community in Scotland is affiliated to Orthodox Judaism, which has four synagogues in Glasgow, and one in each of Edinburgh, Dundee, and Aberdeen. In addition there is a Liberal Jewish community in Edinburgh, and a Reform synagogue in Glasgow.

4. How would you characterise your views on the Bill in general?

In view of the widely differing opinions in the Jewish community, we welcome the fact that, if passed, the Bill will enable those faith communities that wish to solemnise same sex marriage and register civil partnerships to do so, while imposing no obligations on those faith communities that do not so wish.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

There is a wide range of opinion among individual Jewish people about same sex marriage and the registration of civil partnerships through a religious ceremony. In preparing this response we have consulted widely among organisations and individuals in the Scottish Jewish community, including the Orthodox, Liberal, and Reform congregations, and Scottish Rainbow Community, a small group of LGBT Jews in Scotland. The views expressed in this response represent the official position of the various branches of the Jewish community in Scotland.

The Orthodox Jewish view is very much opposed to same sex relationships, which it regards as forbidden according to their understanding of the Torah, Jewish Law. However, whilst it disapproves of such relationships, and particularly of the formal recognition of such relationships, the Orthodox community respects and welcomes everyone, whatever their sexual orientation, and, while it would not, under any circumstances, carry out same sex marriages or religious civil partnership registrations, it does not wish to impose its views on others.

The Liberal Jewish community strongly supports the introduction of same sex marriage, and religious civil partnership ceremonies. However, while it would hope to register to solemnise these once the proposed legislation is enacted, it does not wish to impose its views on others.

The Assembly of Reform Rabbis, a UK-level body, has stated, in relation to same sex commitment ceremonies, that “homosexual couples should have [an] opportunity for a religious ceremony within the sanctity of Jewish community, tradition, and practice” but does not suggest that this is to be a ceremony with legal force, and does not mention religious civil partnership registration or same sex marriage. The Reform community in Scotland is currently debating this statement but has not yet reached a conclusion.
6. How would you characterise your view on putting belief celebrants on the same footing as religious celebrants?

We are content for appropriate belief communities to be able to nominate celebrants to officiate at marriage ceremonies, and register civil partnerships.

However, our preference is for the proposals set out in the draft Bill included in the previous consultation\(^1\), namely the introduction of a third category of belief celebrants alongside religious and civil celebrants, rather than amalgamating religion and belief into a single category as in the Bill that has been introduced in the Parliament.

It is evident from the consultation paper on the draft Bill that the Scottish Government recognises that Humanist beliefs are not religious, and that it is, therefore, inappropriate to require Humanist celebrants to be registered under that head, as they are at present. This recognition was explicitly welcomed by the Humanist Society in their response\(^2\) to the consultation. We believe that the converse is also true, and indeed that the term “religious or belief” does not adequately recognise the Humanist objection as it is likely to be abbreviated to “religious” in practice. We therefore urge that the difference between religious and belief communities should continue to be respected, and that the words “religious or belief body” should be replaced with “religious body or belief body”, “religious or belief marriage” should be replaced with “religious marriage or belief marriage”, and “religious or belief civil partnership” should be replaced with “religious civil partnership or belief civil partnership”.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

1) We strongly agree with the proposal set out in the Bill for a dual opt-in system, in which religious and belief bodies have first to register to solemnise same sex marriages, and then nominate celebrants to officiate at such ceremonies as this will respect the views of those religious or belief bodies that do not wish to carry out same sex marriages or register civil partnerships. We also strongly support the proposed amendment to the Equality Act 2010 to protect those communities and ministers or celebrants who do not wish to solemnise same sex marriages.

We are, however, concerned that these arrangements should be robust enough to be effective against any possible challenge in the courts. In this respect, we are concerned to read reports that, because of concerns about the Marriage (Same Sex Couples) Act 2013, “Sikh temples [in England and Wales] have been advised to halt all civil marriage ceremonies on their premises to protect them from possible legal challenges for refusing to conduct same-sex weddings.”\(^3\)

2) We have some concerns about the proposed procedure for prescribed organisations to nominate celebrants who are not “a minister, clergyman, pastor, priest, or other celebrant” of that organisation, but who are “recognised by a religious


or belief body so prescribed as entitled to solemnise marriage between persons of
the same sex on its behalf.” (section 10(2)(1B)(a)(i)), (our emphasis). This removes
protection from those religious bodies that do not wish to carry out same sex
marriages, since it would permit their clergy to be nominated by a different branch
of the same religion. (It is, for example, conceivable that a Liberal Jewish community
might “recognise” an Orthodox Rabbi as entitled to solemnise same sex marriages
on their behalf, even though the Orthodox Jewish community by which the Rabbi was
employed, was firmly opposed to the celebration of same sex marriage.

To resolve this concern, we suggest amending section 10(2)(1B)(a) to state:

“(1B) Subject to section 23A, a marriage between persons of the same sex
may be solemnised by and only by–

(a) a person who is–

(i) a minister, clergyman, pastor, priest, or other celebrant of a religious
or belief body prescribed by regulations made by the Scottish Ministers; or

(ii) not being one of the foregoing, is recognised by a religious or belief
body so prescribed as entitled to solemnise marriage between persons
of the same sex on its behalf, and is not a celebrant of a religious or
belief body that has indicated that it is opposed to solemnising
marriages between persons of the same sex; or

(iii) is registered under section 9 to solemnise marriage between
persons of the same sex; or

(iv) temporarily authorised under section 12 to solemnise marriage
between persons of the same sex;”

3) We also have some concerns about the proposed procedure for temporary
authorisation of celebrants (section 12).

i) Our experience in relation to opposite sex marriage is that in many cases when a
couple request to be married by someone other than the Rabbi of the local
synagogue, it is because one partner comes from outwith Scotland and they wish to
be married by their own Rabbi. In such cases, National Records of Scotland (NRS)
make enquiries, through the Scottish Council of Jewish Communities, as to whether
the person concerned is “recognised by 4 the Jewish community (“Hebrew
Congregation” in the words of the 1977 Regulations 5) as a Rabbi authorised to
officiate at Jewish weddings” The Rabbi need not necessarily be from Scotland, or
even be a member of a branch of Judaism with a presence in Scotland or even in the
UK, provided that his or her qualifications and bona fides are recognised by a branch
of Judaism that is established the UK. Once the Rabbi’s bona fides have been
confirmed, the wedding at which he or she officiates will be recognised by the
relevant authorities as bringing about both a religious and a civil marriage.

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5 The Marriage (Prescription of Religious Bodies)(Scotland) Regulations 1977 No.1670 (S.121) not
available online
We anticipate that NRS will follow much the same procedure to check the bona fides of celebrants before granting temporary authorisations to officiate at same sex marriages. However, whilst a Rabbi from outwith Scotland may well be recognised by a branch of Judaism in Scotland as authorised to officiate at same sex marriages, he or she may well not be “a member” of the relevant branch. We presume this terminology (section 12(2)(b)(1C)) is to protect those religious bodies that do not wish to carry out same sex marriages, so that their clergy may not be nominated by a different branch of the same religion (for example, to prevent an Orthodox Rabbi from being nominated by a Liberal Jewish community to officiate at a same sex marriage, even if he personally were willing to be so nominated). We welcome this protection (which, as we have already pointed out, is lacking in section 10(2)(1B)(a)(i)), but are concerned that same sex couples who may wish to be married by a Rabbi from a branch of Judaism that does carry out same sex marriages but does not have a presence in Scotland, will be prevented from having the celebrant of their choice. This is inequitable, since, as we have already explained, an opposite sex couple are able to choose a celebrant from outwith the UK.

To resolve this issue, enabling same sex couples to enjoy the wider choice of celebrants which is available to opposite sex couples, whilst maintaining full protection for those faith communities that oppose same sex marriage, and also the issue raised in ii) below, we have suggested a possible amendment to the Bill in iii) below.

ii) We are concerned that section 12(2)(b)(1C)(b) may inadvertently exclude small faith communities that would wish to celebrate same sex marriages, since it requires that the relevant religious or belief body “has nominated members … to solemnise marriages between persons of the same sex.” (our emphasis). As we have already stated, the Reform Jewish community in Scotland has not yet decided whether or not it wishes to conduct same sex marriages. Were it, however, to decide to opt in to the legislation in order to conduct same sex marriages, it would not be able to nominate a regular celebrant, since it has been without a Rabbi since the last incumbent left some time ago. Since, therefore, the community would neither be prescribed under section 8(1B)(a)(i), nor would it have nominated members under section 9(1A), the current wording would prohibit any Reform Rabbi from being temporarily authorised to officiate at same sex marriages.

(NB. Note that the above example is hypothetical since the Reform Jewish community in Scotland has not yet reached a conclusion about same sex marriage, but we expect that these circumstances will also apply to a number of other small but well-established religious communities.)

To resolve this issue, and also that raised in i) above, we have suggested a possible amendment to the Bill in iii) below.

iii) To resolve both of the above concerns, we suggest amending section 12(2)(b)(1C) to state:

“The Registrar General may grant an authorisation to a person under subsection (1)(b) to solemnise marriages between persons of the same sex only if the person is recognised as entitled to solemnise marriages between persons of the same sex on its behalf by a religious or belief body—

(a)(i) that is prescribed by virtue of section 8(1B)(a)(i); or
(ii) not being prescribed by virtue of section 8(1B)(a)(i), may nominate to the Registrar General any of its members whom it desires should be registered as empowered to solemnise marriages between persons of the same sex on its behalf;

and

(b) the person is not a celebrant of a religious or belief body that has indicated that it is opposed to solemnising marriages between persons of the same sex."

8. How would you characterise your views on civil partnerships changing to marriage?

We are content with the proposals in the Bill.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar?

We are content with the proposals in the Bill.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

1) We strongly agree with the proposal set out in the Bill for a dual opt-in system, in which religious and belief bodies have first to register to register civil partnerships, and then nominate people to register such ceremonies. We also strongly support the proposed amendment to the Equality Act 2010 to protect those communities and individuals who do not wish to register civil partnerships.

2) We have some concerns about the proposed procedure for authorising people to register civil partnerships (section 22(13)94A).

The wording of section 22(13)94A(1)(a)(i) fails to protect those religious and belief bodies that do not wish to register civil partnerships, since it would permit any person “who, not being a celebrant, is recognised by a [prescribed] religious or belief body … to register civil partnerships on its behalf.” (our emphasis). This would, for example, permit the Registrar General to register an Orthodox Rabbi against the wishes of the Orthodox Jewish community, on the grounds that he was “recognised by” the Liberal Jewish community to register civil partnerships on its behalf.

We therefore suggest amending section 22(13)94A(1)(a) to state:

“(1) A civil partnership may be registered by and only by–

(a) a person who is –

(i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers; or
(ii) not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships on its behalf, and is not a celebrant of a religious or belief body that has indicated that it is opposed to registering civil partnerships; or

(iii) is registered under section 94B, or

(iv) temporarily authorised under section 94E,

3) We also have some concerns about the proposed procedure for temporary authorisation to register civil partnerships (section 22(13)94E).

i) As we have stated in relation to section 12 (see question 7), we would anticipate that many requests for temporary authorisation will be because one partner to a civil partnership comes from outwith Scotland, and they wish their civil partnership to be registered by a celebrant or other person from their own religious or belief community. In such cases, whilst the person concerned may be recognised by the relevant religious or belief body as authorised to register civil partnerships, he or she may not be “a member” of that religious or belief body. We presume this terminology (section 22(13)94E(3)) is to protect those religious bodies that do not wish to register civil partnerships, so that their clergy and other functionaries may not be nominated by a different branch of the same religion (for example, to prevent an Orthodox Rabbi from being nominated by a Liberal Jewish community to register a civil partnership, even if he personally were willing to be so nominated). We welcome this protection, (which, as we have already pointed out, is lacking in section 22(13)94A(1)(a)(i)), but are concerned that couples who may wish their civil partnership to be registered by someone from a branch of Judaism that does register civil partnerships but does not have a presence in Scotland will be prevented from having the registrar of their choice.

To resolve this issue, enabling same sex couples to enjoy a wider choice of registrar, whilst maintaining full protection for those faith communities that oppose civil partnership, and also the issue raised in ii) below, we have suggested a possible amendment to the Bill in iii) below.

ii) We are concerned that section 22(13)94E(3)(b) may inadvertently exclude small faith communities that would wish to register civil partnerships, since it requires that the relevant religious or belief body “has nominated members …under section 94B(1)” (our emphasis). As we have stated in relation to section 12(2)(b)(1C)(b) (see question 7) this would prevent members of small but well-established religious communities that have opted in to register civil partnerships, but have not been able to nominate a person to act as registrar, from being temporarily authorised to register civil partnerships.

To resolve this issue, and also that raised in i) above, we have suggested a possible amendment to the Bill in iii) below.

iii) We therefore suggest amending section 22(13)94E(3) to state:

“The Registrar General may grant an authorisation to a person under subsection (1)(b) only if the person is recognised as entitled to register civil partnerships on its behalf by a religious or belief body—
(a)(i) that is prescribed by virtue of section 94A(1)(a)(i); or

(ii) not being prescribed by virtue of section 94A(1)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered as empowered to register civil partnerships.

and

(b) the person is not a celebrant or other functionary of a religious or belief body that has indicated that it is opposed to registering civil partnerships”

11. How would you characterise your view on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

We are content with the proposals in the Bill.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

1) We welcome the reassurance provided by sections 10(2)(b)(1D) and 13(3) of the Bill, and in section 93 of the Policy Memorandum, but, in view of recent judgments, remain concerned that these may not be fully effective.

As stated above, we strongly support the proposed amendments to the Equality Act 2010. We agree that protection should not only be afforded to celebrants, but should cover anyone employed by or acting on behalf of a religious or belief body that has indicated that it is opposed to solemnising same sex marriages or registering civil partnerships, or for an organisation that is associated with such a body. In the Jewish community, this is likely to include, amongst others, people responsible for decisions about the use of communal buildings and other facilities, kashrut supervisors⁶, mikveh⁷ supervisors, choirs, and other musicians.

It should be noted that the religious component of a Jewish marriage is not confined to the short ceremony under the marriage canopy, but includes the celebratory meal thereafter, and for the subsequent seven days, at which part of the ceremony is repeated.

We also have concerns about people with deep-held and sincere religious beliefs who do not work for religious or belief bodies. Whilst it is important that people throughout Scotland should have no difficulty in availing themselves of the new legislation, we believe it is unreasonable to introduce a new contractual requirement for existing employees that may require some to choose between their job and their conscience. We therefore recommend that existing employees of companies providing services in relation to same sex marriage and civil partnership ceremonies should be able lawfully to refuse to participate in work relating to such ceremonies, provided that there is another employee in the area who is willing to undertake the

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⁶ In order to ensure that food is kosher, i.e. that it complies with Jewish dietary laws, a supervisor, employed by a religious organisation that certifies compliance, is normally required to be in attendance throughout the time that food is being prepared and served.

⁷ The mikveh is a ritual bath used, amongst others, by brides on the eve of their wedding.
work, but that employees who take up employment after the commencement of the Act, and who will, therefore, have known of the requirement to provide these services before applying for the job, should not be able to do so.

2) We are also concerned at a lack of even-handedness, for example in the Crown Office press release announcing new guidelines for prosecutors in relation to same sex marriage\(^8\). The headline states “Lord Advocate issues *same sex* marriage opposition guidance to prosecutors”, and the press release continues “Prosecutors in Scotland have today been issued with guidance by the Lord Advocate, Frank Mulholland QC, on the prosecution of anyone who opposes same sex marriage in Scotland.” (our emphasis).

We fully support the guidelines themselves, which state that “COPFS will consider any incident reported to it involving criticism of or support for same sex marriage on its facts and circumstances. Views expressed or comments made in relation to same sex marriage in ways which do not incite hatred or violence towards a particular person or group of people and which do not cause or intend to cause public disorder will not be the subject of criminal prosecution.” The press release is, however, likely to be more widely read than the guidelines, and we are concerned that its apparent implication that simply opposing same sex marriage might be a criminal offence could cause distress and anger.

13. Would you like to comment on the wider issue of freedom of speech?

We welcome the Scottish Government’s commitment to uphold Convention rights to freedom of thought, conscience, religion, and expression (section 14), but, in view of recent judgments, remain concerned that this may be difficult to implement.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Separate Registers

It is not clear to us whether the Registrar General will keep a single register or separate registers of those people authorised to celebrate same sex marriage and register civil partnership. Since some celebrants may wish to carry out only one type of ceremony, we recommend that separate registers should be kept.

Secondary legislation

1) We do not think it appropriate that the Regulations referred to in sections 10(2)(b)(1G), 11(2)(e)(2C), and 12(2)(b)(1F) should be subject to negative procedure, and urge both that the affirmative procedure should be used, and that, in order to ensure proper scrutiny and the opportunity for all interested parties to comment, these Regulations should be subject to a full public consultation.

2) We are concerned about some of the proposed qualifying requirements for religious and belief bodies (Policy Memorandum sections 65-74).

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While we completely agree that “All marriages and civil partnerships in Scotland ought to be conducted in a dignified and solemn manner”, we are concerned that some of the proposed tests are too restrictive and onerous, particularly for small faith communities and congregations.

The Jewish community as a whole, and, in particular, the three strands of Judaism currently represented in Scotland, have a long record of carrying out religious ceremonies, including religious marriages that are also recognised as civil marriages, and their Rabbis always take time to discuss the ceremony and its implications with the family in advance.

It is, however, conceivable, that other branches of mainstream Judaism may wish to establish a congregation in Scotland in the future, but, as new institutions, these would, ex hypothesi, not have any track record in Scotland. We therefore urge that decisions about the repute of any faith community or branch thereof, will be considered on the basis of their activities outwith as well as within Scotland, and always in discussion with authoritative representatives of the relevant faith community.

We are also concerned at the proposal that “The body and its celebrants would not be allowed to solemnise marriages or register civil partnerships for profit or gain.” It is standard practice for synagogues to charge a fee for the use of their premises for marriage ceremonies – as do hotels and other marriage premises – and also for the officiating Rabbi to charge a professional fee. Naturally these should not be (and are not) unduly onerous, but to forbid such fees entirely would be unreasonable.

Whilst we unreservedly condemn forced and sham marriages, we believe that requiring all celebrants to undergo formal training in these areas would be unduly onerous on those faith communities for which these are not an issue. The Jewish community is too small to support a rabbinical college in Scotland. All Rabbis working in Scotland will, therefore, have trained either in England or elsewhere, but the Scottish Jewish community does not have any means by which to influence the curriculum in those institutions, and the cost implications of sourcing and funding additional training for those Rabbis who obtain employment in Scotland, would be likely to be prohibitive, as would the establishment of an inspectorate to ensure effective compliance.

Note: The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and individuals and families who live outwith any Jewish community, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups. (Scottish Charitable Incorporated Organisation SC029438)
In preparing this response we have consulted widely among members of the Scottish Jewish community.

Leah Granat
Scottish Council of Jewish Communities
22 August 2013
4. How would you characterise your views on the Bill in general?
The Scottish Episcopal Church serves all parts of the Scottish community and has members from a wide variety of background and geography. The Church has also sought to be an open and welcoming community, encouraging theological discussion and honest conversation while acknowledging the difficulties such conversation can cause. This has created a vibrant and diverse church and within the Scottish Episcopal Church there is a membership with a wide range of theological and doctrinal viewpoints. The Church has also gained considerable experience in working with this diversity, listening to the often opposing views of faithful people, honouring the right to open discussion while still having the ability to reach decisions.

The present public debate on issues of sexuality, marriage and inclusiveness is one which we are attempting to address in what has become the preferred way for us to reach those important decisions, decisions that can affect people's long held beliefs. This process is through conversation, prayer and discussion all held in an atmosphere of mutual respect. This is not an easy process and neither can it be a rushed process.

The response of the Faith and Order Board of the General Synod of the Scottish Episcopal Church to the 2011 consultation and also to the Consultation Bill in March 2013 recognised the current doctrine of the Church, as expressed in its canons, that marriage is "a physical, spiritual and mystical union of one man and one woman.....". (A copy of the full text of the Canon is set out in the Appendix to this submission.) Similarly, it explained that the Church could not register civil partnerships without the prior authorisation of an appropriate form of liturgy for that purpose. We also explained that the Church has a process for altering its canons, through a consultative and legislative process.

As mentioned above, within the Scottish Episcopal Church, there are those who would wish to hold to the current canonical position. Equally, there are those who would seek to encourage change. The College of Bishops announced its intention towards the end of 2012 to "encourage a measured process of discussion and reflection within the Church on matters of same-sex relationships, having regard to the Church’s context in Scotland and as a member of the Anglican Communion" and there was some discussion of this at the Church’s General Synod meeting in June 2013. (A copy of the full text of the Bishops’ statement is set out in the Appendix to this submission.) The Church will therefore seek to enable all voices to be heard before coming to a decision on whether change should be proposed.

We are therefore encouraged by the intention of the Government to endeavour to ensure a balanced approach and by its commitment to providing protections for those who may have concerns about the proposed changes. We recognise the Scottish Government’s authority to make laws relating to marriage and we recognise our need to discuss such changes fully. The Government’s proposal to allow each denomination to opt in if its internal discussion leads to willingness to celebrate same
sex marriage gives us the space for our processes, while not delaying those institutions which have already made their decisions.

We acknowledge that the Scottish Government has taken note of the comments made in the initial consultation and we welcome the intention to provide safeguards. We emphasise the importance of ensuring the adequacy of such safeguards. It has been left to the Church to make a decision as to whether to opt in or out. That decision will be made by the Church following our internal conversations. We consider that that discussion should be about the Christian principles underlying human relationships and the nature and place of marriage in those relationships.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
See response to question 4 above.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

We welcome the provisions enabling religious bodies to opt in, either in whole or in part, by the provisions in the Bill which would allow either prescription under section 10 of the Bill (amending section 8 of the 1977 Act) or registration of nominated persons under section 11 of the Bill (amending section 9 of the 1977 Act).

However, we remain cautious regarding the “qualifying requirements” which may be imposed as a precondition of prescription or registration for the purposes of nomination. We are pleased to note the commitment contained in section 69 of the Policy Memorandum that appropriate consultation will be carried out by the Scottish Government before any regulations are brought into effect.

As mentioned in our response to the Consultation Bill in March 2013, we are of the view that the tests applicable to religious and belief bodies should not impose requirements beyond the current position. If, however, additional requirements are to be introduced, careful thought will need to be given both as to their nature and as to the evidence required to be given to Scottish Ministers as a condition of prescription. For example, within the Scottish Episcopal Church, there is a regular flow of clergy from other Anglican provinces, such as the Church of England and other Anglican churches in other parts of the world. Under existing arrangements, such clergy are automatically authorised to solemnise marriages. It would be unhelpful, were the Scottish Episcopal Church to be prescribed under the revised section 8 of the 1977 Act in effect have to operate two tiers of clergy – those authorised to conduct solemnise marriage and those who, coming to the Scottish Episcopal Church from overseas, might find themselves unable to do so pending their satisfying some form of additional training condition.

Section 68 of the Policy Memorandum makes reference to the type of requirements which had been referred to in the earlier consultation document. As we indicated in
our response to the Consultation Bill, if such requirements were to be introduced, it would be helpful to have clarity on matters such as:-

- references to “profit or gain” – whilst marriages are not solemnised for profit or gain, it is not unusual for those participating in a marriage to make a donation to the funds of the church where the marriage is held. We would not wish legislative provisions to place any question over the acceptability and legality of such procedures.
- what kind of evidence would be required to show a “track record” in carrying out ceremonies?
- in relation to forced marriage or sham marriage, the Scottish Episcopal Church has already issued guidance to its clergy regarding sham marriage and we would be concerned if significant training obligations were to be imposed on denominations regarding such matters over and above the issue of guidance.

In our response to the Consultation Bill we commented on the proposals enunciated in paragraphs 14 and 15 of Annex A to the December 2012 Consultation Paper and indicate that we viewed them as impractical. Such matters were they to be pursued would doubtless form part of the Regulations setting out the qualifying requirements for prescription, rather than being dealt with on the face of the Bill, but we would reiterate that those religious bodies which operate with centralised decision-making bodies have their own internal procedures for arriving at decisions. Such processes would rarely be workable if they required unanimity in all instances. Indeed the membership of decision-making bodies such as synods and assemblies may not in fact include all celebrants of the denomination in question. Any decision to opt in would need to be taken on the basis of the relevant religious body itself arriving at its decision in accordance with its own processes. Similarly, any suggestion that if, having arrived at a decision to opt in, the body in question could be removed by the Government from the prescribed list simply because one celebrant might have a change of mind or because new celebrants are appointed who happen to disagree with a decision previously arrived at by their religious body would not be workable in practice.

We welcome the additional protections mentioned at Section 93 of the Policy Memorandum in relation to the proposed alterations to the Equality Act over and above those envisaged at the time of the Consultation Bill.

8. How would you characterise your views on civil partnerships changing to marriage?

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?
See response to questions 4 and 7 above.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which
provides legal recognition in the acquired gender?

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
We note the content of section 124 of the Policy Memorandum which is relevant to the Scottish Episcopal Church which has a small number of Denominational Schools. We believe that ensuring that these issues can simply flow through the school curriculum without the disruption of segregation will create an atmosphere of tolerance rather than division.

13. Would you like to comment on the wider issue of freedom of speech?
We note the provisions of section 14 of the Bill and are pleased to see that the issues of freedom of speech have been addressed. We emphasise the importance of ensuring the adequacy of such safeguards.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
In our response to the Consultation Bill in March 2013 we indicated that whilst we recognised the difficulties associated with arriving at a new definition of adultery, we considered that the underlying principle is that adultery constitutes a breach of the marriage vow and that if the definition of marriage is changed to include same sex relationships it would be inconsistent not to develop a definition of adultery applicable to a breach of the marriage vow arising from sexual activity between members of the same sex. We appreciate the consideration given by the Government and the explanation set out in sections 136-143 of the Policy Memorandum and understand why the Government has chosen not to alter the definition of adultery.

Scottish Episcopal Church (Faith and Order Board of the General Synod)
23 August 2013
1. The Doctrine of this Church is that Marriage is a physical, spiritual and mystical union of one man and one woman created by their mutual consent of heart, mind and will thereto, and is a holy and lifelong estate instituted of God.

2. No cleric of this Church shall solemnise Matrimony except in accordance with the civil law of Scotland for the time being in force in relation to civil marriages and unless satisfied that compliance has been made with such preliminaries as are therein required for the Solemnising of Religious Marriages.

3. No cleric shall perform the Marriage Service, nor permit it to be performed in Church, for parties who are within the forbidden degrees, as specified in Appendix No.26. No cleric shall perform the Marriage Service, nor permit it to be performed in Church for parties, for one or both of whom a decree of Nullity of Marriage Ab Initio has been pronounced by a Civil Court, nor for parties, either of whom has had a previous marriage dissolved quoad civilia in a Civil Court, so long as the other spouse in the marriage so dissolved remains alive, unless that cleric shall have been given a Certificate of Authorisation on the grounds that there is no ecclesiastical impediment to the marriage in terms of Section 4.

4. In cases where a decree of Nullity of Marriage Ab Initio has been pronounced by a Civil Court, or in any case where either or both parties to a proposed marriage has, or have had, a previous marriage dissolved quoad civilia in a Civil Court, but the other spouse to that marriage remains alive, any cleric to whom an approach is made by or on behalf of either party with a view to the solemnising of such proposed marriage shall refer the matter to the Diocesan Bishop. Upon receiving such reference, the Diocesan Bishop shall make such enquiries into the circumstances of the case, and take such pastoral and legal advice, as shall seem appropriate, and thereafter may issue, or decline to issue, to an officiating cleric, a Certificate of Authorisation in terms of Appendix No.27 authorising and approving that cleric's officiating at the Solemnisation of Holy Matrimony of the parties concerned according to the Rites and Ceremonies and Canons of the Scottish Episcopal Church. No Bishop shall entertain an application which has already been before another Diocesan Bishop of the Scottish Episcopal Church without the agreement of the Bishop of that other Diocese and the Episcopal Synod.

5. A cleric may use the form of Benediction provided in the Scottish Book of Common Prayer (1929) to meet the case of those who ask for the benediction of the Church after an irregular marriage has been contracted or after a civil marriage has been legally entered into, provided only that the cleric be satisfied that the marriage is not contrary to Sections 3 and 4 of this Canon.

6. The solemnisation of Marriage shall take place in Church except with the written sanction of the Bishop.
Statement from the College Of Bishops, Regarding Process for Discussion of Same Sex Relationships (December 2012)

The College of Bishops at its last meeting discussed a number of issues around the subject of same sex relationships. It was aware that the Faith and Order Board would in due course be responding to the Scottish Government Bill on same sex marriage. Developments in the area of same sex relationships are ones which the Church needs to discuss in its own way and in its own time. A linked question is how the SEC sees itself in relation to the Anglican Communion following the decision of General Synod in June this year not to adopt the Anglican Covenant. The tone of debate at General Synod evinced continuing warmth towards the Anglican Communion and it is clear that the existing companionship links between Scottish dioceses and others in the Communion are highly valued. The Continuing Indaba project within the Communion comprises a resource which could be drawn on to enable discussion across difference.

The College of Bishops intends to invite the Mission and Ministry Board, to consider designing a process to enable consideration of matters concerning same sex relationships. Such matters are complex ones for the Church to consider since they give rise to a range of strongly held views. Such a process would enable conversation and discussion to take place across a range of places and people in an atmosphere where time can be taken for careful consideration of the matters in question. The Bishops envisage that such a process itself is likely to take some time. At this point in our life, it would represent a broadening of the concept of the Provincial Conference. It is hoped that in designing such a process, it may be possible to draw on Anglican Communion resources and perhaps involve one or more of our companion dioceses as a means of including a Communion aspect to our discussions.
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM SCOTTISH TRANSGENDER ALLIANCE

The Scottish Transgender Alliance (STA) is the only national transgender specific equality project currently funded in Scotland and is based within the Equality Network. The STA works for full equality and human rights for people of all sex, gender, gender identity and gender reassignment diversity. We recognise and strive to include the fullest diversity of identities and experiences within our equality and human rights work. All of our policy work is based on wide consultation with diverse transgender people across Scotland. We very much welcome this opportunity to submit evidence on the Marriage and Civil Partnership (Scotland) Bill.

4. How would you characterise your views on the Bill in general?

We welcome this Bill as a significant step towards greater equality for LGBT people in Scotland. As our expertise is of transgender equality and human rights we have focussed our evidence on matters affecting trans and intersex people and fully support the submission made by the Equality Network pertaining to the way in which the Bill impacts LGBT people more generally.

We are pleased that some of our views on the draft Bill have been taken into account and improvements made to the Bill as introduced, such as the provision enabling one party to a Civil Partnership to obtain gender recognition and convert their Civil Partnership to a marriage in one step. However, there are a number of further improvements we believe need made to the Bill in order to ensure it provides true marriage equality for trans and intersex people.

As the main provisions of the Bill affecting trans and intersex people were not drafted during the initial consultation on the draft Bill they have not been subject to the same level of scrutiny as the rest of the legislation. It is therefore extremely important that the impact of the legislation on trans and intersex people is thoroughly considered at this stage and detailed evidence taken by the committee.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

We have campaigned for many years for the introduction of sex and gender neutral partnership rights for all and greatly welcome the introduction of same sex marriage as a significant step towards this.

It is very important that the Bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. This is particularly important for trans and intersex people who do not want their legal sex to determine the type of marriage they can enter into.
We welcome that the Bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the Bill is appropriate.

We also note that the Bill applies unchanged the existing meaning of adultery as evidence for divorce, to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery; other forms of sexual infidelity, with a person of the opposite sex or the same sex, do not fall within the existing legal definition of adultery but can form the basis of a divorce under the “unreasonable behaviour” rule. We agree with the approach taken in the Bill, which applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages, and allows divorce on grounds of sexual infidelity for all marriages.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The Bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. We welcome this.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In order to ensure that this Bill is trans and intersex inclusive we believe an amendment is required to the way in which nominated persons are registered as celebrants to enable religion and belief marriage ceremonies to be sex/gender neutral where both the couple and the organisation conducting the marriage wishes, (see draft amendment at Appendix A).

When a religious or belief body nominates its celebrants to the Registrar General to be approved to conduct marriages, the body must give the Registrar General details of the form of its marriage ceremonies.

The current law (section 9(3) of the Marriage (Scotland) Act 1977) requires that marriage ceremonies must include these two declarations:

1. a declaration by the couple that they accept each other as husband and wife;
2. followed by a declaration by the celebrant that they are then husband and wife.

Section 11(2)(f) of the Bill retains this provision for marriages between legally mixed sex couples. This is very problematic as there are couples who are legally of different sexes but who are not comfortable using the terms husband and wife. The fact that a trans person’s overseas gender recognition is not automatically recognised in the UK means that a trans woman who has fully transitioned and received gender recognition as female in her home country would still be regarded as legally male under UK law. When
she and her lesbian partner get married in Scotland, they would regard their marriage as a lesbian same sex marriage but legally it would be a mixed sex marriage. It would be highly offensive and inappropriate to call her a husband during a marriage ceremony when she lives permanently as a woman. Furthermore, where someone is born with an intersex physical variation in their biological sex or is a transgender person who lives in an androgynous manner rather than simply as either a man or a woman, they should not be forced to be called a husband or a wife against their wishes.

Section 11(2)(g) however alternatively provides that where a marriage is between a couple of the same legal sex the ceremony must include a declaration that the parties “accept each other in marriage,” and it is therefore gender neutral.

We agree that religious organisations should be free, if they wish, to conduct all their mixed-sex marriages using the gender-specific terms husband and wife. And those terms should also continue to be available for all couples who want to use them. But it is wrong to impose those terms where the couple would prefer to use the gender-neutral language and the organisation conducting the marriage agrees to do that. We therefore suggest that the Bill be amended to accommodate mixed sex couples who would prefer to use this gender neutral wording, and provide that the ceremony for a mixed couple, be in one or other form.

8. How would you characterise your views on Civil Partnerships changing to marriage?

It is our view that the process of changing a Civil Partnership to a marriage should be a simple administrative procedure which costs applicants as little as possible. We are however aware that some couples may wish to marry via the usual route to marriage and we therefore welcome the fact that the Bill gives couples the option to either have a marriage ceremony (in section 7) or change their Civil Partnership to a marriage using an alternative procedure (in section 8).

We are also pleased that the Bill includes provision, in Schedule 2, paragraph 6 (new section 5D), for a person in a Civil Partnership to obtain gender recognition and change their Civil Partnership to a marriage in one step, a much less burdensome procedure than the other route provided in the Bill at Schedule 2, paragraph 5 (new section 4C(3)).

It is particularly important for trans people that a second ceremony is not required in order to re-register a marriage or change a Civil Partnership into a marriage on gender recognition. This would be an onerous, distressing and unnecessary requirement which would be experienced as offensively undermining the couple’s original marriage or Civil Partnership and their relationship, which is longstanding and continuing. We therefore welcome the fact that section 8 and Schedule 2, paragraph 6, provide administrative processes for changing a Civil Partnership to a marriage.

Our main concern relating to this question is the fact that only parties to a protected Scottish Civil Partnership will be able to change their Civil Partnership to a marriage in
Scotland. This means that people who come to Scotland who have a Civil Partnership from another country will be unable to obtain gender recognition without having to dissolve their Civil Partnership because otherwise a mixed sex Civil Partnership would be created. The English Act similarly excludes couples with foreign Civil Partnerships from gender recognition but does enable those with foreign marriages to obtain gender recognition. It seems to us to be very unsatisfactory for the unfair divorce requirement to be applied only to couples who have a foreign Civil Partnership.

We therefore recommend that the Bill be amended to allow couples with Civil Partnerships registered outwith the UK to marry using section 7. This would then enable applicants with foreign Civil Partnerships to obtain gender recognition without being required to divorce. In this particular situation it would be acceptable for couples to be required to undergo a marriage ceremony; given that there is no Scottish record of their Civil Partnership.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

This is not specifically an issue for trans and intersex people, but we welcome the additional flexibility that will be allowed in choosing the location of civil marriage ceremonies.

10. How would you characterise your views on allowing the religious and belief registration of Civil Partnerships?

Allowing couples greater choice as to how they would like their relationship to be solemnised is to be welcomed.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Spousal consent

The requirement to divorce or dissolve a Civil Partnership in order to obtain Gender Recognition has been one of the most iniquitous effects of the lack of equal partnership rights for same sex couples. Trans people and their partners have been forced to make the extremely difficult choice between losing the legal status of their relationship and denying the trans person recognition of their identity.

While we are pleased that more people will be able to access Gender Recognition once the requirement to divorce has been repealed, we are very concerned that the provision requiring an applicant’s spouse to provide a statutory declaration of consent may mean that, in practice, some married applicants are still unable to obtain full gender recognition.
Many trans people and their allies are extremely troubled by the inclusion of the spousal consent requirement within this Bill. The spousal consent provision in the Marriage (Same Sex Couples) Act 2013 generated a great deal of criticism from trans people during the passage of the Act at Westminster and has led to many trans people feeling deeply unhappy about the legislation as enacted.

Across the UK the concept has been described as a “spousal veto” as it effectively enables the spouse of a trans person to prevent their partner from obtaining gender recognition, unless the trans person is able to obtain a divorce. If the non-trans spouse is unwilling to cooperate divorce proceedings can take many years.

Our main objections to this requirement are that:

- Although the couple have been parties to an ostensibly mixed sex marriage, the trans person must have been living in their acquired gender for at least 2 years prior to applying for gender recognition, and so the non-trans spouse has already remained in a socially same sex marriage for at least 2 years.
- In the time preceding the gender recognition application the non-trans spouse could have, if they had wanted, initiated divorce proceedings on grounds of unreasonable behaviour.
- The granting of the gender recognition certificate has no practical impact on the non-trans spouse because their pension, inheritance, parenting and all other rights remain unchanged.
- Under the current provisions of the Bill, if the non-trans spouse withholds consent then urgent divorce is the only option left available to the trans person in order to access their human right to have the gender they identify as legally recognised. This government inflicted pressure to urgently divorce could cause unnecessary disruption and harm to the non-trans spouse and any children of the marriage. Separating the conflicting interests of the couple’s marriage and the trans spouse’s gender recognition enables the couple to fully consider their options without external pressures and so to arrive at the best settlement for their particular circumstances.
- Under the current provisions of the Bill, even if the trans spouse urgently initiates divorce proceedings as soon as their interim certificate has been issued, if the non-trans spouse decides to be uncooperative they can take a number of steps to delay proceedings and so deny the trans spouse access to gender recognition for an indeterminate length of time.

We understand that there may potentially be some non-trans spouses who could feel strongly that they want their marriages to remain as they were originally solemnised. Some might be distressed by the thought that their marriages would be re-registered, and a new marriage certificate issued showing new details for the trans spouse following gender recognition. At present, however, we have not heard of any such spouses requesting protection from the re-registration of their existing marriage. If such spouses exist, we agree that they should be able to block the re-registration of the
existing marriage but consider it to be highly disproportionate for them to be able to block their trans spouse from the right to access gender recognition.

We view it as important to ensure that the rights of both the trans and non-trans spouse are appropriately balanced and therefore the solution we are suggesting below enables a trans spouse to be granted a full gender recognition certificate but does not enable the marriage to be re-registered if spousal consent is withheld.

We suggest this could be achieved by amending the Bill as follows (see draft amendment at Appendix B):

- As is currently the case a person applying to the Gender Recognition Panel (GRP) without a statutory declaration of consent from their spouse will receive an interim gender recognition certificate.
- An interim gender recognition certificate holder is able to make an application to the Sheriff Court for a full gender recognition certificate to be issued.
- Such an application must be made within 6 months of the date of issue of the interim certificate.
- The application will be granted as long as it is made within the time limit. Once the full gender recognition certificate has been issued the applicant will be able to obtain a new birth certificate.
- As there has been no spousal consent the marriage will not be re-registered to show new details for the trans spouse and a new marriage certificate will not be issued.
- If, once full gender recognition has been granted, the non-trans spouse consents then the marriage will be able to be re-registered.
- As is the case now either party will continue to be able to use the granting of the interim gender recognition certificate as grounds for divorce.

Our suggested improvement to the Bill is a distinctly Scottish solution. The Sheriff Court in Scotland is well placed to issue full gender recognition certificates because it already does so when a divorce is granted on grounds of a party to the marriage having been issued with an interim certificate. It has the advantage of not requiring any alternative procedures to be used by the GRP for Scottish applicants. Due to the wording of Part 2, Schedule 2 to the Gender Recognition Act 2004 either spouse will continue to be able to rely on the fact that an interim gender recognition certificate has been issued as grounds for a divorce.

Our strong view is that the fact that the trans person is issued with full gender recognition causes no actual detriment to the non-trans spouse, as their marriage remains as it was originally recorded. Conversely, the trans spouse can suffer a great deal of discrimination and other detriment while their birth certificate does not reflect the gender they live as. This proposal achieves the objective of the legislation, that being to ensure that a non-trans spouse does not find themselves in a registered same sex marriage against their wishes, because the marriage is not re-registered, while ensuring
that the trans spouse is able to access their human right to have the gender they identify as legally recognised.

We are unaware of any spouses of trans people who feel strongly that their consent should be sought prior to their spouse obtaining gender recognition. We therefore believe that it would be wrong for the Committee to retain the “spousal veto” of gender recognition without having heard compelling evidence from the spouses of trans people that they would need to make use of it and why.

**Long-term transitioned people**

Trans people who transitioned a long time ago find it difficult to assemble the same level of medical evidence for the GRP as a recently transitioned person because long-term transitioned people are no longer in contact with the gender specialists who treated them. The Gender Recognition Act provided (in section 27) a two-year temporary arrangement for long-term transitioned people, which was available between 2005 and 2007. This enabled those who had lived in their acquired gender for at least six years to obtain gender recognition with only one medical report, rather than two, from a medical practitioner who did not have to be a specialist practising in the field of gender dysphoria. The temporary arrangement also enabled applicants to apply based on evidence of having undergone treatment to modify sexual characteristics as an alternative to providing evidence of a diagnosis of gender dysphoria.

This provision was extremely valuable because obtaining confirmation of a diagnosis of gender dysphoria can be extremely difficult after a long period of time. The specialist who provided the original diagnosis will often have retired, or may even have died, and applicants would therefore have to be re-diagnosed by another specialist. Patients currently have to wait for between one and two years between being referred and getting a first appointment with a specialist practising in the field of gender dysphoria, and it is extremely difficult for patients who have been out of the system for a considerable period to be re-referred.

Since 2007 it has become clear that long-term transitioned people are still coming forward for gender recognition who had not previously heard about it. The longer a person has been transitioned, the less likely they are to have heard about the availability of gender recognition, because the less likely they are to be in contact with trans organisations. These late applications cause the GRP difficulties and delays because it is much harder for the applicants to assemble the two medical reports required.

There are trans people who transitioned a long time ago who were unable to take advantage of the 2005–2007 temporary arrangement, because they did not want to dissolve their marriage.

There are also a significant number of trans people who would have been able make use of the temporary arrangements but chose not to on a point of principle because they felt it unjust that others could not, simply because they were married or in a Civil Partnership.
Overall, therefore, there would be advantages for married long-term transitioned people, and other long-term transitioned people, and for the GRP itself, in reinstating the alternative rules for obtaining gender recognition which were in operation for the first two years following the introduction of the legislation. Those alternative rules operated perfectly well without problems during that period.

In light of this the UK government introduced Paragraphs 15 to 20 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013, which provide alternative grounds for granting a gender recognition application, similar to those formerly contained within section 27 of the Gender Recognition Act.

We therefore suggest that the Scottish Bill should include a provision similar to Paragraphs 15 to 20 but remove the rather arbitrary requirement for the applicant to be, or have been, married or in a Civil Partnership prior to making the application, and rather require applicants to be ordinarily resident in Scotland. This will ensure that long-term transitioned people who had not heard in time about gender recognition and those who refused to use the discriminatory process as a matter of principle will finally be able to access the process.

The provision in the UK Government Act requires the applicant to provide evidence of having undergone surgical treatment. However a number of applicants may not be able, or may not wish, to undergo surgery (for example because they have another medical condition which means it would be dangerous for them to do so or because they were unable to access funding for surgery) but will nonetheless have fully transitioned to live as the gender they identify as for the requisite amount of time.

We therefore suggest that a similar Scottish provision should instead require evidence of medical treatment. This would mean that a long-term transitioned person who had not had surgery but had received hormone treatment to enable them to live as their acquired gender will also be able to make use of this route to gender recognition. Due to the fact that, as discussed above, many trans people remain unaware of gender recognition, we further suggest that the Scottish provision, unlike the English version which will expire 6 years after the commencement of the 2013 Act, should not be time limited.

**Lowering the age for gender recognition** (see draft amendment at Appendix C)

Currently one of the requirements for obtaining gender recognition is that applicants be at least 18 years of age. We suggest lowering this to 16 for the following reasons:

- The Gender Recognition Act 2004 as it applies to Scotland would thereby be harmonised with both the Age of Legal Capacity (Scotland) Act 1991 (providing that people of 16 can enter into any transaction) and the Marriage (Scotland) Act 1977 (providing that people can marry at 16 without parental permission) and so accurately reflect the legal position in Scotland rather than that in the rest of the UK;
- Under the current provisions of the Marriage and Civil Partnership (Scotland) Bill, a young couple, where one person is legally male and the other person is a 16 or
17 year old trans woman who identifies and lives as female but is still legally male due to not being old enough to access gender recognition, would be discriminated against compared to other couples. This is because, as they are unable to access gender recognition, and so become a legally mixed sex couple, they would be unable to marry in a church which does not conduct same sex marriages. If the trans person was able to have their gender legally recognised at 16 they would be able to have a mixed sex marriage in their church, like any other mixed sex couple of their age. The same discrimination would apply to a couple where one person is legally female and the other person is a 16 or 17 year old trans man who is still legally female due to not being old enough to access gender recognition;

- Due to the Age of Legal Capacity (Scotland) Act 1991 young people in Scotland are able to consent to medical treatment as soon as they are able to fully understand the nature and consequences of the treatment and therefore increasing numbers are receiving a diagnosis of gender dysphoria, undergoing transition and beginning hormone blockers in early puberty. We are in contact with several young people who have already been living as their acquired gender for more than the 2 years required by the Gender Recognition Act, by the age of 16. LGBT Youth Scotland is in contact with even more young people in this situation. It is unfair to require young people to wait a further two years for gender recognition and the ability to marry in accordance with their gender identity, particularly at a time when they are at risk of facing a great deal of discrimination in education and employment due to the sex on their birth certificate not reflecting their gender.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As no religious organisations will have to conduct same sex marriages unless they choose to do so, and individual celebrants whose religious organisations have chosen to conduct such marriages will be able to opt out from doing so, we believe the Bill contains ample protections for those with concerns regarding same sex marriage.

It has been suggested that civil registrars should similarly be able to opt out from conducting marriages between people of the same sex and we strongly disagree with this. Unlike religious celebrants, civil registrars are carrying out a public function on behalf of the state and it would therefore be as inappropriate for them to be able to use their personal religious beliefs as grounds to refuse to marry a couple due to their sexual orientation or gender identity as it would be for them to use their personal religious beliefs as grounds to refuse to marry a couple with a different religion, a couple where one party is divorced, or a couple who are having a sexual relationship prior to marriage.

Some people have suggested that the Bill should include a provision enabling teachers to refuse to teach pupils about same sex marriage. Such a provision is completely unnecessary as teachers will not be required to tell pupils that they support same sex marriage, and indeed are not supposed to express their personal views in the
classroom. It is however entirely appropriate that they are required to teach the facts so, in the same way that a creationist science teacher would have to teach the facts of evolution, a teacher who does not personally agree with same sex marriage would still have to state the fact that Scottish marriage legislation allows same sex marriage.

13. Would you like to comment on the wider issue of freedom of speech?

Section 14 of the Bill makes clear that the Convention Rights to freedom of speech and freedom of religion are not affected by the legislation and the Bill will therefore not curtail freedom of speech. We believe this provision provides sufficient protection to opponents of equal marriage.

It has been suggested that the case of Smith v. Trafford Housing Trust is evidence of the fact that people may lose their jobs for expressing their disagreement with same sex marriage. However the court in that case in fact held that the employer had been wrong to demote Mr Smith for espousing his opinions on same sex marriage using social media.

The Lord Advocate’s guidance, published with the Bill, provides protection from prosecution for those engaging in public debate about same sex marriage, by stating that it is not in itself a crime to publicly disagree with same sex marriage.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Mixed Sex Civil Partnership

We believe that partnership rights should be sex and gender neutral, which is why opening up Civil Partnership to mixed sex couples has been central to the Equal Marriage Campaign. Introducing mixed sex Civil Partnership would also enable couples in existing Civil Partnerships, where one person obtains gender recognition, to continue their Civil Partnership rather than having to convert it to a marriage.

We therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of Civil Partnership law, “driven by the need to consider the position on opposite sex Civil Partnership”. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up Civil Partnership in Scotland to couples regardless of their gender.

Scottish Transgender Alliance
23 August 2013
Appendix A - Text of Gender Neutral Ceremony Draft Amendment

In section 11, page 11, line 5, delete sub-subsections (f) and (g) and insert—

<f(f) in subsection (3), for the words from “(a)” to the second occurrence of “wife”, substitute—

“(a) in the case of a marriage between persons of different sexes, either the two declarations in subsection (3A) or the two declarations in subsection (3B); or

(b) in the case of a marriage between persons of the same sex, the two declarations in subsection (3B).”.

(g) after subsection (3) insert—

“(3A) The two declarations are—

(a) a declaration by the parties, in the presence of each other, the celebrant and two witnesses, that they accept each other as husband and wife; and

(b) a declaration by the celebrant, after the declaration mentioned in paragraph (a), that the parties are then husband and wife.

(3B) The two declarations are—

(a) a declaration by the parties, in the presence of each other, the celebrant and two witnesses, that they accept each other in marriage; and

(b) a declaration by the celebrant, after the declaration mentioned in paragraph (a), that the parties are then married.”.

In section 11, page 11, line 40, delete from “and” to the end of line 1 on page 12.

Appendix B – Text of Spousal Consent Draft Amendment

Schedule 2, page 41, line 20, at end insert—

<4E Person with interim certificate: issue of full certificate on application to the sheriff (Scotland)
(1) A person to whom an interim gender recognition certificate has been issued may make a summary application to the sheriff for the issue of a full gender recognition certificate.

(2) The sheriff must grant the application if satisfied that–

(a) the applicant was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued and remains a party to that marriage, and

(b) the application is made within 6 months of the date of issue of the interim gender recognition certificate.".

Schedule 2, page 42, line 37, at end insert –

<(1A) Regulations made under sub-paragraph (1)(a) must provide that where a full gender recognition certificate has been issued by virtue of section 4E to one spouse in a qualifying Scottish marriage the marriage must not be registered unless the other spouse consents thereto in writing.>

Schedule 2, page 43, line 11, replace <or 4C> with <, 4C or 4E>

**Appendix C - Text of minimum age draft amendment**

In schedule 2, page 38, line 32, at end insert–

<**Minimum age of applicant**

2A In section 1(1) (applications), after “18” insert “, or if the person is ordinarily resident in Scotland 16,”.>
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM SCOTTISH YOUTH PARLIAMENT

4. How would you characterise your views on the Bill in general?

The Scottish Youth Parliament warmly welcomes the introduction of the Bill and the opportunity to give evidence on it. Legislation to introduce equal marriage in Scotland is a priority for young people, and SYP is proud of the part we have played in campaigning for this positive change. We thank the Scottish Government for taking the decision to bring forward this Bill and would urge the Scottish Parliament to pass the Bill without delay.

Our evidence is shaped by the views of Scotland’s young people, who overwhelmingly backed the statement that “all laws regarding homosexual relationships, whether male or female, should be equal to those of heterosexual relationships” in the largest youth consultation of its kind in Scotland in the development of our youth manifesto ‘Change the Picture’ – with 42,804 responses from young people, it represents a comprehensive picture of what Scotland’s young people believe. With 74% of respondents agreeing with the statement, it provides a compelling case for the change young people in Scotland want to see.

Not only do the vast majority of Scotland’s young people agree with the principle of equal marriage, it is a principle they are prepared to actively speak out for as a priority for action. The historic decision of Members of the Scottish Youth Parliament (MSYPs) to launch Love Equally – SYP’s campaign for marriage equality has proved not only to be a successful campaigning activity for the organisation, but most importantly has demonstrated that Scotland’s decision-makers are prepared to listen to the voices of its young people and act on their desires. Not only is the Marriage and Civil Partnership (Scotland) Bill a significant move towards equality for all in Scotland, it is a significant and welcome step for Scotland’s democracy.

The message from Scotland’s young people is consistent and straightforward - we think that two people who love each other should be able to get married. We want to live in a Scotland where same-sex couples are allowed to get married if they want to, where mixed-sex couples are allowed to register a civil partnership and if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so. We welcome the provisions in the Bill that will legislate for elements of this vision, and await with interest the Scottish Government’s planned review of civil partnerships, where we hope they will be retained an opened up to mixed-sex couples. This evidence is based on these principles and should be viewed as a collective representative response on behalf of the young people of Scotland.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
The Scottish Youth Parliament believes that two people who love each other should be able to get married. The law in Scotland should be changed to allow same-sex couples to marry if they want to do so.

Following years of welcome progress in law to remove discrimination based on sexual orientation, marriage law stands virtually isolated, with the Marriage (Scotland) Act 1977 explicitly prohibiting same-sex couples from exercising the right to show their love and commitment to each other in the same way as mixed-sex couples can – by getting married.

Changes in the law reflect changes in society, and it is clear that there has been a seismic shift in attitudes in society towards same-sex relationships. This is particularly pronounced amongst young people – the ringing endorsement that Scotland’s young people gave as part of SYP’s ‘Picture the Change’ mass consultation, with 74% agreeing with the straightforward premise that relationship laws should be equal for mixed-sex and same-sex couples. Scotland’s young people, many of whom have friends who are openly LGBT, simply cannot understand why some of their friends are denied rights afforded to others simply because of the person with whom they fall in love.

A wealth of evidence bears this out, including in the Scottish Social Attitudes Surveys of 2009 and 2010, in opinion polls and by responding to the Scottish Government’s ‘The Registration of Civil Partnerships/Same Sex Marriage’, enormous amounts of young people have time and again made clear their support for marriage equality.

The introduction of civil partnerships in 2004 saw many of the tax and legal benefits of marriage extended to same-sex couples for the same time and were a step in the right direction. More than 3,000 civil partnerships have been registered since their introduction. However, despite being viewed by some as ‘gay marriage’, civil partnerships are not marriage. Couples in a civil partnership are not legally allowed to be referred to as ‘husband’ or ‘wife’ but as ‘civil partners’. No religious activity is permitted during the registration ceremony. In law it is a technical arrangement, which is designed to have the trappings of marriage, whilst going to great lengths to ensure that it is not viewed as a marriage but something else entirely.

Even if one was to take the view of a civil partnership as a ‘gay marriage’, why with all the positive changes towards equality, should there be a distinction? Rather than having ‘gay marriage’ and ‘straight marriage’, if one was to accept the view of the overwhelming majority of Scots, and that of Scots law, that sexual orientation is not grounds for discrimination, why the need for the qualification – why not ‘marriage’?

Significant progress has been made to make Scotland a fair and equal nation for all of its citizens under law, with human rights for all and protection from discrimination. With the weight of public opinion firmly behind the move, and young Scots in particular taking up the cause as the biggest change they want to see, we believe that the time has come for same-sex marriage in Scotland, and that the Scottish Parliament should seize the opportunity to legislate for it presented by this Bill.
6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

The Scottish Youth Parliament agrees that belief marriage ceremonies should be established as a distinct type of ceremony from religious and civil marriages.

Throughout the campaign for marriage equality in Scotland, the growing popularity of marriage ceremonies conducted by the Humanist Society of Scotland has been clear. In February 2011, it was reported that humanist weddings had overtaken Roman Catholic weddings to become the third most popular ceremony behind civil ceremonies and those conducted by the Church of Scotland. As humanist weddings were only granted legal status in 2005, at the current rate of growth, the Humanist Society of Scotland expects the number of ceremonies it conducts to overtake the Church of Scotland in 2015. The Humanist Society of Scotland is firmly in favour of same-sex marriage, and has been outspoken in campaigning for the right to conduct same-sex weddings.

Despite being a secular philosophy or belief system, humanist weddings are legally recognised by the Registrar General as religious marriages. Given the increasing numbers of couples choosing humanist belief ceremonies, and that humanism is secular rather than religious by its own description, we feel the creation of a third ‘belief’ category of equal marriage is welcome, reflects the reality of ceremonies available to couples today and could open the door to other similar belief organisations offering ceremonies that would allow couples to celebrate their union in a way that reflects their personal beliefs and philosophy.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

The Scottish Youth Parliament believes that if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so. We understand that not every religious institution would want to do this, however we believe it should be a matter for them to decide, with appropriate legal protections put in place to protect this freedom in accordance with their own decision-making processes. However, we also firmly believe that religious institutions that wish to conduct same-sex marriages and civil partnerships should not be prevented from doing so by law and should have the ability to decide this for themselves, in accordance with their own decision-making processes.

The Scottish Youth Parliament welcomes the legal protections and freedoms for religious and belief bodies and individual celebrants proposed in the draft Bill.

The Scottish Youth Parliament supports the introduction of the option of a gender-neutral form of words for same-sex marriage ceremonies, and recommends this option be extended to mixed-sex couples who would prefer it.

Throughout Love Equally the position of the Scottish Youth Parliament and that of our campaigning partners has been clear – no religious body or celebrant who does
not wish to do so should be ‘forced’ to solemnise same-sex marriages or civil partnerships. We would support any appropriate legal provisions to ensure that the rights of religious organisations and their clergy not to be required to conduct same-sex marriages are protected. We respect the rights of religious bodies to determine this for themselves in accordance with their own decision-making processes. In any event, as the law currently stands, religious bodies and their celebrants have the right to refuse to marry a mixed-sex couple who asks them to conduct a religious wedding. We see no reason why this should change, or not continue to be the case for same-sex couples – the right to refuse is an essential element of religious freedom.

Another essential element of religious freedom however, is the right for people to hold religious beliefs and choose which religion, if any, to follow. We would be concerned if the reservations and opposition of some religious bodies, such as the Roman Catholic Church or the Church of Scotland for instance, should be used to deny the right to conduct same-sex marriages to Quakers, Pagans, liberal Jews, Unitarians, the Metropolitan Community Church or other religious bodies that wish to conduct weddings for same-sex couples in accordance with their own decision-making process. To do so would effectively favour certain religions over others on the basis that they are perceived as bigger or more established.

The details of the proposed protections outlined in the Bill, together with the amendments to the Equality Act, satisfy the religious protections and freedoms we have consistently called for alongside the introduction of equal marriage. By requiring both the religious or belief body and the individual celebrant to opt in, together with an explicit commitment that there is no obligation on bodies to conduct same-sex weddings, removes any possibility of celebrants conducting ceremonies against the wishes of their organisation, or celebrants who disagree with their parent body’s view being required to do so. These guarantees remove any possibility that religious organisations or individual celebrants will be ‘forced’ to conduct same-sex marriage against their wishes. This has never been SYP’s intention at any point, and we warmly welcome these legal guarantees.

The Bill as introduced makes provision for a gender-neutral form of words to be used as an option in same-sex wedding ceremonies (e.g. a couple could choose between “I now pronounce you married” or “I now pronounce you husband and husband”). We support this option being provided, but would recommend it be extended to mixed-sex couples who would prefer the gender-neutral form of words in their ceremony.

8. How would you characterise your views on civil partnerships changing to marriage?

The Scottish Youth Parliament is content with the proposed process for changing a civil partnership to a marriage.

Couples who have registered a civil partnership outside Scotland should be allowed to get married without dissolving their partnership.

The approach proposed in the Bill for couples to convert their civil partnership into a marriage appears sensible. In particular, we are pleased that civil partnerships are to
be retained alongside marriage, and there will be no requirement to convert a partnership to a marriage if the couple does not wish to do so. As we have highlighted elsewhere in this response and throughout our Love Equally campaign, civil partnerships are not marriage. However, this does not mean that they could not play an important role following the introduction of religious and civil same-sex marriage for same-sex couples, and eventually for mixed-sex couples too.

The Equality Network have highlighted a technicality in the Bill that would prevent a couple whose civil partnership was registered outwith Scotland from getting married without first dissolving their civil partnership, which requires living apart. SYP does not support this, and would recommend the Bill be amended to allow civil partners whose partnership was registered outside Scotland to be allowed to get married without dissolving their civil partnership.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

The Scottish Youth Parliament agrees that mixed-sex and same-sex civil marriages should be allowed to take place anywhere that the couple wishes, provided the registrar is content and it does not take place on religious premises.

Two key principles of the Scottish Youth Parliament’s Love Equally campaign are that laws relating to mixed-sex and same-sex relationships should be equalised, and that two people in love should be allowed to demonstrate their love and commitment to each other in a way that reflects their personal feelings for each other. The change, removing the need for a civil marriage to take place in a registrar’s office or an ‘approved place’, would result in equality with the current arrangements for civil partnerships, and would give greater freedom to couples to demonstrate their love and commitment in a personal way. We welcome this change.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

The Scottish Youth Parliament believes that if religious organisations want to perform same-sex marriages and civil partnerships, they should be allowed to do so. The law in Scotland should be changed so that civil partnerships could be registered through religious ceremonies and by religious celebrants if that is how couples want to express their commitment to each other, and if the religious body and celebrant want to register their partnership.

We are firmly of the belief that two people in love should be allowed to demonstrate their love and commitment to each other in a way that reflects their personal feelings for each other. If a religious body or celebrant wishes to register their civil partnership in a place of worship, we see no reason why the law should stand in their way. In line with our responses on religious solemnisation of same-sex marriage and civil partnerships above and religious protections and freedom below, no religious body nor celebrant should be required to register a civil partnership if they do not wish to do so. These decisions should be in accordance with religious bodies’ own decision-making procedures. If mixed-sex couples are allowed to register a civil
partnership in the near future, we would expect they should be able to do so in a religious or belief ceremony if they wish, and the religious body and celebrant are content.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

The Scottish Youth Parliament welcomes the provisions in the Bill to end the current situation where transgender people must divorce in order to obtain gender recognition.

The Scottish Youth Parliament notes concerns about the ‘spousal veto’ from the transgender community, and urges the Scottish Government to work with the community to create an interim process to prevent a spouse vetoing gender recognition.

As same-sex marriage and mixed-sex civil partnership are currently illegal, transgender people are forced to undergo a divorce or dissolve their civil partnership before receiving legal gender recognition – even if their partner is the same person.

The Scottish Youth Parliament believes the solution to this discrimination is equal marriage. This is an extremely welcome feature of legislating for marriage equality, and a much-needed step forward towards equality for transgender Scots.

However, we note the concerns raised by the Scottish Transgender Alliance regarding the ‘spousal veto’, where a married person requires their spouse’s agreement before acquiring gender recognition. We would recommend that an interim process is created in line with STA’s suggestion.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Scottish Youth Parliament agrees that there should be no specific opt-out in the Bill for civil registrars who do not wish to solemnise same-sex marriage.

The Scottish Youth Parliament agrees that no new legislation is necessary specifically relating to education and same-sex marriage.

In contrast to religious or belief ceremonies, civil marriages or civil partnership registrations are services provided to the public by local authorities. They are secular, with no religious content allowed as part of the registration. We agree with the Scottish Government’s reasoning for not including an opt-out for civil registrars who do not wish to solemnise same-sex marriage. Whilst there may be civil registrars who personally disagree with the legalisation of equal marriage, we feel that this is best resolved by discussions between them and their local authority employers in accordance with employment law and in line with existing and established practice relating to the registration of civil partnerships. What matters most is that two people who love each other can choose a civil marriage if that is
how they wish to celebrate their union, and that local authorities are able to offer this as a service to the public.

We note the interest that has developed in how same-sex marriage may be addressed in schools. We do not believe that any change in the law in this area is necessary, or indeed welcome. We welcome the intention to review existing guidance on sex education in schools, but would urge caution to ensure that young people’s rights are not undermined, and that discussion of same-sex marriage is not banned or restricted.

To inform our response to the Scottish Government’s consultation on the draft Bill, and in anticipation of a forthcoming refresh of Education Circular 2/2001 which provides guidance on sex education to schools, the SYP conducted an extensive consultation with young people on how same-sex marriage should be addressed in schools.

In the consultation, the majority of young people felt that pupils should be able to take part in lessons if they disagree with their parents’ view that they should be withdrawn for cultural or religious reasons, with this particularly important in the senior phase of high school. They felt that same-sex marriage should not be taught about as a controversial political or moral issue, and there should be no bar to it being mentioned in lessons. They were also concerned about the impact treating same-sex marriage on LGBT issues as controversial may have on homophobic bullying, which is still worryingly prevalent in schools.\(^{vii}\)

The message from Scotland’s young people is clear – they are entirely comfortable with same-sex marriage being taught about in schools, and are confident that teachers will be able to deliver non-judgemental information that allows pupils to make informed decisions for themselves about the issues involved, in line with their responsibility as a teacher. As the consultation document makes clear, there are already well-established processes requiring local authorities to have consideration for teachers’ religious beliefs, and to handle moral objections by teachers, which we are confident will prove more than sufficient in allowing any concerns by teachers to be addressed in a reasonable manner.

13. Would you like to comment on the wider issue of freedom of speech?

The Scottish Youth Parliament is content with a clause guaranteeing freedom of speech in the Bill.

The Scottish Youth Parliament believes in the right of free speech and the free exchange of opinion. We are content with a clause guaranteeing that nothing in the Bill will affect people’s right to freedom of speech, thought, conscience or religion and expression under the European Convention of Human Rights.

Guidance from the Lord Advocate on prosecutions for alleged breach of the peace, or threatening and abusive behaviour relating to people’s views on equal marriage would be welcome. We are confident this will appropriately balance people’s right to free speech with existing legislation on hate crime, such as the Offences Motivated by Prejudice (Scotland) Act.
14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The Scottish Youth Parliament believes that mixed-sex couples should be allowed to register a civil partnership if they wish.

As the law currently stands, just as marriage is denied to same-sex couples, civil partnership is denied to mixed-sex couples, as a result of the Civil Partnership Act 2004. Scotland’s young people are firmly of the opinion that relationship laws should be equal for mixed-sex and same-sex couples. The Scottish Youth Parliament therefore supports the removal of the legal barrier to mixed-sex couples being allowed to register a civil partnership.

We have consistently called for mixed-sex civil partnership to be introduced and whilst we are disappointed that it does not feature in the Bill, we are encouraged with the review of civil partnerships announced by the Scottish Government. We would hope that the review will give serious consideration to opening up civil partnerships to ensure that all laws governing relationship laws are equal for mixed-sex and same-sex couples in Scotland – true equal marriage. The Scottish Youth Parliament looks forward to giving evidence to the review, and is confident that the case for change is strong.

15. Organisational details

The Scottish Youth Parliament is a representative body. Our elected Members (MSYPs) represent 14-25 year olds living in Scotland.

Rob Gowans
Scottish Youth Parliament
23 August 2013

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4 Registration of Civil Partnerships Same Sex Marriage: Consultation Analysis, Scottish Government p. 7-9

5 BBC News Online - More Scots wedding couples turn to humanist marriages (20th February 2011) [http://www.bbc.co.uk/news/uk-scotland-12517893](http://www.bbc.co.uk/news/uk-scotland-12517893)


7 Further information on the consultation can be found in SYP’s response to the Scottish Government consultation on the draft Bill (p. 7 - 15) [http://www.syp.org.uk/img/consultations/Marriage%20and%20Civil%20Partnerships%20Bill_SYP%20Response.pdf](http://www.syp.org.uk/img/consultations/Marriage%20and%20Civil%20Partnerships%20Bill_SYP%20Response.pdf)
4. How would you characterise your views on the Bill in general?
We welcome the proposals put forward by the Scottish Government. The Commission believes in the principle of equality of access for all to marriage and to civil partnership.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
We welcome the proposals put forward by the Scottish Government. The Commission believes in the principle of equality of access for all to marriage and to civil partnership.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
We agree with the Government's proposals.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Subject to the following, we welcome the proposals for an opt-in procedure authorising religious and belief celebrants who wish to solemnise same sex marriage.

It appears to be the intention of this Bill that ministers who do not wish to conduct or otherwise be involved in same sex marriages, could not be required by their religious organisation to do so. Section 10 (1D) (d) provides that “nothing in subsection (1B)(a) or (1C)(a) imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.”

However, it could possibly be argued that any restriction on a religious organisations' right to require a minister of theirs to take steps in relation to same sex marriage, for example requiring a minister to agree to apply to be an approved celebrant, may potentially amount to an unlawful interference with the freedom of religious organisations to enforce their religious doctrines within their organisation, contrary to Article 9 ECHR. Such matters, relating as they do to the freedom of religious organisations to ensure their employees and officials act in accordance with their ethos, may not fall within the remit of this Bill. It is however an area in which further clarification from government may be useful.

8. How would you characterise your views on civil partnerships changing to marriage?
Given that the principle of same sex marriage has been established, we believe that it would be helpful to enable civil partners to convert their relationship to that of marriage if they so choose.
9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
We support the Governments proposals to permit opposite sex and same sex civil marriage ceremonies to take place anywhere agreed between the registrar and the couple, other than religious premises.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?
We believe that civil partnerships should be able to be registered through religious and belief ceremonies. Where celebrants and religious organisations wish to register civil partnerships, we see no reason to prevent such ceremonies. We would however be opposed to any requirement on religious organisations to register civil partnerships.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
We believe that the principle of allowing transgender people in a relationship to stay together when obtaining a full Gender Recognition Certificate (GRC) is right. We welcome the proposals which would mean that it is no longer always necessary to divorce for married people to stay married when obtaining a full GRC, if the spouse consents.

It would be helpful if it is made clearer how the procedures which are set up under schedule 2 sit with the Regulations which could be made under section 27: a clearer explanation of “renewed marriage” and “re-solemnisation”, when each would arise and the effect each would have; clarification that (as we understand it) re-solemnisation is intended to be an optional procedure; and clarification as to what the effect of the proposed procedures would be on a marriage which has been solemnised by a religious body which does not support same sex marriage.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

13. Would you like to comment on the wider issue of freedom of speech?
We welcome the Lord Advocate’s guidelines on this matter published in June. These concise guidelines provide a useful statement of the proportionate approach to the issue which will be required.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Pensions
While we do have concerns about inequalities in pension provision for those in civil partnerships and for transgender couples, we recognise that pension policy is an area which is reserved to Westminster. The difference in treatment between same sex married couples and transgender couples on the one hand, and the opposite sex couples on the other is potentially discriminatory.
We note that the UK Government has said that it will review the issue and report by July 2014. Further, we note the impact of the recent Employment Tribunal decision in the case of Walker v Innospec (ET 2411316/2011), which held that a pension scheme’s failure to provide survivor’s benefits for civil partners equal to those provided for spouses was unlawful discrimination. The Tribunal held that the pension provisions as set out in the Civil Partnership Act in England and Wales, are not compliant with EU law. We understand that this case has now been appealed and that an EAT hearing is set for January 2014, which will be very relevant to this issue.

Where the Scottish Government has devolved powers in relation to certain public sector pension schemes in Scotland, it should exercise those powers in a way which ensures equality of access to pension benefits and avoids discrimination.

**Mixed-sex civil partnership**
The Bill does not make any provision for mixed-sex civil partnership. The Commission is in favour of choice being extended to all in relation to marriage and civil partnership. We welcome the extension of marriage to same sex couples and believe that opening up civil partnership to mixed-sex couples would be a further step to deliver equality.

Irene Henery
Senior Solicitor
Equality and Human Rights Commission Scotland
22 August 2013
The Equality Network is a national Scottish charity working for equality and human rights for lesbian, gay, bisexual and transgender (LGBT) people. All of our policy work is based on wide consultation with diverse LGBT people across Scotland. We very much welcome this opportunity to submit evidence on the Marriage and Civil Partnership (Scotland) Bill.

Q4: The bill in general

The Equality Network strongly supports and welcomes the bill. As set out below, equal marriage is a high priority issue for LGBT people in Scotland. Along with our partners, we have been working for this legislation for many years, including at the Parliament since petitions on the issue were submitted to the Public Petitions Committee in 2009. We welcomed the fact that the SNP and Labour manifestos for the 2011 election committed to consult on same sex marriage, and that the LibDem and Green manifestos committed to legislate.

Scotland was the first part of the UK where the government consulted on same sex marriage, in September 2011. Since then, Scotland has been overtaken by England and Wales, where legislation has now been passed. While that is disappointing for same sex couples in Scotland who are waiting to marry, we recognise that the policy development process in Scotland has been highly consultative and deliberative, leading to a well-considered bill. In particular, the bill is significantly improved on the December 2012 consultation draft, with the submissions of those on all sides of the debate taken into account.

Nevertheless, we think that there are some areas where the bill could be further improved. These mostly concern issues for transgender and intersex people, and in part this reflects the fact that schedule 2 to the bill was not available in the consultation draft. The changes we think are needed are described below, and we have also prepared draft amendments if the Committee would find those useful at this stage.

Q5: Same sex marriage

The Equality Network strongly supports the introduction of same sex marriage, and, more generally, that marriage should be available to couples regardless of their genders. LGBT people should have full equality under the law, including the equal right to marry the person they love.

In our 2009/10 survey of 427 LGBT people in Scotland^1, 85% said that this change is needed. 53% said that implementing this change is a high priority, and a further 32% said that it is a priority. From more informal qualitative consultation, we believe that, if anything, those figures underestimate the proportion of LGBT people who consider

that equal marriage is required. At our five same sex marriage consultation events around the country in November 2011, every one of the 150 people present agreed that same sex marriage should be introduced.

In our survey and our consultation events we asked people why marriage should be opened up to same sex couples. People gave a number of reasons, with the following main themes.

Segregation is not equality

Even though the legal rights and responsibilities of civil partnership and marriage are almost identical, the two are not perceived as of equal status and value. Civil partnership is seen as a legal contract, while marriage is seen by many as the gold standard for celebrating the joy of love and commitment. Marriage is very widely understood for its symbolism and its personal, community, and in some cases, religious significance. Very few people propose to their partner by asking “Will you civil partner me?” – civil partnership just does not have the same meaning.

Civil partnership was invented specifically to deny same sex couples access to marriage, and is seen by many same sex couples as a second-class status.

Put simply, equality means making the same choices available to all. If mixed race couples were denied the opportunity to marry, and instead offered civil partnership with the same legal effects, that would readily be seen as unacceptable racist discrimination. The ban on same sex couples marrying is equally unacceptable.

In 2008, the Connecticut Supreme Court considered whether that state’s introduction of civil unions (a civil partnership type status for same sex couples with identical state-level legal effects to marriage) was consistent with the state constitutional equality guarantee. The Court concluded, “in the light of the history of pernicious discrimination faced by gay men and lesbians, and because the institution of marriage carries with it a status and significance that the newly created classification of civil unions does not embody, the segregation of heterosexual and homosexual couples into separate institutions constitutes a cognizable harm.” The Court ordered that marriage itself be opened up to same sex couples.

The unfair and arbitrary nature of the current law is particularly clear when considering the situation of bisexual people. A bisexual person might fall in love with someone of the same gender or of the opposite gender – apart from the gender of the person, there is no difference in the relationship. The law directs the person to civil partnership or to marriage, with no choice, depending only on the gender of their partner.

Reducing discrimination and its effects

Although the legal effects of marriage and civil partnership are almost identical, in our 2009/10 survey, of 103 people in civil partnerships, 58% said they had not been given the same rights and respect that a married couple would get. That rose to 64% for women civil partners. Examples included people being referred to as “not really married”; banks not understanding why civil partners wanted a joint account;
employers refusing to change Miss to Mrs on documentation; hospitals refusing to recognise the civil partner as next of kin; forms not including civil partnership status options alongside marital status.

These kinds of discrimination and less favourable treatment are in part due to an ignorance of what civil partnership is, and are in part due to prejudice for which the separate status of civil partnership provides an excuse.

The introduction of same sex marriage would not eliminate this discrimination against same sex married couples, but it would remove the problem of ignorance, and remove one of the excuses for prejudice.

Furthermore, the segregated status of civil partnership, including the separate terminology, in itself defines same sex couples as “other”, and thereby promotes stigma, prejudice and discrimination against LGBT people. This includes homophobia, biphobia and transphobia in forms including bullying and hate crime. The introduction of same-sex marriage would help reduce these forms of prejudice against LGBT people because it would eliminate the official “otherness” status of LGBT people. We believe that it would also help to reduce prejudice and discrimination more widely, because it would be a clear public demonstration of Scotland’s refusal to accept discrimination, and Scotland’s embrace of diversity, equality and freedom.

By reducing prejudice and discrimination, the introduction of same sex marriage will enhance the safety, self-esteem, health and wellbeing of LGBT people in Scotland.

Discrimination against same sex couples also affects their children. We estimate from our surveys that around 20% of same sex couples have children, whether from a previous mixed sex relationship, through adoption, or through assisted conception. Contrary to some claims, research shows that children do as well with two parents of the same sex as with two parents of opposite sex.

The introduction of same sex marriage will benefit the children of same sex couples by reducing prejudice in the ways described above.

 Discrimination in international recognition

Although the domestic legal effects of civil partnership and marriage are almost identical, there is a significant difference in terms of international recognition. A Scottish same-sex marriage would be recognised in any other country which allowed same-sex marriage, because of the well-established international legal framework for recognising marriage. That is not the case for international recognition of civil partnership, which is more confused and irregular.

 Discrimination against transgender people

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2 See, for example, ‘How does the gender of parents matter?’, Biblarz and Stacey, Journal of Marriage and Family, Feb 2010
A specific form of legal discrimination caused by the ban on same sex marriage is discrimination against married transsexual people in the provision of legal gender recognition. The requirement to divorce, or dissolve one’s civil partnership, in order to obtain gender recognition is a truly iniquitous aspect of the current law. It forces a transsexual person and their partner to decide between their marriage, which may have continued for decades, and their right to legal recognition of the transsexual person’s true gender. It is the only case where the law reaches into a happy marriage which the partners want to continue, and forces them to divorce, on pain of having to continue to live with the wrong legal sex. While it is possible for the same couple to register a civil partnership after the divorce and gender recognition have been granted, rights may be lost in the conversion of a marriage to a civil partnership (for example pension rights) and the change from marriage to civil partnership is seen as a “downgrade” because of the different public, social and personal status of marriage and civil partnership.

Couples may therefore choose to remain married and forgo gender recognition. However, the consequences of living in one gender while legally being the other gender are severe and harmful, as was recognised by the European Court of Human Rights in the cases of Goodwin and I v UK, which established gender recognition as a human right.

Freedom of religion and belief

Same sex couples cannot at present have their legal relationship solemnised by a humanist or religious celebrant. In our 2009/10 survey of 429 LGBT people, 22% said that they would consider a humanist marriage if it was available, and 22% said that they would consider a religious marriage.

Celebrants of the Humanist Society Scotland solemnise marriages (under the religious marriage law) and very much want to be able to solemnise same-sex marriage.

Other religious or belief bodies which we understand want the freedom to solemnise same sex marriages include the Unitarians, the Quakers, the United Reformed Church, the Metropolitan Community Church, the Open Episcopal Church, the Liberal Jewish community, some Buddhist communities, and the Pagan Federation of Scotland. For these religious groups, and for many LGBT people of faith, marriage has a significance that civil partnership does not, and consequently these groups and their members have played a significant role in calling for this legislation.

Freedom of religion and belief means respecting the right of those bodies that wish to solemnise same sex marriages, and the right of those couples who wish a religious same sex marriage to be solemnised by those bodies. It also means respecting the right of religious bodies that disagree with same sex marriage, to decline to conduct them.

Neither set of religious bodies (those that agree, and those that disagree with same sex marriage) has the right to impose their views about this issue on the other set. Marriage is not owned by any religious body (and in fact predates any current...
religious faith), and no religious body should have a veto over the arrangements for marriage.

Wider effects of same sex marriage

Civil partnerships are currently running at about 2% of the rate of (non-tourist) marriages in Scotland – approximately 500 civil partnerships per year now; and 4500 in total. The future number of same sex marriages might be a little higher because of greater demand. The introduction of same sex marriage will have no effect on the existing or future marriage of any mixed sex couple. The law affecting mixed sex marriages is not changing, and there is not a finite limited number of marriages available. Rather it could be argued that introducing same sex marriage would strengthen the institution of marriage, by enriching it, and demonstrating that it is a modern, relevant and equitable institution, desired and valued across Scotland’s diverse population.

The introduction of same sex marriage will be in line with Scotland’s ideals of equality, diversity, tolerance, respect, freedom, dignity and fairness. By publicly embodying those values, the introduction of same sex marriage will also further strengthen those values in Scottish society.

The legal definition and effects of marriage have changed enormously over the past couple of hundred years, up to and including the major changes to divorce law brought about by the Family Law (Scotland) Act 2006. The introduction of same sex marriage, in contrast, will not change at all the law applying to mixed sex marriages, and is therefore arguably a relatively minor change compared to what has gone before.

Public opinion

Equal marriage is supported by a large majority of people in Scotland. Opinion polls by Ipsos MORI, Populus, YouGov and Angus Reid have been consistent. They show that the level of support in Scotland has been steadily rising, and that around two-thirds now believe that same sex couples should be able to marry³.

The opinion polls are also consistent with the academic research. The 2010 Scottish Social Attitudes Survey⁴ asked “Do you agree or disagree that gay and lesbian couples should be allowed to marry?” 61% agreed, while only 19% disagreed. Survey respondents were asked their religious denomination, so the results may be analysed by religious denomination. 54% of Catholics agreed with same sex marriage, with 21% disagreeing; 50% of Presbyterians agreed, with 25% disagreeing. Amongst those of no religion, 72% agreed with same sex marriage and 12% disagreed.

While Scottish Government consultations are not designed to provide a representative sample of public opinion, around 75% of responses to the

consultation on the draft bill, and 65% of full responses to the initial consultation on the policy, supported same sex marriage.

Support for same sex marriage is particularly strong amongst younger people, with 73% of under 25s in support as long ago as the 2006 Scottish Social Attitudes Survey. An Ipsos MORI Scotland poll in June 2012 found that 75% of people under 55 now support same sex marriage. The introduction of same sex marriage has particular resonance for younger people, who see it as being about Scotland looking forward as a modern 21st century country.

International context

Nine western European countries surrounding us have already introduced same-sex marriage: Iceland, Norway, Sweden, Denmark, the Netherlands, Belgium, France, Spain and Portugal. There is no evidence from any of those countries of any of the negative consequences that some of the opponents of same-sex marriage suggest would follow. Legislation for England and Wales has been passed and is due to be commenced next year. Scotland has fallen behind on this key equality issue.

Canada, New Zealand, South Africa, Argentina, Uruguay, Brazil, and a number of US and Mexican states have also introduced same sex marriage, and the issue is under active consideration in other countries such as Australia and Luxembourg.

Scotland’s international reputation with key partners will be enhanced by the introduction of same sex marriage. Scotland (and the UK) seek to promote equality and human rights internationally, and to do this effectively we need to ensure full respect for equality and human rights at home.

This change is one whose time has come – future generations will look back with surprise that the law ever prevented same sex couples from marrying.

How the bill implements same sex marriage

We welcome that the bill to a very large extent places marriage on a gender-neutral basis. It would perpetuate discrimination to introduce two legally different species of marriage: “different sex” and “same sex”, and the bill rightly avoids this. Section 4 provides that the law on marriage applies equally to mixed sex and same sex marriages.

There are a couple of inescapable exceptions. Since the bill rightly allows religious or belief bodies to choose whether or not to solemnise same sex marriages, the arrangements for approving religious or belief celebrants necessarily must distinguish between same sex and mixed sex marriage.

There is one old rule of marriage law which is gender-discriminatory: the rule that a wife cannot be guilty of resetting goods stolen by her husband, while a husband may be guilty of resetting goods stolen by his wife. Arguably, that rule should be

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5 Table 3.6, http://www.scotland.gov.uk/Publications/2007/12/04093619/0
6 See, for example, 'When gay people get married', MV Lee Badgett, New York University Press, 2009
abolished, but this bill is not the place to do that. Section 5(1) of the bill sensibly therefore clarifies that the rule does not apply to a woman in a same sex marriage.

Section 5(3) clarifies for the avoidance of doubt that the law on adultery will apply to same sex marriages exactly as it applies to mixed sex marriages. That is, sexual intercourse with a person of the opposite sex (who is not the spouse) is, in law, adultery, and as such can be the basis for a divorce. All other sexual activity with a person other than the spouse, whether that person is of the opposite sex or the same sex, can equally be the basis for a divorce, under the “unreasonable behaviour” rule. These rules will apply equally to all marriages, meaning that sexual infidelity can found a divorce for both a mixed sex and a same sex marriage, in the same way.

There has been some discussion, in relation to same sex marriage, of the law on consummation. That is an English law concept. In Scots law, there is no rule that a marriage must be consummated, and a marriage in Scotland cannot be annulled on the basis on non-consummation. Therefore the question of the meaning of consummation for mixed sex or same sex marriage does not arise.

Finally we note and agree with section 5(2) of the bill, which clarifies, for the avoidance of doubt only, that the old common law rule that a marriage can be annulled on the petition of either spouse, on grounds of the permanent and incurable inability of the spouses, from the time of the marriage, to achieve heterosexual penetration, does not apply to a same sex marriage. Under existing law, a spouse who is aware at the time of the marriage that such penetration will not be possible is personally barred from seeking an annulment on this ground.

Q6: Putting belief celebrants on the same footing as religious celebrants

As noted above, 22% of respondents in our survey of LGBT people said that they would consider a humanist same sex marriage if that was available. We welcome the fact that Scotland has allowed humanist marriages since 2005, under the religious marriage provisions of the Marriage (Scotland) Act 1977. We note that humanists now represent the third largest provider of marriages, after civil marriages and those solemnised by the Church of Scotland. It seems to us to make sense to clarify that marriage law applies to belief marriages as such, rather than inappropriately labelling them as a type of religious marriage.

Q7: Authorising celebrants to perform marriages

We agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed sex marriages, or same sex marriages as well. As noted above, there is a range of religious and belief organisations in Scotland that wish to conduct same sex marriages. Others, including the larger churches, do not. Religious freedom should apply to both groups. The bill protects that freedom, and extends it for the first time to those bodies that support same sex marriage.

We think that an opt-in system is an appropriate way to do this. We note that the amendments to the Equality Act 2010 which the Scottish Government have agreed
with the UK Government will ensure that religious bodies and individual religious
celebrants who choose not to conduct same sex marriages are free in law to do so.
Changes made since the consultation on the draft bill have extended that protection
to anyone who is an integral part of the religious (or belief) aspects of the ceremony,
for example an organist or church choir member. We agree that those people should
have the right to opt out of same sex marriages.

The Scottish Government do not intend that people providing commercial services in
relation to a marriage, that are not an integral part of the religious ceremony, should
be allowed to discriminate against same sex marriages. That would include for
example chauffeurs and photographers. We agree with this. It is already the case
under equality law that such commercial services have to provide their services for
civil partnerships on the same basis as for marriages. To allow commercial
businesses to discriminate simply because a staff member personally disagrees with
same sex relationships would undermine the whole basis of anti-discrimination law.

Form of marriage ceremony

We believe that one amendment is needed to the parts of the bill that deal with the
authorisation of religion and belief marriage celebrants.

When a religious or belief body nominates its celebrants to the Registrar General to
be approved to conduct marriages, the body must give the Registrar General details
of the form of its marriage ceremonies.

The current law (section 9(3) of the Marriage (Scotland) Act 1977) requires that
marriage ceremonies must include these two declarations:
1. a declaration by the couple that they accept each other as husband and wife;
2. followed by a declaration by the celebrant that they are then husband and
   wife.

Section 11(2)(f) of the bill keeps the same rule for ceremonies for mixed sex
marriages. Under section 11(2)(g), when religious or belief celebrants are nominated
to conduct same sex marriages, the same sex marriage ceremonies must instead
include:
1. a declaration by the couple that they accept each other in marriage;
2. followed by a declaration by the celebrant that they are then married.

We think that this form of ceremony for same sex marriages is fine – there is nothing
to stop the celebrant adding extra words such as “wife and wife”, by agreement with
the couple.

But we think that the required form for mixed sex marriages is too restrictive,
because the law requires the use of the gender-specific terms “husband and wife”,
and this will be very problematic for some couples for the reasons outlined below.

Clearly, some religious organisations will want to use the gender-specific terms
“husband and wife” for all their marriages, and they should be free to do so. And
those terms should continue to be available for couples who want to use them. But it
is wrong to impose those terms where the couple would prefer to use the gender-neutral language and the organisation conducting the marriage agrees to do that.

This is particularly important for mixed sex couples where one or both is transgender or intersex. A trans person’s overseas gender recognition is not automatically recognised in the UK. For example, an American trans woman who has fully transitioned and received gender recognition as female in her home state, would still be regarded as legally male under UK law. When she and her lesbian partner marry in Scotland, they would regard their marriage as a lesbian same sex marriage (and it would visibly be that), but legally it would be a mixed sex marriage. It would be highly offensive and inappropriate to call the trans women a “husband” during her marriage ceremony, when she lives permanently as a woman. In a similar way, where someone is born with an intersex physical variation in their biological sex, or is a trans person who lives in an androgynous manner rather than simply as either a man or a woman, they should not be forced to be called a husband or a wife against their wishes.

We therefore believe that a small amendment is needed to the bill to allow those religious or belief bodies that choose to, to use the gender-neutral (“you are now married”) form of marriage ceremony wording for mixed sex marriages, as an alternative to the gender-specific (“you are now husband and wife”) form. That would be entirely consistent with the religious freedom principle of the bill, by allowing religious and belief organisations to choose which form of ceremony to use.

Q8: Changing a civil partnership to marriage

In our 2009/10 consultation with LGBT people in Scotland, of 103 people already in civil partnerships, 54% said they would want to change their civil partnership to a marriage if that was possible. From our informal consultation meetings, we know that some civil partners would like the opportunity to do this via a full marriage ceremony (in some cases, conducted by a religious body that chooses to solemnise same sex marriages). Other civil partners have already had a big ceremony for their civil partnership, and would prefer to change to marriage via a simple and inexpensive administrative procedure.

We therefore welcome that the bill allows civil partnerships to be changed to marriages, and allows this by two alternative routes. Section 7 allows a couple who are already in a civil partnership to marry in the usual way, in a civil ceremony, or in a religious or belief ceremony by an organisation that chooses to solemnise same sex marriages. Section 8 allows a couple to change their civil partnership to a marriage via an administrative route.

We note that, in the case of the section 8 administrative route, the details are not yet available, as they will be in secondary legislation. It is important that the procedure is lightweight and low cost: civil partners have told us that they feel they have been discriminated against by the non-availability of same sex marriage in the past, and feel it would be unfair to have to pay a large sum to correct that now.

Marriage between civil partners registered outwith Scotland
As the bill stands, sections 7 and 8 only allow those who registered a civil partnership in Scotland to change that to a marriage. It makes sense that the administrative route in section 8 is only available to those whose documents are already held by National Records of Scotland. However, since marriage in Scotland is already available to couples who reside in any part of the world, we can see no reason why the rule in section 7 should not apply to couples with a civil partnership registered in other parts of the world.

Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. Because section 7 does not apply to them, they will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down (which it clearly has not), by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same sex marriage, they would need to dissolve their civil partnership there in a similar way, before coming back to Scotland to marry. The practical result will be that such couples will effectively, and uniquely, be barred from marrying.

In contrast, same sex couples from any part of the world who are not in a civil partnership will be able to come to Scotland to marry, whether or not that marriage would be recognised in their home country. We see no reason why this should not also apply to couples who are already in a civil partnership, and we believe that section 7 of the bill should be amended to allow civil partners to marry in Scotland wherever their civil partnership was registered.

Q9: Places where civil marriage ceremonies are allowed

This is not specifically an issue for LGBT people, but we welcome the additional flexibility that will be allowed in choosing the location of civil marriage ceremonies.

Q10: Religious and belief registration of civil partnerships

We believe that most same sex couples will prefer a civil marriage, or a religious or belief marriage, or a civil partnership conducted by a registrar. Our 2009/10 survey of LGBT people found that 74% would consider a marriage in future, and 29% would consider a civil partnership, if the choice was available. Informal consultation suggests that significantly fewer than that 29% would consider a religious or belief civil partnership ceremony.

However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief body that chooses to do so, adds a useful extra option. In particular, there may be some religious bodies that would not wish to conduct same sex marriages, but would want to offer religious civil partnership ceremonies to same sex couples who are their members. There may also be some couples whose religious beliefs will lead them to prefer a civil partnership to a marriage.

We therefore welcome these provisions in the bill.

Q11: Marriage and gender recognition
We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by law to divorce. In our view, however, a number of amendments are required to schedule 2 to the bill, which deals with this. Schedule 2 was not available in the consultation draft of the bill published in December 2012, and the need for amendments at this stage may reflect that. We have outlined the amendments we think are needed here – please see the submission of the Scottish Transgender Alliance (which is based at the Equality Network) for more details.

As the bill stands, a married trans person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively “veto” the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender.

When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate.

We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a (non-contestable) divorce in such circumstances, if they wished to end the marriage.

The bill is also currently missing a provision that was added to the corresponding English legislation (the Marriage (Same Sex Couples) Act 2013), allowing a person to obtain gender recognition with simpler evidence requirements if they transitioned to their acquired gender at least six years previously. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is usually required for gender recognition applications. The doctors involved may have retired or even died. We therefore believe that, as in the legislation south of the border, a provision for simpler medical evidence for long-term transitioned people should be added to the bill – this would assist the Gender Recognition Panel as well as applicants for gender recognition.

We would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16, rather than 18 as at present.

Q12: Protections for those with concerns about same sex marriage
We think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same sex marriages, as will any person who plays an integral part in the religious marriage ceremonies of that organisation (eg the church organist, or a choir member). These are strong protections for religious activities.

No legal expert in human rights who has considered this issue is of the view that the European Court of Human Rights might overturn these protections and force unwilling religious bodies to conduct same sex marriages. In fact, quite to the contrary, religious bodies’ rights to refuse to solemnise same sex marriage are protected by article 9 of the ECHR. See, for example, the opinion of Karon Monaghan QC, for Liberty\(^7\), which states at paragraph 42: “In my view, therefore, any requirement upon a church or religious organisation to conduct same-sex marriages, contrary to the religious convictions of its members, would violate their Article 9 rights (and those of any person compelled to take part, for example a minister).”

Nine European countries (all subject to the ECHR) already have same sex marriage, for up to 12 years, and in no country has any religious body been required by European law to conduct such marriages.

It has been proposed by some that the bill should give civil registrars a statutory right to opt out of conducting same sex marriages. We would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. Civil registrars whose personal religious denomination disapproves of divorce are not given a statutory opt-out from marrying people who are divorced. Introducing a statutory opt-out would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race.

We understand that the registrars’ organisation, the Association of Registrars of Scotland, is not calling for a statutory opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such statutory opt-out, and we expect the registering of same sex marriages to work equally well in a similar way.

It has also been proposed by some that teachers should have the right to opt out of mentioning same sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same sex marriage might be mentioned. We would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same sex marriage,

but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same sex married parents. It would be unworkable to allow opt-outs from lessons where same sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is also strongly disapproved of by some religious denominations.

Q13: Freedom of speech

The bill will have no negative effect on freedom of speech, as section 14 confirms. People will remain free to disagree with same sex marriage and to express that disagreement publicly. The Equality Network strongly supports the freedom of those who disagree with same sex marriage to express that disagreement.

The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same sex marriage. The case of Adrian Smith v Trafford Housing Trust\(^8\) demonstrates clearly that it is unlawful for an employer to subject an employee to detriment simply because they say publicly that they disagree with same sex marriage. Mr Smith was demoted at work because he stated on his personal facebook page that he disagreed with same sex marriage. He claimed wrongful breach of contract, and won his case on the clear grounds that there was no legitimate justification for his employer to act against him. There is no evidence in Scotland of detrimental treatment by employers towards people because of their personal disagreement with same sex marriage.

The law already clearly protects freedom of speech, there is no evidence of any problem, and no further changes to the law are needed. Any legal provision that singled out same sex marriages or relationships as being specifically open to criticism would be discriminatory on grounds of sexual orientation, in a similar way to the notorious “section 28”.

Q14: Other issues in relation to the bill

Mixed sex civil partnership

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the amendments suggested above under questions 7, 8 and 11, the main substantive provision missing from the bill is the introduction of mixed sex civil partnerships. That has always been a core part of the campaign for equal marriage in Scotland. It is widely supported: Ipsos MORI Scotland found in July 2012 that 71% of Scots believe that mixed sex couples should have the right to register a civil partnership. We believe that the same choices – marriage or civil partnership – should be open to all couples regardless of their gender (for more detailed reasons, see\(^9\)).

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\(^8\) Smith v Trafford Housing Trust [2012] EWHC 3221 (Ch)

We therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, “driven by the need to consider the position on opposite sex civil partnership”. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to obtain gender recognition without the need to change their civil partnership to a marriage.

Survivors’ pensions

We note that the regulation of private sector pension schemes is reserved to Westminster, and that, under the current rules, private sector pension schemes will be allowed to pay much smaller survivors’ pensions to people in same sex marriages than to those in mixed sex marriages. This is clear discrimination, and under section 16 of the Marriage (Same Sex Couples) Act 2013 the UK Government must set up a review of the situation, to report by 1st July 2014. The same section gives the UK Government power to change the law on this by statutory instrument, and we strongly believe that they should do that once the review is complete.

Section 25

We welcome section 25 of the bill, which corrects an error in the law on dissolution of civil partnership via the simplified procedure. The correction is needed to ensure that around 100 dissolutions which were obtained prior to the discovery of the error are not at risk of being overturned because of the error.

Technical issues

Finally, we believe that three technical amendments may be needed to the bill.

Firstly, we note that paragraph 154 of the Policy Memorandum states that, under the terms of section 4 of the bill, the remaining law on marriage by cohabitation with habit and repute will apply to same sex relationships. However, it has been pointed out to us that section 4(6), which extends common law rules on marriage to cover same sex marriage, may not be effective for the law on marriage by cohabitation with habit and repute. That is because section 4(6) refers to rules of law relating to being (or having been) married, whereas marriage by cohabitation with habit and repute is a rule about purported marriages. It is suggested that words such as “or being a party to a purported marriage” should be added to section 4(6).

Secondly, we think that an amendment may be needed to new section 4D of the Gender Recognition Act 2004, inserted by paragraph 5 of schedule 2 to the bill. Section 4D deals with the unfortunate circumstance of the partner of a transgender person dying before an application for a full gender recognition certificate under new section 4C (inserted by the same paragraph) is determined, and ensures that in such a case the transgender person can still obtain the certificate without having to reapply again from the start. However, section 4D does not appear to deal with the possibility, for case B, in section 4C(3), that the trans person’s civil partner / spouse might die after notices to marry are submitted, and more than six months after the issue of the interim certificate, but before the application under section 4C(3) is
made. We think there would be value in amending section 4D to cover this case also.

Finally, we think that a small amendment is needed to paragraph 7(c) of schedule 2. That sub-paragraph allows the spouse of an applicant for gender recognition to apply to the Court of Session to quash the granting of the application by the Gender Recognition Panel, on the grounds that it was secured by fraud (for example, the applicant fraudulently claimed to be unmarried). We think that the same right should be available to the civil partner of an applicant for gender recognition, so that the provision should read “spouse or civil partner”. This would be consistent with the general principle that the law treats civil partners and married couples the same unless differences are strictly necessary.

Q15:

We are responding as an LGBT organisation.

Tim Hopkins
Director
Equality Network
23 August 2013
How would you characterise your views on the Bill in general?

In support

In general, and within the limits of the work of the Church & Society Committee (given that the national Synod of Scotland, taken as a whole, has not expressed a view) we are content with the permissive, rather than prescriptive approach. It is difficult to see what further measures could reasonably have been taken to ensure that those not disposed to be party to the solemnisation of same-sex marriages were not compelled to do so, without completely undermining the intent and effectiveness of the bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

Neither

Our church includes opinions both for and against the legal recognition of the marriage of same-sex couples. We have not come to a policy decision for or against, but it is reasonable to note that members or ministers have already been party to the religious blessing of civil partnerships. A number of ministers have openly declared that they would want to be nominated to solemnise same-sex marriages.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

From a legal point of view, I don't think we can have any objections. It is an expression of religious freedom, which we support.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The arrangements do continue a level of discrimination against same-sex marriage, which should be acknowledged, because of the opt-in procedures, which could be seen as cumbersome (with two systems of prescription and nomination for different 'brands' of marriage), and there may need to be some emphasis of a full equality of status in law to compensate for this bureaucratic discrimination, but we would accept that this is part of the extreme measures which are being taken to ensure that there is no compulsion upon faith bodies or individuals to act against their conscience. There is no cause for objection on the part of those opposed to equal marriage.
How would you characterise your views on civil partnerships changing to marriages?

In support

From a pastoral point of view, it must be acknowledged that people of faith who are already living in civil partnerships often regard and refer to their relationships as marriages, thus this would be a matter of the law catching up. It is wise and welcome that the date of the ‘marriage’ will be regarded as being that of the original civil partnership. But of course, no compulsion should be involved here.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

We already solemnise marriages in locations agreed by the celebrant and the couple. Maybe there might be more support for the discretion of the celebrant, though!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Given the above comments, we could find no reason to oppose this development of the law.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

We firmly support this compassionate measure.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

These protections as so far described and planned, seem more than adequate. What protection is envisaged for those who, in conscience wish to solemnise same-sex marriages, under pressure from those opposed?

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech here is more than safeguarded, leaning heavily in the direction of the protection of those opposed to same-sex marriage. Maybe it needs to be made clear that homophobia as such (discrimination without compelling religious or philosophical grounds) is completely unacceptable.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant a faith/belief-based organisation a private individual

Rev David J M Coleman
10 July 2013
Meeting continued in public.

Marriage and Civil Partnership (Scotland) Bill: Stage 1

The Convener: I welcome our witnesses and the people who are sitting in the public gallery. Today, we will hear from two panels of witnesses on the Marriage and Civil Partnership (Scotland) Bill. I should let everyone know that the Parliament’s photographer will be here.

I invite the first panel to introduce themselves.

Colin Macfarlane (Stonewall Scotland): Thank you very much for having us here today. I am the director of Stonewall Scotland.

Brandi Lee Lough Dennell (LGBT Youth Scotland): Thank you for inviting LGBT Youth Scotland. I am policy and participation manager.

John Phillips (Religious Society of Friends (Quakers)): I am here representing the Quakers in Scotland.

Tim Hopkins (Equality Network): Thank you very much for the opportunity to be here. I am director of the Equality Network.

James Morton (Scottish Transgender Alliance): Thank you very much for inviting the Scottish Transgender Alliance, of which I am the manager.

The Convener: Thank you. I invite questions from committee members.

John Mason (Glasgow Shettleston) (SNP): I thank the witnesses for all their submissions, which I have read—they were very helpful. You might have seen the submissions from the organisations that are represented on our next panel, one of which said:

“The complementarity of male and female, and their unique role in the transmission of life, underscores the reality of marriage as a natural social environment for the birth and growth of every person.”

Do you agree that there is a “complementarity of male and female”?

Tim Hopkins: Gender is not that simple. We know, for example, that there are transgender people, people who are born into a male body but grow up to discover that they are female, people who are intersex, who do not have a male or a female body but have a mixture of those two things, and people whose self-perceived gender identity is neither male nor female or is a mixture of those two things. The reality is that things are not as simple as people just being male or female.

You mentioned generation and new life. It is already clear that marriage law does not require a couple who are marrying to be capable of having children. There are couples in which one person is infertile, there are couples who are quite old and are not going to have children—

John Mason: The norm would be that a marriage would expect to have children.

08:30

Tim Hopkins: Most marriages do have children and of course many same-sex couples have children, too. The couples that I just talked about, who are not able to have their own children, might well adopt children, as do same-sex couples. Our view is that the bill is about love—and marriage is about love. I think if you ask most married couples what their marriage is about they will say that it is about love, a commitment to each other and, if they have children, their family. All those things apply to same-sex couples, as well.

John Phillips: I come from a slightly different point of view, from one of the faith communities in Scotland. For us, the crucial thing is the complementarity between two individuals who are making a committed relationship with each other and need the support of their community and of God, helping them through their lives. The complementarity is not to do with gender; it is to do with the particular relationship that two individuals work out between themselves, for the benefit not only of themselves but of the community in general.

Colin Macfarlane: We are alive to the fact that an increasing number of gay and lesbian people, particularly younger ones, want their family structures to be described in exactly the same way as everyone else’s are—Tim Hopkins mentioned same-sex couples who have children.

For us, the bill is about much more than the complementarity issue. It is much more about how gay people are viewed in society and about being equal in the eyes of the law. What the bill does for us is to completely underline that. It is a robust, strong bill and it will provide gay people with equality in the eyes of the law.

When civil partnerships were introduced in 2005, we were very much of the view—and we hoped—that the distinctions between gay people and heterosexual people would be eroded and that the way in which gay people were talked about and viewed in the public sphere would change.

I am sad to say that our hard evidence shows that that has not been the case. Research that Stonewall Scotland commissioned from YouGov showed that in the past five years 216,000 people
have experienced some form of homophobic or transphobic verbal or physical abuse in the workplace, and that 99 per cent of our young people have faced some form of discrimination or experienced some form of homophobic language in their playgrounds—half of those children have been directly bullied for being different or perceived to be gay. In the past year, there has been a 12 per cent increase in lesbian, gay, bisexual and transgender-reported hate crimes.

What the bill will do is to make gay people equal in the eyes of the law, and until that happens the distinction and the public discourse that I talked about will be at risk of not changing.

**John Mason:** You said that the bill will make people “equal in the eyes of the law”. Do you accept that the law already gives equal rights, so this debate is really about the word “marriage” rather than legal rights or other legal differences?

**Colin Macfarlane:** At the moment, gay people are not equal in the eyes of the law. They are not equal in law. Until they are afforded the same rights and responsibilities as heterosexual married couples are afforded, and until they are able to marry legally in this country, they will not be equal and the distinction will continue. As I said, that distinction allows, in the public sphere, the kind of discrimination that I described. We are very much of the view that until gay people are seen as equal in the eyes of the law, and society sees them as equal in the eyes of the law, the distinction will continue.

**John Mason:** In its submission, the Equality Network said:

“the legal rights and responsibilities of civil partnership and marriage are almost identical”.

Can you clarify that for us? Are they identical? Are there some differences?

**Tim Hopkins:** There are two significant differences at the moment. One is in pension rights, in relation to the survivor’s pension. The other is to do with international recognition. The international recognition regime for civil partnerships is much weaker and is not common across countries that have civil partnerships, whereas it is common for same-sex marriage.

There is another, very important area of legal discrimination, which affects transgender people. Because we have a segregated system of marriage and civil partnership, if someone changes their legal sex because they are transsexual, they have to end their marriage and start a civil partnership. That causes all sorts of difficulties for people.

For us, it is more about practical discrimination and status and stigma. Marriage is perceived by many people as the gold standard for relationships. Even civil partners, when they propose, do not say, “Will you civil partner me?” They say, “Will you marry me?”

People have been quite distressed, for example, when they go to the bank and it does not understand what a civil partnership is or it has a form to fill in that has boxes for marriage but not for civil partnership. That type of thing—practical discrimination against civil partners—is still quite common. We carried out a survey of 103 people in civil partnerships in Scotland, and 58 per cent reported that they had not received the same respect or treatment as married couples for the reasons that I have mentioned.

Respondents have said, for example, that people had said to them, “But it’s not a real marriage, is it?” We have heard of hospitals turning people away as next of kin because the hospital has not understood what civil partnership is. One effect of introducing same-sex marriage will be to make that less likely to happen.

**John Mason:** That will change the legal status, but do you think that it will change people’s attitudes? Will they not just talk about real marriage and gay marriage in different terms?

**Tim Hopkins:** I do not think that they will. Marriage is understood widely, and allowing same-sex couples to enter marriage will not only help them to feel better about themselves, but genuinely reduce the stigma that people feel and the discrimination that they face in society.

**James Morton:** John Mason mentioned male and female. Intersex people whose bodies are at variance with what is clearly male or female have contacted us and said that they and their partners are under massive amounts of stress as they are worried that, while same-sex marriage does not exist, their relationships might be challenged. Somebody might say, “Well, your body is not clearly male, therefore your marriage—in which you are the husband and you have a wife—is not legal because you should not be counted as male.” That causes a massive amount of distress. In addition to the detrimental discrimination faced by transgender people and their spouses under the current separate systems, there is also intense worry and distress for intersex people and their partners.

**The Convener:** Have you finished your questioning, John?

**John Mason:** On that area, yes.

**The Convener:** Siobhan McMahon would like to ask some questions.

**Siobhan McMahon:** A number of organisations have stated in their written submissions—and Mr Macfarlane said in his answer to John Mason—that they believe that there are robust protections
in the bill. What are those robust protections? Can we have some examples?

Colin Macfarlane: We have had a lengthy consultation over the past two years, and the Scottish Government has listened to those who have concerns about protections. The protections in the bill are robust and strong, and the Government has got the balance right between freedom of speech and freedom of religion.

The modifications and amendments that the Scottish Government has asked the UK Government to make with regard to celebrants et cetera are strong, and the Scottish Government should be applauded for listening to those concerns.

Siobhan McMahon: What is robust in particular? We are talking about the bill in general terms, but what about the specifics? With regard to the amendments that you mention, the responses to the Scottish Government's consultation and the equality impact assessment have suggested that, while it is all very well for the Scottish Government to say that it would like to do something, and for people to accept that and wish for it to happen, it might not be the case in practice. What gives you the feeling that it will be the case? Is there something specific?

Colin Macfarlane: I understand where you are coming from. I do not think that you are ever going to prevent people from making mischief, and you will never have a cast-iron guarantee that somebody is not going to try to take someone to court at some point, but the protections and the amendments to the Equality Act 2010 are—as I said—robust.

Across Europe, there are nine countries under the jurisdiction of the European Court of Human Rights that have had equal marriage for around 12 years, and not one single religious group in those countries has been forced to carry out same-sex marriage. The protections are strong and robust in our law, and in European and international law.

Tim Hopkins: I agree with Colin Macfarlane that the Scottish Government has done a very good job of drafting the amendments to the 2010 act and getting them agreed by the UK Government. The legislation is now much stronger than the draft that was published last December. The Scottish Government has really listened to the concerns of churches about ensuring, for example, that people who take part in religious services, such as organists and those in the choir, can opt out of same-sex marriages, which they are free to do.

The Government has also listened to concerns about ensuring that people who control religious premises are able to veto any other group that rents those premises conducting a same-sex marriage. Those protections are all there.

The concern that has been raised is about the European Court of Human Rights and the European convention on human rights. However, legal opinion from lawyers who are experts in human rights is very clear that article 9 of the convention, which protects the freedom of religion and the freedom to manifest your religion, protects churches from having to conduct same-sex marriages. If the Scottish Government had written into the bill that churches had to conduct same-sex marriages—clearly it has not, but if it had—those churches would be able to win cases in the European Court of Human Rights because article 9 protects them. So, the domestic protection in the amendment to the Equality Act 2010 is underpinned by the European convention. That means that there is absolutely no prospect of anybody successfully taking a church to court and saying that it must conduct a same-sex marriage. The bill improves religious freedom by giving religious groups freedom to choose. We have always said that that should be the case and we are glad that the bill does that.

Siobhan McMahon: I appreciate your answers. However, do you appreciate that it is not just about the ceremony, and that there are wider implications? Do you feel that the protections are robust enough in relation to people who are employed by public bodies?

Tim Hopkins: A relevant case down south is Adrian Smith v the Trafford Housing Trust. Mr Smith posted on his personal Facebook page that he disagreed with same-sex marriage and the trust demoted him because of that. That should not have happened. He went to court and he won his case. The court was very clear that that amounted to unlawful dismissal. The law is already clear that you cannot be subject to a detriment by your employer because you have views against same-sex marriage. We think, therefore, that the protections are already there.

The Convener: Would anybody else like to comment?

Brandi Lee Lough Dennell: No. I think that that is sufficient.

Marco Biagi (Edinburgh Central) (SNP): I have a question for Mr Phillips, who talked a lot about religious protections and religious freedom. Do you believe that the current situation, which is that, as a faith, you are forbidden to perform same-sex marriages, itself represents an infringement of your religious freedom?

John Phillips: We do. We have a number of gay couples in our Quaker meetings who have civil partnerships. From talking to them and working with them we can see that they feel that
they have not been given the same opportunity, either by the Society of Friends or by society at large, to sanctify the relationship within the context of the religious community in which they practise. That has become clear to me really only over the past five years or so, since there have been a number of civil partnerships. We can, of course, hold meetings for worship to bless those couples, but there is something rather special about making the declaration itself within the context of religious worship. It is that which they feel singles them out as being different from opposite sex couples and which we have learned to greatly regret.

**John Finnie (Highlands and Islands) (Ind):** I thank our witnesses for their submissions, which have been very interesting. I would like to address a series of questions to James Morton regarding his submission and, in particular, his suggested amendments.

The first suggestion is perhaps less technical than the others. It concerns the gender neutrality of the ceremony. Could you comment on that and perhaps cover some aspects that many people—myself included, initially—may have some difficulty grasping?

**James Morton:** Many people do not realise that somebody’s legal gender in one country does not automatically get recognised in other countries. You can have a situation in which a transgender woman who has gone through gender reassignment from male to female and has been fully legally recognised in her home country—say, America—is not recognised as female in Scotland, where she would still be legally male in the eyes of UK law. If she saw herself as lesbian and had a female partner and wanted to get married in Scotland, the bill as it stands would require her to declare in front of all the wedding guests that she was the husband. Obviously, that would be a gross violation of dignity and privacy and would cause humiliation and embarrassment on what should be a happy and special day.

08:45

All that would be required to enable her not to have those violations of her dignity and privacy would be to allow the option, when the couple and the religious body that are marrying them both agree, to use gender-neutral language and say, “We pronounce you married” and “We are now married,” rather than say, “You are now husband and wife.” We completely respect the fact that some religions might want to continue always to use the gendered terms “husband” and “wife”—that is fine—but we want religions such as the Quakers and the Unitarians, in addition to the Humanists, to have the option of respecting privacy and dignity and allowing gender-neutral language when somebody is technically entering a mixed-sex marriage but does not perceive themselves as being the gender that is on their legal status.

**John Finnie:** Thank you. Can you perhaps expand on the so-called spousal veto to the bill?

**James Morton:** The spousal veto amendment is needed to remove the ability of a spouse to obstruct for years their partner’s gender recognition. The European Court of Human Rights has recognised that for someone to have their gender identity legally recognised and respected by their Government is a human right. That is a very personal issue and is not something that another person should be able to block.

We want to ensure that the balance is correct. We feel that it is disproportionate to allow a spouse to block the whole gender recognition of their partner, but we recognise that some spouses might feel very strongly that they want the marriage to continue to be seen in the original way and to have the marriage certificate only in the original way as it was originally solemnised.

Our proposed amendment would allow the transgender spouse to receive their gender recognition while remaining married, but without their partner’s consent the marriage would not be re-registered to show the new details. The bill regards a marriage between a trans person and a non-trans person that happens before someone’s gender recognition as a protected marriage. There is therefore no change to the pension rights, parental rights or any aspect of the marriage because the gender recognition of one party is granted. It is recognised that when the marriage was entered into, it was a mixed-sex marriage.

We feel that the proposed amendment would enable a balance between the rights to gender recognition for the trans person, which is their individual human right, and the rights of the non-trans spouse to avoid being given a marriage certificate that reflects new details. Indeed, we feel that our proposed amendment would provide better protection for spouses who do not wish to divorce their transgender partner. They might be against divorce—perhaps for religious reasons—and not want to have any change noted on their marriage certificate, because they feel strongly that how it was originally solemnised is what counts.

**Marco Biagi:** My understanding is that the veto applies to the application for gender recognition, but in order to apply for gender recognition, a person would have to have been living as the other gender for two years, during which time we would presumably expect that, if there was an objection, other measures such as divorce would have been carried through. Is that correct?
James Morton: Yes. In effect, the gender recognition part has less impact on the non-trans spouse than the decision by the trans spouse to come out and start living publicly in their new gender for at least two years. That point, two or more years before the gender recognition, is when they change their driving licence, bank cards, passport, employment records, national health service records—that is all changed—and they live publicly in their new gender. If their partner is profoundly uncomfortable with that and does not wish to remain married to a transgender person who has transitioned, they would have had more than two years in which to start divorce proceedings on the ground of unreasonable behaviour.

Our amendment does not remove any rights for people to divorce their transgender partner. Indeed, the gender recognition has less impact than the original medical treatment and social gender change that have already occurred have.

Marco Biagi: The transition sounds as though it could be quite an arduous process for people, both bureaucratically and, potentially, emotionally.

James Morton: Yes. We recognise that it can be profoundly difficult for a spouse to come to terms with their partner’s transition. That is another reason why we think that access to gender recognition should be separated from the issue of whether they continue their marriage. Sometimes, it can take a number of years for people to feel more at ease with the experience and they may want to wait and see how they feel rather than have to make a vast decision in order to allow their partner gender recognition.

John Finnie: In your written submission, there is a suggestion about the reinstatement of rules for securing gender recognition. Can you expand on why that is important in relation to the legislation, please?

James Morton: Back when the Gender Recognition Act 2004 was introduced, there was a two-year period in which people who had been transitioned for more than six years were allowed to have their gender recognised without having to provide the same level of medical evidence as others. The standard route requires that a person provide not only a letter from their GP detailing what medical treatment they have had for gender reassignment, but a letter from a gender specialist evidencing exactly how they were diagnosed. They can access such a letter only while they are still in touch with that gender specialist, and if someone has been transitioned for more than six years they will be out of the system and will no longer be attending a gender identity clinic. Therefore, they will have to try to re-enter the system, in which it currently takes between one and two years to get a first appointment. They will also be taking up a space that could otherwise go to somebody in greater need simply in order to get re-diagnosted for the purposes of proof for the gender recognition panel.

We propose that the long-term transitions route be reopened in recognition of the fact that some people could not access it the first time round because they did not want to divorce or because they disagreed with the discriminatory requirement for other people to divorce and felt that, on principle, they should not take advantage of a system that their fellow trans people could not access. We feel that that would be of benefit not only to transgender people but to the gender recognition panel because, when there is a difficulty in gathering evidence, that makes the process of trying to help an individual to get through the gender recognition process more time consuming for the panel. We feel that it would be to the benefit of all to reinstate that option and to require people who have been transitioned for more than six years to provide only a GP letter evidencing their medical treatment, to enable them to have their gender recognised on that ground.

Marco Biagi: Can I follow that up before you move on? I seek some clarification. Are you referring to that process being put in place for people who were eligible for it originally because of the period for which they had been transitioned rather than that route being reopened retrospectively for all people?

James Morton: We think that it would be best simply to reopen the route and not try to define exactly who would be eligible for it. The UK Government has tried to effect a restricted opening of it, but it seems not to have got the grouping quite right. It is hard to select exactly the right people, and we think that there are other reasons why people might need to use the long-term transitions route. For example, if they live in a rural Highland area they might not yet even have heard of the Gender Recognition Act 2004. It can take a long time for people who have been long-term transitioned and are no longer in contact with any transgender groups—people who are now just living their lives—to find out about their rights and be able to access things. We feel that it would be fairest simply to open the route for anybody who has been transitioned for more than six years.

Marco Biagi: Are statistics available on how many people used the route when it was open for two years? Could you provide that information in writing later if you do not have it to hand?

James Morton: Yes. I would need to ask the gender recognition panel to provide those statistics, but we can collect them and pass them on.
John Finnie: My final question relates to the current requirement that a person be at least 18 years to secure a gender recognition certificate. Given that some people might see your suggestion of lowering the age limit to 16 as controversial, would you like to explain why you think such a move is appropriate?

James Morton: Transgender people aged 16 or 17 will remain discriminated against under the bill as drafted: because they are unable to legally change their gender, they will be unable to access a marriage or civil partnership as they identify.

Making the age at which someone can get a gender recognition certificate equal to the age at which they can undertake the life-changing decision to marry and found a family would not in any way encourage more people to transition or encourage people to transition at a younger age. After all, this is not about the start point of a transition but about recognising the end point; it is not about access to medical treatment but about recognising the small but significant number of transgender people whose identity as the other gender is so profound and so known to them from a young age that with parental support they have been living in the other gender throughout their teenage years. Only with parental support could they have changed their school and NHS records and their name and therefore be able to evidence their readiness for a gender recognition certificate at the age of 16.

Without that certificate, those people will, for example, be unable to get married in the church that they wish to get married in. After all, although the Church of Scotland regularly marries transgender people and their spouses, the minister in question might not perform same-sex marriages. As a result, 16 and 17-year-old transgender people are being discriminated against.

In answer to your question, we do not think that our proposal, which enables people to make various decisions about their lives at the age at which Scotland recognises their legal capacity to do so—in other words, 16—is controversial.

John Finnie: You mentioned the phrase “parental support” twice in your response. Is that pivotal to this process?

James Morton: Yes. To transition at a young age, you need your parents' support as well as the support of a child and adolescent psychiatrist who specialises in gender identity issues. A young person cannot simply make and go forward with such a decision on their own. They will be very carefully assessed; indeed, they would have been able to change their name and school and NHS records—which is required to be done at least two years before any gender recognition certificate is issued—only if they had been well supported.

John Finnie: Thank you. I am grateful for that response.

Brandi Lee Lough Dennell: Young people are aware of their gender identity far earlier than they are aware of their sexual orientation.

We work with a number of trans young people who began their transition long before the age of 16. When we consulted the trans young people in our service, we found that a large number of them were very upset by the fact that at 16 they could leave education, get a job or get married but could not legally have their gender recognised. For them, there was a very large disconnect in that respect. In fact, on this very issue, a young person told us:

“I’m currently 17 and am going away to college next year. I would much prefer to have myself as male on the official records, but they need to have my ‘real’ details on the system.”

In our consultation, we also asked young people whether the age at which they could get a GRC, which is 18 at the moment, had stopped any of them from entering into a marriage, and several young people told us that they had delayed marriage in order to receive their GRC. If the bill as drafted is passed, someone who enters into a marriage when they are 16 would have to wait until 18 to get their GRC and then would have to re-register their marriage afterwards. If the bill does not pass, they will not have the option.

One young person said:

“I’m 18 and am currently engaged. My partner and I have been engaged for approximately a year and a half now and we were both very keen to be legally married and had planned to do so the summer following our engagement. However, as the age of GRC is 18 and at the time we were 17, we couldn’t get married... [Changing the age of GRC to 16] would have made a huge difference, my partner and I could have been married when we had originally planned.”

They could then have begun their lives together.

Marco Biagi: I would be interested in a religious perspective on gender transition and how you view it within your congregations, Mr Phillips. You are sitting quietly, but you get a question; you are not getting away with it.

09:00

John Phillips: In the Society of Friends, we see God within each individual person. We would look at each couple individually and try to think what the right approach is for that couple. We would help them with marriage preparation and relationship preparation irrespective of their gender or sexuality. The question has not arisen, and I cannot imagine it giving us a problem.
Marco Biagi: To a great extent, we have covered the witnesses’ perception of the difference between civil partnerships and marriage. In what way has the attitude towards civil partnerships changed since they were introduced? At the time, their introduction was welcomed and, now, organisations are looking for more. Will the witnesses explain that change?

Tim Hopkins: I looked back through meetings that we had with the committee in the past and discovered that we gave evidence almost exactly 10 years ago—in October 2003—about exactly that question because the committee was taking evidence on the Scottish Government’s consultation about introducing civil partnerships.

We said then that civil partnerships were the right measure to introduce and that they would be of huge benefit to same-sex couples because they would allow such couples to have a legally recognised relationship for the first time and would give them the legal protections of that. However, we also said that it was not equality—that it would be a separate but equal system—and that, in the medium term, the only thing that would be true equality would be to open up marriage to same-sex couples and to open up civil partnerships to mixed-sex couples, because the two are different and the same choices should be available to couples regardless of gender.

We also said in 2003 that it would take several years for there to be a public discussion with politicians about opening up marriage to same-sex couples. That was 10 years ago. Those several years and more have now passed. There has been wide discussion publicly and within the Parliament about opening up same-sex marriage for four years. That is why we are now in a different situation from 10 years ago. Ten years ago, it was not time for same-sex marriage; now, it is time.

Colin Macfarlane: To go back to the points that I made earlier, the issue is the distinction in how society views gay people. Tim Hopkins is right that, 10 years ago, we thought that civil partnerships would erode some of those distinctions and that the public discourse on how society views gay people would shift and change. However, I go back to the hard evidence that I showed you about 216,000 people having seen homophobic bullying in the workplace. Children in our schools are still suffering some form of homophobic abuse.

The distinction has not shifted, and gay people have come to the view that, until they are seen as equal in the eyes of the law, which the bill would achieve—it would cement legality in the eyes of the law; it would confer on gay people the same rights and responsibilities that their straight friends and family have—that distinction will not be eroded.

That is why the bill is important for shifting the distinction. We are firmly of the view that it would be the vehicle to change perception in society. Tim Hopkins is absolutely right that it is about how gay people are seen in society and how that discourse happens in society. Until gay people are seen as equal in the eyes of the law, the distinction will remain and not be eroded.

Marco Biagi: How does that reconcile with the opt-in approach in the bill, whereby any religious organisation that wishes will be able not to opt in and, therefore, continue with its practice? In 10 years’ time, will you be coming back and saying that the situation has evolved and those organisations should be required to opt in?

Colin Macfarlane: The opt-in is right and the balance in the bill is right. It is not for any of us on the panel to tell a religious organisation what it should do. It is for the religious organisation to come to that conclusion itself through discussion and prayer. I cannot envisage a time when we would ask any organisation that still did not want to carry out same-sex marriage to do so. The bill has the right balance on freedom of speech and freedom of religion.

What is also brilliant about the bill is that it allows organisations that wish to allow same-sex marriage the opportunity to do so. It is not right for one religion to tell another religion whether it should be allowed to carry out same-sex marriage. The opt-in system is absolutely right. That permissive system gets it right, and the Scottish Government should be applauded for that.

Tim Hopkins: I agree with that. One thing that has changed in the past 10 years is that a number of religious organisations, including the Quakers in 2009, have decided that they want to conduct same-sex marriages. You asked what things would be like 10 years from now. Possibly some of the other churches will have decided in 10 years’ time that they want to conduct same-sex marriages. As Colin Macfarlane says, that has to be a decision taken by the churches within the churches. We can rest assured that that is the way that things will go.

Let us consider one other area of sex discrimination law. The laws have now been in place for about 40 years, and discrimination on grounds of sex is not allowed, but it is allowed for religious bodies. The Roman Catholic Church, for example, is allowed to employ only men as priests. Over those 40 years, there have been no moves to try to force the Roman Catholic Church through the courts to employ women as priests. Everybody understands that it is up to each individual church to decide whether or not they
want to open up their ministry to women, and those decisions are rightly made within the church.

Some people have said that this bill provides a balance between equality on grounds of sexual orientation and better equality on grounds of gender identity, balanced against religious freedom. That is the wrong way to look at it. It is not a balance of those two things against each other; the bill promotes both at the same time. It increases sexual orientation equality and it increases freedom by allowing religious bodies such as that of John Phillips to conduct same-sex marriage while completely protecting the rights of religious bodies that do not want to conduct same-sex marriages not to do so.

**Siobhan McMahon:** This is not meant as an inflammatory comment, but I seek a bit of clarification. On civil partnerships, you said in your answer to Marco Biagi that it was not time for same-sex marriage 10 years ago, but it is now. Yet, in submissions that we have received, equal marriage is seen as being the same as the civil rights movement—the two have been equated by some people. We would not have said at any point that it was not time to have equal rights for those of different races, so I am wondering about that point. Could you expand on why it was not time then? If it is about equality, surely it is always time to do what is right.

**Tim Hopkins:** That may relate to the way that we work as an organisation. We try to work in a consensual way, and we try not to work in an embattled way, which would set us up against other organisations. Ten years ago, we recognised that same-sex marriage was quite contentious. In 2002, when we developed the policy, only one country in the world—the Netherlands—had same-sex marriage, and a lot of countries had civil partnership. Now, all the countries surrounding us in western Europe apart from Ireland already have same-sex marriage, and the Irish Government is working on it. The whole context has moved on.

Public opinion has also moved on. Back in 2002, the Scottish social attitudes survey found that 41 per cent of Scots were in favour of same-sex marriage. By 2006, that had risen to 53 per cent. By 2010, it had risen to 61 per cent of Scots in favour of same-sex marriage, with only 19 per cent against. We try to work in a consensual way.

The other factor is that, when the Parliament was set up 14 years ago, there was quite a long list of legislation that discriminated against gay people and LGBT people and against same-sex couples. For example, there was a different age of consent for sex between men; there was section 28, which needed to be repealed; there was no recognition in law of cohabiting same-sex couples; adoption and fostering were not available to same-sex couples; sex offences law discriminated against same-sex couples; and there was no hate-crime legislation. It was a long list. We have been addressing those issues and, to the credit of the Parliament, it has been dealing with them one by one.

This is the last one. In terms of sexual orientation equality, this is the last big area where the law still discriminates against LGB people. If the Parliament passes the bill, which we hope it will, it can be very proud of the way in which the situation has been turned around in the past 14 years, and the very substantial discrimination that LGB people felt and faced 14 years ago will finally have been eradicated from the law.

**Siobhan McMahon:** I have a question on the points made by Mr Macfarlane. You mentioned the living together report and workplace bullying. I am more familiar with the living together report. You equate people who have said that we should tackle homophobic behaviour in schools with people of faith who also hold that view. However, people who support tackling such behaviour through action in schools may not support equal marriage. Do you see that those are two separate matters?

**Colin Macfarlane:** Do you mean in terms of teachers or—

**Siobhan McMahon:** No, I am referring to the general public. Of course people want to tackle homophobia and bullying in schools—your report says that 92 per cent people of faith stated that schools should tackle that. However, those same people may not necessarily support equal marriage. Do you see that in your studies?

**Colin Macfarlane:** Let me be clear: people who do not agree with equal marriage do not necessarily agree with discrimination against LGBT people. Just because a person does not believe in equal marriage, that does not make them, for example, homophobic. We have always said that and been clear about that distinction.

There is a related issue. If people say that LGBT issues should be discussed in our school classrooms, that is how we should tackle homophobic abuse. We clearly believe that people of faith believe that too, which is shown by the 92 per cent figure that you referred to.

We are not saying that supporting moves to eradicate discrimination against LGBT people is incompatible with a view not to support equal marriage. We would never say that a person must support equal marriage and that, by doing so, they are therefore in favour of eradicating discrimination against people in schools. There will be people of faith who clearly think that any discrimination against LGBT people is wrong but whose faith says to them that they should not believe in equal marriage. That does not mean...
that they are homophobic in any way, shape or form.

John Mason: I will follow up Marco Biagi’s point about the movement of attitudes over time. Mr Hopkins mentioned adoption. That is an example of an approach that was permissive to begin with and which has then become compulsory. I think that the original suggestion was that adoption agencies should be able to place children with same sex couples, and assurances were given that agencies that did not agree with that approach could operate in their own way and refer on such matters to other agencies. However, over time, that has changed, and agencies are now compelled to place children with same-sex couples or they will lose their charitable status. That is a fear. Do you recognise the concern that, by permitting same-sex marriage, it will then become compulsory?

Tim Hopkins: I recognise that the adoption agency issue has been raised. The situation is not quite as you have described it. In 2007, two pieces of legislation were dealt with at the same time. The Scottish Parliament dealt with legislation to allow same-sex couples to apply jointly to be adoptive parents, because that is a devolved matter. What the law says about bodies that provide public services with public money and discriminate on religion, sexual orientation or any other ground is a reserved matter. As such, that issue was dealt with down in London at Westminster, which passed the Equality Act (Sexual Orientation) Regulations 2007.

Westminster debated carefully the specific issue of adoption agencies and whether it was valid for adoption agencies to simply turn away all same-sex couples. Both Houses of Parliament concluded that they should not do that because adoption agencies use taxpayers’ money to provide services. For example, councils pay adoption agencies to match up prospective adoptive parents with children. Westminster’s view, which I agree with, is that where public services are being supplied and being paid for by public money—we all pay our taxes, whether we are heterosexual, lesbian, gay or bisexual—those public services should be made available to everybody. That is why adoption agencies are required to allow same-sex couples to apply to adopt. There is no right to adopt; anyone who applies is put through a stringent vetting process before they are accepted as adoptive parents.

09:15

If you look at the stage 3 debate in the Scottish Parliament on the Adoption and Children (Scotland) Bill, you will see that the Scottish Executive specifically referred to the fact that it was the Westminster legislation that was then under consideration that would determine whether it would be valid for adoption agencies simply to turn away all same-sex couples. In fact, the situation has not changed since that legislation came into effect.

I say that with one proviso. The Westminster legislation on adoption agencies, which said that there should be no discrimination, came into effect in April 2007, but because some of the religion-affiliated adoption agencies had said, “We need time to adjust to this”, the Westminster Parliament agreed to allow a period of 20 months for them to make that adjustment. The rule that adoption agencies should not discriminate therefore actually came into effect at the end of 2008. The adoption legislation in Scotland that allowed same-sex couples to adopt did not come into effect until—I think—2009, so the rule applying to adoption agencies was already in place before it even became possible in Scotland for same-sex couples to adopt. Things have not changed since that legislation—

John Mason: The distinction that you are making is that adoption is a public service and it is paid for by the public, whereas marriage is a public service but it is not paid for by the public.

Tim Hopkins: No. I would not call marriage a public service. As far as marriage that is done by religious bodies is concerned, it is a religious function—it is a sacrament as far as some churches are concerned.

John Mason: Surely it is a public service. It is part of the legal system.

Tim Hopkins: It is recognised in law, but it is clearly a religious function. In fact, the amendments to the Equality Act 2010 that are going to be made if and when the bill is passed make it clear that it is a religious function of churches.

The Convener: Thank you. I ask Christian Allard to ask his questions.

Christian Allard (North East Scotland) (SNP): I thank the witnesses for coming. Tim Hopkins has talked a lot about what has happened in other countries and down south. Will the other members of the panel tell us more about what they think about the bill?

If we compare Scotland with other countries, we know that the consultation started in 2011, and a lot of things have happened in the past two years. I would like to hear your views on what has happened in other countries and what the consequences of the bill will be in Scotland. In particular, on a more technical point, I would love to know your views on the issue of marriage for couples who have a foreign civil partnership but wish to marry in Scotland.
Tim Hopkins: I will deal first with what we expect the bill’s effect to be. About 500 couples per year enter civil partnerships in Scotland, and the consultation that we have done with LGBT people suggests that the majority of those will choose a same-sex marriage rather than a civil partnership. Those are the numbers that we are talking about. We also expect—we hope, in fact—that a fair number of foreign same-sex couples will come to Scotland to marry. Just under a quarter of all marriages in Scotland are between people who do not reside here. They are called tourist marriages. That helps the Scottish economy, and we hope that that will be the case with same-sex marriages as well.

Anybody can come here from any country in the world and get married, so that will be the case with same-sex marriages as well. It does not matter whether the home country recognises same-sex marriage. There is, however, an anomaly in the bill, and it relates to the changing of civil partnership into marriage—you asked about that.

Under the bill, a couple can change their civil partnership into a marriage in two ways. The first is an administrative route whereby they apply to the registrar and say, “Please change my registration from civil partnership to marriage.” That is available only for people who registered their civil partnership in Scotland, for obvious reasons, because the registration to be changed is there on the record.

The other way in which a couple can change their civil partnership to a marriage under the bill is simply to marry in the normal way. At the moment, the bill says that they can do that only if their civil partnership was registered in Scotland, for obvious reasons, because the registration to be changed is there on the record.

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The problem arises in the period between when they get the dissolution and when they enter their same-sex marriage, which might be a few weeks later. For that period of time, they do not have protections because they are regarded in law as unmarried. You are therefore quite right to identify that there is a practical problem in that regard, and it applies during that period.

James Morton: There are also issues with regard to immigration status. In order to ensure that people can live in Scotland with their partner, the immigration services would need to be satisfied that they are truly a couple. All the business of having to split up and get back together could easily result in immigration services
being less than convinced that everything is above board.

**Colin Macfarlane:** There is also the human factor: the very fact that two people who are in a loving, committed and stable relationship would have to split for a year. That is particularly cruel. Our view is that, although only a small number of people will be affected, they are—as Tim Hopkins said—real people. The bill should be amended, and that could be done very simply. We agree with the principles that Tim has set out.

**The Convener:** Are you finished, Christian?

**Christian Allard:** No—I would like to bring in some of the other panel members on the question of anticipated demand for the religious and belief registration of civil partnership if and when same-sex marriage becomes available.

**John Phillips:** I am sorry; I did not quite follow the question, but I understand that you want clarification about when we would introduce those—

**Christian Allard:** No—I just want to project into the future. With regard to Tim Hopkins’s answer about what will happen if the bill is passed, do you think that there will be a much lower demand for registration of civil partnerships, and a much higher demand for same-sex marriage?

**John Phillips:** Thank you. I understand. I would not want you to get the impression that the Society of Friends was not delighted with civil partnership legislation when it was introduced. We saw it as a significant and important step forward in equality. It is only through experience that we have learned, and really begun to appreciate, that same-sex couples feel that it makes them different in a way that we are unhappy about. We wish for inclusivity.

We very much want to opt in to being allowed to conduct same-sex marriages, and we are convinced that when we have done so there will not really be any demand among our congregations for civil partnerships, because we know that marriage is what they have been seeking.

Nevertheless, we applaud the steps on equality generally that the measures that the Scottish Parliament has introduced will take, because they will give everybody all options. That seems to us to be right, although I do not think that it will apply in our case.

**Brandi Lee Lough Dennell:** The LGBT national youth council has campaigned on equal marriage since 2009. Under its concept is the idea of opening up marriage and civil partnerships to all couples; the focus should be on adding not just same-sex marriage but civil partnerships for mixed-sex couples, particularly given some of the issues that we have talked about. Bisexual couples and trans people who do not want to pursue a GRC are limited by their birth sex, for instance, to having one sort of relationship or another.

People also feel that it is a matter of equality that couples cannot choose between marriage and civil partnership. Some couples would rather have a marriage to recognise their relationship in relation to society and other couples would prefer a civil partnership. For LGBT young people, same-sex marriages as well as mixed-sex civil partnerships are important issues of equality.

**Marco Biagi:** I take that point, but when Sweden and Denmark legalised same-sex marriage, their experience was that their equivalent of the civil partnership became redundant. Those countries ceased to offer that option to new entrants—I am not sure whether “entrants” is the right word, but you know what I mean. That arose from the view that the civil partnership was created purely as a compromise to avoid providing equal marriage and had become useless. If marriage is equalised, why will there be a need to continue with civil partnerships?

**Brandi Lee Lough Dennell:** We consulted LGBT young people in seven youth groups and we consulted two schools on the draft bill. We asked them several questions about education issues as well as about mixed-sex civil partnerships. We asked how they would be affected if mixed-sex civil partnerships were not introduced. I do not have the quotations, which I can send after the meeting, but a sizeable number of responses showed that young people would in that case not have a relationship status that represented their ideals. Some do not want to identify with marriage, which has thus far excluded them; they would rather choose another option. Others feel that, even if they were to choose not a civil partnership but marriage, it would be unfair that some couples could choose marriage or a civil partnership while others could not choose a civil partnership. For them, it is about opening up all options.

**Marco Biagi:** I accept that it is unfair for one couple to be offered marriage while another is offered marriage or a civil partnership, but why should the civil partnership need to be offered to both rather than to neither?

**Brandi Lee Lough Dennell:** Some of the young people whom we spoke to would prefer a civil partnership; they would choose that when they reached the age to do so.

**Colin Macfarlane:** I will move away from mixed-sex civil partnerships for a moment. The bill will allow the celebration of religious or belief civil partnerships. We agree with that, primarily because some LGBT people of faith do not
necessarily want to marry, for whatever reason, so they want to have the option of a civil partnership.

We do not know yet what the bill’s effect on civil partnerships will be. The Scottish Government has announced a review of civil partnerships, which is a pragmatic and sensible policy decision. Until we have hard evidence on what might happen to civil partnerships, it is a good thing that civil partnerships will be open to religious and belief blessings. We do not know yet what the evidence will be; we should wait for the Scottish Government’s review and we look forward to seeing what it produces.

Tim Hopkins: Marco Biagi mentioned a couple of Scandinavian countries that abolished civil partnerships for “new entrants”, as he put it, when same-sex marriage was introduced. That is one way to go, but a number of other countries—including France, Belgium, the Netherlands, New Zealand and South Africa—chose to retain civil partnerships alongside marriage when marriage was opened to same-sex couples.

In the Netherlands, the situation is quite similar to what we would like to see here: civil partnership and marriage are both available and have similar legal effects, but they are different and they are seen to be different. If you look at the stats in the Netherlands, about one quarter of same-sex couples choose civil partnership rather than marriage and three quarters choose marriage. About 90 per cent of mixed-sex couples choose marriage, but 10 per cent choose civil partnership.

09:30
Our surveys of LGBT people in this country have found similar proportions for same-sex couples. About one quarter of same-sex couples who are not currently in a civil partnership have said to us that in the future, they would like a civil partnership and not a marriage, for the kinds of reasons that have already been touched on, whereas three quarters would prefer a marriage.

Countries including Sweden have abolished civil partnership; I wonder to what extent LGBT communities in Sweden wanted that to happen. Clearly, it was a decision of the Swedish Parliament. I would guess that had civil partnership been retained in Sweden, you would find a similar minority of people wanting to enter a civil partnership.

It is simply about maximising choices for everybody. Ideally, we would have liked to see mixed-sex civil partnership in the bill, but there is a lot in the bill already and there needs to be consultation and discussion about the future of civil partnership. Should it be opened up to all couples, regardless of gender, or should it be got rid of, as happened in Sweden?

We very much welcome the Scottish Government’s review that was announced in June. We think it important that that review start soon. It has taken two years to get to the bill from when the consultation on same-sex marriage started. We very much hope that in two years some of us might be back here talking about legislation that would open up civil partnership to couples of any gender.

John Mason: As regards protection for those who disagree, the Equality Network submission seems to agree with the Government’s plan that people on the periphery of marriage, such as chauffeurs and photographers, should not have the freedom to choose not to take part in a same-sex marriage. Is that not just moving the discrimination away from the LGBT community on to the religious community?

Tim Hopkins: The situation will not change at all. Wedding photographers are already required by law not to discriminate against civil partnerships so it is already the case that a commercial organisation that is selling photography services must not discriminate on grounds of religion, gender, race, disability or sexual orientation, which means that it must provide its services for civil partnerships, so—

John Mason: The fact that it is law does not mean that we all agree with it, though.

Tim Hopkins: I accept that there will be differences of opinion about that, but my point is that the law is not changing.

We think that the Government has got it right because we think that there is a difference, as I said before, between the operation of religious bodies, including the provision of all kinds of religious services by religious bodies, and the provision of commercial services or employment by somebody who has a personal religious belief.

We do not think that it is appropriate to allow somebody’s personal religious or philosophical beliefs to give them an opt-out from antidiscrimination legislation as an employer, for example, or as a commercial business selling services to the public. Where would that end? If somebody has a philosophical belief that is strongly against mixed-race marriages, are we saying that that person should be able to refuse to supply services to people who are entering a mixed-race marriage? Are we saying that public servants such as the people who empty my rubbish bins, for example, will be allowed to say, “Well, I strongly disagree with same-sex marriage, therefore I don’t want to empty the rubbish bins of people who are in same-sex marriages.” I do not want to sound flippant, but the law says that such sexual orientation discrimination should not happen.
We are very clear that where a business is supplying commercial services to the public, where public services are provided to the public using taxpayers' money, and where non-religious employers are employing people, every member of the public and every employee should be treated with respect. I believe that the large majority of people would not have a problem with that. I may have a religious or philosophical objection to a number of things, but that does not mean that I will treat my colleagues at work, or the people to whom I would sell food if I were running a food stall with disrespect and refuse to serve them.

John Mason: There are two things there: one is respect and one is refusal to serve. I do not accept that the two are necessarily the same, but we can leave that, just now.

What about the model that we have in the NHS for abortion, which is, similarly, a very controversial subject? It is specified in legislation that there is protection for people who do not want to take part in abortions. That is relevant because it has been used in court cases quite recently. Is not that a good model of a kind of pluralistic society in which the public sector pays but services can be provided in different ways to fit in with both the employees and the public?

Tim Hopkins: I do not think that same-sex marriage can be compared to abortion. You are, of course, quite right that there is a conscientious objection route for people who work in the health service who disagree with abortion. There is also a similar route for people who have a conscientious objection to fighting in the armed services in wars. Why are those routes provided? For abortion, it is because if a person has particular religious beliefs about it and is asked to be involved in one, that person would believe that they were being asked to be involved in murder. The same is true for people who have a conscientious objection to fighting in the armed services during war. Those opt-outs exist so that people are not required to be involved in committing what would be murder, according to their own beliefs.

That is very different from asking a civil registrar to sign off on a civil same-sex marriage. Civil marriage ceremonies are not allowed to include any religious content, so religion does not come into it at all. The registrar is simply there to conduct a completely secular ceremony and then to sign the piece of paper to acknowledge that the couple have said their vows and signed up and that their witnesses have signed as well. Asking somebody to do that is not comparable to asking somebody to commit what they believe is murder.

We think that it is quite reasonable to say that civil registrars should be expected to sign off on same-sex marriages. Similarly, a civil registrar who holds Roman Catholic beliefs against divorce and believes that divorce is wrong is not allowed to refuse to marry divorced people. We say that civil marriage is an entirely secular, non-religious function and that civil registrars should provide that function to all couples regardless of their personal beliefs about those couples' lifestyles.

The Convener: I will bring in Colin Macfarlane very briefly, then I have one final question to be asked.

Colin Macfarlane: I agree with Tim Hopkins. I think that most gay people listening to the comparison of gay people's long-term committed loving relationships with abortion would be really hurt and disappointed by that.

I reiterate what Tim said, which is that registrars perform a public service that is paid for by the public purse, and LGBT people pay their taxes in the same way as everybody else. They deserve and expect exactly the same standard of service as everybody else, be it good or bad. Tim is right that providing an opt-out is a Pandora's box, because as soon as you have an opt-out in one area, for example same-sex marriage, you can then start having questions around opt-outs for people who have issues around mixed-faith marriage or mixed-race marriage and, as Tim also clearly stated, for people who might have objections to divorce. The fact is this: registrars provide a public service that is paid for by the public purse and everybody, including gay people, deserves exactly the same standard and level of service.

The Convener: Thank you very much. I will move on to Jim Eadie. I ask everyone who is going to be answering the questions to keep it short because we are now running out of time. Thank you.

Jim Eadie: I will be very brief, convener. Thank you for the opportunity to attend the meeting and to participate in it. I thank the witnesses for their evidence, which I think has been incredibly enlightening.

I want to clarify the importance of the legislation for ensuring transgender equality. That point has been made very forcefully this morning. In answer to questions from Mr Biagi and Mr Finnie, Mr Morton took us through the specifics and talked about the spousal veto, gender-recognition certificates and the evidence requirements for people transitioning to a new gender over quite an extended period of six years and more. He then talked about the age of application to the gender-recognition panel.

Notwithstanding those concerns and the further modifications to the bill that you seek, are you largely satisfied with the bill's provision for an administrative procedure that would allow
James Morton: Yes. It is important to transgender people and their partners who want an updated marriage certificate following gender recognition that they will not be required to go through a ceremony. Their marriage is continuing—it is not a new marriage. The fact that it has continued throughout the difficult experience of one party transitioning is of prime importance to them. It would be deeply offensive to them were we to require them to go through a ceremony. The whole point of removing the requirement to divorce for gender recognition is about recognising the continuance of those marriages and the right for those marriages to continue. It is very important to transgender people to have an administrative function to update the certificate.

From a transgender perspective, civil partnerships were never satisfactory; they never removed the problems with the lack of same-sex marriage. From the start of the work to try to achieve gender recognition, and the Gender Recognition Act 2004, transgender people were always of the view that their marriages must be able to continue and that the new gender status of one party should not matter. What counts is the fact that a commitment for life was made in the marriage. We are very pleased that the bill recognises that.

We hope that the committee will take time to look in detail at the transgender amendments. During the consultation on the draft bill, the transgender parts were still being finalised. Those improvements are still needed. They are not yet as refined as the changes to the Equality Act 2010 and so on.

The Convener: Are there any other comments before I suspend the meeting?

Tim Hopkins: There is one issue, convener, that is referred to in the last couple of pages of our written submission. We had identified what we think are three slight technical errors or omissions in the bill. They are not matters of policy; they are simply about the wording in the bill being—we think—not quite right. If the committee thinks that it is appropriate, I would be grateful if it would ask the Scottish Government whether they could be put right.

The Convener: Thank you.

Brandi Lee Lough Dennell: I will be brief. My point is about education. We spoke about registrars providing a public service. Teachers also provide a public service. According to the General Teaching Council for Scotland’s code of professionalism and conduct, teachers need to be committed to social justice and inclusion, which includes social justice for all young people in education. They need to recognise the legislation in the country and the commitment to inclusion that includes LGBT young people in education.

Articles 12 and 13 of the United Nations Convention on the Rights of the Child say that young people have a right to a say in decisions that affect them and a right to receive information that is relevant to them. That is key because we know that when LGBT young people do not see themselves in the curriculum they feel excluded and that they cannot achieve. They are also much more likely to experience homophobic, biphobic and transphobic bullying.

Getting it right for every child promotes all of the indicators, but it especially promotes safe, healthy and responsible individuals when there is, in education, inclusion of all identities in society.

Colin Macfarlane: On that point from Brandi Lee Lough Dennell about education, at Stonewall Scotland we work with hundreds of schools and hundreds of teachers. Not one teacher has raised a concern with us about discussing same-sex marriage in the classroom. However, many of those teachers have been worried about some of the debate around marriage in education, such as talk about opt-outs and conscience clauses. They are very worried that we will see a return to the days of section 2A in our classrooms and are clear that they do not want a return to those days. I would say that probably no member of the committee would want to return to the days when same-sex issues and relationships could not be discussed in our classrooms, because that caused so much hurt and harm to so many people.

The Convener: Thank you all for coming along to give evidence.

09:45
Meeting suspended.

10:00
On resuming—

The Convener: I welcome our second panel of witnesses. [Interruption.] I was just waiting for someone, who I think has just walked through the door. I invite you all to introduce yourselves.

Dr Salah Beltagui (Muslim Council of Scotland): I am from the Muslim Council of Scotland.

The Rev Dr David Easton (Methodist Church in Britain): I am the head of the Methodist Church of Scotland—in my first week in post. I am here to represent the Methodist Church in Britain.
John Deighan (Bishops’ Conference of Scotland): I am from the Catholic Parliamentary Office, which is an agency of the Catholic Bishops’ Conference of Scotland.

Kieran Turner (Evangelical Alliance Scotland): I work for the Evangelical Alliance in Scotland as its public policy officer.

The Convener: Thank you. I should say that the Parliament’s photographer is here and will take some photographs.

I invite members to ask questions. Please indicate if you want to respond, so that I can include you in the conversation.

Alex Johnstone: I have read the bill and the submissions that we have received, and it is clear that the organisations or groups of organisations that you represent are offered protection from the proposed legislation—in effect, you would have to opt in. Why are you worried about the bill?

Dr Beltagui: We are more worried about the principle than we are about the protection. I mean the principle of marriage and what it has meant throughout the history of mankind, as something for the creation of a family, and the importance of the family being based on the complementarity of the male and female, father and mother. In fact, I think that the whole physical world is based on that polarity, from atoms and cells to human beings. That principle is the basis of our main objection to the bill.

We collected evidence about the protections that the bill offers from many sources, all of which suggest that the protections might not be sustainable when a case is taken further, for example to a higher court such as the European Court of Human Rights. We have had experience of that. However, it is the principle—changing the whole history of marriage—that is worrying us.

The bill talks about changing the text of Scots law and so on to accommodate the change that the bill will make. Are we going to do that for all the documents in history that faith groups or nations have, so that when we read a document we will understand that what is meant by marriage is what was meant at the time and not what will be meant? Of course, if we adopt the approach in the bill, the next thing will be that people will not distinguish between the two, so we will get a completely different picture of what was said and recommended at other times, according to the new, different definition. It will be like changing the interpretation of everything in our heritage.

John Deighan: Salah Beltagui makes the point that the principle is the bigger question but, on the opt-in and the protections, although those are fair enough and the earlier panel was right that there are substantial protections around the celebration of the ceremony of a marriage, I do not think that they are fully robust. The earlier panel did not get to the crux of the matter, which is that a religious celebrant provides a public service, so there will be avenues through which those protections could be challenged further down the line. I believe that that has happened in Denmark, where a church has been told that it must provide religious celebrants. I think that there will be a challenge on that issue.

The broader issue is that there is a fundamental philosophical clash of opinions. There is a view that marriage is just a loving relationship between any two people who have committed themselves to each other, and then there is the traditional view, which is upheld by the Catholic Church, most of Christianity throughout time and most of western civilisation, that marriage centres around the fact that we create an environment to ensure that children have parents. That is the fundamental difference, and our grave concern is that, if we change the law as proposed, we will obscure that particular understanding.

So the bill will not satisfy everyone. There was talk earlier that the bill gives everyone the right option, but it does not. The issue is about how all of society, and not just religions, understand marriage. Is marriage about protecting children and ensuring that their parents are bound together so that they are there to bring up the children, or is it just a relationship that is a form of friendship? We believe that it is the former. We think that, for the common good of society, and particularly for children, we need to state that as a society and to protect it. That is about to be lost.

Marco Biagi: Do you have any quantitative evidence that it is the perception of the majority of people in Scotland that marriage should be for the purposes of procreation? After all, we have evidence from the Scottish social attitudes survey that the majority of people believe that same-sex marriage should be acceptable, so it seems hard for those two points to be squared.

John Deighan: The biggest survey and the most profound probing of public opinion was the Government’s consultation on the proposals, to which it received 77,000 responses. That was way greater than any other survey, which would typically involve 1,000 people. The consultation engaged people who really thought about the issue. We are in a live-and-let-live society—I have that approach myself—in which, if people want something, by all means we let them have it as long as it does not impact on the rest of society. Of the 77,000 people in Scotland who responded, 64 per cent said that same-sex marriage should not be approved and that we should not redefine marriage. So there is quantitative evidence on our side.
More broadly, the consequences have not been thought through. The issue is often an emotive one and we do not want people to have hurt feelings. There is often a focus on the fact that people feel hurt, embarrassed or humiliated because their relationship is not given a particular status. We believe that we have to have a rational basis for marriage. There are lots of friendships and they should always be valued. Every friendship should be valued in society, but why does the state take an interest in a particular relationship between a man and a woman? Fundamentally, we believe that it is because of the procreative capacity of that relationship. That is the only relationship out of which a child can come into the world. We want to ensure that that child is in the right environment. As the United Nations Convention on the Rights of the Child recognises, the priority should always be that the child is brought up with the parents, which is what marriage does—it keeps the parents together for the sake of the child.

**John Finnie:** On the question of procreative capacity, would you say that marriage is not appropriate for people whom we know in advance cannot conceive children?

**John Deighan:** No, I would not. Saying that marriage is the environment in which procreation takes place is not the same as saying that we have marriage for only that reason. Typically and traditionally throughout society, we have recognised three ends of marriage: first, that it is built on love, the couple definitely love each other and it is for the mutual comfort of the couple, as they are attracted to each other; secondly, that they have the capacity to have children; and, thirdly, that the common good of society is aided by having that stable foundation for family life. Those are the three ends of marriage.

Sometimes, those three ends do not always attain. For example, there are some people who just cannot have children. As a society we put a lot of effort into trying to help those people—we have adoption services and there is even quite an emphasis just now on fertility services—so we try to ensure that that environment is adequately understood and protected. We are not saying that anyone who cannot have children is not capable of entering marriage, but that is the archetypal model of what a marriage is.

Always throughout history, regardless of other changes, the inherent essence of what makes it marriage is the fact that there is complementarity between a man and a woman. The proposals before the committee are that man and woman do not matter—they are to be completely interchangeable. We do not think that reason supports that position.

**John Finnie:** If I noted you correctly—forgive me if I have not—you said that the purpose of marriage is to create an environment to ensure that children have parents. For you, “parents” means one man and one woman and could not involve any other combination.

**John Deighan:** Biologically, we know that parents are a mother and a father. Yes, that is what parents are.

**Dr Beltagui:** To add to what John Deighan has said, marriage is not just for the procreation of children but for the growing up of the children in the family, as has been explained. There are also the wider relationships of kinship within the family and extended family. If we lose that, we lose a lot of the cohesion of society. In relations based on the family, the children are the focus of those relations not only at the time when they are children; even when they grow up, there is still that relation between the children and their parents and grandparents. That is what holds society together, and it is important to keep that.

In our tradition, there are things—they are also mentioned in the bill—such as certain relations not being allowed to marry because they are so close in kinship. If we start changing the definition of marriage from what we know and what we know about who is coming from which line and who is not, there will be confusion and we will not know exactly where we stop and where we start. It will be very difficult to find out who is related to whom in those terms. Having a kinship relationship does not stop at only the father and mother—it is much wider than that—and not only for the time but also for the future of the family.

**Alex Johnstone:** I want to return to and complete the line of questioning that I started with, which is about the protections that are offered to religious organisations. I have been a member of this Parliament for a while and I participated some years ago in the vote on same-sex civil partnerships, which I voted against. I get the impression that what we are dealing with here is a progressive move and that we have been progressing towards where we are. In expressing their views, the people on the previous panel suggested that this was the end of the process and perhaps the line in the sand. Do you believe that to be the case, or do you believe that where we are today with this legislation is simply a continuing step in a progressive process that may result in further changes to your protections or your rights as religious organisations in future?

**Kieran Turner:** First, we welcome the fact that there is an opt-in system and that the Scottish Government has recognised that churches should be free to conduct marriages according to their conscience and according to their beliefs. We think that that is a good thing, but we know that
that opinion is not shared by everyone. There are definitely some folk in Scotland who would say that churches should be forced to do this, so we welcome the fact that the Scottish Government has taken a sensible approach on that.

To answer your question, our concerns are, first, on the long-term robustness of that protection. How long will it hold out for? Will there be a court case at some point that will try to force a church to marry a couple that it does not feel that it can marry? We have already started to see moves towards that in England, and our concern is that that will come in Scotland. A case might go all the way to the European court, where it may be that the protection is struck down.

10:15

At the moment, our understanding is that it is still considered to be within the margin of appreciation for states, so it might be that that does not happen now. However, we would be concerned about that happening at some point in the future.

Our concerns for the future are much wider than the issue of the celebrant and the ceremony. They are about churches, organisations and individuals who still hold to a traditional view of marriage. Will their views be accepted in wider society? We appreciate that it is not the Government’s intention at the moment to say that that is an unacceptable view to hold, but will that come down the line? Will that have wider effects on churches and individuals?

Marco Biagi: So, your concern is not that this bill in itself will create difficulties; it is about subsequent court interpretation. For example, if the Parliament were to require everybody to offer same-sex marriages, that would require another bill. You are clear on that. What you are concerned about is court interpretation. Is that correct?

Kieran Turner: We have concerns about this bill, which we will touch on when we talk about some of the wider areas. The Scottish Government seems to be concerned to protect only the ceremony aspect and the celebrant aspect—those are the only parts in relation to which it sees a need for protection. When we ask about protections in the bill, we are often told, “Well, no celebrant will have to do this.”

We accept that, at the moment, the Parliament is not proposing that, so our concern is absolutely to do with court interpretation. However, it is also to do with the direction of travel, and we are concerned that, at some point, it might become coercive.

Marco Biagi: Could you speak about the article 9 protections in the ECHR, which allow the freedom to practice your religion, and about the legal opinions that are in the public domain, such as that of Karon Monaghan QC, of Matrix Chambers in London, who said that any attempt that was brought to the European Court of Human Rights to force a religion to hold those ceremonies would inevitably fail because of article 9?

Kieran Turner: There are conflicting legal views on this, which is where some of the concern comes from. We have not been there yet and no cases have gone to the court yet. Our concern is that those cases will come and we will be in danger. We know that, in a number of areas, there have been concerns about the article 9 protections and how far they go, particularly in the areas in which protected characteristics conflict. Our concern would be that doors would potentially be opened to other situations arising.

We do not want to be alarmist or jump up and down about it, but there is a concern that that could happen—certainly our members have brought that concern to me time and again.

The Convener: Dr Easton—I apologise, I mean the Rev David Easton.

The Rev Dr David Easton: Reverend and doctor, actually, I suppose.

I am not sure how closely we are expected to respond to the questions. This is the sort of thing that could flow over into quite a general conversation, so I will try to direct my answer to parts of Alex Johnstone’s question.

You asked why, despite the fact that there are opt-outs, conscience clauses and so on, we feel threatened—that is not quite the word you used—by the situation. However, I am not sure that the Methodist Church feels threatened. My written submission, which I hope that you have read, states the position of the Methodist Church. Whether we feel threatened by any legislation that comes through this Parliament or the Westminster Parliament is another matter.

The second part of your question concerned whether we saw the situation as the end of a process or as something that might continue. From your question, I am not quite sure whether you think that churches might think that the situation continuing would be something that would undermine the position further. Who can tell if that would be the case?

We have had marriages only between people of the opposite sex. Over the centuries, there has been a change in understanding: not that long ago, for example, women—and indeed their property—were considered to be the possession of their husbands. We no longer hold to that now,
and one must assume that over a period of time civil and even religious understandings of marriage might change.

I guess that there has been some sort of recognition of that on behalf of the Methodist Church in that, as our submission points out, our annual conference, which is the Methodist Church’s supreme governing body and is, I suppose, equivalent to the general assembly of the Church of Scotland, agreed to set up a working group that would revisit Methodism’s understanding of the nature of marriage. Obviously, I cannot predict what recommendations the working group will bring to the conference or how the conference will vote on the matter, but that is where we are.

**John Deighan:** With regard to Mr Biagi’s point about protections, the trouble with using the ECHR to protect yourself is that it costs you a few hundred thousand pounds. In its interesting submission to the Government’s consultation, the Faculty of Advocates, without taking a position on the principle, pointed out that what will definitely give rise to difficulties and lead to conflict is section 149 of the Equality Act 2010, which relates to the public sector equality duty. This is not just about a re-understanding of marriage but about bringing down the weight of the state to enforce that particular understanding, which is what will happen through the public sector equality duty. That constitutes a considerable threat.

**Marco Biagi:** What, in practical terms, do you mean by “bringing down the weight of the state”?

**John Deighan:** As we heard earlier, those employed in the public sector, such as teachers, will have to promote the particular understanding of marriage that the state has set out. The public sector equality duty makes that clear. In England, for example, teachers have received advice from the Equality and Human Rights Commission that, in order to show that they have satisfied the public sector equality duty, they have to implement LGBT history month. That month would conflict with things, especially in Catholic schools, and there are immediate concerns for us in that regard.

**Marco Biagi:** Why would LGBT history month conflict with things?

**John Deighan:** The whole aim of the month is to try to change people’s understanding of people who are homosexual and propose them as role models. We would not want to be doing that.

**Marco Biagi:** I am sorry, but I thought that the purpose of the month was to show that there have been gay people throughout history.

**John Deighan:** Our problem is accuracy with regard to the people highlighted in this initiative. On the flimsiest of evidence, people such as Florence Nightingale have been chosen and I think that even a pope is highlighted on one of the days. You are creating an environment in which you are trying to propose such examples as positive. That is where the challenge to us lies and where the conflict will arise. We want to propose our own understanding of sexual relationships.

As for the progressive nature of this, it is quite clear that this matter has progressed quickly since the Scottish Parliament’s creation. Perhaps the committee would like to examine the principle that is being established here; if you support this bill, you are saying that men and women are interchangeable and that gender really does not matter in any field of life. That area could easily be progressed.

In some of the evidence and discussion, the belief that marriage is intrinsically and in essence built around the complementarity of male and female has been paralleled to segregation—we heard that earlier. Parallels have been drawn with the civil rights movement against racism. If there is to be any progression, that is where we have to look. Those are the principles that are being established just now: if you hold that view, that is how you will be perceived by society. That ties in with the public sector equality duty and that is the mindset of those who have proposed this change. I have attended EHRC presentations where people have said, “There’s terrible discrimination in Scotland because some people believe sex only belongs in marriage between a man and a woman.” In other words, they are saying that in our society it is unacceptable to hold traditional Christian beliefs, traditional Muslim beliefs or the traditional beliefs of Judaism. This approach does not lead to pluralism but to the victory of a complete redefinition of marriage and its enforcement on all of society.

**Marco Biagi:** I do not doubt your sincere belief and the way in which you conceptualise marriage. I also understand that the Catholic church has different views from other denominations on aspects of marriage, for example on the acceptability of divorce. At present, you as a denomination are entirely able to practise that individual definition on divorce, just as the bill aims to allow you to continue exactly as you are at the moment. What I fail to understand is why you appear to be unsupportive of granting the same right to all the faiths, in particular including those that wish to perform same-sex marriages, to practise their faiths as they see fit. I can understand that you have a concern about a slippery slope, but I also hear from you an objection to allowing anyone, including the state, to perform same-sex marriage.
John Deighan: I am glad that you raise that, as it is a crucial point, which the committee might wish to reflect on. As regards our understanding of religious freedoms, if you conflate the freedom of any individual in society to pursue their particular religious beliefs with the idea that the state must endorse that, you are talking not about religious freedom but about theocracy. The state now needs to have a rational reflection on what the purpose of marriage is. Why does the state take an interest in it? If it is just about friendship, there are a myriad of friendships in society, and we would not want the state to interfere in those friendships.

If there is a practical implication, it is that children are born, and we want to ensure that those who have a child have it in a responsible manner and raise that child. They are more likely to do that if they are bound together in marriage, and the child is more likely to benefit from the attention of the parents if the child lives with the parents. That is why the state has an interest in marriage. It is not about friendship, and it is not about feelings, although those are important. We do not change the whole of society because people might feel upset that their relationship is not being given a particular badge by the state. It is not about badges; it is about the practical effect on children.

Dr Beltagui: I have one practical point on this discussion, going back to the original question. I have had discussions with some of our celebrants. What we have in Scotland now is a good system, where celebrants opt into the government system, and they can conduct a marriage at any place. That is working very well.

When I speak to them about the bill, however, or when they find out about the bill, they say that they will have nothing to do with the system of marriage that is proposed by the Government, and they will have their own system and keep away from what is proposed. That is one example of how this interference in the definition of marriage will force some groups to have their own system, whereas the current system is working well at the moment. That is mainly because of this progression, and what you said yourself about the slippery slope. When I discuss the matter with celebrants, they say that they have heard it all before. That is an example of what would happen. This situation between the Government and the celebrants could result in that.

Marco Biagi: I am not sure why. Celebrants will be able to continue to offer marriage as they wish.

Dr Beltagui: That is what has been said, but celebrants feel, because of the history of this process, that, once the legislation is passed, they will be forced to do it. That is the feeling, because
two different things. However, the 2010 act does not allow us to distinguish between the two. That is the context that gives us the threat.

Marco Biagi: But the Equality Act 2010 has extensive specific exemptions for religious organisations on the ground of sexual orientation, which are being expanded. Can you point to any ruling in court thus far under the public sector equality duty that would lead to the situation that you describe?

John Deighan: In the Ladele case, for example, Lillian Ladele was told that, because she can get to church on a Sunday, her religious freedom was not being infringed. That is a very narrow understanding of religious freedom.

Marco Biagi: Correct me if I am wrong, but I think that Lillian Ladele was a civil registrar in London who refused to perform civil partnerships. She took her case to Europe and lost, because she was exercising a civil function in a civil situation, rather than a religious function. That is the crux of the issue.

John Deighan: It was Neuberger in the UK Supreme Court who said that Lillian Ladele’s religious freedom was not being infringed. The European Court of Human Rights stated in its judgment that it could not dismiss the issue as easily as that. We are looking at a very narrow understanding of religious freedom.

St Margaret’s adoption agency is the perfect example. If we have no problem whatever, why is it facing closure? The protections that we asked for when legislation to allow adoption by same-sex couples was discussed are the protections that are needed now. The context means that it is too dangerous to introduce same-sex marriage here because people who disagree with its introduction will find massive detriments throughout every area of society—especially if they work for the public sector.

The Rev Dr David Easton: Perhaps I may be permitted to think aloud for a second and wonder why people of faith find the whole issue of what may broadly be called sexuality so difficult, because we clearly do. There has been some evidence of that this morning and we have seen it in lots of ways.

I put my hand up and say that it is not an easy issue for us in the Methodist Church. Twenty years ago we affirmed the place of lesbian and gay people within the Methodist Church. We have moved on since and, as I said, we have set up a working party to look at the nature of marriage. Whatever its recommendations, I can assure the committee that the debate that follows will not be an easy one because, as in society in general, so within a church, this is a very difficult issue to handle. I think that there are a lot of historical reasons why we find the whole question of sexuality difficult to handle. I do not have time to go into all that here, but it is difficult to handle.

I feel, perhaps speaking specifically about the Methodist Church, that we are on a pilgrimage or journey—that is the word that has been used this morning—as we all are in this session, as part of a change in society. It is a journey, if you want to use that word, for the whole of society in its understanding about matters broadly related to sexuality. However, we do find it difficult. Speaking personally, I think that perhaps we do not always do ourselves any favours, because sometimes we seem to be fixated on the question of what two people do between themselves rather than on broader issues. Nevertheless, I have stated our position as it is in our paper, and I think that we are on that journey, too.

The Convener: Thank you. Christian Allard has a short question. I ask the witnesses to be brief so that we can move on, as we have a number of other questions that we would like to ask you.

Christian Allard: I have a couple of questions. First, though, thanks very much for coming today to share your concerns. It is very important that your voices are heard. We heard earlier that the Scottish Government has consulted on the matter for the past two years. Of course, there is an international debate on it as well, and a lot of countries have changed religious legislation.

I would like your views on a particular point. I do not want only the Catholic parliamentary office’s view, but I note that its paper said that the bill “will diminish rather than strengthen marriage”.

I would like you to elaborate on that point. We heard earlier that there is no evidence for that view and that, to the contrary, the bill could strengthen marriage, because people will perhaps think that getting married is more trendy and people could come from abroad to get married here. I am a bit confused and would like to know whether other witnesses share the view of the Catholic parliamentary office that the bill will diminish marriage rather than strengthen it.

Kieran Turner: That is a really good point to discuss. I think that the crux of the issue about the principle is what the definition of marriage is and what the function of marriage is. We would broadly say that marriage is about commitment, children and complementarity. From the state’s point of view in particular, marriage is about children, as has already been said. Beyond that, we see marriage as being the foundational structural unit to bring through the next generation. That is where the state’s interest in marriage fundamentally lies. We think that love and commitment are good things. My organisation supported civil partnerships when they came in because we
recognised that they addressed a legal injustice that people in same-sex relationships felt.

However, that is different from saying that something is marriage. I agree with and highlight the submission that the Faculty of Advocates made to the Government’s previous consultation, which referred to the importance of defining what we mean by marriage and raised several questions. First, is marriage intended to be a lifelong relationship? Should it imply the potential for a sexual relationship? Is it intended to be an exclusive relationship between the spouses? I think that we need to think through what we are defining as marriage. I do not know whether that answers your question.

In terms of devaluing marriage, our concern is not solely about same-sex couples being allowed to marry. Our concern is about the fundamental foundational understanding of marriage as good for society, particularly in its context of family. As the Faculty of Advocates would say, although it obviously does not take a policy decision on this, if we lose that definition, we are in danger of losing the meaning of marriage and the foundational understanding of what marriage is as a structure for society. That is our concern. We recognise that love and commitment are good things, but that is not really why the state recognises marriage.

Marco Biagi: Would there be anything wrong with the state choosing to recognise marriage on those terms? If so, what would that be?

Kieran Turner: We think that marriage is, in part, about love and commitment. It has always been a historical Christian church point of view that love and commitment are very important, but we think that marriage is about a lot more than that. We think that marriage is the foundational building block for families and community, and in the context of bringing up children we think that it is a good thing. We have no problem with other relationships having legal recognition—we think that that is fair—but the fact that people love each other does not make relationships of any other sort marriage. People loving each other in a myriad of different ways does not, in itself, make a marriage; we believe that there is more to it than that.

Dr Beltagui: What scares people are the things that will happen under the bill that are not expected. The bill gives a list of people whose relationships are too close for them to marry. For us, that list includes same-sex couples. It will be dangerous for society if we keep changing the list to exclude relationships that we currently recognise as making it not possible for people to marry. As people have said, that could lead to incest and other dangerous relations. That is one thing.

Another thing is that the definition of adultery in the bill is confusing because the Government went back to the definition of adultery between a man and a woman. The bill makes marriage acceptable between two men or two women, but it uses the definition of adultery only between a man and a woman. That means that someone can have relations with someone of the same sex outside a same-sex marriage, including in a threesome, a foursome or whatever. Because the bill goes down a new road, diverging from the main traditional, historical way of marriage, it is creating situations that we do not know the end of, and we must be careful about these things.

The Rev Dr David Easton: Mr Allard asks whether we fear that the bill will diminish rather than strengthen marriage. It is interesting that in the whole debate—I do not mean just this morning—phrases such as “undermining marriage” and “strengthening marriage” are thrown around. I wonder how we would know whether marriage is being strengthened, undermined or diminished. We could consider the divorce statistics. The divorce rate has been very high historically partly because legislation has made it possible while we have had marriage only between men and women, although I understand that, recently, the divorce rate has dipped somewhat. Or would we consider another criterion such as the level of domestic abuse? It is difficult. I can see where you are broadly coming from, but how can we determine whether marriage is being strengthened? What basis would we use to come to any conclusions? I could have cited examples other than those two.

The Convener: Thank you. Let us move on.

Siobhan McMahon: We have heard this morning and have read in your written submissions about the lengthy consultation that has taken place and the responses that have been given. We have heard in evidence from this panel that the response from the majority of respondents is that they do not want equal marriage. In the session with the first panel, I spoke about the equality impact assessment that took place following the consultation and noted that people have concerns—which have been voiced again today—that the provisions that have been put in place to protect religious bodies are not strong enough. Do you feel that that view has been listened to in the consultation and in Parliament? If not, what could we do to strengthen those provisions if they are not robust? Is there anything that the committee or Parliament could do to make things better?

10:45

Kieran Turner: That is a really good question. We were concerned. I will try not to keep on
quoting the Faculty of Advocates, but in its submission it states:

“The Faculty of Advocates respectfully questions whether the impact assessment in respect of equality is complete.”

It feels, and this has been raised with me, that some of the bill’s negative implications have not been addressed. As the Government would say, there are positive equality implications, but they have not been counterbalanced by consideration of some of the negative ones. The exception to that, which we accept, is the celebrant aspect, but there are wider implications. We hope that the committee will look at some of those.

We have a big concern in relation to the public sector equality duty because, as a member organisation, we have a huge amount of churches and organisations that provide a huge amount of social welfare in Scotland—probably more than ever before. They run food banks, provide debt advice, run homelessness projects and do all sorts of other things. They include groups such as the Salvation Army. In many situations, they partner with local authorities and statutory agencies as they deliver those services. We think that that is a good thing and we want it to continue, but we are concerned that their views on marriage could become a hindrance to them in that partnership work.

We recognise that this is not the Government’s intention, but we are concerned that, without protection in the bill, these things could come back at some point in the future. Even if an organisation does not take a view, the fact that it is affiliated to the Evangelical Alliance could be an issue. An official in a council somewhere could say, “We’re not going to rent you a hall,” or, “We’re not going to partner with you because you don’t fit the public sector equality duty and we have a duty to promote that in our partnerships as well as directly in the public sector.”

Dr Beltagui: When the bill deals with freedom of expression, it gives an overgeneral statement. What is needed—and what would be more effective—is a clear statement about freedom of expression relating to same-sex marriage, roughly on the lines of what has been adopted in the UK bill, where there is a statement that discussion of same-sex marriage should not be taken as an offence. It is something along those lines; I am sure that you know what it is. That should be in the bill and not a secondary thing that comes afterwards.

The other thing, which is similar in a way, is that the Lord Advocate’s guidance is simple and there is nothing specific in it. It will depend on who the Lord Advocate is at the time when a case comes in, and who their workers are and so on. This is an issue where we are on the very boundary of something that could be considered offensive or not offensive, or be prosecuted or not prosecuted, and prosecution in these cases will have an effect not just on the spot but on the person’s life. There should be some clear guidance on this issue and it should be part of the bill. The Lord Advocate’s statement is too simple, and also it can be changed at any time depending on the people who are present at the time. We do not know what will happen next, so there could be more difficulties there.

John Deighan: On principle, we already have equal marriage. All people have the right to marriage. Marriage is a particular thing. What we are doing now is making an arbitrary change to it. Once you bring in arbitrariness to the legal system, all sorts of changes are possible. You are then thinking about how you are going to protect yourself against all those things that could happen.

In the case of Stübing that was taken to the Strasbourg court against Germany last year, under the European convention on human rights, a brother and a sister were demanding that they be allowed to marry. If we set up a principle that marriage is only about love, we need to ask what principle then says that such relationships are not permitted. The state authorities recognised that the couple’s love was sincere and that they had a loving relationship—they had four children together—but the case failed, thankfully, for the sake of the marriages of everyone else in society. The state has a right to protect marriage as it is understood.

In principle, we should not make arbitrary changes to marriage, because it affects all children. Speak to paediatricians and ask them about the devastating impact that family fragmentation has on children. In the past eight years, the number of children under one who have been taken into care has trebled. Paediatricians whom I have spoken to say that, 30 years after we first started to see a rise in the number of children born outside of marriage who had lost that bond between their mother and father, we are now at the point of second-generation family fragmentation. That will be devastating, because there are no grandparents to step in and help the child when the parents have separated.

We believe that there will be detriments to people in terms of stating their belief. Employment law would need to be amended, because an employer could say that it does not think that someone weighs up to the latest standard on equality because of their beliefs on marriage. As we have heard, some people already think that such beliefs are akin to racist beliefs.

On freedom of expression and education, I make a plea that the committee listen to the Catholic education service of the bishops...
The equality duty would certainly need to be changed so that people working in the public sector do not feel that they need to promote a value that is at odds with their beliefs. I have already had people phoning my office to say that they have been told to implement diversity training schemes within their places of work. Those schemes are created in such a way that they stigmatisate people who disagree because of their understanding of marriage. That is the breadth of detriment that we are facing in society if we go ahead with the legislation.

The Convener: I ask Dr Easton to answer briefly, as we have another couple of issues that we need to move on to.

The Rev Dr David Easton: I am happy to leave it there, if you want to move on.

Siobhan McMahon: I just want to clarify something. I have heard organisations say this privately, and I just wonder whether you share this view. We are talking about equality—clearly, this is the Equal Opportunities Committee—but I have heard some say that to give equality is not about taking a right from one protected characteristic and giving it to another. Do you share that view? If so, why would that be the case?

Dr Beltagui: I have asked this question ever since the equality legislation came in. If you have a conflict between two characteristics, to which do you give preference? It was always said that the decision would be left to case law, but I think that recent case law has given sexual orientation preference over religious practice. Again, that is one of the things that are not clear in the equality legislation. It is very difficult to decide which way the decision will go.

By the way, on the issue of the registrar who has a belief and who is doing a civic job, it is recognised in the bill that marriage is a religious practice or a religious act. Therefore, a civil registrar is not doing only a civil job, as he is involved in a job that includes religion—whether that is his religion or the religion of the people being married. That is why cases such as Ladele are important. The court has ignored that effect in insisting that the issue involved a civil matter, but the bill before us recognises that, as an act of life, marriage is a religious thing.

To some people, religion is a way of life, of course, and that is what is stated in Islam and in Judaism in other ways. One does not go to church or a mosque and take it off when one goes out of the church or mosque, otherwise we will learn nothing. We would just go to church or to a mosque to do some rituals, but it is not just about rituals; it is about what we learn from them and what we practise in our everyday lives.

We are not saying, “Don’t allow these relations.” We are saying that we should keep the definition as it is, and people who want to have a different way of life from that under the definition that we have all used for ages should call it something else. That is one way out of it. Do not confuse the word “marriage” as we know it with a relationship that was not originally included under it.

John Deighan: All equality must recognise the equal dignity of humans. Every human is equal in dignity. The trajectory of the past 10 years has been to try to replace equality with sameness in thinking that a man has to be a woman and has to be interchangeable. That is where we have gone wrong.

When there are conflicts and disagreements, we must sometimes balance principles. We cannot just say that, because a person has a particular protected characteristic, we must agree with them, otherwise as a Catholic, I would be able to say, “You have to believe in the seven sacraments and other particular aspects of the Catholic faith.” I recognise that people can disagree, but they are not allowed to infringe my basic civil rights.

Marco Biagi: But you are saying that we have to believe in your definition of marriage.

John Deighan: No, not for religious reasons. I am saying that, based on reason, the state has to say what the reasonable basis is on which we understand marriage.

Marco Biagi: On that basis, do you have no religious objection to the state offering same-sex marriage?

John Deighan: Our religious belief disagrees with the state on that, as it may on other grounds, but we believe that our religious belief concurs with natural reason on this, and that marriage is naturally and self-evidently built on the fact that men and women have children. We have to balance up conflicting claims. The conflicting claim here is that, for the sake of the possibly one in 10,000 households that wants to have a same-sex marriage, we will change the definition of marriage for everyone in our society. That is the balance, if you think that it is a matter of a balance of principles. Marriage will mean a different thing for all society, including every child and every family. I think that two households out of 1,000 have a same-sex couple in them, and we have been told that it is expected that 5 per cent of same-sex couples will want a marriage. We are talking about one in 10,000 households possibly wanting a same-sex marriage, and the whole of society has
to redefine marriage for the sake of that. That is disproportionate as well as wrong in principle.

John Mason: I want to touch on the issue of when rights conflict and how we deal with that, which we have slightly touched on before. I think that it has been said that the Equality Act 2010, despite my involvement in it, did not say that all rights are equal. We had the example before from the Equality Network that chauffeurs and photographers should not be allowed to not take part in same-sex marriages. Is that correct? Does that give the right balance between the individual’s freedom of conscience and other rights?

John Deighan: To be honest, the wisdom of Solomon is sometimes needed to decide. Someone’s conscience should not be infringed unless that is absolutely necessary. In that case, one would try to offer accommodation. For example, Sikhs are allowed not to wear a crash helmet when they drive a motor cycle, and no one else is allowed to do that. We accommodate them because they wear a turban for religious reasons. We should try to accommodate where that is possible. Therefore, if nine out of 10 registrars were happy to do a civil partnership, why would it be wrong? Where do you draw the line between individual conscience and wider rights?

John Mason: Why would that be wrong? If a printer has his own small business and is in control, why cannot he decide what he prints?

John Deighan: If the printer just says, “I don’t like your sexual orientation, so I won’t provide you with a service,” I think that that is wrong. However, if someone came in with literature for the British National Party and the printer thought that the literature was racist and they did not want to print it, I think that they would be perfectly entitled to say no. Similarly, if someone came in with pornography and the printer felt that pornography was detrimental to the rights of women, they would be entitled not to print it. If they were asked to print publicity material for LGBT history month, but they thought that that twist on history was wrong and they did not want to participate in that deception, I think that they would be entitled to say that. However, that will be difficult.

John Mason: So do you think that the present balance of the law is too far away from people’s individual conscience?

11:00

John Deighan: We have seen that under the Equality Act 2010. Most people do not realise that not only are our adoption agencies not allowed to discriminate against people with same-sex attraction or in same-sex relationships, but they are not allowed to take that into account. An agency could have a couple who have been married for five years and two people in a same-sex relationship, and they are not even allowed to take that into account. The law does that now, and that is a real infringement of conscience and religious belief.

John Mason: Do the other witnesses agree? Where do you draw the line between individual conscience and wider rights?

Kieran Turner: I think that everyone would agree that it is incredibly hard to do that. The principle of having a reasonable accommodation where possible is probably a good one, and we would certainly like that ultimately to be enshrined in law and also in the courts’ understanding.

John Mason: Is the way that abortion is enshrined in law a good model?

Kieran Turner: Yes, I think that that works well for that particular case. As has just been outlined, in most cases, discriminating against someone for any reason is wrong. Most of us agree on that. For most businesses in most situations, that would be wrong. Again, I will use as an example a member organisation that we might have. If a church runs a food bank, it will never turn away someone for any reason of discrimination. That would not happen and it would be wrong if it did happen. However, there has to be an accommodation for certain views. If someone is legally entitled to a public service, provided that they can access that public service, we should make accommodation. We should not try to batter rights against each other; we should take a reasonable and commonsense approach. The point about adoption is a good example of that. The conscientious objection approach could work in particular circumstances.

John Mason: Do you agree with the argument from the previous panel that abortion and war are on a different planet—sorry, are of a different level of severity—from something such as marriage? Is there a distinction?

Dr Beltagui: The case of marriage is exactly like abortion. It is an issue on which people will differ. We accept that abortion is a controversial issue, and marriage is at the same level, or perhaps an even higher level. Abortion involves one person with an unborn baby, but the issue of marriage involves the whole of society, where everyone has to adapt to the new vision.
I am glad that you use the word “conscience”, because I do not see that word in the bill at all. That is something that we need to introduce. This committee is called the Equal Opportunities Committee. The issue is not about equality; it is about equal opportunity. Equality could mean that we treat people badly but in the same way. We have to give people equal opportunity to practise their religion, no matter their race or whatever, without being forced into something that they do not want.

The Convener: I apologise to John Mason, but I will stop him there, because we are rushed for time and I would like to give John Finnie an opportunity to ask a question.

John Finnie: Thank you, convener. I do not know whether all the panel members were present during the evidence from the previous panel, but I posed a number of questions that came from one of the many interesting pieces of evidence that we have received, which is the evidence from the Scottish Transgender Alliance. I do not know whether the panel members have seen it, but there are a number of issues in it. Some of the issues that we have touched on are challenging, and perhaps the witnesses will feel that this is also challenging. For instance, do you have a view on the spousal veto, the simplification of gender reassignment and its certification, the lowering of the age for gender recognition to 16 and the gender-neutral language that should be applied?

Kieran Turner: Very briefly, we do not have a view on most of those aspects. Our primary concern has been the principal understanding of marriage and the need for a debate on the protections that might be needed should the bill be passed.

As for the use of gender-neutral language, we have already outlined our concerns in that respect with regard to the definition of marriage. However, as far as the practical aspects of the bill are concerned, we do not really have a view on its specific transgender aspects.

Dr Beltagui: As I said at the start of the session, we take issue with the dilution of family relations by removing references to gender and kinship. They represent a way of cementing relations between people in families and beyond, and the new list of relatives set out in the bill does not really hold in the same way. Some languages are better than others in this respect; for example, one language might have different names for an uncle or cousin on the mother’s or father’s side but English does not have such distinctions and diluting what exists even more is not really a good thing.

The Convener: Have you finished, John?

John Finnie: If none of the other panel members wishes to reply, convener, I would like to ask one more question.

One submission that we received says:

“Marriage is not owned by any religious body”.

Does anyone wish to comment on that?

The Rev Dr David Easton: I would probably agree with that statement. When this question was being discussed at Westminster, the Methodist Church was concerned about the juxtaposition in the debate between civil and religious marriage as if they were two different things. When I conduct a wedding ceremony, the couple are in the eyes of law just as legally married as if the ceremony had been conducted by a registrar. As a result, a religious marriage must have a legal public element; in fact, that is the very reason why it has to be a public ceremony and cannot be conducted in private.

Some of my fellow panellists might not agree with me—I do not know; they will have to speak for themselves—but I believe that the state has the right to express an opinion and pass legislation and indeed has done so through the years. We the electorate might not agree with those decisions and have the right to chuck you out at the next election so you can go and beg on the streets. However, it seems to me that as long as you are members of the Scottish Parliament, or indeed any other democratically elected legislative assembly, you have the right to legislate on matters that come within the boundary and scope of your responsibilities. As a representative of the church, I might disagree strongly with you, but that does not mean that I think that you do not have the right to legislate on the matter. I think that you do.

John Deighan: I agree with the initial comment. Marriage is a natural institution and has arisen naturally from the first social grouping, which was between a man and a woman who then had children. That is the foundation of society and we believe it important not to mess around with those foundations.

The state has a role in legislating on the civil effects of marriage but not on its essence. We cannot have laws saying, for example, that people who sell bracelets can call them watches if they do not tell the time. There is an essence to marriage; a man and a woman lie at the heart of it, and that is the relationship that gives rise to children.

John Finnie: So you see it as an exact science. Is there no scope for differences of opinion?

John Deighan: We are talking about an essence here. The state does not have the right to recreate what is a natural institution; it exists to uphold the common good, not to re-engineer new
foundations for what it thinks could be the common good.

The Rev Dr David Easton: I hear what my friend is saying, that the state does not have a right to determine what society does. We could turn that round and ask whether the church has a right to determine what society does. That is an issue for debate.

The reality, which is hard for the churches to accept, is—I am using shorthand here—that we live in a largely secular society. It is hard for us in the churches to come to terms with that. As I said earlier, we find the whole debate about sexuality difficult.

The state has a role in this issue. Otherwise, we are saying that there are certain things that the churches may determine or that it is right for them to discuss, and that there are certain areas for the state or civic authorities to discuss, but that there may not be any crossover. Does that mean that I, as a leader of the church, may not make a statement on certain issues of public interest? Might I be told to shut up about a public or party issue because I am a religious leader? I do not accept that position. If I am arguing that I have a right to comment on public issues, I must accept that public bodies, Parliaments or whatever have a right to comment on religious issues and other matters that pertain to me and what I hold important. I do not think that we can have it both ways.

John Deighan: I would just clarify and say that I do not believe that the church can redefine marriage either. We can all comment on it, discuss it and try to understand it, but marriage is a natural institution that precedes the church as well as any other institution in society.

The Convener: Are there any brief comments before we move into private session?

Jim Eadie: I would like to clear up something that Mr Turner said earlier. You welcomed the opt-in provision in the bill, particularly as you were aware that there were people in society who would gladly compel the churches to perform same-sex marriage. We had a clear and explicit statement from the LGBT organisations on the earlier panel that they did not seek to infringe the freedom of religion of those denominations that did not wish to perform same-sex marriage. Where do you see that demand coming from in society? Are you aware of any organisations that have provided evidence to that effect?

Kieran Turner: I do not have them in front of me, so I do not want to quote on the record if that is not the case.

Jim Eadie: Do you accept that Stonewall and the Equality Network, which are the leading LGBT organisations engaging in the debate, have not made that call?

Kieran Turner: Yes. I accept what they have said publicly, but I do not think that they speak for everyone in society. You only have to go on Twitter or Facebook to see such comments. I invite the committee to look at some of the submissions that were received on the previous consultations, because there were individuals and groups—admittedly not Stonewall or the Equality Network; I am not trying to have a go at them—that said, “We disagree. We think that churches should be compelled to do this.”

Jim Eadie: Okay. I have a general question for the panel. We are aware that nine countries in Europe have introduced same-sex marriage. In which of those countries has your denomination or religion been compelled to perform same-sex marriage?

John Deighan: I think that we are quite protected under UK law, except on the basis of providing a public service—you will not be safe under that. You say nine countries; there are 193 countries in the world, so we have a long way to go. Denmark, however—

Jim Eadie: Has your denomination been compelled to perform same-sex marriage in any of the countries that have introduced same-sex marriage?

John Deighan: The Catholic Church has not. However, we have had adoption agencies all over the UK closed under equality laws. It is the context of equality laws that poses the difficulty, once we change the understanding of marriage.

There is also the sentiment behind it. You heard evidence this morning from the Equality Network, which aligns people who disagree on their understanding of marriage. It called the practice today’s segregation and said that banning same-sex marriage was akin to a ban on interracial marriage. If we believe in plurality, that sentiment should worry us.

Other organisations have made strong attacks and threats on marriage.

Jim Eadie: I asked for clarification, which you have now provided. I ask the other gentlemen to respond.

The Convener: Briefly, please.

The Rev Dr David Easton: There are Methodist churches throughout mainland Europe, although they are not large ones. I do not have the absolute figures at my fingertips to answer your question
accurately. However, I am not aware of any instances in which member churches in those countries have been obliged to conduct same-sex marriages.

The Convener: That concludes the public part of our meeting. I thank the witnesses for attending, and I thank everyone for coming along. It has been very interesting. Our next meeting, which will take place on Thursday 12 September, will include further oral evidence on the Marriage and Civil Partnership (Scotland) Bill.

Meeting continued in private until 11:32.
Scottish Parliament

Equal Opportunities Committee

Thursday 12 September 2013

[The Convener opened the meeting at 08:30]

Marriage and Civil Partnership (Scotland) Bill: Stage 1

The Convener (Margaret McCulloch): Welcome to the 22nd meeting in 2013 of the Equal Opportunities Committee. I ask those present to switch off or put into flight mode any electronic devices.

The Parliament’s photographer is present and will be here for a few minutes while he takes some photographs. At the table are the clerking and research team, official reporters and broadcasting services staff. Around the room, we are supported by staff from the security office.

I welcome the observers in the public gallery. My name is Margaret McCulloch and I am the committee convener. I invite committee members and witnesses to introduce themselves. We will start on my right.

Marco Biagi (Edinburgh Central) (SNP): I am the deputy convener and the MSP for Edinburgh Central.

Siobhan McMahon (Central Scotland) (Lab): I am an MSP for Central Scotland.

John Mason (Glasgow Shettleston) (SNP): I am the MSP for Glasgow Shettleston.

Alex Johnstone (North East Scotland) (Con): I am an MSP for North East Scotland.

Christian Allard (North East Scotland) (SNP): I am also an MSP for North East Scotland.

John Finnie (Highlands and Islands) (Ind): Madainn mhath—good morning. I am an MSP for the Highlands and Islands. Given that Amnesty International is providing evidence later on, I take this opportunity to refer to my declaration in the register of interests that I am a member of Amnesty.

The Convener: I also welcome Jim Eadie MSP, who is sitting on my left.

Jim Eadie (Edinburgh Southern) (SNP): I am the MSP for Edinburgh Southern.

The Rev Dr Alan Hamilton (Church of Scotland): I am a parish minister from Bearsden. I am also the convener of the Church of Scotland’s legal questions committee.

Ephraim Borowski (Scottish Council of Jewish Communities): I am the director of the Scottish Council of Jewish Communities.

The Rev David Robertson (Free Church of Scotland): I am the minister of St Peter’s Free Church in Dundee and director of Solas (Centre for Public Christianity).

The Rt Rev Dr John Armes (Scottish Episcopal Church): I am the Bishop of Edinburgh. I represent the Scottish Episcopal Church’s faith and order board.

The Convener: Thank you. I remind members that questions to witnesses should be put through the chair. Witnesses should indicate to me or the clerk on my left when they wish to speak. John Finnie will begin the questioning.

John Finnie: Good morning, panel. Would you marry people who you knew to be infertile?

The Rev David Robertson: Yes—I would have no problem in doing that, although I am not sure how I would know whether they were infertile.

The Rev Dr John Armes: Yes.

The Rev Dr Alan Hamilton: I am not aware that that issue has ever been debated by the General Assembly of the Church of Scotland, but I am struggling to see why ministers and deacons would not do so—if they were told, which is fairly unlikely.

Ephraim Borowski: As you will be aware from our submission, I speak for a diverse range of opinions in the Jewish community. Like the Rev Dr Hamilton, I am not aware that anyone has raised the question or has any concerns about the matter.

John Finnie: I read all the witness submissions with great interest. The Rev David Robertson suggests that the Scottish Parliament would be acting ultra vires. Would you care to expand on that please?

The Rev David Robertson: I expanded on it in my submission, in which I say that marriage is what marriage is. When David Cameron and others decided to bring in same-sex marriage, they had to redefine marriage for everyone, as Mr Cameron pointed out. I do not think that any Parliament has the right to redefine marriage any more than any Parliament has the right to say that a circle is a square. There are some things that are beyond the capability even of politicians and that is one of them. Marriage cannot be redefined in that way.

John Finnie: Your submission also talked about the relationship between the Scottish ministers and the Conservative-Liberal Democrat coalition in London. Would you care to expand on that in relation to the bill?
The Rev David Robertson: That was meant to be deliberately provocative, I am afraid. It is an illustration that suggests that what you are doing here is following the herd. I have been involved in Scottish politics for 30 years and this issue has been raised only in the past five years. All of a sudden, we find that all the major political parties are saying that they are for equality. Why were they not for equality 15 years ago or 10 years ago?

The definition has changed, and what we are trying to say in our submission is that there has been a push for the change and that people are rushing into it without thinking it through. We are just trying to encourage people to think it through.

I also think that politics is involved. There is almost a sense that we need to show that Scotland is a progressive country and we need to be ahead of England or the United Kingdom Government. I feel that the whole thing has been rushed, and that is why we put that statement in our submission.

John Finnie: Do you want to put on the record the actual phrase that you used?

The Rev David Robertson: It is there in the submission and that is fine. Our argument is—and I accept that it is an emotive argument—that the issue is being driven by politics as much as by ethics. I do not think that that can be denied.

John Finnie: What is the panel’s view on opting out?

Dr Gordon Macdonald (Scotland for Marriage): Are you asking about opting out or opting in?

John Finnie: A number of submissions refer to public service employees, for example.

Dr Macdonald: Individual conscience should be respected in a free society. That does not just apply to a narrow band of people; it applies to everyone if society is to be truly free. If you say to someone that they have no right to a conscience when they work for the public sector, which is essentially what you are saying, that is no longer a free society but one that is becoming repressive.

The Rev Dr Alan Hamilton: As we have made clear, the Church of Scotland has not debated the issue of same-sex marriage or religious civil partnerships, but the legal questions committee, which has been leading the response, is deeply concerned that public servants, whether registrars or teachers, and particularly those who began their employment before the introduction of the bill or before the bill was on the horizon—the point has been well made that this is a relatively recent innovation—will find themselves prejudiced and might even lose their jobs. For reasons that appear to be acceptable to the Scottish Government and perhaps to the Scottish Parliament in relation to celebrants and those who play an integral part in a marriage, if those celebrants are ministers or deacons of the Church of Scotland or other priests, they could find themselves at risk. There should be equivalent protections for registrars, who are obviously on the front line, and, if one extends the argument further, for others who might find themselves in positions of considerable conflict, including teachers.

The Rt Rev Dr John Armes: I simply concur with what Alan Hamilton has just said. We in the Episcopal Church have similar concerns.

Ephraim Borowski: I, too, concur. As I said, I represent a community that has within it a number of branches that take diametrically opposed views on the issue. However, the one thing on which they are all absolutely in agreement is that there should be no compulsion on any one of them to follow the views of the other. Therefore, whether it is a matter of opting in or opting out—certainly, starting from the current position, it would necessarily be opting in, because same-sex marriage is not possible at the moment—there have to be protections for individuals and organisations. Much of the detail of our submission is to do with the wording of the draft legislation. We want to ensure that the protections are maintained and that there cannot be accidental slippage, as it were.

We have given several examples of how we think the current wording might result in some people not being able to opt in to do what they want to do because, for example, of the happenstance that they do not currently have an officially recognised celebrant. The bill is worded in such a way that a faith group would have to have a celebrant from the beginning in order to be able to carry out the ceremony. Likewise, individuals might find themselves compromised because they are prepared to conduct same-sex marriages but the organisation to which they belong says that it does not want to do that.

The Rev David Robertson: Although I would like to think that opting out or opting in would work, in reality, it will not. At the very best, it will last for a short while if we have a state-imposed morality and we regard opposition to same-sex marriage as homophobia or its equivalent and therefore equivalent to racism. I do not think that anyone in the Parliament would argue that someone who wishes to be a racist and who says, for example, that they will not marry a black person to a white person should have an opt-in or opt-out. The default moral position of those who—out of conviction rather than political cynicism—argue for same-sex marriage is that opposition to it is exactly the same as racism. Therefore, inevitably, whatever the good wishes of politicians right now, an opt-in or an opt-out will not work, because
politicians change every three or four years. I would love to think that teachers, charities and others will have complete freedom to express a view that goes against the zeitgeist and the current culture, but I suspect that that will not be the case.

Dr Macdonald: Freedom of conscience for people who work across the public sector is crucial. Under equalities legislation, the principle of reasonable accommodation should be taken on board in our courts, at Westminster and at Holyrood to set an example in the area. For instance, a local authority could easily provide a registrar service without imposing on the conscience of any of its staff. There is no problem in that being facilitated at local level. The problem is that some people and organisations want to force people to officiate at same-sex marriage or civil partnership ceremonies as part of an ideological agenda. That will apply not only to civil registrars but right across the public sector, particularly but not exclusively in schools. The question that members must ask themselves is whether they want to shut off careers in the public sector to people who have a conscientious objection to marriage being between two people of the same sex. For many people of faith and others, that is a fundamental point. It is of equivalent moral significance to the issues that arise when a doctor performs an abortion—in fact, it might even be of more significance.

Ephraim Borowski: In our submission, we make two distinctions that are relevant to what Gordon Macdonald has just said. One is a distinction between rural and urban areas. Normally, in urban areas, reasonable accommodation will be possible, because if a particular registrar does not want to get involved in something, he or she will have colleagues who can take over and who could be scheduled to do that shift or whatever.

08:45

The other distinction is between people who are already in post, who had a reasonable expectation as to what the job involved when they applied for it and were appointed, and people who take up a post from now on, knowing what the new legislation is. What worries me is exemplified by the Ladele case. There is no doubt that there were other people in Islington who could have undertaken that duty, and Ms Ladele had been in post for many years. If we think about those two distinctions, that produces four classes. Ms Ladele should have been in the most protected class, having been in post in an urban area, with other people who could have been scheduled to do the work. Nonetheless, that became the crux of a case that has gone all the way to Europe.

Dr Macdonald: The European Court of Human Rights recognises a margin of appreciation for nation states. The UK courts did not support Ms Ladele in her case. In the Netherlands, the Parliament and the courts have ruled on the reasonable accommodation that registrars do not necessarily have to perform their function. That facility can be made—it would be within the competence of the Scottish courts to come to that view. If the Parliament gave a lead on that, it might increase the chances of that happening.

John Finnie: If I noted your comments correctly, Mr Robertson, you mentioned “complete freedom”. Would the panel see that extending to a teacher who is an atheist not referring to God?

The Rev David Robertson: Yes, totally. To ask a teacher who is an atheist to lead in an act of Christian worship, for example, would be an act of supreme hypocrisy. To ask a teacher who is an atheist not to refer to God would be completely stupid, in the same way that asking somebody like me, who does not agree with same-sex marriage, not to refer to same-sex marriage would be stupid. People are allowed different views. If a teacher is asked whether they are an atheist or whether they believe in God, they would answer, “I am sorry, but I am not allowed to refer to God”? Freedom would of course allow them to refer to God.

John Finnie: Do you believe that there are currently safeguards regarding the difference between the views of creationists and those of others regarding teaching in schools?

The Rev David Robertson: I am not sure what creationism has to do with this subject, and I presume that by “creationism” you mean young-earth creationism. I assume that we are referring to people panicking and thinking, “Oh dear, someone may actually believe that God created the earth 6,000 years ago.” My view is that religion—religious philosophy—should be taught in philosophy classes, and science should be taught in science classes. It is as simple as that. I do not think that we should bring politics or religion into science classes. The fact that someone is an atheist or a Christian in a science class is completely irrelevant to what science they teach.

The Rev Dr Alan Hamilton: That is a fair analysis. I am struggling to see the connection between a belief in creationism and the issue that is before us today, not least because there are so many different—

John Finnie: My reference was to freedom. Let me give you a ridiculous example—another example, anyway. If a local authority street sweeper said that they did not agree with the views of a particular religion and did not want to sweep the street outside its building, would that be reasonable?
The Rev David Robertson: It would be reasonable if his religion involved street sweeping—which it clearly does not. On the other hand, for my religion and most people's religion, particularly for those of us who are officials in it, being married is a religious thing, and it is a big act. The analogy is irrelevant. I know what you are trying to say but, logically, it does not work—not in the real world.

Dr Macdonald: It is certainly possible to have a discussion in a school environment about the law changing and same-sex marriage being introduced without that being seen as advocacy or the promotion of an ideology. The problem that we have with some of the resources that have been targeted by Stonewall Scotland at primaries 1 and 2 is that they are clearly advocacy, and there is no guarantee that parents will have a right to withdraw their children. The resources might well be used not in a sex education class but in a reading class; if so, there would be no legal right to withdraw their children. That is the problem. That does not mean, however, that people cannot have a discussion in fourth-year modern studies about the Scottish Parliament's Marriage and Civil Partnership (Scotland) Bill and the campaign that went around it. We are talking about completely different scenarios.

Marco Biagi: A lot of literature has been written. You drew attention to “King & King” in your submission, Dr Macdonald. How does your position extend to mainstream literature that may, for example, have homosexual relations in it? “Moll Flanders” is one such example. Is that something that should not be available to children?

Dr Macdonald: The point that we are making is that parents should have a right to know what their children are being taught and a right to withdraw their children if they are unhappy with that without fear of being prosecuted, which is apparently the threat south of the border. That seems to me to be an issue of parental choice and freedom and of respecting the rights of parents to have their children educated in accordance with their religious and philosophical beliefs, rather than a discussion about whether this or that resource should be used in this or that class.

Siobhan McMahon: A number of organisations and individuals who support the bill have written submissions suggesting that there are robust protections in the bill. Do you share that view? If you do not—I presume that you do not—what are the reasons for that? Can you think of anything that could be put into the bill to make it workable for your religious body?

Dr Macdonald: To be honest, I think that the protections in the bill are very weak. The Scottish Government's intent is probably honourable—I would take what it says at face value—but I do not think that it has backed it up with legislative support. In a sense, what the Scottish Government has indicated to us informally is that this is Scotland, everybody knows each other, we are all friends here, nobody will do the sorts of things that happen in England and therefore we do not need legal protection—it can all be guaranteed by guidance and by a sort of informal agreement with the registrar general or the Lord Advocate. That is the approach that the Scottish Government has taken.

I do not think that that is sufficient. There are things that the Scottish Parliament can do in terms of legislation to protect charities. We can look at the definition of public benefit or, more significantly, the definition of public disbenefit. We can change the charity legislation so that the Office of the Scottish Charity Regulator cannot do to churches what it is doing to St Margaret's adoption agency at the moment. We could introduce a statutory right for parents to be informed and—depending on the age of the child—to withdraw their child if they are uncomfortable with what they are being taught. There are other things that can be done under devolved legislation.

Equally, though, Parliament has quite a bit of political clout when it comes to influencing the Westminster Government. It could seek a stronger agreement from Westminster that it will amend the Equality Act 2010. I would encourage Parliament to do that.

I draw the committee's attention to what the Faculty of Advocates has said and I would encourage you to ask it for its views. It says that the current agreement that the Scottish Government has come up with is not watertight and could well be challenged, not only by chaplains and people working in the public sector but by religious celebrants who were forced by their denomination to participate, even if it goes against their conscience.

The Rev Dr Alan Hamilton: The Church of Scotland would broadly share those concerns. There are some important points to be made. First, the Church of Scotland has no doubt that the Scottish Government is offering the protections that it is offering in good faith and is seeking to preserve the right of individual religious bodies and their celebrants to make a decision.

However, we have not seen two important parts of the scheme. The scheme is not just what is in the bill that is before Parliament. It will be contained in delegated legislation that we have not seen. It will also be contained in an amendment to the UK Equality Act 2010—we have the gist of what that might be but we have not seen the
wording. Those are important caveats, to which I would add another.

There is deep concern that, even if everything falls into place, as the Scottish Government would like it to do, the proposed legislation will be ineffective in the face of a sustained challenge under the European convention on human rights. Once same-sex marriage is introduced, it will be extraordinarily difficult for a Government—a state—to discriminate. If the Scottish Parliament introduces same-sex marriage, the Scottish Government—the state—will find it extremely difficult either to discriminate or to allow others to do so.

That is why we have introduced the suggestion in paragraphs 19 and 20 of our submission that the vulnerabilities of the proposed scheme may be reduced if, instead of religious and belief bodies being agents of the state in carrying out marriages—as is currently envisaged in the statutory scheme—the religious ceremonies that they offered were simply recognised by the state as being efficacious in marrying two people. A religious body or a belief body would carry out what is essentially a private religious ceremony but the state would recognise it.

We believe that that suggestion would reduce the vulnerability of the current scheme because religious and belief bodies would not be seen as agents of the state. We urge the Scottish Parliament to consider that. Nevertheless, even with that innovation, we have deep concerns that, when challenged, the proposed legislation will unravel. There is plenty of high-level legal opinion to that effect.

We are also concerned that the proposed legislation is an invitation to take religious bodies in particular through the court system. We are voluntary bodies; we rely upon our members giving donations. The thought of years of exhausting and incredibly expensive legal challenge is very concerning. That is why in May the General Assembly of 2013 instructed my committee, together with other councils and committees in the Church of Scotland, to consider—to put it colloquially; these are not the terms of the General Assembly deliverance—whether it is worth the Church of Scotland continuing to offer marriages in Scotland. The matter gives us considerable internal problems and we are deeply concerned about the external threat.

**Dr Macdonald:** Just to clarify, the issue comes down to what a public function is. When the cabinet secretary comes to the committee, I encourage you to ask him what he thinks a public function is and whether a minister of religion who is marrying people is performing a public function. In the Ladele case, the court ruled that Ms Ladele was a public authority because she performed a public function and yet the public function that a civil registrar performs is exactly the same public function that a minister of religion or a religious celebrant performs. Therefore, it then becomes an issue of balance of rights, and what a court would rule as regards the balance of rights may well change over time and may very well change from one jurisdiction to another.

**Siobhan McMahon:** I suppose the counter to that would be that at the moment, the registrar is seen as someone who performs a function for the local authority whereas the religious celebrant performs a function for their church or organisation. Do you have a view on that, Dr Macdonald?

**Dr Macdonald:** The religious celebrant performs a function for the Government, but they do it within the context of a religious service.

**Siobhan McMahon:** Some of the witnesses have already commented on the topic that I will raise. What are your views on the equality impact assessment that has been carried out? Although the Scottish Government has said that it does not wish anyone to be forced into performing ceremonies, it has also said that those assurances might not be guaranteed—that was in the EqIA. Do you have views on that?

**Ephraim Borowski:** There are three aspects. One relates to what Alan Hamilton and Gordon Macdonald have said about external challenges to the bill. We did not address that directly in our submission. We addressed the internal gaps, as I said earlier, where the precise drafting means that the protections that are clearly intended by the bill might not be watertight. As for the more general question of the equality impact, we have drawn attention to a couple of things that are perhaps partially internal and partially external, which suggest that there is a lack of equality of arms, as it were, between the two sides in the debate.

09:00

It is clear that there are strongly held ethical views on both sides. Therefore, we have commented that it is a concern that, for example, the Lord Advocate produces guidance on the prosecution of people for expressing their opposition to the proposal in a particularly strong manner but not guidance on the prosecution of people who express their support of it.

That comes back to the points that have been made about what goes on in classrooms and how that is presented. There does not seem to be the same concern for the clear distinction that is already made between religious education, as it is now understood, and religious instruction. In my view at any rate, that is similar to the point that Mr
Robertson made about how things are taught and about the distinction between religious and moral education on the one hand and science education on the other.

The Rev David Robertson: My concern is not so much about the clergy—to be honest, we can look after ourselves—as about other people, who might find themselves victims of discrimination. A fundamental axiom of the way in which those who rule us govern and educate is that they discriminate against discrimination. The minute that those who are for same-sex marriage rather cleverly started calling it equal marriage—which means that people are now asked, “Are you for equal marriage?”—the ball game changed. I do not think that any protections that the Parliament puts in place will ultimately last if the conception is that this is about equality. No one should be allowed to do something that is unjust and unequal, and the Parliament will not legislate on that basis.

To me, the approach is intended to help to get the bill through but, ultimately, we will end up in a situation in which people who oppose same-sex marriage will automatically be regarded as bigots and as people who are discriminatory and who should therefore be discriminated against. I think that, in a short space of time, schools that do not teach the new morality and charities that do not accept the new morality will be legislated against. In fact, I do not think that there will need to be legislation; I think that the courts will find against us and we will get hammered.

The Convener: Bishop Armes, would you like to comment or are you okay?

The Rt Rev Dr John Armes: I think that I am okay. The Scottish Episcopal Church is probably at a slightly different place on the spectrum from some of the churches whose views we have heard. We express a wide spectrum of views. Some of us are firmly in favour of the bill and some of us are wary of and concerned about it. It is important to us that whatever is built into the bill is enacted into the law of the Church under its Barrier Act 1697. That being the case, I think that the state has an objective interest in recognising marriage in law. The sociological data show that children perform better if they come from a family with married parents than if they come from a single-parent family or some other sort of broken home. That being the case, I think that the state has an objective interest in recognising marriage in law.

The Rev Dr Alan Hamilton: I am sure that my colleagues in the public gallery would agree that nothing in the Church of Scotland is simple.

It is important to acknowledge that there are diverse views in the Church of Scotland and that we are debating a number of matters relating to same-sex issues. It is common wisdom that the fault lines over same-sex marriage fall differently from those on the broader issue of same-sex relationships.

There would undoubtedly have to be a period of discussion and debate. Because the issue is so important, even after that period, if one general assembly decided in favour of the denomination allowing its celebrants to carry out same-sex marriage—I do not think that our celebrants would ever be forced to do that—there would still have to be a confirmatory decision of a majority of the presbyteries of the Church of Scotland over the next 12 months, followed by a second decision in favour of the proposal by the succeeding general assembly. The process is not straightforward, but such things happen.

Alex Johnstone: We have gone into detail on a number of issues. However, I do not want to miss the opportunity to discuss the more general issue that we are dealing with.

I have read through the submissions and, although I have not ticked off the boxes, I note that most of the submissions take the opportunity to talk about marriage as the basis for family and the rearing of children. Would you like to say anything specific about the role of marriage in the provision of a stable basis for rearing children?

Dr Macdonald: I think that it is good that the committee should consider the bill in principle at this stage and not just the details—part of my concern has been that the entire focus will be on the details.

The question that you have to ask yourselves is: what is marriage? Is marriage just a subjective expression of love between two individuals or is it more than that—does it have some sort of objective reality? In particular, what is the state’s interest in legislating for marriage? Throughout history and across societies, the state’s interest in legislating for marriage has arisen because marriage is the context in which children are normally produced and reared, and it is the most stable and secure context. The sociological data show that children perform better if they come from a family with married parents than if they come from a single-parent family or some other sort of broken home. That being the case, I think that the state has an objective interest in recognising marriage in law.

The state has never been interested in whether a man and a woman who are getting married love each other; it is interested in whether they are committed to staying together and will provide a framework in which children will be raised. In history, there have been many society marriages that were not love marriages. That does not
happen as much any more, but it used to happen. There has been a historical development in that sense.

The point that I am making is that the state’s interest relates purely to the production of children and the raising of the next generation, in the interests of the security and stability of society. That is why the biological complementarity of male and female is crucial to the essence of what marriage is.

**Alex Johnstone:** Over my lifetime, and probably for a while before that, there has been a perception that the strength of marriage and its role in society and the strength of family life have been weakening, with a number of obvious impacts on how society conducts itself. Do you believe that the weakening of the status of marriage has weakened family life?

**Dr Macdonald:** The increase in divorce and cohabitation has almost certainly led to instability in society and in families. The official report into the riots in England mentioned that most of the people who participated came from broken homes. That is a different issue from the issue that the bill is concerned with, but the decline of marriage as a social norm cannot be divorced from a range of social problems that have arisen in our society.

**Alex Johnstone:** When politicians and others discuss key issues, we often use phrases such as, “All other things being equal, how will this change perceptions?” Can the changes that are contained in the bill be discussed with the assumption that they will not have an impact on the status of marriage in other respects?

**Dr Macdonald:** The bill fundamentally redefines marriage. It means that marriage ceases to be a relationship between a man and a woman, with the complementarity of two genders, and becomes a relationship between two people of the same sex. You get into even more confusion when you get into the whole transgender issue—that came out this week at the Delegated Powers and Law Reform Committee, which some of the committee members are members of.

The principle is opened up that marriage can be redefined in any way that the state wishes. Whether the state has the authority to do that is not an issue on which Scotland for Marriage would take a view, but it is certainly one on which churches would take a view, given their understanding of the relationship between church and state.

**Alex Johnstone:** Should the proposed change in legislation take place, do you think that it would weaken marriage as one of the foundations on which family life and society as a whole are based?

**Dr Macdonald:** I do, but I will let others comment, too.

**The Rev David Robertson:** Alex Johnstone is hitting the heart of the issue. Two things that he said are particularly perceptive. First, the bill will not initiate a major decline in marriage, as there has been a decline in marriage and its value in society for a long time. The bill is just part of that process, which I would like to be reversed.

I believe that it is because the understanding of marriage has become so weak that the bill is taken as a given by so many people, on the ground that it is just about equality. I wrote a letter to David Cameron and spoke to the Liberal Democrat spokesperson who drew up the British Government’s legislation on the issue. He basically admitted that they could not define marriage. How do we redefine marriage if we cannot define it?

My fear is that what is happening here is part of a process and that, if the bill is passed, all marriages will become civil partnerships. The bill represents a move away from the Christian teaching of marriage, on which our society has been based for well over 1,000 years.

Therefore, I appeal to MSPs not to vote for the bill but to think about the enormous social consequences that the proposed change will have. Even though the bill fits in with the zeitgeist and there is enormous pressure to make such a change, MSPs should say no, at least until we have looked at what the consequences will be. The bill will accelerate the decline in marriage, and the social and economic consequences will be phenomenal.

**Marco Biagi:** Will you explain to me how increasing the number of people who get married each year will cause a decline in marriage?

**The Rev David Robertson:** Because you are redefining marriage for everyone—you are changing what marriage is—so you are turning all marriages into civil partnerships.

**The Rev Dr Alan Hamilton:** As I have said repeatedly, the General Assembly of the Church of Scotland has not debated the matter, but there are certainly folk in the church who would agree with what Mr Robertson and Dr Macdonald have said. Even those who do not are anxious that we are moving into uncharted territory. Unless we are saying that marriage between a man and a woman is of no real significance in society and is not that important anyway, to redefine it so significantly without having the debate that we feel should take place, and without carrying out the research that we feel should be done, over a protracted period—after all, the issue is extremely important, and not just theologically, although we would argue that
our theology is also our understanding of society—would be to move too far, too fast.

It is of deep concern to almost everyone in the Church of Scotland that there should be protection for everyone, regardless of sexual orientation—whether heterosexual or homosexual—and that there should also be equality. However, there is concern that the bill is a move beyond equality, given what is available to same-sex couples under the civil partnership legislation. It is a move beyond equality into sameness, which is another issue that concerns us and one that we do not believe has been properly considered. As I said, that is the view of my committee—the general assembly has not yet debated the matter.

09:15

The Rt Rev Dr John Armes: The Episcopal Church has a similar process, and we really need to discuss in depth all the different views in the church, which I think are pretty representative of the views of the public at large, to find out where we go on the issue. I support Mr Hamilton’s point about having a more protracted series of discussions on some of the issues.

Although some people in our church take the very conservative line that marriage is between a man and a woman, others see marriage as a covenanted relationship of love. In that sense, the issue is about love, not equality, and those people would see the opportunity for people of whatever gender to form an alliance in marriage as strengthening marriage itself. I would not want people to gain the impression from this conversation that everyone in our church is of the same mind on the matter.

John Mason: I will start with the submission from the Free Church of Scotland. I must put on record my strong disagreement with the suggestion that the Scottish Parliament is acting as “a tool of the Conservative/Liberal Democrat Coalition in London.”

The Rev David Robertson: I thought that you might.

John Mason: I am not entirely happy with the bill but, whatever the reason for it was, it was not for the Parliament to be such a “tool”.

On the point about the state’s right to be involved, it has been suggested that marriage involves three contracts: the first is between the two people in question; the second is between the two people and the state; and the third is between the two people and God. Given the second of those contracts, does the state not have the right to get involved?

The Rev David Robertson: That is an interesting question. First, I should apologise for the remark that you highlighted, which came from my friend and colleague Gordon Wilson, who is turning into something of a radical in his old age. He has promised, however, not to try to expel Mr Salmond again.

The state has the right to legislate on any civil contracts that it wishes. My point of dispute is that marriage is not just a civil contract and the state does not have the right to change such an age-old institution. Basically, it will destroy marriage by turning all marriages into civil contracts.

To refer again to the Westminster Government, I was intrigued to learn that adultery will not be a ground for divorce in a same-sex marriage and to hear the discussion about children and so on. In the bizarre world in which we live, our Governments are telling us that marriage is to be redefined as genderless or sexless, childless and faithless. That is an absurd position. The state can decide any civil contracts that it wishes, but I object to its saying, “We’re going to make all marriages a civil contract.”

John Mason: The Humanist Society Scotland, which will give evidence in the next session, has suggested that the Church of Scotland has been put in a privileged position and that that should not be the case. Does the Church of Scotland believe that it has such a position compared with other churches?

The Rev Dr Alan Hamilton: The Church of Scotland believes that it has a responsible position that is no less than that of any other church. We have a responsibility to all the people of Scotland, regardless of religious belief or sexual orientation. That is where we are. How the state reflects the Church of Scotland’s position in the country’s national life is really up to it, but we do not seek a privileged position.

John Mason: Does anyone else wish to comment on the Church of Scotland’s position or are you all happy to leave the matter?

The Rev Dr Alan Hamilton: I have to say that I am not entirely sure in what way the Church of Scotland is deemed to be privileged.

John Mason: The bill specifically mentions it as a denomination, whereas other denominations have not been mentioned.

The Rev Dr Alan Hamilton: Does that make it privileged?

John Mason: In some people’s view it does. I just wanted to hear your views, and I will ask the Humanist Society later for its thoughts.

Ephraim Borowski: I take the opportunity to reiterate a related point in our submission that is to
do not with the allegedly privileged position of the Church of Scotland but the distinction between religious marriage and belief marriage. It has been correctly recognised that the humanists feel to some extent compromised by the fact that the current fudge, for want of a better expression, allows them to conduct what are referred to as religious marriages. Humanists want to be able to continue doing what they currently do but not to have it labelled “religious”. That is perfectly acceptable. However, what is proposed will result in the religious aspect of genuinely religious marriage being kind of removed, because religious and belief marriages are left in the same basket. The distinction between them, which is a significant distinction that all my colleagues have founded on at various points in their answers to other questions, disappears. Therefore, we have suggested what looks like a trivial grammatical drafting change—from “religious or belief marriage” to “religious marriage or belief marriage”—because we believe that the distinction still exists and should not be elided in that way.

**John Mason:** Mr Armes, I will pick up on what you said about the definition of marriage as “a covenanted relationship of love”. Why do we restrict that to two people? From my reading of scripture, that has been the case in the Jewish and Christian traditions but, having lived in Nepal, I know that many Hindu and Muslim societies have had the tradition of marriage being between one man and more than one wife—perhaps two wives. If people, especially the two women involved, willingly entered into such a relationship knowing and accepting that the marriage involved three people, would you be happy for that to be one of the definitions of marriage as a covenanted relationship of love?

**The Rt Rev Dr John Armes:** That is an interesting question, but I think that my answer would be no. Marriage has existed in different forms in different cultures over the centuries. That is why the question whether the state has the right to define marriage—to say who can get married—is relevant. I personally, and the church that I represent, would say that the state has that right. If the state were to say that marriage could be between three or four people or more, I suppose that the state would have the right to do that. However, in the context of the Christian faith, marriage has always been between two people. For me, the idea of the covenanted aspect of the relationship is that it is a covenant between two people.

**John Mason:** Would it also be correct to say that, in Christian tradition, marriage has always been between one man and one woman?

**The Rt Rev Dr John Armes:** Yes.

**John Mason:** So if you are changing Christian tradition in one way, you would be reasonably relaxed about changing it in another way.

**The Rt Rev Dr John Armes:** Well, no. We are engaged in a conversation at the moment, but whether people can marry more than one spouse at one time will not be part of our conversation. My point about marriage being a covenanted relationship of love is shared by some people in one part of our church, but it is not shared by others. That is precisely the kind of conversation that we in our church need to get into—and are engaged in at the moment—before we can reach any decision on whether we can officiate at same-sex marriages.

**The Convener:** We are running quite tight for time. To ensure that other committee members have an opportunity to ask questions, I ask that answers be concise.

**Marco Biagi:** A lot of the areas that I wanted to ask about have been covered. The witness from the Free Church of Scotland referred to the definition of marriage—the definition seems to be very important to you. Did you say that the difference between marriage and civil partnership is that marriage is sacred and a civil partnership is just a civil contract?

**The Rev David Robertson:** No, it is more than that. You said, “sacred”; in putting forward this bill you are by definition turning every marriage into a civil contract.

**Marco Biagi:** Do you support the existing civil partnerships legislation?

**The Rev David Robertson:** That is for the Government; the Government can do that. I happen to believe the traditional Christian teaching, which is that sex should be between a man and a woman, in the confines of marriage. I realise that that is deeply unfashionable. However, that is not the issue here.

**Marco Biagi:** You talked about your discussion with a Whitehall official, or politician—whoever it was—in which you asked them to define marriage and they said that they could not do so. Would you say that within your faith you have a reasonably robust definition of marriage?

**The Rev David Robertson:** Yes. It is there in our submission. The response that the person initially gave was that marriage is between two people who love each other. The logical progression—at which people throw up their hands in horror and have a heart attack—would be to say that if that is the case there is nothing wrong with someone marrying their adult son, if they love each other. To say that marriage is between two people who love each other is
emotive and sounds great in the press, but as a basis for law it is an absurd definition.

Our definition is in our submission and is basically the catholic Christian orthodox position:

“The meaning of marriage is straightforward. It is the union between one man and one woman, for the threefold purpose of mutual companionship, the procreation and upbringing of children in a secure environment, and the good of society.”

Marco Biagi: You said that you would marry an infertile couple, which casts doubt on that definition.

I am concerned that the religious groups to which the witnesses belong all have slightly different definitions. We heard that one of the Jewish communities has its own interpretation of what marriage should be, and we heard that the Episcopal Church has a variety of interpretations and is coming to a position. Are there multiple definitions out there?

The Rt Rev Dr John Armes: The Episcopal Church says in its canon 31, which is part of its submission:

“Marriage is a physical, spiritual and mystical union of one man and one woman created by their mutual consent of heart, mind and will thereto, and is a holy and lifelong estate instituted of God.”

That is how we define marriage, and I would think that is pretty much in step with most Christian churches at the moment.

What I am saying is that within our church, partly because of what is abroad in the state, the challenge that we face is whether we need to rethink that definition. However, at the moment, that is where we stand and that is what constitutes marriage in the Episcopal Church. If that is to change, we will have to undergo quite a long process of conversation, discussion and decision before we can accept that any of our ministers can preside at a marriage of two people of the same gender.

The Rev Dr Alan Hamilton: There are undoubtedly theological nuances in relation to expressions of understanding of marriage across churches and religious traditions, but the issue for us here is whether or not marriage is only between one man and one woman. It is certainly the historical catholic—with a small c—Christian tradition that it is.

If the Scottish Government and the Scottish Parliament want the churches to change that, they need to recognise that this is an immense ask—it is a huge ask for us to depart from our historical position.

Marco Biagi: In what way does the Scottish Government want churches to change their definition?

The Rev Dr Alan Hamilton: It is offering the possibility.

Marco Biagi: That is a very different prospect, legally.

The Rev Dr Alan Hamilton: Yes—if the Scottish Government’s opt-in provisions are efficacious. However, we are not convinced that they are efficacious.

Marco Biagi: If the opt-in provisions were robust and protected against challenge, would you have no objection to the bill?

The Rev Dr Alan Hamilton: What we have been asked all along, and particularly in the consultation, is whether we support the bill; the Scottish Government has introduced a bill and asked whether we can support it. We cannot give that because our position on human sexuality remains unchanged. It is the historic catholic orthodox position that is followed by most Christians around the world. If the Scottish Government wants our support, we will have to change, and that is a big ask for us.

The real issue is not the nuances about our understanding of marriage. The Scottish Government and the Scottish Parliament are focusing on one simple issue: is marriage between one man and one woman or can it be between people of the same sex?

09:30

Dr Macdonald: If the Parliament makes that jump and says that marriage is not only between one man and one woman—which is not only the historic Christian position but the historic British and western position—it must then ask where it goes as an issue of principle. Would it be discriminatory not to legislate to legalise polygamy, for example? The Parliament would clearly be allowing marriage to be redefined in one way but not in another way. On what basis would it be doing that? It must answer that question.

What would we do in the scenario of a bisexual man who lives with a man and a woman? There have already been moves in some European countries to recognise such relationships in law. The bill cannot be seen in isolation. We must ask where it will lead to logically, even if there is at the moment no political will to go there.

The Convener: Thank you very much. As I have said, we are quite tight for time, so I pass you over to Christian Allard.

Christian Allard: I thank the witnesses for coming. I will continue on the subject of not taking the bill in isolation.

Since the Scottish Government started the conversation in 2011, many other countries have
introduced bills on same-sex marriage. The unholy relationship in London between the Liberal Democrats and the Conservatives did so, but so did other countries in Europe.

How will that play with your organisation and churches in those countries? We live in a globalised world now, so people move a lot more than they did in the past. Will that and the different legislation in different countries lead to conflict with your organisation and churches?

There are two questions. The first is about timing. Is the Scottish Government right to have taken a little bit longer in legislating than other countries have? Secondly, if the bill is not passed, how will it affect your organisation and churches if other countries have already passed similar legislation?

Dr Macdonald: Very few countries in the world have passed such legislation; I think about 10 have. France has recently done so, as Mr Allard will know. It is a particularly Western phenomenon. I do not expect that large swathes of countries in Africa, the middle east or eastern Europe will rush to legalise same-sex marriage in the next 20 years unless they are forced to do so by the Council of Europe or the European Court of Human Rights, which is a danger for those that are members of the Council of Europe, regardless of national views or democratic mandates. The view that legalisation of same-sex marriage is a progressive trend and that everybody will do it eventually is questionable, to be honest.

My organisation is a Scottish organisation and has no plans to set up a campaign in France, you will be pleased to know.

Ephraim Borowski: Perhaps I could begin to answer the first question by picking up something that Alan Hamilton said. We are discussing two different questions: one is whether we support the bill and the other is what our position is, or will be, as agents within the new legislation.

We all have opinions and some of us, as has already been made clear, have not yet formed an opinion, have different opinions or are still far away from forming an official opinion through our various governing bodies. Therefore, from that point of view, it may be that the process is far too swift. Although parliamentary procedure may seem to be very slow, the various denominations that are represented around the table grind even slower. Therefore, to ask not just the first question but to go further and ask the second question is far too swift for us.

On your second question, my understanding—I stand ready to be corrected—is that, in most European countries and in other jurisdictions, civil marriage and religious marriage are completely separate from one another and there are two separate ceremonies. People go to the registry office for one and to the church, synagogue, mosque or whatever for the other. An unintended consequence of the bill may be that that will start to happen more in this country. Therefore, we need to be conscious of the fact that what happens in all the jurisdictions in the UK is not the same as what already happens everywhere else regarding what is currently referred to as marriage. Following what one might call the European model may be a way of avoiding some of the problems that are being thrown up around the table.

The Convener: Christian, do you have another question?

Christian Allard: No—I would just like to know the views of the other panel members on the matter.

The Rt Rev Dr John Armes: For us, too, the timescale is too short; we need more time to work this through. I am not sure where the Scottish Episcopal Church will get to or what resolution we will reach on the bill.

Nevertheless, Christian Allard is right to say that we are part of a much wider family of churches; we are part of various communions of churches as well. For example, we are in communion with the church in Sweden, which celebrates same-sex marriages under the state there. We are also, in the Anglican communion, part of a world-wide family of churches that includes lots of churches in Africa and other parts of the world to which same-sex marriage would be complete anathema, and we have responsibilities to them as well. We must be careful not to be seen to be going it alone as a church, and we must respect the fact that the speed at which we might want to move is not the speed at which the whole church wants to move.

The implication in the question is correct; we are not autonomous on this issue, because we want to respect where our brothers and sisters elsewhere stand.

Christian Allard: I am interested to hear that the countries that you are talking about will not legislate in this way. An amendment has been proposed by the Equality Network and the Scottish Transgender Alliance that would allow a couple with a civil partnership that was registered in another country to marry in Scotland. Do you think that that would lead to an influx here? Could that be one of the consequences of the bill?

The Rt Rev Dr John Armes: I have not thought that one through in any depth, but that might be the case. If one of our churches were to say that it would happily officiate at same-sex marriages, I am sure that people would come here from elsewhere. There are many Christians who are gay and would want to celebrate their partnerships in a sanctified fashion. If that could be done within
the context of a church service somewhere, they may well seek to go to that somewhere to do it. Whether that somewhere will be the Scottish Episcopal Church, the Church of Scotland or any of our denominations is something that we still need to work through.

Jim Eadie: My questions are primarily for the Rev Hamilton, but I would welcome views from the other panel members, if we have time. You expressed some doubt about the opt-in provisions of the bill. Do you not accept not only that the bill, in and of itself, will not compel individual celebrants to perform same-sex marriages, but that, beyond that, it will not allow individual celebrants within the Church of Scotland to celebrate same-sex marriage for the very reason that you outlined, which is that there would have to be a protracted period of debate and discussion before the General Assembly of the Church of Scotland could arrive at a definitive position?

The Rev Dr Alan Hamilton: The period would not be all that protracted—

Jim Eadie: Well, it will have taken from 2009 to 2015 to decide on the issue of gay clergy within the church.

The Rev Dr Alan Hamilton: Can I be allowed to complete my answer, convener?

The decision would take not decades, but a matter of years. Our concern is that, if the Church of Scotland generally says no, we will be challenged under European legislation, and whatever is in the UK act or in delegated legislation will unravel. If we say yes, ministers and deacons may, if they so choose, celebrate same-sex marriages, but the denomination or the individual celebrant—or both—who says no will find themselves being challenged under European legislation.

Jim Eadie’s question is based on a red herring. If the Church of Scotland were even to delay taking action it could find itself being challenged. What is of deep concern is not whether the Scottish Government or the Parliament want to offer protections to the Church of Scotland or any other denomination, but whether those protections would be effective.

Jim Eadie: It is very helpful to have that response on the record.

Dr Macdonald: The bill cannot be seen in isolation from other legislation, such as the Equality Act 2010, which was passed by Westminster, and the European convention on human rights. The problem that arose when adoption was considered by the Equal Opportunities Committee in the previous session of Parliament was that ministers gave lots of assurances that nothing in the Adoption and Children (Scotland) Bill would force Roman Catholic adoption agencies to do anything or shut them down. That was technically right; nothing in that act would do that. The equality legislation at Westminster is the problem that has led to most of the agencies shutting down.

Ministers can give the same assurances on the Marriage and Civil Partnership (Scotland) Bill, but members have a moral responsibility to ask themselves whether the protections are robust and can withstand an ECHR challenge. There is already an attempt south of the border to challenge the Marriage (Same Sex Couples) Act 2013—which was passed only a few weeks ago—in regard to the Church of England’s position. It is almost certain that a similar challenge will arise north of the border. Therefore, members must ensure that not only this bill but other legislation—to the extent that they can influence it—is amended to provide protections.

Ephraim Borowski: I am aware of nothing in the Equality Act 2010 that suggests that there should be a hierarchy of grounds of equality, but it is clear from looking at the decisions in case law that has emerged and that issues about gender and sexuality trump issues about religion. Although there may be nothing in the UK Equality Act 2010 to that effect, the wording of schedule 5, part II, head L (miscellaneous), in section L2 (equal opportunities) of the Scotland Act 1998 lays down a hierarchy of grounds in which religious beliefs comes right at the very end along with political beliefs.

If anything, there is even more potential for legal challenge in Scotland than is the case elsewhere in the UK. Someone mentioned—I think it was Gordon Macdonald—the provision in European law for a margin of appreciation. As he said, we need to consider whether we allow a situation to develop in all the UK jurisdictions in which it is possible to deal reasonably with clashes of different equality strands rather than one of them always being understood to trump another for whatever reason.

Jim Eadie: My final question is to the Rev Dr Alan Hamilton. Are you aware of individual clergy in the Church of Scotland who support the bill for whom it is of a source of considerable personal pain that they will not be able to perform same-sex marriages? Clergy in my constituency have expressed that view to me, so I speak with some knowledge of the issue.

The Rev Dr Alan Hamilton: I am interested to know how you know that those clergy will not be allowed to conduct same-sex marriages because I do not know that.

Jim Eadie: I have been told that the legislation will, in and of itself, not allow that to happen.
because they are governed by the General Assembly and the Government’s intention is not to interfere in the internal affairs of individual denominations.

The Rev Dr Alan Hamilton: I have made it clear from the outset that that is a matter that the General Assembly has yet to consider, so I struggle to understand how Mr Eadie can reach that conclusion—unless he has the gift of prophecy.

Jim Eadie: You are misinterpreting and misrepresenting the view that I have expressed. I am expressing the view of my constituents who are clergy in the Church of Scotland and other denominations. They have told me that it is a matter of personal pain that they will not be able to perform same-sex marriages.

The Rev Dr Alan Hamilton: I refer to my earlier answer.

The Convener: I thank Jim Eadie for his questions. Marco Biagi has a quick question.

Marco Biagi: If this were a bill simply to legislate for same-sex civil marriage and left out religious officiation in its entirety, would you have the same concerns? A yes or no response would be fine.

The Rev Dr Alan Hamilton: Different concerns.

Dr Macdonald: We would certainly be concerned because we believe that marriage is between a man and a woman.

Marco Biagi: That is a yes.

Dr Macdonald: Yes.

Ephraim Borowski: I would have to take advice from the different religious strands of the Jewish community, but I suspect that we would say that that is a completely different question.

The Rev David Robertson: The question does not make sense because the state cannot regulate religious marriage; it can regulate only civil marriage. The obvious answer is that I would share the same concerns, but I would be most concerned about a state that thinks it can regulate religious marriages—the state has no right to do that.

The Rt Rev Dr John Armes: The concerns would be different. We are concerned about society at large and not just about what happens in the confines of our churches.

The Convener: I thank all the witnesses for their contributions and for coming along to the committee. I suspend the meeting to allow our second panel of witnesses to take their seats.

09:46
Meeting suspended.

09:56
On resuming—

The Convener: I welcome our second panel of witnesses and ask them to introduce themselves.

Louise Cameron (Scottish Youth Parliament): I am vice-chair of the Scottish Youth Parliament.

The Rev David Coleman (United Reformed Church): I am here in my capacity as convener of the church and society committee of the national synod of Scotland of the United Reformed Church.

Ross Wright (Humanist Society Scotland): I am from the Humanist Society Scotland and am a celebrant and spokesperson on equal marriage.

Mark Bevan (Amnesty International): I am from Amnesty International.

The Convener: John Mason will start the questioning.

John Mason: That was a surprise, convener.

I thank the witnesses for their submissions. I have to say that I found the Scottish Youth Parliament submission to be interesting. It says, for example:

“We are firmly of the belief that two people in love should be allowed to demonstrate their love and commitment to each other in a way that reflects their personal feelings for each other.”

Why did you choose the number two? In many parts of the world in the past—indeed, in some parts of the world in the present—it has been perfectly culturally acceptable to have three people in a marriage as long as everyone is willing to go into it.

Louise Cameron: We firmly believe that marriage is between two people. Polygamy is not an equal relationship—indeed, it is usually against the women involved—whereas we believe that a relationship between two people can be equal.

John Mason: So even if all three individuals loved each other and were willing to go into that relationship, you would be against that?

Louise Cameron: Yes. That is not what we are fighting for—we are fighting for the ability for two people who love each other to get married.

John Mason: Thank you.

Turning to Mr Wright from the Humanist Society, I do not know whether you were present for the previous evidence session but I asked the Church of Scotland about your comment that it was in a privileged position. I have to say that it seemed to
be a bit vague about that. Can you clarify for us why you think that the church is in a privileged position?

Ross Wright: In law, they are the only people who are, as of right, allowed to marry others. Everyone else has to be approved. Of course, that also creates a confusion in the bill in that it has required an additional amendment about deacons. If the church had been included with everyone else in the section in question, it could approve whoever it wanted, but because the Church of Scotland has this special privilege as of right to marry, a separate section relating to deacons has had to be included. Obviously, in giving evidence to an Equal Opportunities Committee, we would advocate that everyone should be treated equally; however, if a church is not established, it does not have the same special privilege.

John Mason: In your submission, you say:

"it is unthinkable that a public official carrying out a public service be allowed to discriminate on the grounds of sexuality/sexual orientation."

However, there are other examples of people working in the public sector doing things in different ways. The obvious one is that individual employees are allowed to opt out of being involved in abortion. I do not know whether you think that that is a good or a bad thing, but it has been suggested as a possible model for the future in that, although the state pays everyone and provides services, a bit of movement is allowed for individual conscience.

John Mason: I assume that you would be against having faith schools at all. That is an example in which the state provides education in different ways, either in faith schools or in non-faith schools.

Ross Wright: Unfortunately, I am not here to debate faith in education, and I am not an expert on it.

John Mason: I accept that. My point is that you are not happy with the state providing funds and services in different ways—you want everything to be exactly the same.

Ross Wright: If that is the way in which the state currently agrees that things should be managed, we would prefer it to be different, but we are not campaigning for that actively in relation to the bill before us.

John Finnie: Mr Wright, you mention gender recognition certificates in your submission. Could you outline your position on that and say why you hold that position? If it helps, I will quote what you have written. Your submission states:

"The HSS strongly supports the ability for a transgendered person to remain married when obtaining a full Gender recognition Certificate."

Ross Wright: Yes. That is so that if, within a marriage between a man and a woman, one of them decides to change gender, they do not need to get divorced in order then to remarry as a same-sex couple.

John Finnie: I move on to the issue of freedom of speech. You state in your submission:

"When these laws were framed lawmakers did not consider enshrining in law special rights for those opposed to treating women, minority ethnic people or disabled people equally."

Is marriage not different?

Ross Wright: I do not see it as different, and the position of the Humanist Society is that it is not different. Because the subject is sexuality, we seem to be getting into a real state over it and treating it differently from race or gender. It is puzzling to me why special provision is being made to bend over backwards to allow people that. Of course, they will still have the right to disagree and to say what they want about it. We are simply arguing for the right for people who want to have a same-sex marriage to have one.

John Finnie: Mr Bevan, we have heard a lot about the hierarchy of rights. Amnesty will have experience of dealing with situations in which
there are competing rights. How do you think that should be dealt with in relation to legislation?

Mark Bevan: The fundamental position of Amnesty International is reflected in something called the Universal Declaration of Human Rights. That it is universal is the most important thing about it. We would not see a conflict in rights here at all. I do not know whether you are referring to our belief that same-sex marriage should be allowed in law and our belief in equality, set against—as some have argued—the opportunity for religious celebrants to refuse to marry. We do not see those two things as being in conflict at all. The freedom to practise a religion does not conflict with the freedom to marry everyone else in the community on an equal basis.

John Finnie: What is your comment about what people say are the protections that the bill will afford to religious celebrants?

Mark Bevan: Having reviewed the proposals in the bill, we have no issues with those at all. The Lord Advocate has also made his position very clear.

Marco Biagi: Mr Bevan, you just referred to the freedom to practise. As the representative of an organisation that is active in many countries and is very strong on the freedom to practise and religious persecution around the world, do you consider that there is an issue with freedom to practise for those faiths, including those of the people who are sitting next to you who are not currently free to practise their view of marriage, which includes performing them for same-sex couples?

Mark Bevan: I am sorry; could you clarify your question?

Marco Biagi: Freedom to practise is an important human right. Do you think that there is a problem that many faiths in Scotland that wish to perform same-sex marriages and practise their faith in that way are forbidden to do so?

Mark Bevan: Absolutely.

Siobhan McMahon: Mr Wright, in your evidence, you said that you would defend anyone’s right to practise their beliefs, and that you would advocate for other beliefs. However, when you say that you do not understand the opposing view, is it because you might not, or do not want to, understand the religious body or its belief? Do you recognise that?

Ross Wright: No. I understand where people are coming from but if we are going to have the modern, secular democracy that we advocate, we should be able to frame laws that allow both to coexist. That is why we strongly support the bill, because it supports the rights of people like ourselves who wish to conduct such marriages and protects those who do not.

One point that I would like to make about the conscience clause—I think that Mr Eadie alluded to this—is that it works only one way. People whose organisations have opted in, like humanists, could refuse to conduct marriages, and that would be fair enough. However, freedom of conscience for people in those organisations that opt out—a Catholic priest or a minister of the Church of Scotland, for example—would not be respected. Conscience needs to be looked at from both directions.

Siobhan McMahon: It will come as no surprise to anyone if I ask the same question about the equality impact assessment and the witnesses’ views on that. As I said, it was conducted for the bill and the guarantees that we are told are robust might not be enacted. Do you have a view on that? Do you think that they can be?

The Rev David Coleman: Can you clarify which guarantees you mean?

Siobhan McMahon: The guarantee that says that no celebrant will have to perform same-sex marriages if they do not wish to, the protection for people who work in education, and the protection for freedom of speech, along with various others. They are all supposed to be contained in the bill. There are two sides of the argument. One is saying that that is fine and they are content because they do not wish to see religious bodies being forced into doing something, and they therefore believe that the principles in the bill are robust. The opposing view is that the guarantees are not robust and that they can be challenged. The equality impact assessment also casts doubt on the guarantees. I just want to hear your opinions.

The Rev David Coleman: We have been following the issue intently during the past couple of years and we have been convinced that the guarantees that are contained within the bill are adequate. From one point of view, they might even be seen as excessive, but it might be sufficient guarantee that they are there and that no one is forced to engage in something that they are spiritually disinclined to do.

As I said, we support the bill, because we believe that it contains guarantees, both to enable same-sex marriages to happen and to protect those who wish not to be party to that, while, from a public order point of view, not allowing them to bully those who wish to go ahead and prevent them from doing that.

Louise Cameron: When the Scottish Youth Parliament carried out its love equally campaign, we were clear that we believe that religious bodies that do not want to conduct same-sex marriages
should not be forced into doing that, but that religious bodies that want to should have the choice to do so.

**John Mason:** I have a supplementary question for Mr Coleman on the point that he just made. In your written evidence, you talk about protections being “more than adequate” and you state that freedom of speech “is more than safeguarded, leaning heavily in the direction of the protection of those opposed”. Would you like the bill to be amended to weaken it or to make it more level?

**The Rev David Coleman:** No. We in the United Reformed Church greatly respect individual conscience and opinion, which is why we have not expressed an opinion as a denomination. We know that we contain people with different views. Having followed the process over the past two years, it seems that, because the protections are so thorough, the bill does not give total equality. However, on the other hand, at the end of the day, when a couple come and ask to be married, that will make no difference to them whatever. Therefore, if the protections reassure those who are opposed, let us go with them. We certainly do not advocate that the protections be weakened; we merely note that they bring into effect a state of inequality, although that is perhaps necessary to enable equality to happen.

**Siobhan McMahon:** I thank the Scottish Youth Parliament for its submission, but I seek a bit of clarification on some of the points in it. You mention the consultation that you carried out, to which you received 42,804 responses. How was the consultation advertised and how were the responses collated?

**Louise Cameron:** We have members of the Scottish Youth Parliament in each constituency and others who represent voluntary organisations. They went out and consulted young people on the issues that are in our youth manifesto.

**Siobhan McMahon:** How did they engage with young people? Was it in schools or colleges, or did it involve hosting public events? I seek a bit of clarification on that.

**Louise Cameron:** Because we have a variety of people in the Scottish Youth Parliament, we have people who represent schools as well as colleges and universities, and everyone has their own way of approaching people. When I consult, I do it through my school, but I know that for members who are not at school it can be difficult to go into schools to consult, so they do it in a way that is suitable for them. That works well, because we get a wide range of opinions and we do not just target the school group. We target all age ranges.

**Siobhan McMahon:** I am asking about the issue only because at another committee yesterday we were trying to find out whether a consultation was robust. I want to try to understand how you got to the figure of 42,804 responses. Did the consultation involve conversations with people? Alternatively, were specific forms filled out or was there an online survey?

**Louise Cameron:** I was not personally involved in it, because I was not a member at the time, so I cannot answer that. I am sorry, but I can get back to you on that.

**Siobhan McMahon:** That would help. Obviously, the submission is based solely on the 42,804 responses to the consultation. Seemingly, the bill is the priority for young people. If it is—I do not dispute that that is the case—I need to know how that was arrived at. For instance, youth unemployment might be a priority for young people. How did you arrive at the priority?

**Louise Cameron:** The Scottish Youth Parliament voted on which issue to choose as our national campaign, and this issue was picked over issues such as youth unemployment and transport. My generation feel strongly about the issue. We do not tolerate bullying or inequality and we are a generation that believes in fairness. Young people back the bill because it is important to them. We do not believe that inequality should stand in society any more.

**Siobhan McMahon:** I fully accept where you are coming from, but I am just trying to find out how the figure was collated. Could you provide more information to the committee in writing?

**Louise Cameron:** Yes.

**Siobhan McMahon:** That would be helpful.
are in a mixed-sex relationship or a same-sex relationship, they should have the same right.

**Mark Bevan:** Our position comes, as you would expect, from a general promotion of human rights. The International Covenant on Civil and Political Rights makes it clear that equal marriage should be available to all, so that is a fundamental campaigning issue for us. We also see, from more than a decade of research, how intolerance of LGBT people across the world has led to very significant hate crime. That is as present in Scotland today as it is in far-flung places such as Russia. For example, in Arbroath earlier this week a woman was very badly mistreated in a public park because of her sexuality.

Looking more broadly across the world, we see legislation allowing permissive attitudes in relation to hate crime. We see people being executed by the state as a result of practising their sexual behaviour. We see people being tortured. We see limitations on demonstrations and movements in Turkey, Russia, Albania, Latvia and so on.

By comparison, to bring the issue closer to home, when we look at what the Scottish Parliament has done in the past, we see that it has been a Parliament that is founded on equality. However, there is inequality in law in relation to marriage at the moment. If, as successive Parliaments have done, this Parliament wants to take action and to take a lead on promoting equality and universal human rights, this is a bill that needs to be passed. There is a tension in Scotland at the moment for a number of reasons, including because Scotland has taken a strong position in relation to a number of human rights.

Let me quote what the UN secretary general Ban Ki-moon said earlier this year:

“To those who are lesbian, gay, bisexual or transgender, let me say: You are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values the United Nations ... and I call upon all countries ... to stand with you”.

Any such attack is an attack on the Universal Declaration of Human Rights, which is a founding convention that supports a fair and civilised society.

**Marco Biagi:** Some people have cited the fact that the Universal Declaration of Human Rights and the ECHR confer a right to marry in terms of a man and a woman as an argument against same-sex marriage. How do you respond to that?

**Mark Bevan:** The Universal Declaration of Human Rights and, more pertinently, the International Covenant on Civil and Political Rights, as well as the European convention on human rights, are all written as what are referred to as live instruments. They are not written in a way that is fixed and frozen in time but are designed to be interpreted in the light of contemporary society. To paraphrase the United Nations Human Rights Committee, the concept of family is so varied across cultures that there can be no standard definition. The UN committee goes on to say that, despite all the arguments in relation to marriage, all arguments place an essential value on the principle of non-discrimination at the fore of the discussion about family—all types of family—and relationships.

**Marco Biagi:** Let me move on to a slightly different topic. Ms Cameron, can you tell me what it is like these days to be at school and be gay?

**Louise Cameron:** I do not think that someone being gay is an issue for my generation; it is just accepted now. There is nothing wrong with being gay; it is just accepted. Bullying is a big issue—homophobic bullying as well. In our consultation, 71 per cent of respondents thought that there should be more education on the stigma that follows LGBT people. Homophobic bullying is really common in schools, with 69 per cent of people having experienced it. However, in my school being gay is not a big deal. Young people are accepted as being gay and it is all right. My generation do not think that being LGBT is a problem.

**Marco Biagi:** There is a proposal to change the age for gender recognition from 18 to 16. That is the age for legal recognition of a change in gender in habitual life rather than anything else. Has the Youth Parliament considered that and do you have a position on it?

**Louise Cameron:** I am sorry, but I am not sure about that. I can get back to you on that.

**Marco Biagi:** That is fair enough. I am keen to get responses to my final question from everyone on the panel. The Amnesty International Scotland submission to the Scottish Government’s consultation states:

“Denial of equal civil recognition of same sex relationships prevents many people from enjoying a whole range of other rights ... and stigmatises those relationships in ways that can fuel discrimination”,

which is the reason why civil partnerships were not adequate. I presume that Amnesty International agrees with that—do the other witnesses?

**The Rev David Coleman:** We are talking “civil” here. We discussed the issues in the committee and felt that if something is offered by the state it should be offered to all without exception. If a registrar who is an agent of the state has a conscientious problem, that is the problem of the state and somebody should be found—without hindrance or inconvenience to those who are applying—who can conduct the ceremony that is required.
Ross Wright: Our understanding of the civil partnership is that it was a nod to equality and a step in the right direction. However, it is like Rosa Parks in America being allowed to get on the bus. We see equal civil partnerships—which we would also like to have—and equal marriage as providing the fundamental step of allowing people to choose which seat they take on the bus.

Marco Biagi: Having compared the situation to racism, how would you respond to the comment from the Rev David Robertson that if you equate the issue to racism how can you justify allowing denominations to choose to be “racist”?

Ross Wright: It is an accommodation that, as my colleague the Rev David Coleman said, we are prepared to concede—it is giving freedom to discriminate, which we are not happy about, but for the sake of getting the bill passed we will concede it.

People who are not registrars are given the right to conduct marriages, not the duty to conduct marriages. It is important to realise that. Because of that, it is a mystery to me why we even need the opt-out and opt-in provisions, which are an additional part. If anybody approaches me and asks me to marry them, I do not need to do that. I do not need to give a reason—I could be washing my hair or be otherwise busy that day. There is no need for me to give a reason why I will not marry someone.

Alex Johnstone: I have a short question on a point that Ross Wright just made. You expressed the view that the bill is imperfect but that you see it as being an improvement. Do you see the bill as being an end in itself or simply one more step along the way?

Ross Wright: In respect of what?

Alex Johnstone: In the progress of the rights of homosexuals, for example.

Ross Wright: I see it as the endpoint in that the final legal hurdle to equality will have been overcome. Whether other organisations—for example, the churches and so forth—will want to adapt their positions later is up to them. That is their choice.

John Mason: Mr Wright, you said that the bill is permissive and that the approach will not be compulsory. However—I made this point at last week’s meeting, too—Catholic adoption agencies were originally permitted to place children with same-sex couples and it was not compulsory that they did so, but the approach quite quickly became compulsory, which meant that agencies had to close down. Might the same thing happen in the context of the bill?

Ross Wright: My understanding of the situation, although I am not fully aware of it, is that the adoption agencies could have stayed open, but that it was their choice to close down rather than treat people equally. No one forced them to close down; their conscience and their choice led them to do so.

I strongly advocate that people should never be compelled to conduct same-sex marriages. Even the existing law, as far as I read it, says that I am not compelled to marry anyone.

John Mason: So in the same way, in future, the churches might have a free choice to close down or conduct same-sex marriages.

Ross Wright: It is interesting that the witness from the Church of Scotland was so concerned that that is a threat. A solution for people, if they are so concerned about the threat, might be to choose to get out of the civil marriage business and conduct some kind of blessing to give unions the emotional and religious status that they require for their marriages.

The Convener: Alex Johnstone has some more questions.

Alex Johnstone: I do not have a huge number of questions. Before I take up a general point, I want to pick up on something that Mark Bevan said. You talked about live instruments and the wide range of family relationships that exists across the world, which makes marriage difficult to define. My instant reaction was to want to ask whether you take the view that all definitions should be equally applicable everywhere.

Mark Bevan: That is a tricky question, on which I think that I would want to come back to you, because it is important that we look at the context in which the setting for families exists. We have a cultural norm, which the bill clearly challenges, given the strength of feeling about it.

The guidance that we get from international law is that we should take a progressive view, generally speaking, of what a family relationship should consist of, and that the guiding principle behind that should be equality. Therefore, if I were to answer your question in a way that has direct relevance to the bill, I think that I would state the obvious, which is that the bill reduces an inequality that currently exists in the context of the forms of family relationships and marriage that are currently taking place in Scotland.

Alex Johnstone: Thank you. If you have additional information on that, I would be delighted to have it.

My main objective in asking this question is to ensure that I put to the panel the point that I put to the previous one—the discussion can be brief. The submissions from most of if not all the previous witnesses talked about the role of marriage in broader society. I asked the witnesses...
whether marriage has a role in broader society as a basis for family, rearing children and providing social stability. Do you have views on that? Will the proposed change in the law weaken the role of marriage in other aspects of society?

The Rev David Coleman: When we have had discussions in the synod of Scotland, we have started by trying to come to a mind, as far as possible, on what people who have different positions regard as essential to marriage—commitment, respect and equality. It is likely that people who have differing opinions would say that marriage itself is beneficial to and a stabilising factor in society. The discussion has been on how we define marriage rather than on whether it is a good thing. The committee was very much of a mind that the introduction of same-sex marriage will have no impact whatever on opposite-sex marriage.

10:30

Ross Wright: I find puzzling the suggestion that opponents of the bill make in relation to children and stability, particularly because—whether you like it or not—same-sex couples have children, by adoption, surrogacy or whatever. Logically, if someone believes that marriage is good for children, it must follow that they should support marriage for same-sex couples with children. It is incoherent to argue both ways. Our point of view is that, if children deserve the protection of marriage, all children deserve that protection.

I would like to bring up another point about marriage in general. We can do as many surveys as we want to, but it is extremely important to realise that the majority of marriages in Scotland are not religious, and it has been that way for some time. Although the religious perspective is worth while for those who have a religious faith, part of the reason for my being here is to argue for those millions of people who do not share a religious faith, but share the legal definition of marriage as a private contract between two individuals. We can dress it up with as much philosophy as we like, but that is the legal definition of a marriage.

Mark Bevan: We do not take a view on marriage being a preferable status from the point of view of societal cohesion, which I think was at the heart of Alex Johnstone’s question; that is not a human rights issue. However, we take a strong view that, when the forms of marriage that exist are not applied equally, that is contrary to societal cohesion.

Earlier, a question was asked about the views of young people and schoolchildren on the issue. A three-country survey that was done last year in Finland, the United Kingdom and France looked at suicide rates among children and young people and at the causes of the higher suicide rates. In the UK in particular, young gay people were at a very much higher risk of suicide than many other categories of people. For the Parliament not to pass a bill that would provide such equality would contribute to the existence of a status whereby some people have open to them only the second-class position of civil partnerships as opposed to marriage.

Siobhan McMahon: You have twice given examples of the existence of homophobia and what it means. Last week, I suggested to the representative from Stonewall that those people who oppose the bill are not homophobic and he agreed. Those people, too, would be appalled at the high suicide rates that you mentioned. When we talk about people who oppose the bill, we are not talking about people who are homophobic. They oppose the bill for various reasons. I am sure that there are homophobic people who oppose the bill—I am not for a moment suggesting that there are not—but the vast majority of the people who oppose it are not homophobic, and I do not think that it helps the argument to conflate those issues. What is your opinion on that?

Mark Bevan: The bill provides an opportunity to deliver a more equal society, which—as I have said—successive Parliaments have tried to deliver. An action that a Parliament can take to foster greater tolerance, understanding and respect for other people will create a more equal society. You are quite right—it is not about whether people are homophobic; it is about equality and all people being treated the same.

Louise Cameron: To come back on that point, the survey that LGBT Youth Scotland conducted found that 10 per cent of people who suffered homophobic bullying left school. Should we be encouraging a Scotland in which people leave school because no one provides them with support to deal with homophobic bullying?

I do not think that the bill will weaken the role of marriage in Scotland. Marriage is personal to each person and it will not make a difference to people of other beliefs if there is same-sex marriage.

Siobhan McMahon: No one is suggesting that we should not tackle the issue of people having to leave school because of homophobic bullying. However, that is not what the bill is about. You are equating the two things. I understand that some people may think that they are linked—I do not oppose that view—but the statistic that you mentioned is not necessarily related to the bill.

Similarly, I understand that to get to equality is a huge thing, and that the bullying stats show that there are people who do not believe in equality. However, the stats that are being used are not
helpful when we are talking about the principles of the bill and how it will impact on all the religions. Perhaps you will clarify whether those who were surveyed were asked specifically how the bill will impact on religions. When you conducted the survey, how many religious bodies or faith schools were asked about that?

Louise Cameron: I am not suggesting that there is a direct link between homophobic bullying and same-sex marriage, but it will make for a more tolerant Scotland if we have same-sex marriage. If stable relationships and people's rights in Scotland are taught in schools, it will make people more tolerant of same-sex relationships.

The Rev David Coleman: Might I return to Mr Allard's question about the stability of society and marriage?

Alex Johnstone: It was my question.

The Rev David Coleman: Sorry—it was Mr Johnstone.

From our conversations over the past couple of years, the United Reformed Church synod of Scotland can have no objection to same-sex marriage on the basis that it will not result in the conception of children. We are of the view—I think that this is a general consensus—that the nature of marriage is primarily the fellowship of the couple and that children are an additional blessing to that. Speaking as a parent, my nurture of my children was not exhausted by my donating one cell. The nurture of children goes on throughout people's lives. Marriage can add to the stability of society by providing a place for that.

Marco Biagi: Ms Cameron, I wonder whether you have had time to look at all the submissions from the various organisations. I want to ask about the kinds of things that have been talked about as changes to education, linked to the bill, from those who oppose it—for example, the editing of what textbooks might be available and the removal of discussion of same-sex marriage from many sections of the curriculum. If such provisions were enacted, would it make homophobic bullying better or worse?

Louise Cameron: I think that the bill will make young people more tolerant of same-sex relationships. If you introduce it, you are giving a classroom teacher who has a non-biased view, who is teaching about it—sorry.

The Convener: Maybe one of the other witnesses would like to contribute.

Ross Wright: In the classroom setting, teachers are there to teach and educate. It is really about facilitating the discussions that the children want to have; it is not about a teacher expressing a view one way or the other, because that is not their job. I was privileged to have a modern studies teacher whose political affiliations, try as I may, I never found out. That is the teaching model that I would like to see for sexuality and discussion of this kind.

The Rev David Coleman: Again based on our discussions, we feel that what is taught in schools should not introduce a note of controversy that would be intimidating to children in same-sex families. If the bill becomes law, the issues should be presented in the neutral way that Mr Wright described rather than being over in a corner as something furtive and secret.

Mark Bevan: Amnesty International and UNICEF produce a lot of information for schools on education around human rights issues. Some of that will be seen as controversial according to the views of the families of the children attending those schools, but if we want a more tolerant society it is important that we both understand ourselves—and we have knowledge and information provided by teachers; the facts—and have knowledge and information on the ways in which other people around us live.

Louise Cameron: Teachers have a responsibility to be professional and they should leave their personal opinions at the classroom door. It would just not be right if, say, I went into a classroom and a teacher said to me, "Right, you have to vote against Scottish independence." They should not show bias on any topic; education should be all about what is right in society and what the law is.

Christian Allard: Do you agree with the suggestion by the Equality Network and the Scottish Transgender Alliance that an amendment is needed to allow couples with a civil partnership registered in another country to marry in Scotland? You can just say yes or no, if you want, or you can tell us about the consequences of such an amendment.

Ross Wright: I support the suggestion that those with a civil partnership registered in another country should be able to marry in this country.

The Rev David Coleman: As far as I can tell, we also support such a move.

Mark Bevan: I, too, agree with that suggestion. Indeed, I believe that, earlier this week, the European court produced evidence and took a similar position on that very issue.

Louise Cameron: I agree with the suggestion.

Christian Allard: Thank you for those brief responses.

I want to ask about the process for and timing of the bill and indeed the legislation in England and Wales. Given that the process began in 2011, has there been enough time to consider all the issues in the run-up to the bill? What do you think of the
consultation that the Scottish Government carried out?

Secondly, what are your thoughts on the Government’s proposal to carry out a review, perhaps in a year’s time, if the bill is passed? Might that answer some of the concerns that you and indeed the churches have expressed?

The Rev David Coleman: Things have certainly not been rushed and the consultations have been thorough, if not repetitive. We see no reason for any further delay or further consultation. We know where people stand; anyone with eyes and ears or other ways of absorbing information knows that. We are content with the timetable and the care that has been taken, particularly to protect those who oppose the legislation.

Louise Cameron: Every time young people have been consulted on the issue, two thirds to three quarters have said that same-sex marriage should be allowed in this country. I think that that is evidence enough that the proposal has enough backing.

The process has not been undertaken too quickly and the fact is that all the support is in place. I completely agree with the Rev David Coleman that the consultations have been repetitive; over and over again, we have had the same answer that the country is for this move.

Christian Allard: Are you saying, then, that we should not have a review after the bill is passed—if, indeed, it is passed? The fact is that the Scottish Government intends to carry out a review of the legislation once—and if—the bill is passed. Should that review take place or should the process be shortened and a review not be carried out?

Louise Cameron: It is a good idea to have a review. After all, you have to be thorough with your policies.

Ross Wright: To be honest, I did not realise that such a review was planned. I was aware of a review of civil partnership legislation, which we would fully support.

Following on from Louise Cameron’s point about majorities and numbers, I note that equality is not really about numbers. Even if 90 per cent of people are against a piece of legislation, if it benefits some people and does not cause demonstrable harm to others, it should be passed. The problem with rehearsing all these arguments again and again is that the opponents have not put forward a shred of evidence to show how such a measure could cause demonstrable harm or even how it has caused demonstrable harm in the countries where it has been implemented.

It is not about numbers; it is about whether the law will benefit some people or be detrimental to anybody. Those questions have been resoundingly sorted out, so we should continue to move on the legislation at the speed that we are going at. Everything has been examined thoroughly and there is no reason not to pass the bill.

10:45

John Mason: Convener, can you clarify the point about a review? I think that all legislation is reviewed.

The Convener: I believe that the civil partnerships legislation is to be reviewed.

Siobhan McMahon: Mr Wright, I think that you have answered this question, so it might be for other panel members, but feel free to comment. There have been two extensive consultations, but I believe that the majority of those who have presented evidence to the committee are against the bill’s proposals. Do you know of any other bill whose proposals have been put to the public and the majority have said that they are not in favour that has come to a parliamentary committee and gone through the parliamentary process as fast as this bill? Do you believe that that is acceptable?

Ross Wright: I do. First, as I am sure all committee members recognise, a consultation is not a referendum. However, if the consultation had been a referendum, there would have been challenges to it on counts of electoral law because all the postcards that were sent in were in response to one question: “Do you disagree?” If there had been the question, “Do you agree or disagree?”, we could start discussing that. However, all the submissions that were against were in one direction, whereas it is fair to say that the Equality Network allowed dissent in its submissions.

Siobhan McMahon: I do not think that it is fair to say that all the submissions were against. Perhaps the majority were, but I would not say that they all were.

Ross Wright: The vast majority were.

Siobhan McMahon: Yes, but not all of them. You accept that.

Ross Wright: Yes.

Siobhan McMahon: Okay.

The Convener: Would any of the other witnesses like to comment?

The Rev David Coleman: On the timing, I think that I noted in our written submission that people are already marrying, so the discussion is not about that but about whether the church and—from your point of view—the state recognises that
people are entering into committed relationships with the aspiration that they be lifelong.

One thing that came out of our discussions was that we finally had to take seriously what everyone had been taught in college—that the people who marry are the couple, and the state or the churches either recognise or do not recognise that.

Jim Eadie: In the earlier session, we heard from witnesses that a number of the religious denominations—principally the Church of Scotland, but others as well—have concerns about the robustness of the protections in the bill and the opt-in provision. Is that something that your denomination has discussed, Mr Coleman, and do you share those reservations?

The Rev David Coleman: We have discussed it at great length and have been convinced that the protections are very robust indeed.

Jim Eadie: Can you say a bit more about that, please?

The Rev David Coleman: We looked at the matter and took legal advice from people within the church. We also spoke to civil servants working for the Scottish Parliament. We interrogated the matter as far as we could and the answer that came back every time was that it was safe to oppose same-sex marriage and safe to be in favour of it. Of course, there have been legal opinions, but we sometimes wonder whether it is the case that he who pays the piper calls the tune and expects everybody else to dance to it. We must look at where the legal opinion is coming from and perhaps judge it in that way.

Jim Eadie: In the earlier session, Mr Macdonald referred to the Faculty of Advocates, which I think has expressed the view that the bill’s provisions could be subject to legal challenge. Can you comment on that?

The Rev David Coleman: I am not a lawyer but, as I said, we have been taking legal advice, and as far as we can tell, with our work within the church we have to keep on saying, “Do not be afraid.” That phrase occurs in the Bible so many hundreds of times—“Wherever you stand, do not be afraid.”

Jim Eadie: As I understand it, the United Reformed Church is a mainstream Christian denomination within the reformed tradition, so to that extent you are similar to the Church of Scotland.

The Rev David Coleman: Yes, it is in the same family.

Jim Eadie: Another similarity is that there is a range of views within your denomination. However, despite those two similarities, you have come to a different conclusion from the Church of Scotland in that you welcome the bill. How soon will your individual celebrants who are in favour of same-sex marriage be able to perform such marriages if the bill is enacted?

The Rev David Coleman: I can tell you for a fact that there are people who would wish to register as celebrants as soon as it is legally possible to do so and others who would definitely never register. The nature of the church is that it contains a diversity of opinion. We support the bill because it is permissive and not prescriptive. That approach received the endorsement of the Scottish synod when we asked a gathering about that.

Ross Wright: It was a telling point when spokespeople for opponents of the bill were asked what they would like to be in it to make it robust but none of them could come up with anything that would make it robust enough for them. That reflects a fear, which in our opinion is unfounded, that they are in some way being victimised. However, the evidence suggests that the bill is robust. From everything that I have seen, it cannot be legally challenged.

An interesting point that came out towards the end from the Church of Scotland representative was that, ultimately, if people feel that they will be forced into it, they have the option—again, it is their choice—to opt out and then to do blessings for people who have had a civil marriage.

Mark Bevan: Seven countries in the Council of Europe have already progressed similar legislation. I checked with our lawyers yesterday and they are not aware of any issue in the courts in those countries that have had legislation in place for some time.

Marco Biagi: I have a straightforward question. Does any of our witnesses believe that having children is a central purpose of marriage?

Louise Cameron: No.

The Rev David Coleman: I have to say no because, as I said, we believe that marriage is primarily the fellowship of the couple, although, taking marriage fairly widely as a social institution and social good, it certainly adds greatly to stability and benefits children.

Ross Wright: Further to my earlier point, I reiterate that, if opponents of the bill believe that marriage is good for children, it seems logical that all those people who have children should be able to get married.

The discussion has focused on technicalities and legalities, but I would like to recount a small story about a situation that I was placed in when I was conducting a ceremony at the beautiful Tyninghame beach near North Berwick. There
was a marquee and everybody was wearing their finery. It was a beautiful day and everyone was happy, with kids running about mad and the mothers-in-law with their biggest hats on. It was a splendid day that was marred only because, when the bridal party, which was two brides, appeared, I could not say the word that everybody else at the gathering was saying, which was "marriage". From the very first meeting, I had to explain that I could not say that word and I would be prosecuted if I inferred that I was marrying them. That was painful for me. However, every person there, including all the in-laws and the out-laws—Auntie Jeannie and all—saw it as a marriage. That is the emotional impact of the bill.

**Mark Bevan:** Amnesty would not take a position in relation to the member's question. Our position is based fundamentally on the current inequality. The Parliament has the opportunity to introduce legislation that addresses an inequality, or it can decide not to do so. It can decide to lean towards the European mainstream on human rights, or not.

**Marco Biagi:** I presume that Amnesty believes that, because there are a variety of types of family and they all deserve equal respect, the type of family that we see in our society of a man, a woman and no children is a valid marriage.

**Mark Bevan:** Absolutely.

**Louise Cameron:** Everyone's relationship is personal to them and everyone's marriage is personal to them. What would we do for people who are infertile and cannot have children? A child does not define a marriage. A marriage is between two people who love each other and it should be personal to them. Some people do not want to have children, and that is the choice of those in the individual relationship.

**The Convener:** Does any of our witnesses want to make any further comments?

**The Rev David Coleman:** One further point—although Mr Wright has already brought it up—is that religious or faith celebrants have a right but not a duty to solemnise a marriage. We would like to safeguard the option for people not to go ahead with any marriage for conscientious reasons. That approach goes back a long time in the history of most churches, irrespective of the sort of marriage that we are talking about.

**Ross Wright:** A final point on the concept of marriage is that the view that most religions currently purport is a current view of marriage. As members will be aware, marriage has in the past been about owning children and women, denying rights and stigmatisation through illegitimacy, all of which have now fundamentally changed. We need to recognise that the bill proposes just another small change to marriage. Those who do not hold a religious view should be allowed to do this.

**The Convener:** As there are no further comments, I thank our witnesses very much for their contributions.

That concludes today's meeting. Our next meeting will be on Thursday 19 September and will include further oral evidence on the Marriage and Civil Partnership (Scotland) Bill.

*Meeting closed at 10:56.*
Scottish Parliament

Equal Opportunities Committee

Thursday 19 September 2013

[The Convener opened the meeting at 09:30]

Marriage and Civil Partnership (Scotland) Bill: Stage 1

The Convener (Margaret McCulloch): I welcome everyone to the 23rd meeting in 2013 of the Equal Opportunities Committee. I ask that electronic devices be set to flight mode or switched off.

We will start by introducing ourselves. To my left are our clerks, our research team and the official reporters and around the room we are supported by broadcasting services and the security office. I also welcome observers in the public gallery.

I am the committee convener. I invite members and witnesses to introduce themselves in turn.

Marco Biagi (Edinburgh Central) (SNP): I am the deputy convener of the committee and MSP for Edinburgh Central.

Alex Johnstone (North East Scotland) (Con): I am an MSP for North East Scotland.

John Finnie (Highlands and Islands) (Ind): I am a Highlands and Islands MSP.

John Mason (Glasgow Shettleston) (SNP): I am the MSP for Glasgow Shettleston.

Siobhan McMahon (Central Scotland) (Lab): I am an MSP for Central Scotland.

Christian Allard (North East Scotland) (SNP): I am an MSP for North East Scotland.

Dr Kelly Kollman (University of Glasgow): I am from the University of Glasgow.

Aidan O'Neill QC: I am a member of Matrix Chambers in London and also practise in Scotland. I suppose that I practise in European Union and human rights law, and I have a particular interest in the relationship between law and religion.


Karon Monaghan QC: I am a barrister at Matrix Chambers specialising in equality and human rights law.

The Convener: Thank you. Our only agenda item is evidence taking on the Marriage and Civil Partnership (Scotland) Bill at stage 1, and perhaps I should start by telling our witnesses that, if they wish to speak, they should indicate to me or the clerk on my left.

I welcome our first panel of witnesses to the meeting. Marco Biagi will begin the questioning.

Marco Biagi: My first question concerns the opt-in protections in the bill and whether any attempt on human rights grounds to require a faith group that had not opted into performing same-sex marriage to do so would succeed. I already have Ms Monaghan’s opinion on the record from what has been supplied to Liberty, but I would be grateful to hear the two other legal views.

Lynn Welsh: In short, the commission believes that the opt-in provision will work and will not be open to human rights challenge. Obviously, anyone can challenge it but, for many of the same reasons that Ms Monaghan has previously set out, we do not think that they would be successful.

Aidan O’Neill: I never like to say that a human rights challenge will not be successful. Constitutionally, one difference between England and Scotland relates to the Church of England and its effective position as department of marriage for the English state. It could be argued that, at a certain level, the Church of England is a public authority when it carries out marriage functions because of its duty in law to marry anyone, no matter their faith, within its parish boundaries. That is not a matter of church law; it is a matter of English common law and is backed up by the statutes that created the reformation.

In Scotland, there is a different relationship between church and state. The Church of Scotland is not and has never been a department of the state; indeed, we have always had what might be described as a Calvinist notion of the separation of church and state and in Scotland marriage law has a completely different history. Because, unlike the Church of England, the Church of Scotland cannot be seen as a public authority, the arguments that have been advanced on this issue are perhaps more plausible in the English situation and are less likely to have as much sway in Scotland.

Marco Biagi: Would article 9 of the European convention on human rights offer strong protection to a church against such a challenge?

Aidan O’Neill: Yes. Article 9, which stipulates “the right to freedom of thought, conscience and religion”, is a rather overlooked ECHR provision. In addition to those absolute rights, there is also a right to manifest religion either “in public or private ... in worship, ... practice and observance.”
That right to manifest religion can be modified or subject to interference if there are good reasons for that, but the other rights—

"to freedom of thought, conscience and religion"—

cannot. There would therefore be quite a hurdle and a strong protection under article 9 if churches can prove that they are not part of the state. That is the issue, and it is why there is the possibility of challenge with the Church of England, because of its peculiar status, and the Church in Wales, which also has a duty to marry anybody within its boundaries. We then get the paradox that, in England, a churchgoing and believing same-sex couple who have been attending Anglican parish services throughout their lives would not be able to marry, whereas the twin brother who has never crossed the church door in his life would have an absolute right to do so, although he would have to be marrying a woman rather than a man.

**Marco Biagi:** Dr Kollman, are you aware of challenges in other countries that have similar protections for churches to opt out that have sought to require religious authorities to perform same-sex marriages against their doctrinal views?

**Dr Kollman:** As I said when I responded to the invitation to attend the committee, I am not a legal scholar, so I do not know the ins and outs of any kind of legal challenges. There has been controversy in some other countries where there have been religious celebrations, particularly where the church can perform marriages with legal effect. However, those controversies died out relatively quickly. I certainly know of no case where a church has been forced to carry out a marriage. In fact, particularly in the Scandinavian countries, where marriage has been opened relatively recently and the churches have the ability to marry with legal effect, similar types of opt-outs and protections for the churches exist. Actually, most of the churches have opted in, but they were allowed to opt out. As far as I understand it, that has worked relatively well.

**Marco Biagi:** I want to move on slightly, so if anybody else wants to comment on the issue, this would be a good time.

**John Mason:** I have a question for Dr Kollman on that point. It has been suggested that churches in Denmark do not have the freedom to opt out. Is that the case?

**Dr Kollman:** I have heard that on several occasions. Again, I qualify my comments by saying that Denmark is not one of the cases that I have studied in depth, but my understanding from having looked at the case is that the law there has protections. As far as I know, most of the controversy happened when the church itself decided that it wanted to do blessings, which was not part of the original legislation that was passed in 1989. There was a lot of internal controversy in the church and a number of members of the church were not happy with those blessings. However, as far as I know, on marriage, there was far less controversy.

**Aidan O'Neill:** As I understand it, in Scandinavian countries, the established church, which is the Lutheran church, has been seen as a department of state, in a similar way to the Anglican settlement. There is a minister in the Government who is in charge of church affairs. There is therefore a different relationship from the traditional relationship in Scotland, particularly because the Church of Scotland is not an established church. It is recognised as the national church under the Church of Scotland Act 1921, but it is most certainly not a department of state. That would be completely contrary to the whole reformation settlement and Calvinist ecclesiology.

**Christian Allard:** That has answered part of the question that I was going to ask. I am interested in the relationship between church and state. Is there the same kind of relationship in other countries that have accepted same-sex marriage? Are there other churches that are linked with the state in the British or Danish way?

**Aidan O'Neill:** I think that the Scandinavian countries are the only ones that have that Erastian settlement, as it is known, whereby, at the time of the reformation, the king or monarch decided what the church should be and it was subordinate to them. The reformation in Scotland was different, because it was against state authority and the wishes of the reigning monarch, who was Mary, Queen of Scots. There was a different relationship in Scotland. I cannot think of many countries that have a national church that is absolutely and fundamentally separate from the state.

**Dr Kollman:** On a point of reference, Sweden is the one Scandinavian country that has de-established its church. Not all the Scandinavian countries have an established church.

**Christian Allard:** If there is a legal problem with the bill, is the relationship between church and state a bigger issue than equal marriage?

**Aidan O'Neill:** I think that that is a problem. I am anticipating an issue that might arise. The bill is rather unusual in that it purports to give to dissenting ministers of a church that has opted in the option of personally opting out. It seems to me to be a breach of article 9 that an opting-in church can decide what it wants in that way. The bill says, “This is not for the state or the Parliament to determine; we will allow individual ministers to exercise some kind of freedom of conscience, against the wishes of the church body.” That is a peculiarity of the Scottish bill, and I think that it is
the one thing that is problematic about it, in the context of that church-state relationship.

**Karon Monaghan:** I agree with Aidan O’Neill that the issue creates a difficulty. Of course, article 9 protects religious organisations and churches as well as individuals—it is unusual in the convention rights that protection is given to institutions. There is a difficulty in saying that an opting-in church is required, as a matter of law, to permit a minister to exercise a conscientious objection to carrying out same-sex marriage. That is really a question for the religious organisation—the church—itself and not for the state. To the extent that there is a vulnerability, that is where it lies.

**Marco Biagi:** How does that work for denominations such as the United Reformed Church, or the Unitarians, which have no specific creed in a lot of areas and might, as a matter of their faith, want the decision to rest with individual ministers? Is there a distinction between that situation and, for example, a Quaker celebrant objecting to performing same-sex marriage, when the Quakers want all their celebrants to do so?

**Karon Monaghan:** Yes, I think so. I think that if the church or religious institution itself said that it was a matter of conscience for all its ministers, that would be permissible. The issue arises where the state permits an individual minister, contrary to the wishes of his or her own church, to opt out, notwithstanding that the church has opted in.

**John Mason:** Mr O’Neill, I hope that you will not mind if I refer to advice that you have previously given on the subject. You have said that, although there is no hierarchy of protected characteristics in the Equality Act 2010, some characteristics are more equal than others. Will you expand on what you meant?

**Aidan O’Neill:** Well, clearly I was quoting George Orwell. I think that one of the unresolved issues in the Equality Act 2010 is that there is a bit of an omnium gatherum of various protected characteristics—it is rather difficult to count them; sometimes there are six and sometimes there are seven—which, in theory, because they are all lumped together in the same act, are said to be equally worthy of protection.

However, the idea that there is no hierarchy is rather difficult when two rights appear to come into conflict. The problem is that when the European Court of Human Rights is faced with a particular issue, such as the growing case law around sexual orientation, it starts using the language that we might have associated with the United States Supreme Court. First it talked about the need for particularly weighty reasons to justify discrimination on grounds of sex. In subsequent case law, it talked about the need for particularly weighty reasons to justify discrimination on grounds of race. Then it started applying that to sexual orientation. At the same time, it has applied it to religion. There are always heavy phrases going around and it is not entirely clear what happens if there is a conflict.

09:45

This is perhaps where Lynn Welsh and I would part company, but I sometimes think that there is not a feel for religion in equalities law. Religion has somehow got in there. The problem is that one can understand the idea of people saying, “You can’t discriminate against me because of my religious faith,” or because of sectarianism in Scotland, or because I am Catholic, or whatever. That makes sense. On the other hand you might have a religious faith that says, “In conscience, I feel that there is a distinction between heterosexual relations—married relations—within an opposite-sex marriage and same-sex relations. That is what my religion tells me.” How do you not discriminate against a religion that, at some levels, could be said to be discriminatory in its intent? That is the big problem with equalities law. It has not really faced up to that yet.

**John Mason:** The feeling among religious people is that, up until now, when the courts in Scotland, the United Kingdom or Europe have faced that kind of choice between sexual orientation and religion, religion normally comes off worse. Is that just their mindset or is it actually the case? I would be interested in the views of the other witnesses, too.

**Aidan O’Neill:** We are still feeling our way. The court judgments have not been particularly good on the religious front. Part of the problem is that most of those judgments have been in English cases. As I said earlier, the English approach to that residual Anglicanism is that the state tells the church what to do, so the church is used to the idea of religious beliefs being subordinated to the general law. The Scottish tradition is completely different. The Calvinist tradition is of two separate kingdoms, in which the religious have integrity and are worthy of respect within their sphere.

It appears that there has been a sort of deafness to what makes a religious view important for the religious. The problem is that the religious are bundled up and told in effect, “Your views aren’t really worthy of respect because ultimately they are homophobic, and if you’re homophobic, you’re probably or possibly racist, sexist or whatever.” It is rather difficult for the religious to explain that it is not quite like that, or that it certainly does not feel like that. To have labels like that is not really to appreciate the world view that the religious try to articulate and hold on to. It is a view that was, paradoxically, a fairly traditional one for the past few hundred years if not the
occasional millennium. There is a mismatch, I think.

**John Mason:** Okay. That is helpful.

**Karon Monaghan:** I would not accept the idea that somehow religion has been subordinated, if that is the message that Aidan O'Neill is trying to convey. Much of the carving out of how to manage the conflicts has already been done in the Equality Act 2010. As you will know, there are numerous exceptions protecting religious organisations more broadly than the church and permitting them to discriminate—if that is the word that we are using—against sexual minorities and indeed against other groups in certain circumstances, such as those who have undergone gender reassignment, where that is in conformity with their religious beliefs.

It is also right that domestically, in our law, religion is given very particular weight. As the committee will perhaps know, the Human Rights Act 1998 requires courts to “have particular regard” to religion. I do not accept that there is a hierarchy, but to the extent that one can discern one, the exceptions lie in favour of religious organisations. It is perhaps oversimplistic to suggest—if that is what Aidan O'Neill is doing—that religion is in some way subordinated. I certainly do not accept that.

**Lynn Welsh:** Possibly unsurprisingly, I agree with Karon Monaghan. When the bill that became the Equality Act 2010 was being drafted, a great deal of thought was given to religion. It was recognised that there might be conflicts in the future, and an attempt was made to avoid that and to make clear how all the provisions should work. It is never possible to legislate for every eventuality, but a real attempt has been made to ensure that there is balance across the legislation.

**John Mason:** I would like to press Ms Welsh on that point. I was on the committee that dealt with the Equality Bill at Westminster. The Government at the time refused to say that all protected characteristics were equal, so the legislation has not addressed the issue of whether there is a hierarchy. Is that not the case?

**Lynn Welsh:** No. You might be right that the Government would not say that they were equal, but I am not sure—

**John Mason:** The legislation left it up to the courts to decide whether there is a hierarchy.

**Lynn Welsh:** No, I do not think that that is right, either. I think that the intention of the Equality Act 2010 was to ensure that all the protected characteristics were protected and—as Karon Monaghan has set out—given specific protection in certain areas. It was recognised that more protection might be necessary when two areas come into conflict. I do not think that any attempt was made to establish a hierarchy.

**John Mason:** But you would accept, at least, that the act does not say that the protected characteristics are all equal—it makes no reference to that.

**Karon Monaghan:** No, the 2010 act does not do that, but it creates exceptions in respect of particular characteristics, such as religion—Parliament decided that it was necessary to record appropriate respect to religious organisations. There are many other exemptions in the act that address other protected characteristics. For example, in relation to gender, Parliament thought that, in certain circumstances, it was appropriate to allow discrimination in gender-specific organisations such as domestic violence facilities. It is certainly the case that the 2010 act carved out pretty wide exemptions for religious organisations without addressing the question whether there is a hierarchy.

**Dr Kollman:** I want to make a more general point. I would hate to leave the impression that the European Court of Human Rights has worked its way through sexual orientation, particularly as it pertains to family policy. It leaves a large amount of room for states to decide how they want to recognise same-sex couples. There are very few mandates from that court on the issue. I hate to break into the middle of a lawyers’ debate, but I think that Mr O'Neill left the impression that there is strict scrutiny of sexual orientation in the US Supreme Court and the European Court of Human Rights. That is absolutely not correct.

**Aidan O'Neill:** I have two points to make. There is not strict scrutiny of sexual orientation in the US Supreme Court, but there are developing cases before the European Court of Human Rights. At the moment, jurisprudence of the Court of Human Rights says that it is still lawful for a state to prefer opposite-sex marriage—it is not contrary to the European convention on human rights to do so. However, if marriage is extended to same-sex couples, it will become a human rights requirement that there be equality of treatment and regard. In a sense, that is what is important about the Marriage and Civil Partnership (Scotland) Bill—it shifts the position in that regard.

On the issue of religious organisations being protected, when a religious organisation tries to rely on the protections that are provided by paragraph 2 of schedule 23 to the Equality Act 2010, the argument is always put forward that that paragraph must be interpreted as narrowly as possible, because it allows discrimination. In addition, no provision is made for religious individuals—people with religious conscientious objections—as the paragraph applies to religious organisations. Therefore, I think that the Equality
Act 2010 leaves open the possibility of conflict and does not necessarily answer all the concerns of those who consider themselves to be religiously motivated.

**The Convener:** I will bring in Karon Monaghan, after which we will move on to the next question.

**Karon Monaghan:** Aidan O’Neill said that once we introduce same-sex marriage—if that is what we do—the position in the European courts will alter, because we will have marriage for both groups and there will be an expectation that there will be equal treatment. In my view, that is so prima facie, but whether that will intrude on the rights of a religious organisation under article 9 of the convention will be a significant question.

Again, as I have said, in my view, article 9 will be given particular weight. Therefore, even in circumstances in which the state legislates for same-sex marriage, it is extremely unlikely—indeed, I would go so far as to say that it is inconceivable—that the European Court would say that religious organisations must conduct same-sex marriages even if they find that objectionable because of religious belief.

**Christian Allard:** I have a question for Kelly Kollman—other witnesses may also comment if they wish to. It is about the other countries that have adopted policies on same-sex unions in recent years. In particular, I want to ask about the pace of policy change, how the bills came to fruition, whether there was enough consultation in different countries and whether the process of bringing the bills to fruition caused any problems. Some countries went through the process faster than others. What are your views on all that? That is what I would like to know after reading your submission.

**Dr Kollman:** It is a good question. So many different countries have such policies now, it is hard to categorise or to paint with a broad brush, but generally the countries that introduced those policies earlier probably had more controversy around them. However, in almost all the countries—there may be a few exceptions—it was the case that a majority of the public supported the policy when it happened. These have tended to be very high-profile debates and high-profile policy processes. That means that they have gotten a lot of scrutiny in Parliaments and also in the wider public debate.

It is amazing to look at the media coverage, for example, of same-sex unions as opposed to the media coverage of anti-discrimination laws that included sexual orientation. There were 10 times as many articles on same-sex unions or same-sex marriage as on anti-discrimination laws in some of those countries. Same-sex unions or marriages have a lot of symbolism; they tend to be something that the media covers a lot and therefore they tend to be something that Parliaments scrutinise a lot.

As to whether such policies have caused problems in countries—there is always opposition. Oftentimes it is from religious organisations that have a particular cultural definition of marriage and feel uncomfortable about same-sex marriage. However, I have looked at the situation in most of the European countries and in the one North American country that has a national law, and I think that public opinion—with one exception—became more tolerant of homosexuality rather than less after same-sex unions came in, although that increase in tolerance was a year or two afterwards. I would not say that that increase in tolerance is necessarily causal always—there are general long-term trends towards an increase in tolerance for homosexuality. However, such policies have brought great visibility to lesbian, gay, bisexual and transgender communities and, in general, it has been positive visibility.

**Christian Allard:** In your experience—because I did not get an answer to this question from reading your submission—do you think that bringing about those changes has been more people led or more led by institutions such as the European Court or Parliaments?

**Dr Kollman:** By people led, do you mean social movement led?

**Christian Allard:** Yes.

**Dr Kollman:** Social movements have played a very important part in this. Having said that, when you open marriage to same-sex couples—or even, certainly in the early years, introduce same-sex unions—it is the case that it brings Governments a great deal of attention and generally, as I said, it has been quite positive attention, so it really depends on where you are looking and on what countries you are looking at.

In Spain a new Government came in in 2004—it was not expected to win that election—and the policy change was seen as being very Government led, although, of course, the LGBT groups were on board. In the Netherlands, the Labour Party supported that change quite a bit, but, in Germany, the SPD—the social democratic party there—was much more reticent. The change there was really led by the minority Green party and it was much more of a grass-roots movement, so the answer is that it depends on the country.

However, the debate has always been a very public debate in any country that has looked at it and therefore there has been a lot of public scrutiny and a lot of involvement of public groups on both sides. In that respect, I think that it has been a good debate; it has been aired in most of those countries. Also, as I said in my
Politics sometimes matters, and what really matters here is the power of human rights arguments. They get translated in different ways—in the UK we often talk about equalities, while other countries talk about anti-discrimination or equal treatment—but ultimately, at this point in history, the power of human rights arguments is transformative, and much more so than legal mandates from international courts or EU policy.

Marco Biagi: The final comment in your written submission is about the different approaches that have been taken to civil partnerships or the equivalent arrangements in other countries in Europe. You say that the only way in which to achieve real equality is to open them up to mixed-sex couples or to get rid of them entirely. Will you expand on why that is the case?

Dr Kollman: I do not think that I quite said it in that way. I will explain what I was trying to say, perhaps more strongly. Many countries have created same-sex unions that are not marriage, which was seen as politically expedient in a large part of the late 1990s and early 2000s, but most national LGBT rights groups would always say that their ultimate goal is marriage, and that argument has largely been made on equalities issues.

What sometimes gets lost in the debate is that, if we go back in history and look at the Scandinavian countries, part of what was going on was a pluralisation of family policy. The ways in which people live their intimate lives these days have become much more complex and pluralistic, and there was all this talk about different ways in which the state can define and recognise couples. That is a different argument from the equalities one.

In some ways, however, the discussion and debate that we are having about same-sex unions can allow us to look at both issues. If we want to open marriage, that will help to solve the equalities issues between same-sex and different-sex couples, but, in doing so, especially as we have had another, non-marriage type of same-sex union before, we might want to start thinking about the other side of the debate as well—the one about pluralising family policy. If a Parliament opens marriage but then closes off civil partnerships, as they are in this country, it might be going against the second part of the debate, which is about pluralising family policy. I would encourage all Parliaments to think about that second goal as well, as some have done.

Marco Biagi: I ask for legal views on whether maintaining civil partnerships for same-sex couples only might be subject to challenge. In fact, I know that it is already subject to challenge, so I ask for a view on whether such a challenge would have merit.

Aidan O'Neill: This is a part of the debate that I really do not understand. I am in a civil partnership and I did not realise that it was a second-class relationship until equality campaigners told me that it was. As I understand civil partnerships—and I should understand them, because I am in one and I am a lawyer—they give people exactly equivalent rights to marriage. They are just not called marriage, and not calling them marriage gives those who would dissent some kind of wriggle room. At some levels, they were a compromise, but they are a compromise in favour of tolerance and pluralism.

On the issue of equality requiring that we rename all relationships as marriage or that we have opposite-sex civil partnerships, I do not understand what the difference would be between an opposite-sex—

Marco Biagi: My specific question was about whether an opposite-sex couple who feel aggrieved that they cannot enter a civil partnership could challenge that.

Aidan O'Neill: I am trying to say that I do not see how they could, because an opposite-sex civil partnership is a marriage. The name is different, but the legal consequences are exactly the same.

Karon Monaghan: Actually, the legal consequences are not quite the same because, importantly for many couples who have been together for a long time, there is a significant exclusion in relation to pension benefits. That is important for people with valuable pensions who may have worked for a long time.

Leaving that aside, I think that somebody could challenge the unavailability of civil partnerships to opposite-sex couples, but it would be unlikely to succeed because the state has a wide margin of appreciation in this area. Also, because there is, for an opposite-sex couple, no material distinction between a marriage and a civil partnership—that is, they can marry and get all their pension benefits—I think that the courts would say that this is an area where the legislature has some margin of discretion.

The Convener: The Netherlands, Belgium and France have all kept their non-marriage schemes in place. Can you confirm whether they are comparable to the one that we have just now in the UK?
Dr Kollman: The registered partnership schemes?

The Convener: Yes.

Dr Kollman: They differ quite a bit. The scheme in the Netherlands is relatively comprehensive in terms of the rights that it gave to different-sex non-married couples and same-sex registered partnerships. The French PACS is much less comprehensive. It is easier to get into and to get out of and does not include a lot of the benefits, duties and obligations that are associated with civil marriage in France.

Karon Monaghan: I am afraid that I cannot help with that.

Siobhan McMahon: My question is for Lynn Welsh first, but anyone else can comment. The equality impact assessment that has been carried out by the Scottish Government when it did the consultation states that any reassurances cannot be guaranteed at this point. Do you have a view on that?

Lynn Welsh: I think that it is honest and I applaud the Scottish Government to that extent. Equality impact assessments are supposed to gather all the information—positive and negative—and to recognise possible difficulties and attempt to mitigate where they can. The Scottish Government is obviously attempting to mitigate possible difficulties with the changes to the 2010 act, for example, and the opt-in process.

Siobhan McMahon: Absolutely, but do you not have concerns? Your submission leaned more towards same-sex couples rather than protections for religious groups and their concerns—one question about concerns was missed. Have you or, indeed, the group looked at the equality impact assessment in depth from both sides of the argument? Your submission does not make it clear that that is the case.

Lynn Welsh: When we drafted our submission we considered the issues both for churches and for people of various sexualities, if that is what you are asking. We think that, as far as it is possible to do so, both sides have been addressed.

Siobhan McMahon: I come back to Mr O'Neill, I am afraid. I think that your submission—at least the one that I have—was drafted before the final bill was published, so some of my questions might not matter any more. Let us know if that is the case. Your submission states:

"details about the impact on freedom of conscience in the workplace, in schools and other areas of everyday life have been overlooked."

Do you still think that that is the case?

Aidan O'Neill: I do not remember writing that, but it was all done a long time ago.

It is not that that has been overlooked, it is just that the notion of freedom of conscience as an individual right—it is one of the rights that is an individual right in article 9—is not something that legislatures generally, or even the courts, have taken on board, because it is a slightly odd position. It is conscientious objection when some individuals say, "I am sorry, but at some level this general law shouldn't apply to my particular situation." In Canada they have developed an approach whereby they establish whether they can get some kind of reasonable accommodation between competing views. The legislation and the courts allow that to happen. They ask, "What is happening in this specific situation? Is there some way that people can rub along while still disagreeing?"

Our legislation does not do that. There is an element of saying, "This is the law and you all have to obey the law." There is no wriggle room or even the possibility of just letting things be. Currently, because there is a differentiation between marriage and civil partnership, and because the European Court says that you are allowed to favour opposite-sex marriage, there is, at least in theory, a bit of wriggle room to allow people to maintain their views, even if they are different.

Karon Monaghan: There has certainly been a great deal of domestic and European case law on the question whether conscientious or individual objection to certain rules should be permitted in circumstances in which those beliefs derive from religion. Indeed, there has been recent case law on the issue from the European Court of Human Rights. Domestically, we deal with the issue by saying that if someone objects to a particular rule that disadvantages them because of their religious belief—if, say, they do not want to conduct a civil partnership or comply with a uniform rule that prohibits them from wearing a cross—that view, whether reasonable or not, should be accommodated, unless the rule or restriction is justified.

You will probably have heard of the recent set of cases in the European Court of Human Rights in which two women—a British Airways check-in worker and a nurse—objected to a uniform rule that prohibited them from wearing a cross. The British Airways check-in worker was refused permission to wear a cross because it conflicted with the company's corporate image; in the case of the nurse, the prohibition on the wearing of the cross was for health and safety reasons—it might, for example, get caught. The European court said that the BA check-in worker should have been allowed to wear her cross and that commercial uniform reasons were not a good justification for prohibiting it. With regard to the nurse, however, the health and safety considerations were found to
be good reasons and justification for the prohibition.

These issues have already been worked out, and it has been recognised that religious belief and its manifestation through dress, expression and so on should be accommodated unless some interference is strictly justified. That is a matter of domestic and European court law, and there is much guidance from the courts on the matter.

**John Mason:** With regard to Mr O’Neill’s comments about wiggle room and the fact that there is a bit more scope in some countries than in others, I have to say that we did not see that kind of wiggle room in the case of the registrar Lillian Ladele. However, there is wiggle room for abortion, the legislation on which says that, although the state provides the service, an individual can opt out of it. Is that a good or possible route for this legislation?

**Aidan O’Neill:** Interestingly, the one case that Karon Monaghan did not mention with regard to recent European Court of Human Rights judgments was the Ladele case, in which a person who had been employed for a number of years as a registrar in a local authority said, when civil partnerships came in, that she did not feel that she could participate in them on religious grounds. Initially, she was rerostered to ensure that she did not have to participate, but when her colleagues objected, it was decided that her position was incompatible with the council’s equal opportunities policy and ultimately she lost her job. The case went to the European Court of Human Rights, which said that, although it would carry out a proportionality analysis, the employer’s equal opportunities policy was sufficient reason for the woman to lose her job. As I have said, we are still working out the notion of reasonable accommodation. It is a very recent development from the European Court of Human Rights and, as such, has not yet properly percolated through to the domestic courts.

As far as abortion is concerned, a case going to the UK Supreme Court—Doogan v NHS Greater Glasgow and Clyde Health Board—relates to the width of the application of the conscientious objection provision in the Abortion Act 1967 and whether it applies to nurses or midwives in charge of wards who might not be directly involved in providing abortion but might see themselves as facilitating it because they are running wards in which such procedures are being carried out. The conscientious objection in the abortion legislation was a specific carve-out for religious reasons; it has not really been tested in the courts and the case in question will look at it a bit more. However, you are right to highlight it as an example where religious grounds have to be protected for individuals, which is different from the protection for religious organisations that we have already discussed.

**Siobhan McMahon:** I will use an example from Mr O’Neill, which is that a Church of Scotland minister is also the chaplain at an NHS hospital. On Sunday, he preaches in his church that marriage is only for one man and one woman. His NHS bosses find out and he is later disciplined for breaching the NHS equality policy. I understand, Mr O’Neill, that you have advised that NHS managers would have a high chance of successfully justifying that action, even if a chaplain was preaching in his own church outside of work time. Do others on the panel share Mr O’Neill’s opinion? If so, is there something that the committee could put into the bill? Obviously, we understand that things can be challenged and we accept that the actions shown in the example can happen. Is there something that the committee could put into the bill to lessen the chance of that?

10:15

**Lynn Welsh:** I do not agree with Mr O’Neill’s view on that. There was a recent case involving the Trafford Housing Trust in which a gentleman who worked for the housing association put a comment on his personal blog on Facebook giving his views on same-sex marriage. They were not abusive views. He simply stated his position on same-sex marriage. It was found that to then demote him and discipline him in his job was a breach of his contract and that the employer was not entitled to look to something that was not egregious, discriminatory or harassing but simply a statement of his position in his private life, which could not be taken account of in his employment. However, I think that that case came after Mr O’Neill originally gave his example.

**Siobhan McMahon:** But what you are talking about is private life, whereas Mr O’Neill’s example is about workplaces.

**Lynn Welsh:** It is outwith employment, which I think is the important issue.

**Marco Biagi:** If the bill passes, there will be same-sex marriages. Given the equality duty, what is the material difference between someone saying that they do not agree with same-sex marriage and someone saying, for example, that homosexuality is sinful, which I assume a lot of NHS chaplains would do at the moment?

**Lynn Welsh:** I think that what you are trying to ask is whether it matters what the comment actually is as opposed to someone’s right to make the comment. Is that right?

**Marco Biagi:** No. I imagine that at present there are probably NHS chaplains who would get up on a Sunday and say that homosexuality is sinful. Are
they in the same position right now as they would be after the legalisation of same-sex marriage if they got up and said that same-sex marriage should not be allowed? Is that the case irrespective of the bill?

Lynn Welsh: Yes, in my view.

Karon Monaghan: I agree.

Lynn Welsh: They are allowed to say what their religion’s view on the issue is, and that position will not change because of this legislation.

Karon Monaghan: I agree with Lynn Welsh’s view. As I have said before, there are carve-outs in the Equality Act 2010 that would protect a minister in that position so that there would be no obligation to change in the context of a church. Things might be different in the workplace, but certainly within the scope of ministering in a church there would be no difference at all, and article 9 would offer very significant protection in that respect.

Aidan O’Neill: Every case depends on its facts, so we can always come up with a new case and say that there is an issue. However, there clearly is an issue because what is said outside the workplace is not divorced from what can be done in the workplace. In the Smith case, which is the Trafford Housing Trust case that was just mentioned, the man was demoted for saying “Equal marriage a step too far?” on his Facebook page, and he never got his job back. His only remedy was something like four weeks’ notice pay, and he is still in that demoted position.

In terms of NHS chaplains, the case of Ladele from the European Court of Human Rights appears to say that the idea of equal opportunity within the workplace is so important that it can result in people who do not fit in with that ethos being no longer welcome in the workplace unless they change their views. There is most definitely a tension. Each case will depend on its facts, but you cannot isolate what happens outside—

Marco Biagi: Just to look at the specific—

Aidan O’Neill: Sorry, I have not finished.

You cannot isolate what happens outside the workplace from how one might be treated within the workplace.

Marco Biagi: Can we look at the specific question of the NHS chaplain who gets up on a Sunday at the moment and says that homosexuality is sinful? Would they be subject to the same potential problem at present that you advise would be the case if they got up after same-sex marriage was legalised and said that same-sex marriage was unacceptable?

Aidan O’Neill: That is a particular legal issue. We could say that they are in that situation anyway because the employer would already have an equal opportunities policy. There is a wiggle room at the moment on the basis that one can say that favouring opposite-sex marriage is permitted under European convention jurisprudence but, if we were to equalise and allow for marriage regardless of gender or sex, that would change and the situations would have to be treated in exactly the same way. Therefore, the bill changes the position in that it strengthens the position for employers’ equal opportunities policies and weakens the arguments that a minister might have in those circumstances. There is a definite change.

John Finnie: I was going to ask about article 9, which concerns “the right to freedom of thought, conscience and religion”, but much of that has been covered. I will pick up on something that Mr O’Neill said about those with conscientious objections. We have touched on chaplains, foster carers, teachers, registrars and religious groups wishing to use public facilities. Would an unfettered, unlimited discretion be afforded an individual regarding what they say are their religious beliefs?

Aidan O’Neill: Are you asking whether anybody can say whatever they want if they say that that is what their religion tells them?

John Finnie: Yes.

Aidan O’Neill: That is where the notion of reasonable accommodation comes in. There are understood to be limits. It is clear from article 9 that it is possible to limit manifestation of religion if it is in accordance with the needs of a democratic society, so one can justify in convention terms limits on what is called hate speech, which is speech that is specifically aimed at whipping up hatred against a particular group. It is most certainly not an unlimited right.

John Finnie: I accept that lawyers do not like to be given scenarios and give definitive positions on them, but would there be a limit to the range of people who could apply religious belief as a conscience issue? Could, for instance, a local authority painter and decorator say that he did not want to decorate a room because it was used for same-sex marriages? Would that be a reasonable accommodation?

Aidan O’Neill: It depends greatly on the facts. There was a case two weeks ago from New Mexico involving a photography studio that was phoned up and asked whether it would cover a wedding. The studio said, “Of course we will,” and then, when it was told that it was a same-sex wedding, said, “I don’t think we’re going to. I think we’re suddenly busy that day.” That issue was taken to the Supreme Court of the United States
and it was found to be unlawful for the photographers not to offer their services even though they had religiously based objections to same-sex marriage. They could not discriminate on those grounds.

It depends on the facts. It could well be that a painter and decorator would fall outwith the reasonable range of those who can expect an exception from the law.

**John Finnie:** Abortion has been alluded to and the term “reasonable accommodation” has been used. I represent a large landward area, where there are challenges with the delivery of public services and a limited number of people to deliver them. Do you imagine that that factor could be taken into account in determining whether a reasonable accommodation should be made?

**Aidan O’Neill:** Do you mean too many people potentially objecting to carrying out abortions?

**John Finnie:** I was thinking more about registrars and the bill.

**Aidan O’Neill:** Oh, sorry. Are you asking whether a body could say that it could not carry out a service that it had to carry out because it did not have the people?

**John Finnie:** No. I mean that if, for argument’s sake, there were registrars who claimed that they had a conscientious objection and were not prepared to carry out same-sex marriages, there would be challenges with delivering the service in the Highlands and Islands.

**Aidan O’Neill:** Again, everything depends on the facts. If all the registrars had conscientious objections, it might be that registrars would have to be flown in from the central belt for the occasional mass same-sex wedding. I am not quite sure. We will just have to see what happens but, if we consider that individual conscience is an important value that ought to be respected even if we disagree with it, what is reasonable might well involve such scenarios.

**John Finnie:** Some of our witnesses, including those from the Law Society, have suggested that the position could be open to challenge. It is certainly the case that anything could be open to challenge, but the question might be whether the challenge is reasonable or frivolous.

**Karon Monaghan:** Anybody can go to court and challenge anything at all. I suspect that Aidan O’Neill and I have done that ourselves. However, that does not mean that the challenge will be successful. Ultimately, some of the questions that we have both been asked from time to time do not really help the debate, because we can always construct an argument one way or the other. The real question is, of course, whether that argument will succeed. Many of the objections to same-sex marriage that rely on legal arguments that are put together by various people do not help us very much because, in all probability, challenges based on those arguments would be unsuccessful.

**Marco Biagi:** I would like to ask about two more potential scenarios. One concerns transgender young people who, at the moment, can live as transgender people—that is, live as the other gender—but are unable to get formal recognition of that until the age of 18, when they can get a gender recognition certificate, whereas a non-transgender young person can marry and participate in the issues that we are discussing at the age of 16. Is there an issue in terms of less favourable treatment?

**Karon Monaghan:** Yes, probably, and the position would require justification. Certainly, there would be potential for that to be the subject of a discrimination claim. Whether it was justified would depend on issues such as whether transgenderism is something that takes a level of maturity on the part of an individual to be clear about, such as they might be expected to attain by the age of 18. I do not know the answer to that question. However, potentially, it could violate the convention—article 8, for example—and it would require justification if it were to be lawful.

**Marco Biagi:** I see nodding from others.

**Lynn Welsh:** Yes, we would agree with that.

**Marco Biagi:** In a situation in which a church or a faith organisation has decided not to opt in but has within its members a plurality of views, could a celebrant, rather than leaving their church to perform same-sex marriages, challenge their church’s decision as being a violation of their personal religious rights?

**Karon Monaghan:** In my view, no. Not if the complaint is with the church’s position. That would be an internal matter for the church, which would be entitled to regulate its own affairs, as a matter of convention law, under article 9, and domestically.

**Lynn Welsh:** I would agree.

**Aidan O’Neill:** For once, Karon Monaghan and I are as one. It is absolutely not for the state to interfere in internal church affairs. The specific case law from the European Court of Human Rights states that you do not side with dissenters. If they want to dissent, they should leave the church and set up their own church, or join a body that is more sympathetic to their views.

**John Mason:** As has been mentioned, the EHRC did not answer the committee’s question 12, which was,
“Would you like to comment on the wider issue of protections for those in society who may have concerns about same-sex marriage?”

Lynn Welsh, you said that you had considered all sides of the issue. Why did you not answer that question?

Lynn Welsh: I think that we thought that we had already answered it when we made it clear that we were in favour of the bill, as long as churches and religious bodies were fully protected, which we dealt with in another part of our response.

10:30

John Mason: Reference has been made to the Lord Advocate’s guidelines, which I think came out in June. I seek guidance from you as legal experts on what weight we should give to that guidance. From my understanding as an accountant, guidance can change tomorrow, so should we give it any weight at all? How definite is it? It states:

“Views expressed or comments made in relation to same-sex marriage in ways which do not incite hatred or violence towards a particular person or group of people ... will not be the subject of criminal prosecution.”

The phrase “incite hatred” strikes me as fairly vague, but perhaps the witnesses could guide us as to whether it is actually more solid.

Karon Monaghan: I am afraid that I do not know the guidance, so I cannot discuss it specifically. Certainly, hatred is a strong word, but I am not familiar with the guidance and I am not sure that I can answer that.

John Mason: As a general principle, how much weight does guidance have?

Karon Monaghan: Non-statutory guidance that is promulgated by the Law Society of Scotland or another similar body does not carry any weight at all. It is a view. It might guide the professionals in a particular profession and give them some help on how to approach the law, but in relation to reaching a final decision on the meaning of a particular law, it will be no more than a helpful way into it. It will not carry any particular weight.

Aidan O’Neill: The Lord Advocate’s guidance is different because, in effect, the Lord Advocate has a monopoly on prosecutions in Scotland. However, the courts never review what the Lord Advocate does so, as John Mason suggests, the Lord Advocate can change the guidance. I do not think that someone would have great success in saying that they cannot be prosecuted because that would be contrary to the guidance, as that would involve a civil law or judicial review function. Traditionally, the courts in Scotland very much stand back on that. If the Lord Advocate thinks that a prosecution is in the public interest, that is the Lord Advocate’s prerogative.

It is slightly interesting—to say the least—that the Lord Advocate felt that he had to produce guidance on what can be said in public about same-sex marriage and that making such comments might actually be a criminal offence. To an extent, that is to do with our incredibly broad notion of what constitutes breach of the peace, which can include insulting behaviour. Somebody can feel insulted by somebody else’s conscientious views. However, Karon Monaghan is correct. I do not see the courts enforcing the guidance, which is very much at the discretion of the Lord Advocate.

Lynn Welsh: The guidance has some value, in that it makes clear the Lord Advocate’s view of when the powers that he and his office have should be used, so, although he might not be able to be tied to the guidance if it was ever challenged, it is at least helpful in setting out where he thinks his powers will be used.

Christian Allard: I have a brief question. I would like some reassurance on an issue. We have had a lot of witnesses, and we have heard more evidence today. My impression is that a lot of the answers that have been given in evidence are more to do with the Equality Act 2010 than with the bill. Do you share my view? Do you think that, whatever happens—if the bill is passed or not passed—the same questions and challenges will still arise?

Karon Monaghan: Sorry, but I am not sure that I understand the question. If the bill does not go through—

Christian Allard: If the bill does not go through, will we have the same challenges that we have talked about today? Many of the examples that we have been given are about challenges under other legislation, not the bill.

Karon Monaghan: Yes, we will.

Christian Allard: So, in fact, we have wasted a lot of our time talking about the act.

Karon Monaghan: Probably—although I hope not.

Aidan O’Neill: Mr Allard is right that we are really talking about the Equality Act 2010, and equal opportunities are a reserved matter. However, as I have said, I believe that allowing gender-neutral marriage will actually change things, in that it will remove the wriggle room. However, the issues arise primarily because of the Equality Act 2010.

The Convener: As members have no further questions, I thank our witnesses for their contributions.
10:34

Meeting suspended.

10:40

On resuming—

The Convener: I welcome our witness for today’s second evidence session and invite him to introduce himself.

Professor John Curtice: I am Professor John Curtice of the University of Strathclyde and ScotCen Social Research. I should say that I am not representing either organisation and that any views that I express this morning are mine and should not be attributed to either of them.

The Convener: Thank you very much. I invite Marco Biagi to start the questioning.

Marco Biagi: Thank you for that unexpected honour, convener.

Professor Curtice, you have highlighted the rather substantial change in public attitudes towards homosexuality more broadly. Are you aware of how that compares with other countries?

Professor Curtice: The short answer is no, as I do not have that degree of expertise. The longer answer is that my understanding is that it is not particularly exceptional. You have heard the evidence from Dr Kelly Kollman on the substantial international moves. One would presume that such moves were not taken entirely in the teeth of public opinion in the countries concerned.

Marco Biagi: Have you seen any changes of similar magnitude in other areas?

Professor Curtice: Yes. The biggest change in public attitudes in Great Britain since the early 1980s is towards our banks. In the early 1980s about 90 per cent of people trusted banks and now about only 10 per cent do.

That aside, the principal secular change—by which I mean a change that has pretty much kept on going in a consistent direction during that 30-year period—has been in the area of sexual mores. As well as there being changes in attitudes to same-sex relationships, there has undoubtedly been a substantial change in attitudes towards sex outside marriage, particularly premarital sex. There have also been changes in attitudes towards abortion.

British society has experienced a more general apparent liberalising trend in attitudes towards sexual mores. Not all the changes have gone at the same pace, but they have all been going in the same direction. The change in attitudes that you refer to seems to be part and parcel of a similar liberalising phenomenon whereby society is taking a very different view of these things from what it did a relatively short time ago.

Marco Biagi: This is a “quantitative methods 101” question. Which is more accurately representative of Scottish public opinion: an open website-published Scottish Government consultation or a properly weighted scientific study such as the ones that you are quoting?

Professor Curtice: I note the terms of your question, which I suspect that not everybody would agree with. If anybody thinks that the purpose of a consultation is to find out the balance of public opinion, they do not understand that the value of a consultation is to come to some understanding of the arguments that people put forward on both sides, which you might not necessarily get out of a survey, and to uncover possible technical difficulties and objections to the detail of a bill that civil servants or ministerial colleagues might not have understood.

It is to be regretted that with respect to both this consultation and the consultations on the referendum there has been a tendency by protagonists on both sides of the debate to encourage people to send in standard replies, which add no value at all to that kind of exercise.

To that extent at least, you should not look to consultations as a way of understanding the balance of public opinion as opposed to understanding the structure of public opinion and possible technical difficulties with any particular form of legislation.

The Convener: Thank you for that. I call John Mason.

10:45

John Mason: Mr Curtice, you are very respected by many of us and indeed the public for your understanding of how all of this is done. Can you comment on the notion that people get softened up with certain questions before the big question gets asked? Does how you ask questions make a big difference to the result you get for your key question?

Professor Curtice: Any survey researcher will be extremely sensitive to the possibility that the context within which a question is asked and the way in which the question is phrased can affect the response. In my submission, I have tried to be quite open with the committee by indicating how differences in a question’s wording can make a difference. I think that that is absolutely the case.

Some of the questions that I highlight in the submission are worded better than others, but I know that in the British or Scottish social attitudes surveys we are certainly very careful to avoid creating a context that leads in one direction or
another. We might not always succeed, but our wish is to understand public opinion as accurately as possible and not to promote one or other cause. Clearly some of the other questions that I have highlighted have been commissioned by one side or another, and one might feel that as a result they might or might not have got the answers they were looking for.

In the end, you have to make a judgment. We do not have a fantastic amount of evidence on this area—it has certainly not been polled intensively, particularly as far as attitudes in Scotland are concerned—but, looking at the variety of question wordings and the evidence across the piece, I think that on the simple question, “Should same-sex marriage happen or not?”, there seems to be a majority in favour, although I have to say that it does not necessarily look overwhelming.

Beyond that, if you ask people to choose between same-sex marriage, civil partnerships and doing nothing, it might not be the case that a majority of people would choose the introduction of same-sex marriage as their first choice but, equally, it seems pretty clear from follow-up questions that many of those for whom civil partnerships might be their first preference are not necessarily particularly opposed to the idea of same-sex marriage. That is simply an attempt to come up with a reasonable judgment of where public opinion seems to lie, given the variety of such opinion.

The only other thing that I would say is that, given the very strong relationship between age and attitudes towards same-sex relationships and given that each new generation of adults entering adulthood has been consistently more liberal on this subject than its predecessor, unless some dramatic event happens in this area—as happened in the 1980s—it is a reasonable supposition that public opinion is probably going to become more liberal on the subject. Even if one has question marks about how big or firm that majority might be at the moment, it is probably only going to get bigger and firmer over time.

**John Mason:** In that respect, you also point out that as society has become less religious—or as people have started to attend religious services less often—it has also become more liberal. Has there been any research on whether those two aspects are connected? Is society becoming more liberal because people are going to church less?

**Professor Curtice:** As you can see from some of my evidence, it is perfectly clear that those who regularly attend religious services are more likely to take a conservative view on these subjects. However, it is also clear that that difference has widened.

Back in the 1980s, for example, the attitudes of secular Scotland/Britain and those of religious Scotland/Britain were rather similar. The liberalisation of attitudes has occurred predominantly at the secular end of Scottish society but, that said, I also point out in my submission that there has been something of a liberalisation of attitudes even among regular worshippers. The decline of religious observance is undoubtedly one of the reasons why our society has become more liberal, but it also seems pretty clear that attendance at religious services and, indeed, religious organisations, many of which would adopt a conservative stance on these issues, seems to help to frame people’s attitudes.

Of course, the other liberalising thing that is going on is the expansion of university education. I have not made this point in the submission, but it is clear that those with a relatively high level of educational qualifications tend to be more liberal on these subjects than those with no educational qualifications. Therefore, as we become a better educated society, that tends to encourage social liberalism. That is another phenomenon that has tended to push our society in that direction.

**John Mason:** This is just a minor point. In line 5 of paragraph 16 of your submission, I see that independence had crept in. I had not really expected independence as part of this debate.

**Professor Curtice:** I am sorry. That is an error. You can imagine what else I was thinking about as I was writing the submission. It should read “same-sex marriage”. Since you have asked about that, I should say for the record that in the penultimate line of paragraph 3, “they same” should read “that same”, and in line 5 of paragraph 10, after the word “religious”, insert the word “service”. I hope that we have caught all the typographical errors.

**John Mason:** That is great. I knew that independence was on the minds of many of us but I had not expected it here.

**The Convener:** Is there any evidence that attitudes within religious organisations—within the clergy—are becoming more liberal?

**Professor Curtice:** We do not have enough members of the clergy, or anybody in any kind of religious order, to know the answer to that question. What we do know, which adds slightly more colour, is that there is a difference between members of different religious denominations or religions. Perhaps contrary to the general impression, the section of Scottish society that seems to be most conservative on this subject is those of a Presbyterian faith—particularly, it seems, those Presbyterians outside the Church of Scotland. The numbers are relatively small, and we therefore have to be careful, but Episcopalians
are probably towards the liberal end of the spectrum, with Catholics somewhere in between.

Alex Johnstone: Sometimes in politics, you know what you are going to say next but you just cannot help yourself. I am going to take on John Curtice on an issue in which I am sure that he can quite easily make a fool of me, but I am going to try it anyway.

You were talking about the liberalisation of views. I fully accept that the information that you quoted is the case and that views are becoming more liberal. When people's views are polled, that information is very obvious. I want to look a little deeper into that. What does the public think about liberalisation? What is their motive? Is there an increased tendency over time for people to go with the flow, or is it a deliberate action?

Professor Curtice: My answer is to remind you what public opinion was in the mid-1980s. The idea that society has, in some sense, gone with the flow is difficult to believe given the degree to which, little more than 25 years ago, we as a society pretty much unanimously adopted a critical attitude towards same-sex relationships. It looks to me very much as if there has been a genuine, quite dramatic but substantial change in attitudes, which, in a sense, has been a society not going with the flow. Society has reversed itself.

I can remember when male same-sex relationships were still illegal. What is certainly true is that the views of those of older generations have changed over time. One suspects that that is, in part, as a result of being influenced by the greater liberal views of, for example, their own children. Equally, it is almost undoubtedly the case that the views of many older people with regard to cohabitation and heterosexual relations outside marriage have changed as a result of the behaviour of their own children.

As attitudes have begun to change, those who are of generations for whom these attitudes were not the norm have probably reacted to social pressure, but that is just people changing their views because they see the world changing. I do not think that it in any way undercuts the reality of the change that we have witnessed.

Alex Johnstone: Is the liberalisation of views genuinely because people at large care more about these issues and want to deliberately change their position, or is it perhaps that people simply care less?

Professor Curtice: This is an interpretation of the data, but it is probably true that people who say that there is rarely or never anything wrong with same-sex relationships are not necessarily saying that they feel strongly about the matter. They may be saying, “What’s all the fuss about? Why are we worrying about this? Of course it’s fine.”

There is probably therefore an asymmetry of feeling. It is probably true to say that those who feel that same-sex relationships are wrong, let alone those who are opposed to same-sex marriage, feel that view more intensely than many of the people who adopt the opposite view. To that extent, we have an asymmetry of passion in the debate.

It is probably also true that it is not the case that the vast majority of people in Scotland and Britain think that changing the law in this area is a major priority. It is simply a case of people thinking, “If it’s going to happen, that’s fine. Why didn’t we do it a few years ago?”

Alex Johnstone: That is what I meant by the phrase “go with the flow.” Is that—

Professor Curtice: I think that there is a misunderstanding of going with the flow. What I am saying is that most people are saying, “What are you on about? What is the issue here?”

When we talk about independence, most people understand that there is an issue and a real choice that matters. People can understand why some people are for and some are against. I suspect that, in relation to same-sex marriage, people’s views have changed such that many people are just saying, “Oh, you mean that there’s an issue?” That is probably particularly true of younger people. Because they have grown up in a society where the predominant view in recent years has been that same-sex relationships are okay, they are probably wondering what some older people are arguing about. The norm among younger people is very much to say, “Fine—whatever.”

It therefore follows that those who are passionately arguing in favour of the bill have a problem in the sense that I do not think that many people are doing that. Equally, I do not think that, if the majority of the public are saying, “Okay, this is going to happen and it’s fine—it’s what we should be doing”, we should necessarily presume that that is an argument for ignoring public opinion.

Although public opinion on the death penalty has begun to change, it has long been in favour of restoring the death penalty. Many a legislator would say, “I can think of an ethical argument why, on this occasion, I’m not going to follow public opinion.” Given that the role of legislators is, other things being equal, to take serious cognisance of public opinion, if you are going to say, “No, we’re not going to follow public opinion in this area” and if you accept my reading of public opinion, you have to come up with ethical arguments as to why following the public view is not necessarily in the public interest.
Alex Johnstone: Thank you.

Marco Biagi: In your written submission, you mention some variables that predict people’s attitudes to same-sex marriage, namely age and church attendance. You have also alluded to level of education being another variable, although that is not mentioned in your submission. Is there anything else that is statistically significant?

Professor Curtice: Gender is a factor. Men are usually less liberal than women on the subject.

Marco Biagi: And those are the only things that have been found through the—

Professor Curtice: Yes. You can look at the full detail in various reports that have been done for the Scottish Government more generally about attitudes towards discrimination, but the crucial ones in this area are gender, age, education and religious observance.

11:00

Marco Biagi: When everything else is controlled for, is there an urban/rural divide?

Professor Curtice: I would have to go and check the data—I am happy to do so. It is a little while since I engaged with the data at that level.

Marco Biagi: I think that I was asking more out of curiosity than for the purposes of scrutiny of the bill.

Professor Curtice: I simply remind you that this is a predominantly urban society, albeit that it has a distinctive rural hinterland.

Siobhan McMahon: Professor Curtice, you said that people are becoming more liberal and that, even if they do not regard changing the law as a priority, they wonder what the fuss is about the bill. Are you aware of studies that the committee can consider that have drilled down, so that rather than just ask whether same-sex marriage should happen—yes or no—they have considered the consequences of having same-sex marriage, in the context of other protections and freedoms, which we have discussed with previous panels?

Professor Curtice: The honest truth is that I am not aware of anyone who is trying to gauge public opinion in that way. The only thing to which I can point you, which will give you some guidance, is the question in the Ipsos MORI poll that I mention in paragraph 15 of my submission. As far as I am aware, that is the only poll, north or south of the border, that has drawn a distinction between religious and civil marriage. It seems pretty clear from the poll that the majority of people think that civil marriage, rather than religious marriage, should be legislated for.

There might have been the odd question on Britain-wide surveys during the passage of the equivalent bill at Westminster—I would have to check. I am pretty sure that the majority of people say that religious organisations should not be forced to perform marriage ceremonies if they do not want to do so.

You will appreciate that some of the conversation that I heard from the previous panel as I arrived in the committee room today will go way above the heads of the average person. We cannot ask in surveys about detailed legal arguments, as opposed to the principle of whether someone should or should not be required to do something.

If you want me to check, get the committee clerk to write to me and I will happily check my data file.

The Convener: Thank you.

John Mason: Professor Curtice, you said that there is a move throughout society to being more liberal. You mentioned capital punishment. Is society changing on that, too?

Professor Curtice: Yes. I looked at the UK-wide data recently. Support for the death penalty is now below 50 per cent—it is somewhere in the 40s. That is another area in which attitudes have become somewhat more liberal.

There is one area in which society has definitely not become more liberal. If anything, we have become more conservative—if that is the right word—about people who have a regular sexual partner having sexual relationships with someone else. In other words, society is even more critical of infidelity than it used to be.

When we talk about liberalisation and sexual mores, it is not the case that society thinks that anything goes. For the most part, we seem to be in favour of monogamous relationships at any one point in time. It is simply that we have become much more relaxed, first, about whether the relationship takes place within marriage and, secondly, about the genders of the people who are engaged in the activity.

The committee must be aware that there is a certain irony around the bill, in that we talk about enabling people in same-sex relationships to enter an institution that relatively large sections of the heterosexual community no longer get involved in, at a time when society does not think that sexual relationships should necessarily take place within marriage. That is also part of the liberalising trend of the past 25 years.

John Mason: I was interested to hear that you think that society still supports monogamy.

Professor Curtice: Yes, that is very clear—I refer you to the British social attitudes survey.
Indeed, I give the reference in paragraph 17 of my submission.

A person’s partner and the quality and nature of the relationship are what seem to matter to people now rather than a sense of obligation, let alone some religious teaching. Therefore, cheating on one’s partner is now, if anything, regarded as even less acceptable because we value the quality of the relationship more than we value the formal institutional position.

John Mason: That is interesting. Thank you.

Alex Johnstone: We have heard the words “liberalisation” and “conservative” used in their true sense—nothing to do with the political parties.

Professor Curtice: Absolutely. There is no normative political involvement.

Alex Johnstone: Indeed. However, my instinct is that neither description describes how I have, for most of my life, dealt with the issues surrounding this and similar subjects. The word that I would use, which has not appeared during the evidence that we have taken so far in the committee, is “tolerance”. It is about tolerance of the different choices that people make and learning not to impose one’s own views on other individuals or to see people through that prism. During a period when public opinion has become more liberalised, has Scotland become more or less tolerant?

Professor Curtice: I am happy to accept the word “tolerance”.

As I pointed out, we have much less evidence on this north of the border, but I have two points to make. First, the evidence that we have collected since 1999 in the Scottish social attitudes surveys shows, as you have seen from the evidence on attitudes towards same-sex relationships, that Scotland has largely shared in the trend to be liberalising or more tolerant.

Secondly, whereas even in 1999-2000 Scotland remained a more religious society than England and Wales in terms of levels of religious attendance, that is no longer the case. I argue in my evidence that attitudes in Scotland are now very similar to those south of the border on a whole load of other areas—I can happily send you the chapter on that if you want. On social issues, Scotland, England and Wales now look very similar to each other. That inevitably raises an issue for this institution. Given that England and Wales have legislated first in the area, and given the similarity of outlooks on the two sides of the border, you would have to come up with good reasons for why Scotland should adopt a different perspective.

Alex Johnstone: I want to compare the concept of liberalisation with the concept of tolerance, as I perceive a number of differences. Although society as a whole is becoming more liberal, levels of tolerance and intolerance have changed radically among those who hold strong views. For example, I find that those who seek greater tolerance are themselves likely to be the least tolerant of those who do not share their views. I am basically suggesting that tolerance is now a one-way street.

Professor Curtice: The difficulty with this issue is that we are talking about changing the character of an institution in which religious organisations have long played a significant role, and many of those organisations do not agree with the change that is taking place. Inevitably, we are talking about a political conflict—welcome to politics.

There are interesting arguments to have outside the committee about whether, if society comes to believe that same-sex relationships are okay, it is acceptable to use the force of the law to stop people expressing contrary views. We see those debates going on particularly in the area of race relationships, which lead on to arguments about what harm is or is not done to those with a minority view.

It comes back to the question that Mr Allard asked. My reading of opinions is that it is not clear at the moment that society wishes to force—if that is the right word—this change down the throats of the religious organisations that do not want to go down this path. That seems to be the position from the evidence, particularly in paragraph 15 of my written submission. To that extent, we seem to be tolerant rather than liberal, although most people seem to be willing to accept that, if that is what someone feels, that is okay. We are not necessarily willing to use the law to force organisations to do something.

It is an interesting question whether, given that society is liberalising and there is evidence that attitudes—even among those who regularly attend religion—are liberalising, in 20 years’ time we will discover that most religious organisations have decided to take advantage of the legislation that allows them to perform such ceremonies. Thinking about what is good for society, given that we are talking about trying to manage a dramatic social change whereby a section of society find themselves living in a climate that is very different from that which they are used to and what they believe in, it is in the interests of society to manage that change in a way that minimises conflict. I think that you, as legislators, want to do that. To that extent, having tolerance as your watchword in this area—in so far as it can be pursued, given that there is genuine conflict—is probably a good mantra to follow.

The Convener: The committee has no further questions. Thank you very much for coming along, Professor Curtice.
Our next meeting will take place on Thursday 26 September and will include further oral evidence on the Marriage and Civil Partnership (Scotland) Bill.

Meeting closed at 11:12.
Marriage and Civil Partnership (Scotland) Bill: Stage 1

The Convener (Margaret McCulloch): Welcome to the 24th meeting in 2013 of the Equal Opportunities Committee. Please set any electronic devices to flight mode or switch them off.

Our clerking and research teams and official reporters are here. Around the room, we are supported by broadcasting services and security officers. I welcome the observers in the gallery.

I am the committee's convener. I invite members and witnesses to introduce themselves in turn.

Marco Biagi (Edinburgh Central) (SNP): I am the member of the Scottish Parliament for Edinburgh Central and the deputy convener of the committee.

John Mason (Glasgow Shettleston) (SNP): I am the MSP for Glasgow Shettleston.

Alex Johnstone (North East Scotland) (Con): I am a member for North East Scotland.

Christian Allard (North East Scotland) (SNP): Good morning. I am also a member for North East Scotland.

John Finnie (Highlands and Islands) (Ind): Madainn mhath—good morning. I am an MSP for the Highlands and Islands.

Siobhan McMahon (Central Scotland) (Lab): I am an MSP for Central Scotland.

Cara Spence (LGBT Youth Scotland): I am from LGBT Youth Scotland.

The Rev Blair Robertson (Healthcare Chaplaincy (NHS Scotland)): I am head of chaplaincy and spiritual care for NHS Greater Glasgow and Clyde and represent healthcare chaplaincy in the national health service.

Stephen McCrossan (Educational Institute of Scotland): I am national officer for education and equality in the Educational Institute of Scotland.

Chief Superintendent Grant Manders (Police Scotland): I am head of safer communities in Police Scotland.

Ruth Hunt (Stonewall): I am deputy chief executive of Stonewall and oversee Stonewall Scotland's work.

Michael Calwell (Family Education Trust): I represent the Family Education Trust.

John Brown (Scottish Catholic Education Service): I represent the Catholic Education Commission.

The Convener: Thank you very much.

The only item on the agenda is an evidence session on the Marriage and Civil Partnership (Scotland) Bill at stage 1. Witnesses should indicate to me or to the clerk on my left when or if they wish to speak. John Mason will start the questions.

John Mason: I will start with education. I will aim my questions at Mr McCrossan, but others might want to come in. Can you give us a general picture of how teachers deal with equality issues and, in particular, say whether you think that the bill will have an impact on how teachers teach in the classroom?

Stephen McCrossan: I do not think that the bill will have a significant impact on the way in which teachers teach in the classroom. We simply see the bill as another strand in equality and diversity, promoting equal opportunities and challenging discrimination. I do not think that it will make a significant difference to classroom practices and how teachers teach in the classroom.

John Mason: What a school, the Government, an education authority and everybody else would say about some equalities issues is quite clear. For example, they would say, “You should treat a black person and a white person exactly the same.” The same would be true in relation to bullying or whatever. Do you accept that we are discussing a quite controversial issue and that teachers might have views either for or against same-sex marriage?

Stephen McCrossan: Yes, they will have their personal views on that, but they adhere to a code of professionalism and conduct through the General Teaching Council for Scotland. Their role in the classroom is clearly defined as non-judgmental. The responsibility and onus would therefore be on the teacher to devise appropriate classroom activities to allow the children and young people to look at and explore the issues in the bill on their own and make up their own minds about it. Essentially, it is the responsibility of the teacher to be inclusive and non-judgmental in how they operate in the classroom.

John Mason: Would a teacher ever say what their personal views are, or should they never do so? I am thinking of political issues such as the one that we are discussing.
Stephen McCrossan: Teachers are often asked what their own views are, but in my experience, they set down the parameters right at the beginning of the year with the class on what is expected in the classroom. The teacher's views and opinions would certainly not matter; it is all about the children exploring and expressing their own views. That would be established as a basic classroom rule.

John Mason: I imagine that, on issues such as this one, a teacher's interaction with, say, a primary 4 class will be quite different from their interaction with a secondary 4 class, where there will be more of a discussion.

Stephen McCrossan: I have no experience of the primary sector, but I can say that classroom practice and teaching methodologies have opened up as a result of curriculum for excellence, and teachers are now being encouraged to explore and use many more new teaching methodologies such as collaborative learning, the use of information and communication technologies for research purposes, active learning and peer learning. People's views of traditional teaching approaches have changed and teachers are now able to pick and choose from the approaches that I mentioned, depending on their audience.

John Mason: Do any of the other witnesses have views on whether the bill will make any difference in schools?

Cara Spence: I do not necessarily think that the issue is as controversial as people perceive it to be. LGBT Youth Scotland has just completed a three-year project in which we worked with more than 9,000 pupils in 47 schools across Scotland and trained 350 school staff. There is a fear that this is a controversial issue and when teachers hear such language they get alarmed. However, when you unpick the issue and show that it is okay to talk about, say, love, bullying and anti-bullying approaches, teachers are okay with it. Our work with teachers was fantastic and positive; those teachers are leading the way in Scotland and particularly think that issues such as prejudice-based bullying need to be challenged in schools.

John Mason: I agree that issues such as tackling bullying should not be controversial in any way. However, given the public reaction, do you not accept that this is quite a controversial topic?

Cara Spence: I suppose that it has been controversial as far as the media reaction is concerned but I think that a strong majority of public opinion supports the bill.

John Brown: I do not think that the bill will make very much difference to teaching in the classroom about respect for the individual, which is important and ensures that bullying is not accepted. However, the strongly controversial aspect of the bill is its redefinition of marriage and, in Catholic schools, such a redefinition will come into conflict with the belief held in Catholic schools and by the Catholic church about the sanctity and dignity of marriage as being between a man and a woman. Teaching in those schools would have to represent marriage by saying what it is, in view of that religious stance. That is why we are concerned that the bill might have particular consequences for teaching and teachers in our schools, and we are looking for an assurance that it will not change or challenge the faith curriculum in Catholic schools.

John Mason: Can you set out your concerns in a little more detail?

John Brown: For a start, we teach the current understanding of marriage as a lifelong and exclusive commitment between one man and one woman, and controversy will arise with regard to what teachers will say about equal marriage as defined in the bill.

Michael Calwell: The problem is that you cannot teach children, particularly young children, two conflicting normative views of marriage at the same time.

Ultimately, there is an understanding of marriage that is shared by the whole of the human family, which is that it is a purposeful sexual union of a man and a woman that is vital to human society and confers upon society innumerable and vital benefits that are indivisible from that nature as a man and a woman. Without that basic principle enshrined in the institution, we cannot understand why human societies even have marriage and what it does—we cannot really understand it at all. On the other hand, there is a radical, new vision of marriage that has, in essence, been invented by a pretty small political class in a very small corner of the world in the past few years and which radically conflicts with that view.

We must decide which of those two conflicting understandings of the human institution of marriage we teach to children. We would say that the bill should not proceed at all. However, should it proceed, the decision on which of those conflicting views of marriage is taught to children would have to be made by parents because, in any free society, they are ultimately the people who are responsible for raising and educating their children and they have a basic right to have their ontological, philosophical and religious views communicated to their children. If the parents do not make the decision about the manner in which their children are educated, who does?

John Mason: Why would a school have to take one side or the other? On an issue such as abortion, the teacher could tell the children that...
some people agree with it and some people disagree with it. Can that not apply to same-sex marriage as well?

Michael Calwell: With older children—in the teenage years, for example—we could probably tease out some of the political and ideological concepts that have gone into the bill. We could talk about gender theory, critical theory and all the ideologies that have driven the bill and then juxtapose the vision of marriage that is contained in the bill with what the human family understands the nature and purpose of marriage to be. Therefore, we could teach it in the context of a wider political and ideological conflict that is going on in this part of the world at this point in time.

However, when it comes to small children, who really cannot digest all that complexity, the people who must decide what marriage is—what its basic meaning and purpose are—and what they want to communicate to their children about that must be the parents. We emphasise the primacy of parental sovereignty in the debate.

Ruth Hunt: There is a fundamental misunderstanding at the heart of the debate, which is the assumption that the law is based on people’s individual belief and faith. That is not the case. Scotland determines its law based on what the nation needs and has determined that same-sex marriage is a good thing.

Faith schools that work with Stonewall Scotland and those that choose not to but still take the issue seriously are clear that teachers are able to present their views and beliefs in a respectful and dignified way while still teaching truth. People in every faith community and those of no faith would agree that all children need to be taught the truth. Children under 11 do not need Michael Caldwell’s analysis of Foucault’s changing nature of gender variance. They need to know that different couples love each other and that love and relationships are important.

Providing age-appropriate materials and ways of describing that is exactly how good faith schools work. The faith schools with which we work say that homophobic bullying is not fair, not right and not Christian and that they strongly believe in that. They also say that some people believe that same-sex couples should be able to get married and some do not because they believe that marriage should only be between a man and a woman. Children, regardless of their level of sophisticated understanding, are able to grasp that concept easily.

It is possible to present different notions of faith without telling lies. That is what it comes down to. If the law changes, schools will have to teach the truth, but that does not preclude them from teaching their beliefs as well.

John Mason: What do you mean by “truth” in this? It is clear that two and two is four: that is a matter of fact and nobody argues with it. Do you accept that, on an issue such as same-sex marriage, there is, in a sense, no truth because some people have one view and some have another?

Ruth Hunt: Let me put same-sex marriage to one side. The truth at the moment is that opposite-sex couples can get married in a religious premises or in a registry office. Some people do not have any religion when they get married, but that is okay. Some gay people can enter into something called a civil partnership. Those are facts—factual pieces of information. The teacher can then say, for example, “I don’t believe that gay people should be allowed to have a civil partnership. That’s because I believe that relationships should only be sanctioned by the state when they are within a construct of faith.” You know, you can have that conversation while presenting the truth.

When the bill is passed, the teacher could say, “Some gay people get married; some don’t. Some heterosexual people get married; some don’t. I believe that gay people shouldn’t get married.” That is not an impossible position to occupy within a school environment. Some of the discussions at the moment suggest that the bill will force teachers into a position where they cannot say, “I do not believe that this is a good thing.” The reality is that good teachers, including good Catholic teachers, frequently manage their beliefs in juxtaposition with the curriculum that they are teaching. I remember a very good lesson in my Catholic secondary school, in which we were taught about evolution but the teacher began by saying, “I do not believe in evolution. This is my personal belief, but I will now teach you.” As a pupil, that was a fascinating insight into the different ways of seeing the world, but the lesson also enabled me to pass my physics GCSE. These things are not contradictory.

The Convener: We will move on to questions from John Finnie.

John Finnie: Good morning, panel. Mr Calwell, in your written evidence, you say:

“There are four key components in the definition of marriage: it is voluntary, heterosexual, monogamous and lifelong.”

What is the source of that information, please?

Michael Calwell: What we are saying is that you cannot understand what marriage is unless it has those characteristics. The purpose of marriage and the nature of marriage are indivisible, basically.
Here is a little thought experiment for you. Imagine that you were an alien coming down from outer space and you had to try to understand what marriage is. If you had to understand the human phenomenon of marriage, the purpose of marriage, why it is vital and why it is important—all those things—and all that you had was the bill that is before us, you simply would not be able to understand marriage. It would not make any sense at all. In fact, it would raise more questions—

**John Finnie:** What is the purpose of marriage, then?

**Michael Calwell:** Marriage unites a man and a woman to each other and any children they might have. It provides an ordered context for sexual activity. It provides children with a mother and father in a stable, ordered and committed relationship—

**John Finnie:** Is that the case with every marriage?

**Michael Calwell:** That is the reason why we have marriage in our society. That is why it is recognised.

In fact, the state’s relationship to marriage is essentially tangential. The state recognises the importance of the extra-legal, pre-political and what you might call anthropological nature of marriage, and the state protects it in law. The state does that for the very simple reason that any civilised, functioning, happy, stable society needs the stable sexual unions of men and women.

Of course some men and women do not have children. Some cannot have children, and some may be too old. But even if 98 per cent of marriages did not produce children and even if 98 per cent of children—

**John Finnie:** What percentage of marriages at the moment produce children?

**Michael Calwell:** I do not know off the top of my head. I suggest that it is probably the majority—perhaps something like 60 per cent. I do not know the answer to that.

The point that I was making—if you do not mind me finishing—is that, even if the majority of marriages did not produce children and even if the majority of children were born outside marriage, that would not be a legitimate pretext for this legal innovation.

**John Finnie:** In your written evidence, you say:

“The Scottish Parliament should no more legislate for same-sex marriage than it should legislate for forced marriage, polygamous marriages, or temporary contract marriages.”

Why do you think that that is the case?

**Michael Calwell:** Because those things are incompatible with the purposes of marriage.

**John Finnie:** Do you accept that many people would find those views offensive?

**Michael Calwell:** No, I do not think that they would. I think that the majority of humanity understands marriage in much the way that I have just adumbrated.

**John Finnie:** Do you have a view on what I thought were the very succinct comments of Mr McCrossan on the code of professionalism and conduct for teachers? Do you think that there is something wrong with the existing code?

**Michael Calwell:** No, but I think that the bill introduces a new dilemma, which is to do with what marriage is, what it does and how that is communicated. As I said, there is also the issue of the rights of parents over education, which is explicitly laid out. Parents have a right to have their children educated in a way that accords with their philosophical, cultural and religious values.

**John Finnie:** You also go on to say:

“We are also concerned that teachers who indicate that they do not support same-sex marriage or who are unable in good conscience to use teaching materials that refer positively to same-sex marriage may face disciplinary action.”

Having heard Mr McCrossan’s view, and being aware of the code of professionalism and conduct, do you still adhere to that view?

**Michael Calwell:** The problem with a lot of the bill and the guidelines is that they are unclear. We are not comfortable that a teacher could, in accordance with parents’ wishes, posit that positive and constructive view of marriage without falling foul of potential legal action or facing other problems such as professional misconduct allegations.

**John Finnie:** Given what we have heard about how the curriculum is delivered, why would a teacher indicate their personal views on such an issue?

**Michael Calwell:** I will give an example. If a child were to ask a teacher what marriage is, what it does and why we have it, the teacher would be forced into a position in which they would have to go along with the radical, new vision of marriage, which really is not marriage at all but is the appropriation of the word “marriage” from its extra-legal context and its application to a legal construct that has nothing to do with marriage or the understanding of marriage that, frankly, most human beings have.

**John Finnie:** The abolition of slavery was seen as being radical, and people quoted scripture to support the retention of slavery.
Michael Calwell: I am not quoting scripture. I am just quoting the basic—

John Finnie: No, but I am saying to you that views can change over a period of time. You would accept that.

Michael Calwell: But the nature of marriage is rooted in the human person; it is rooted in the protracted and intense developmental, emotional and social needs of human infants. That is why it is a common human phenomenon. That is why it is found in much the same way in all human societies, even when those societies differ wildly in other respects. The common phenomenon of marriage tells us something about ourselves. It is not malleable. It is not really a malleable political or legal construct.

Marco Biagi: What about the deep emotional and social needs of those infants who will grow up to have same-sex attractions?

Michael Calwell: They need exactly the same maternal and paternal input that marriage provides. We have to decide here. They are equal citizens as well, and they have as much of a right to the security that marriage provides. Why would we treat them differently?

Marco Biagi: So, children who grow up to be gay men should marry women, and children who grow up to be gay women should marry men. That is marriage, as you understand it. Is that what you are saying?

Michael Calwell: No. The genesis and nature of homosexuality has nothing to do with the nature and purpose of marriage. They are completely separate things. They are not related. The fact that someone may not want to marry—or, for whatever reason, cannot marry—does not relate. I do not really understand your question.

Marco Biagi: I did not really understand your point, which is why I was trying to tease it out. You seemed to say that marriage, as it is currently set out in law, is necessary for the social, emotional and educational needs of infants—

Michael Calwell: That is why we have it, yes.

Marco Biagi: But you seem to ignore the infants who, as they grow and develop, will have same-sex attractions and will want to form relationships with people of the same sex.

Michael Calwell: No one is stopping anyone forming a relationship with a person of the same sex. Who is doing that?

Marco Biagi: If marriage flows from the social needs of the 95 per cent of children who will not grow up to have same-sex attractions, does it not also flow from the social needs of those who will grow up to have those same-sex attractions, and should it not, therefore, simply reflect the social and educational needs that everyone has?

Michael Calwell: A child is not a sexual being.

Marco Biagi: Not when it is a child, no.

Michael Calwell: Marriage exists for them when they are children; it does not exist for them when they are adults. Do you see what I mean?

The Convener: I will bring in John Brown, and then John Finnie.

John Brown: I want to bring the argument, or the discussion, back to education in the classroom. Ruth Hunt talked about a classroom teacher presenting the facts and being able to say, "I don’t believe in that." In a Catholic school, we would be teaching the idea of marriage as being between a man and a woman. That is the sacramental element in a Catholic school. That does not prevent me from stating that some people live different lifestyles and deserve respect for that. My worry is that if a teacher says in a classroom that they do not believe something to be marriage in the sense that we understand marriage, they could be liable to be attacked or taken to court because they are seen to be against something that the state has promulgated. Therefore, we need some sort of legal protection in the bill so that we can say what we believe within the Catholic understanding of marriage and we are not prevented from saying that some people go through a form of ceremony that they call marriage but is not marriage in our view.

Stephen McCrossan: My point is allied to that and it touches on Mr Finnie’s point about disciplinary measures against teachers in schools. Our view is that the system already works. Normally, if a teacher has difficulties with the teaching resources that he or she is expected to use in the classroom, their professionalism allows them to flag up their difficulty with the particular topic and local arrangements come into play in the school. As the Government has pointed out, teachers have a responsibility through their professionalism, but employers also have a responsibility under the public sector equality duty to respect the beliefs of the individual teacher.

I work at a national level. Before I came to the committee, I asked colleagues whether they had come across any cases in which disciplinary procedures had been applied to teachers who said that using certain materials went against their beliefs. My colleagues have not come across any such instances at national level, which indicates that such issues are either being dealt with at local level, or they simply do not happen.

John Finnie: My question is in the first instance for Ms Spence and then perhaps for Chief Superintendent Manders. I do not know whether
the panel has seen the document on the issue that the Scottish Government has given us and that it has helpfully told us will be posted online today. I have to say that it is marked “DRAFT 1 .... EARLY 2014”. It is titled “Conduct of Relationships, Sexual Health and Parenthood Education in Scottish schools”. I will read a few small passages from it.  

Paragraph 7 states:

“RSHP education should present facts in an objective, balanced and sensitive manner within a framework of sound values and an awareness of the law on sexual behaviour.”

After a short passage comes the phrase on which I would appreciate comment, which is:

“At the same time, teachers must respect and avoid causing hurt or offence to those who come from various family backgrounds.”

That is some fairly woolly terminology, but I think that we all know where it is coming from. To what extent does such a statement, and people adhering to it, reduce the incidence of bullying? Does the leadership that comes from the classroom reduce bullying?

Cara Spence: That is so important. I would like to bring the discussion back to the welfare of children and young people. At the end of the day, we know that lesbian, gay, bisexual and transgender young people are in classrooms across Scotland. They tell us that if teachers said negative things about same-sex relationships, or said that same-sex relations are harmful or not equal to heterosexual relationships, they would find that damaging and hurtful. That is the most important thing.

In essence, part of a teacher’s role is to consider the welfare of children and young people. That is paramount; it is not secondary to their beliefs or views. Before a teacher makes a statement in the classroom, they should consider whether it might have a damaging effect on a pupil in that classroom. Teaching should not be biased; it needs to be factual. If the bill is passed, the legislation will be fact. There is no need for teachers to state negative opinions in the classroom in relation to the legislation.

10:00

John Finnie: Chief superintendent, what are the implications for the police service if bullying gets to extreme levels? Does a statement like that help?

Chief Superintendent Manders: To be honest, I do not know whether it helps or not. I have been in the police for 26 years and I cannot remember an instance of bullying that has been precipitated by what a teacher has said in the classroom. It is more of a peer issue in the playground than something that begins in the classroom. I have nothing else to add on that aspect.

John Finnie: An increasing dimension is bullying using social media and the internet. Messages are very important there.

Chief Superintendent Manders: Absolutely. I return to the fact that all those instances come across my desk because that issue sits within my remit. I cannot recall any instances since the inception of Police Scotland—and probably before that, in my time in Strathclyde Police—in which the bullying has been instigated by what was taught in a classroom.

John Finnie: I was not necessarily suggesting that it was. I was wondering about the contribution that education services can make. As elected representatives, we have all dealt with instances in which parents have felt that the education authorities have not been proactive in dealing with bullying. Such bullying can escalate to the severe violence that you and your colleagues have to deal with. I am talking about the extent to which messages are important.

Chief Superintendent Manders: Messaging is absolutely important. That said, I have detected a proactive stance on bullying in the education authorities with which I have worked closely. On the messaging that goes around, there is probably not enough on the internet and social media stuff but there is always a time lag before public authorities catch up with the here and now in these things. Police Scotland needs to do a bit of catching up with how it responds to cybercrime, internet crime, social media bullying and so on.

It is a slightly different debate, but I agree that messaging is very important. The messaging can be general and sensible and, in my view, it usually is.

Alex Johnstone: I want to discuss a specific point on the subject of education and how the bill may affect us in future. I have a rough idea of the views of everybody around the table and I respect those views. For the avoidance of doubt, I am one of the people who will oppose the bill.

Many of us, on both sides of the table, are veterans of the section 28 debate, which is more accurately described in Scotland as the section 2A debate, so we know that legislation can have an impact in the classroom.

My concern is that changes in the law in this case could ignite a similar, perhaps parallel debate over how we teach and how we react in the classroom. I ask the individuals on the panel whether they share any of those fears and whether they have any information that might assist me in deciding whether the legislation may
start a debate in the classroom similar to that on section 2A.

**John Brown:** There are issues about what is to be taught in the classroom, and about what is factual and what is belief.

The secondary element is about the public sector equality duty under which a local authority, if it is to fulfil that duty, might develop corporate policies that champion the need to advance equality. Advancing equality uniformly at the expense of the protection of religion and belief is where I see the difficulty. The public sector equality duty does not protect teachers who say things like, “I don’t believe that this is marriage but the Government is allowing people to enter into what they call marriage”, and that might lead to difficulties with employment law. There are examples of people who have been castigated and taken to court because they have made statements about what marriage is in essence and said that they disagree with the bill. We are looking for protection.

**Ruth Hunt:** Alex Johnstone is absolutely right to remind us about the effects of section 2A on Scottish schools and young people. The fundamental impact was that teachers felt paralysed and unable to talk about anything that related to sexual orientation. That legacy lives on in our schools. Some teachers think that that legislation still exists, and some know that it has been repealed but do not know what that means in terms of what they can do. That leads to there being very little reference to lesbian, gay and bisexual issues in any classroom, faith or no faith. The bill has reopened that discussion and it will give teachers the opportunity to think about how they can talk about these issues in an age-appropriate and sensitive way that reflects their belief system.

It is worth remembering that, as a wise man once said, just because something is not banned does not mean that it is compulsory. There is no reason why schools across Scotland would suddenly start waving rainbow flags and teaching their kids everything they need to know about gay stuff, but we need to move on from the paralysis that affected us under section 2A.

Any additional legislation in relation to education will be perceived and received by children and teachers in Scotland as the equivalent of section 2A, and that is a legacy that you do not want to return to and we do not want to return to under any circumstances. Existing guidance and legislation protects teachers of all faiths and none when they discuss these issues in a sensitive way that protects religious freedom but also enables children to learn the facts about how our society works in 21st century Scotland.

**Stephen McCrossan:** I work in the equality department of EIS and, as a trade union, we see it as our responsibility to keep teachers informed and give them a more informed view of equality issues. In undertaking that work, we organise LGBT networks for teachers, we have policies for giving advice to LGBT members, we are actively engaged with the Scottish Trades Union Congress to promote LGBT issues, and we actively encourage partnership activity with organisations such as LGBT Youth and Stonewall Scotland. Recently we highlighted Stonewall’s “The School Report: The experiences of gay young people in Britain’s schools in 2012”, its approach to learning and teaching materials on different families, and its education champions programme. We have made our members aware of the LGBT Youth teachers’ toolkit and lesson plans that it has provided.

We see all that as being part of our responsibility to make teachers more aware of LGBT issues and we do our best to address that.

**The Convener:** Alex, are you finished?

**Alex Johnstone:** I think that a few more people want to speak.

**Michael Calwell:** The word “diversity” crops up a lot during these debates and we have to be mindful of how Scotland is changing demographically, particularly with the inflow of people from very strong pro-marriage, pro-family cultures. That is visibly the case, particularly where I live. Scottish society will become increasingly reliant on people from those demographic backgrounds as our natural population, if you like, declines.

If we do not make provisions in the bill to protect parents who want and need their children to have an understanding of marriage that consists with their views, we could end up with a lot of problems in classrooms, particularly with parents taking local education authorities to court for violating their rights. Article 2, protocol 1 of the European convention on human rights makes it explicitly clear that

“the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

If we do not explicitly make that case, we are opening up a can of worms and problems. We therefore need to make such explicit accommodation in the bill. We need three provisions: first, a statutory obligation to inform parents if any teaching about marriage that conflicts with their views is done in the classroom; secondly, a right to withdraw children from such teaching; and, thirdly, a positive obligation on the state to provide children with education that conforms to their parents’ understanding of the
vital—pre-political, if you like—nature and purpose of marriage.

**The Convener:** What would be the situation if the young individuals’ views differed from those of their parents and they wanted to be part of the education that was offered in school?

**Michael Calwell:** For issues such as this, parents are the ultimate arbiters of what their children are taught.

**The Convener:** Up to what age?

**Michael Calwell:** I do not claim to be an expert on this, but I think that it is about when children get to a point at which they can understand the nuances of the arguments. However, the fear is that the state education system would not teach about the subject of marriage in an impartial manner. We can already see forces at work within the education system and the civil service that are antagonistic towards the traditional, established view of marriage. We would therefore not be necessarily comfortable that the state education system would provide a properly contextualised version of the wider debate about marriage not just in Scotland but throughout the world.

**The Convener:** If teachers in schools were not allowed to discuss the issue of same-sex marriage with young pupils, and some of the pupils had two mummies or two daddies and the young children asked the teachers about that, would the teachers then be allowed to discuss the issue?

**Michael Calwell:** What would there be to talk about? We are talking about marriage. The bill is concerned about what marriage is and what it does, and whether the law accurately reflects or contradicts that. I am not sure how your example would relate to the issue of marriage.

**The Convener:** If we assume that the bill goes through and we have marriage for same-sex couples as well as heterosexual couples, would you expect teachers in schools not to discuss that situation if there are pupils with same-sex parents?

**Michael Calwell:** This is why the bill is very problematic. Ultimately, it would be down to the parents of the other children to decide which of the conflicting versions of marriage they wanted their children to be taught about. That is one of the problems that the bill poses. I wish that I had an easy answer to that question, but the bill raises more questions than it answers.

**The Convener:** Are you finished, Alex?

**Alex Johnstone:** Yes. There is another volunteer.

**John Brown:** I want to clarify certain matters. Catholic schools already discuss homosexuality and gay, lesbian and transgender issues. They can be discussed already because they are facts about people.

The question that arises is not about the discussion of marriage in the way that the bill would allow it; it is about the business of what marriage is. In that discussion of what marriage is, we want to say that the current legislation about denominational schools remains the same and is guaranteed so that, in the discussion of marriage, a teacher can clearly state that, for some people in society, although the Government has made a decision to call it equal marriage, in the view of the church we cannot call it marriage in the sense that we believe in marriage. That is where the problem arises: we want some sort of right to determine the faith aspects. That is not to say that we will not discuss these issues; the question is whether we say that they are exactly the same.

10:15

The state can define marriage—indeed, the fact that the bill does not define marriage is one of the issues—but we want the right and the freedom to teach the definition of marriage that the church would hold to. We also want an assurance that the faith curriculum is not going to be seen necessarily as discriminatory. That is the issue that we need to be careful about in whatever comes out of the bill.

**Alex Johnstone:** In the specific circumstances of a teacher in a Catholic school having a strong opinion and wanting to express that, would the legislation as currently proposed leave that teacher protected or unprotected?

**John Brown:** I will answer that question in two parts. First, I do not think that the teacher would have the right simply to say, “This is my strong belief.” However, the teacher would have the right to say, “This is the belief of the Catholic church.” We must clarify that. Secondly, as the bill stands, I believe that a teacher who made that statement would be unprotected, and that worries me.

**John Finnie:** I thought that Mr Johnstone was going to cover this. You have talked about the rights and freedom of teachers, and I respect the fact that a lot of people see those as important. At the moment, would a teacher in your sector of the Scottish education system be allowed to express a view that was different from that of the church and still hold down their job?

**John Brown:** Yes and no. A teacher is able to express any view. However, the expectation is that they will say, “This may be my view, but the view of the church is X.” Parents who send their children to a Catholic school have certain expectations, one of which is that the teachers will teach what the Catholic church is about and what its views are. A teacher would be at liberty to say—as has happened in the past—that personally
may disagree with the church on this particular point, but this is what the church believes and teaches." I do not think that the teacher can go beyond that.

Marco Biagi: Are teachers in Catholic schools who say that women should not be priests currently protected under any legislation?

John Brown: Are they currently protected?

Marco Biagi: Yes.

John Brown: I do not know, frankly, because the issue has not been raised. What we are looking at here has to do with marriage, and it is the equalities legislation that worries me. If a teacher said, for example, that women cannot be priests within the Catholic church, society would see that as something for the church to sort out within the church guidelines. However, what is suggested in the bill goes beyond simply the church. That is where my worry would be.

Marco Biagi: What about someone who is Catholic and who says, "I don't believe that women should be priests and I don't believe that women should be ministers either—that is my faith"? I do not know the exact scriptural justification that they would use for that, but the point holds for all religious observance. That situation could happen right now. Is there any protection right now, or is it simply that that issue has never come up?

John Brown: It is an interesting point. Frankly, I think that it has never come up as being an issue for society. What is suggested in the bill is a big issue for society as a whole; it is not within the strict parameters of church guidance and church rules and regulations. To my mind, the issue has not been raised. This bill may raise a number of issues with regard to the public sector equality duty. We want at least to strengthen that duty, in some way or another, within the bill.

Cara Spence: I assume—although I am not a lawyer—that teachers would be protected under article 9 of the European convention on human rights, in particular in relation to religious freedom. I assume that that is the case as regards protections.

I want to pick up on an earlier point about parents’ rights. As a youth organisation, we are really clear that parents’ rights should not be privileged over the rights of young people. It is important that young people’s views are listened to and considered in any decisions that are made about their lives. Such a view is outlined in current practices such as getting it right for every child as well as in the United Nations Convention on the Rights of the Child.

We recognise that some parents may want to remove children from classes such as sexual health and relationships education. However, we believe that it would be phenomenally impractical on the ground—if the bill goes through—for teachers to remove children from the classroom every time same-sex marriage is mentioned. Ultimately, good education is about dialogue between pupils and teachers—it is about discussing issues—so it would be difficult to plan for when a young person may raise the issue or to discuss it in the classroom.

Christian Allard: Does the panel agree that it would in fact be impossible to know in advance whether a subject was going to be taught in the classroom because the curriculum for excellence means that everything can be taught at any time?

Stephen McCrossan: The curriculum for excellence offers an awful lot of opportunity. I think that—touching on a previous point—there is now perhaps more of an emphasis on parental involvement within the working life of a school. Parent councils have a more important role.

It is also good practice within schools that, if any contentious issues are going to be covered within the curriculum, parents are advised of that well in advance. As regards any instances that I have come across, parents have the right to approach the school, the headteacher or perhaps a member of the parent council to register their objection or to withdraw their child from that specific aspect of the religious education curriculum or the sex education curriculum. That is simply my experience, but certainly the curriculum for excellence gives an opportunity for parents to express their views more powerfully.

Christian Allard: I will ask other members of the panel a more general question about what is happening in the classroom and what is happening in the playground.

We saw the introduction of civil partnership and now we have this bill in front of us. What are your views on what might happen? We have heard some views from representatives of the churches—today and on other panels. In particular, there is Pope Francis’s last declaration, saying that the Catholic church may have an obsession with the issue of gay marriage and perhaps would be able to move on as in the case of civil partnership. I would like your views on that.

Michael Calwell: Are you talking about Pope Francis’s view?

Christian Allard: Yes.

Michael Calwell: I do not think that it necessarily has anything to do with this bill, but I think that he was saying that these teachings have to be understood in a wider context and that the church cannot just hammer away at individual matters without putting them into the context...
where they belong—for example, the good of society and so on.

Christian Allard: So is it possible to talk about these issues without, as Pope Francis suggested, being obsessed by them or thinking that they will be bigger than they actually are? Is that not what happened with civil partnerships? Perhaps Superintendent Grant Manders can tell us what happened in the classroom, the playground or the wider community in that respect.

The Convener: Ruth Hunt wants to come in on that subject.

Ruth Hunt: Civil partnerships brought us up a gear. We heard a lot from young people who had attended a civil partnership ceremony and then talked about them in school, and we think that civil partnerships created an environment in which these matters could be talked about in an easily understood way.

However, civil partnerships did not completely eradicate homophobia in our schools—50 per cent of young lesbian, gay and bisexual people still experience bullying—and the sense of otherness that comes from having two separate systems is incredibly damaging to gay people’s sense of self and how that is described in schools. We thought that the situation would be better than that and that things would move more quickly, but that has not happened.

As we have seen in other countries, people stop worrying quite so much about equal marriage when it is introduced. I should also point out that by no means all faith communities share the same views on this issue; many gay and heterosexual people of faith see marriage as a good endorsement of good relationships, and the opportunity should be extended to gay people. Marriage will have a civilising effect on people’s consideration of lesbian, gay and bisexual issues, and that will feed down into the playground.

There has been some confusion over why equal marriage will reduce homophobic bullying and, if the committee will find it useful, I will set out an explanation. The acceptance of equal marriage in Scotland will be heard and understood by those young people up and down the country who are sitting in their living rooms reading the papers that this country has voted for equal marriage and equal rights for lesbian, gay and bisexual people. That is very positive and inspiring news for young people up and down the country who are watching on live stream, and that will limit my questions to the bill and not what is happening in the wider world.

First, I think that, as we have sought evidence on the bill, a certain confusion seems to have arisen that relates more to people’s concerns than to what might actually happen. This morning, Ruth Hunt has been very eloquent about what could happen in schools, arguing that a teacher could share their own views and say, “That is what I believe; however, this is what the state teaches.” Others, on the other hand, have argued that teachers cannot say, “This is what I believe” if what they believe is in fact contradictory. Where does your belief come from? Is it a legal protection? If so, it would be great to have the evidence about where it is set out.

Christian Allard: Yes. Does anyone wish to comment?

The Convener: We are actually going to move on to Siobhan McMahon.

Siobhan McMahon: I apologise, convener, but I will limit my questions to the bill and not what is happening in the wider world.

First, I think that, as we have sought evidence on the bill, a certain confusion seems to have arisen that relates more to people’s concerns than to what might actually happen. This morning, Ruth Hunt has been very eloquent about what could happen in schools, arguing that a teacher could share their own views and say, “That is what I believe; however, this is what the state teaches.” Others, on the other hand, have argued that teachers cannot say, “This is what I believe” if what they believe is in fact contradictory. Where does your belief come from? Is it a legal protection? If so, it would be great to have the evidence about where it is set out.

Ruth Hunt: That is what happens already. This legislation will not make any difference to how teachers in faith schools and indeed non-faith schools—are already managing these issues. Teachers hold a range of beliefs about a range of different issues, but the fact is that they know that they need to teach things so that kids can pass their exams; so that they can live, work, socialise and pray in a modern society when they leave school; and so that they are equipped to work and to manage in society. Teachers want to ensure that young people respect their neighbours, their colleagues and the people they are going to work with. Of course, that does not preclude them from expressing a belief; indeed, young people are very interested in the range of beliefs that people hold on issues. There is no way—in fact, it is physically impossible—to say to a teacher, “You have to draw a line and not say what you believe here and teach only the facts there.”
If this was a new issue or concern, I would be less confident in my answer, but the reality is that teachers navigate a fine line all the time about issues relating to contraception, genetics and modern crop rotation. We constantly battle with ethical issues of interest and issues that involve holding conflicting beliefs and teaching the facts. Good teachers are very well equipped to deal with that.

Management in the school—Stephen McCrossan will know more about this—will set the policies for that school. When a teacher deviates from those policies, management is experienced in how to navigate that. Managers have vast quantities of experience about how to manage teachers who say, "Do you know what, I don’t believe Dickens; I don’t want to teach him." That is a problem, because Dickens is on the curriculum. They are very good at navigating problems that arise. This is not a new problem and we do not need new solutions.

My concern about any new legislation is that it would be misinterpreted as a reintroduction of section 2A and would give teachers a signal that they could actively go against teaching the facts. We need to avoid that at all costs.

Siobhan McMahon: Do you accept—my question is for the whole panel, so it is not directed at Ruth Hunt—that the equality impact assessment that came with the bill said that, not only for the classroom but all over, there would be guidelines and protections but that those protections cannot be guaranteed?

Ruth Hunt: I imagine that there would be the same disclaimer about any issue and that the Government is being a little bit cautious. Existing guidance probably needs to be more clearly stated. We would very willingly work with Government to ensure that the guidance is very clearly stated, but that does not require legislation.

I would also argue that new legislation would not solve the problem anyway, because it would lead to even more disputes about what means what and in what context. Teachers need to teach the facts and they need to know how far they can go in expressing their beliefs. Different schools will have different approaches to that issue, but it is not something that you can legislate about from the top, nor should you.

Siobhan McMahon: The draft Government document that John Finnie alluded to states:

"In issuing this guidance it is the Scottish Government’s expectation that if a teacher, child or young person is asked to do something against his or her conscience, he or she should be able to raise this with the school or local authority."

The Government has included that statement in the guidance. I think that everyone would agree that that is welcome. Ms Hunt has suggested that we do not have to go further in legislation. Does anyone else have other views? If you have concerns, would that statement alleviate them?

John Brown: The concern about the impact assessment was expressed well by the Faculty of Advocates when it said that it "does not extend to persons in other occupations who may face a conflict between their beliefs and the changed nature of marriage implicit in the Bill. The conflict is most likely to arise as a result of the public sector equality duties”.

We are talking about the management of schools setting a policy, but it may be that local authorities, under the public sector duty, may set a policy that could lead to difficulties for the teacher who says, "I believe." We are looking for something in the bill, not just in advice, because, for example, the Lord Advocate’s advice that is given could change tomorrow. All that that requires is a change of Government and a change of personnel.

We are looking for some sort of guarantee in the bill that equates to what the Faculty of Advocates is stating and ensures that there is not the possibility of someone being considered to be discriminatory or homophobic because they hold a particular view about marriage. That would not apply to having a view about equal rights. We have to be very careful that we are not equating equal marriage with equal rights. They are not necessarily the same thing, unless we define marriage in a particular way, and that definition of marriage is not there now.

We are saying that we want to hold to the traditional church view of marriage and to have it included in the legislation that, under the public sector duty— I know that the Parliament is discussing with Westminster the issue of looking at the public sector duty—there is protection for the teacher who says, "I believe that this is what marriage is." I do not think that such protection is in place now.

Cara Spence: I think that it is important to recognise teachers as professionals. I have worked on the ground with teachers; of course they have beliefs and opinions on a wide range of subjects. As a professional—I am a youth worker who works with young people—I have a duty to consider the impact of what I say. Professionals who work with young people reflect critically all the time on what they will say and the impact that it might have on a young person. I do not think that it would make sense to legislate to take the power away from highly competent teachers.

Siobhan McMahon: I agree entirely, but do you think that, particularly for denominational schools, greater protection—I do not know how that would
be worded—is needed? Do you agree? Given the view that you have just expressed, do you think that that is needed?

Cara Spence: For me, a teacher who works in a denominational school should be treated in the same way as everyone else. I know that there are lesbian, gay, bisexual and transgender young people in Catholic schools, and they need to hear positive messages, too, regardless of the educational establishment that they are in. All teachers have the same duties, which are outlined in the GTC code of conduct. That is already there.

John Brown: There is something that we need to be careful of. This is not an issue for denominational schools; it is an issue for every teacher in Scotland in terms of what statements they make and what duty is placed on them by their local authority or their own senior management. Quite rightly, we must treat everyone with dignity and respect. I hope that every teacher in Scotland treats every child and young person with dignity and respect, but it is when we look at what we have to teach that we get into difficult areas.

Siobhan McMahon: There are two things that you said in your submission that I would like to follow up on. One of them was about Catholic adoption agencies. You gave the example of what was said in previous legislation and what is happening now. Given that that related to a different bill, do you think that it is a valid example to use?

John Brown: I think that that example was included because, at the time that the bill in question went through, oral guarantees were given to the adoption agencies that fell through. It was a case of the public sector equality duty trumping religious belief. We are worried that the same thing could happen on the issue of marriage.

Siobhan McMahon: I have a final question for you before I move on. You say in your submission:

“Catholic schools are regularly being challenged to justify their teaching, their practices and their very existence by individuals and groups which appear determined to remove the rights of parents to choose faith-based education for their children.”

By whom are they being challenged and on what basis?

John Brown: At present, challenges are being made by certain groups on, for example, religious observance. There are certain groups that often challenge Catholic schools on the basis that they are divisive. We see in the newspapers from time to time that Catholic schools are divisive and sectarian.

We would simply refute that, first because parents can choose whether to send their children to Catholic schools. I do not want to get into the argument about why Catholic schools exist. The fact of the matter is that, in Scotland, they exist, and they do so within the legal framework. The legal right to send children to Catholic schools exists—there is parental choice. We could spend a lot of time debating the benefits or otherwise of Catholic schools, but it is the case that people challenge whether they have a right to exist. At present, they exist under the law of Scotland. Therefore, when it comes to how they develop and how they teach, they have a right to protection and promotion within the Scottish education system.

Siobhan McMahon: Concern has been expressed—I am not sure whether that was done on behalf of chaplains or without you realising, Mr Robertson—that if someone who worked for the Church of Scotland, for instance, and who, when conducting a service, shared their view that they were against same-sex marriage, also worked as a chaplain in a hospital, that might conflict with their public service duty.

Some of the lawyers from whom we heard last week thought that that would not be the case, and it would all be perfectly fine, but others disagreed—they could not make up their minds, as lawyers cannot. Are you aware of the concern? Is it unfounded?

The Rev Blair Robertson: Thank you for the question. I do not see the issue as a concern. Ministers of the Church of Scotland and other denominations who work as healthcare chaplains are employees of the national health service and are bound by the codes of equality and diversity and their own professional codes of conduct, as is the case for any NHS employee.

Healthcare chaplains often have a dual status in that they are a minister or representative of a faith community as well as a healthcare chaplain. What someone says in their pulpit on a Sunday, as a minister of their church, is what they say on a Sunday; what they do as a healthcare chaplain is what I am interested in, as their manager. I would want to ensure that the service that the chaplain delivered in the hospital was in keeping with NHS equality and diversity policies and our professional code of conduct.

Siobhan McMahon: You think that those policies are there, so there is no need for additional legislation in that regard.

The Rev Blair Robertson: I believe so, yes.

The Convener: Does Christian Allard have more questions?

Christian Allard: I am surprised that you want me to ask more questions, convener.

I had a question for the Rev Robertson, but he gave the answer that I was looking for when he
talked about professionalism. He put it well when he talked about the difference between church and the job that someone does during the week.

Do other panel members agree that teachers will be in exactly the same situation? A professional who works in education during the week and who is a member of a church must separate the two areas. Church is what they do at the weekend, and during the week they have a professional attitude.

John Brown: I agree absolutely that teachers must act as professionals, but I would argue that they must do so whether they are at church on a Sunday or at school on a Monday. Religion is a way of life; it is not compartmentalised into a Sunday.

I would expect teachers in a Catholic school to be very professional in teaching the Catholic faith, because that is the raison d'être of a Catholic school and that is what the parents want. As I said, if a teacher says, “I might not believe in a particular aspect of the Catholic church”, their professionalism should ensure that they say, “But this is what the Catholic church teaches.” That is what I would expect.

Christian Allard: In the same way they must say what the law of the state is.

John Brown: I am sorry?

Christian Allard: A teacher must say what the church believes and what the law says.

John Brown: Yes. Currently a teacher must teach what the law states about equal rights. If the bill goes through, I expect that teachers will have to discuss the issue with pupils, because of the fact of the bill having been passed, while stating the church’s position, which is that it disagrees totally that the new arrangements constitute marriage as the Catholic church understands marriage. That is why we want the protection that we have talked about to be clearly set out in the bill, to ensure that we can say that.

Christian Allard: Will that be an issue not just in Catholic schools but in other schools? Teachers will say that some churches disagree with the law, including the Catholic church.

John Brown: Yes.

10:45

Ruth Hunt: John Brown and I are in broad agreement on those issues. Many schools with which Stonewall Scotland works frequently hold debates in their religious education lessons about what different faiths think about homosexuality. It is not a no-go zone for discussion; it is an interesting discussion about where we are at.

The General Teaching Council for Scotland and the bodies for nurses, midwives and doctors are issuing increasingly detailed guidance about how professionals should behave outside work, not in relation to sexual orientation but in relation to where they go at a weekend, what they do and what they put on their Facebook posts. There is an increased awareness about how professionalism should extend outside the classroom, ward and clinic. The professions are well equipped to navigate the issues inside and outside the school, and I am confident that everything already exists to enable them to navigate that space successfully.

Stephen McCrossan: To return to the first point that I made, teacher professionalism is paramount on the issue. It relates back to the non-judgmental aspect of the code of professionalism and conduct.

Although examples of this have been used, in my opinion there are very few teachers who would stand up in front of the classroom and start off a lesson by saying, “I believe”. They may use that as a tool to try to draw out and elicit opinion from children and young people, but a teacher’s opinion is irrelevant. It is about the children and young people considering issues, exploring the facts behind them and drawing their own conclusions. Teachers are very much facilitators in that process.

Christian Allard: I know that we are going into a wider debate, and I will maybe take us back. What you just said is not about this bill in particular; the bill only highlights what already happens in schools.

Stephen McCrossan: Yes.

Marco Biagi: Rev Robertson, will you tell me—unfortunately, I am ignorant of the matter—how many different faiths are represented in the chaplaincy services in the NHS?

The Rev Blair Robertson: I cannot give you an answer to that question. Healthcare chaplains in the NHS are not appointed to represent any faith or tradition; they are appointed to deliver a service of spiritual care to people of all faiths. We do not represent a faith within the hospital: we are not there on behalf of any faith or church as chaplains.

Marco Biagi: However, I take it that they are drawn from a range of churches.

The Rev Blair Robertson: A wide range, yes.

Marco Biagi: I take it, then, that it is possible that there are chaplains who, outwith their employment, express views that other people consider controversial. For example, there may be some who already say on a Sunday that homosexuality is sinful and then come in as a chaplain on Monday. Is that possibly the case?
The Rev Blair Robertson: It is possibly the case. Not all healthcare chaplains are ministers: not all have a church for which they are responsible or where they preach on Sundays. We have a number of chaplains who are laypeople. In some respects, I would see the situation as being analogous to the fact that, when someone is on NHS premises, they do not smoke, but what they do when they get home is their own business.

Siobhan McMahon: On a point of order. I make this point because the same thing was said last week as well: I am not aware of any faith group that teaches that homosexuality is sinful. I say that just so that Marco Biagi knows it.

Marco Biagi: I am sure that I have seen written submissions that have suggested that.

Siobhan McMahon: Not that it is sinful.

Marco Biagi: I believe that it is taught that homosexual relations are sinful.

Siobhan McMahon: That is different.

Marco Biagi: It is rather a hair to split, but I am sure that we will have that discussion later when we write the report.

Siobhan McMahon: For the record, Marco, it is different.

Marco Biagi: Noted.

Rev Robertson, if your successor came down on someone who said something like what we are discussing outwith their employment, would they have any justification for doing that?

The Rev Blair Robertson: I am not sure what you mean by my successor.

Marco Biagi: Based on what you say, I assume that you would never do that but, should the next person to occupy your post have a completely different attitude towards the work and the Sunday-Monday separation, would they have any justification for doing that?

The Rev Blair Robertson: I am not sure what you mean by my successor.

Marco Biagi: I want to move on to Chief Superintendent Manders. He has had quite a quiet morning, so I want to ask him a question.

Chief Superintendent Manders: In short, no. I think that the safeguards that are currently in place would cover any new issues that the bill brought in. I cannot see any significant issues being caused by that in respect of the policing of public order.

Marco Biagi: I have a question for the EIS. I presume that the EIS has represented teachers who have had complaints or issues relating to religious discrimination in the workplace. Am I right in thinking that? Is that very rare?

Stephen McCrossan: I cannot answer that question, to be perfectly honest with you. The way in which we organise our organisation is that we have an equality department and an employment relations department. The equality department is basically responsible for pushing out the message on equality issues, whereas the employment relations department deals with the case work that arises from equalities issues. Therefore, I have no knowledge relating to that matter.

Marco Biagi: Fair enough. Could you provide supplementary written evidence on any instances of disputes in the workplace to do with religious discrimination in which the EIS has represented members?

Stephen McCrossan: Yes. We would be happy to do that.

Ms Spence, the particular experience of transgender young people has not been touched on, but it is an important part of the bill. Do significant issues arise from the bill in that area? If so, what is their relevance to what we have talked about, and what message should we take?

Cara Spence: I suppose that the relevance is that the bill would not necessarily make sense for transgender young people if it went through. What I mean by that is that, to get a gender recognition certificate, a person needs to be 18, but the age of marriage in Scotland is 16. Those bits of legislation do not necessarily compare. Our question is: how does that make sense?

We have spoken to transgender young people about what the bill would mean for them. Largely, we work with transgender young people from 13 to 25, and they say that, ideally, earlier discussions relating to gender recognition would be much more beneficial to them in their lives.
Marco Biagi: Are you aware of the issue of transgenderism being mentioned in classrooms at all? How widespread is that? At what age does that happen, if at all?

Cara Spence: When we started our challenging homophobia together schools project, we set out to address homophobic bullying specifically. Through that journey, we discovered that more and more transgender young people are coming out as transgender in primary and secondary education. That is in relation to gender, not sexual orientation. They speak about how their experiences of school are particularly harrowing. They often experience high levels of bullying in schools and even when they go on to university or college. The issue is beginning to be raised in schools and teachers are beginning to have discussions, largely to ensure that there is effective support. However, teachers often lack in confidence in the area.

Marco Biagi: Is it the experience of the transgender young people whom you work with that when this issue is raised in schools it helps with the atmosphere?

Cara Spence: Absolutely. We have moved some way in relation to understanding sexual orientation, but there is a real lack of understanding of transgender young people. If people do not understand what is going on for them, it is very difficult for them to accept who they are. If you are 13 years old, it is very difficult to explain to somebody else what is happening. If there is a broader awareness of what it means to be transgender, that would certainly improve transgender young people’s lives.

Education is so important in terms of messaging across the board. We know that there are a lot of negative messages, particularly in the media, so it is important that education combats them.

Marco Biagi: I have seen statistics for levels of self-harm arising from homophobic bullying in schools. Can you refresh my memory as to what those were?

Cara Spence: I cannot remember off the top of my head. What I do know is that the research that we carried out with 350 LGBT young people in Scotland showed that 69 per cent of LGBT respondents had experienced homophobic or bi-phobic bullying and 10 per cent had left education as a direct result of homophobia broadly within the school environment. The research also showed that homophobic bullying can impact on young people’s mental health, increase the suicide risk and the potential for someone to self-harm, and lead to poorer educational attainment.

Marco Biagi: Do you have any examples of good practice—really shining examples of schools that have dealt with the issue and, as a result, brought down levels of homophobic bullying? How do you think that same-sex marriage would be discussed in such schools?

Cara Spence: One of the projects that we delivered worked really closely with schools to create a whole-school approach. It was about how we ensure that teachers are trained effectively, how we ensure that they have effective policies in place to support young people and how we ensure that there is age-appropriate content in the curriculum.

The project was also about having staff on the ground providing the support, because often they lack the confidence to do that, and about their having the capacity to do it, because they are phenomenally busy. We also have an LGBT charter mark, which two schools in Scotland have achieved, to showcase the amount of work that schools have delivered to ensure that they are LGBT inclusive.

Marco Biagi: In committees we are often asked to name and shame. Could you possibly name and credit?

Cara Spence: Maybe afterwards. They are two schools in Glasgow. I will tell you that much.

On connections to same-sex marriage, a number of people, including Ruth Hunt, talked about messaging. If you can talk about same-sex marriage in a positive way in the school environment, that will send positive messages to pupils as a whole, and I strongly hope that it would reduce the amount of homophobic bullying that LGBT young people experience.

Marco Biagi: Ms Hunt, do you have any comments to add?

Ruth Hunt: I have some data to help the committee. “The School Report”, which is a self-selecting survey of lesbian, gay and bisexual young people in Scotland—I stress that it is a self-selecting snapshot, which means that young people who are not out or who do not have access to computers will not have completed it—found that half had experienced homophobic bullying, one in four had tried to take their own life at some point and more than half had deliberately harmed themselves. It is also worth flagging up that the work that we did with YouGov on the Scottish attitudes survey found that 92 per cent of people of faith stated that schools should tackle homophobic and transphobic bullying. There is a very real understanding and buy-in.

When the many schools that we work with positively include good examples of lesbian, gay, bisexual and trans issues in their day-to-day ordinary teaching, that has a positive impact on lesbian, gay and bisexual people. It is worth remembering that if the only things that young
people hear about sexual orientation are statements such as, “Your shoes are so gay”, “It’s so gay”, and “You’re so gay”, and if they go home and their parents are unhappy and their GP or chaplain are unable to help them, that leads to low self-esteem. A positive reinforcement makes those young people feel better, and it makes the heterosexual young people who hang out with them feel better, too.

**Marco Biagi:** Mr Brown, can you tell me how Catholic schools deal with homophobic and transphobic bullying?

**John Brown:** They deal with it in exactly the same way as all schools deal with bullying. It is a massive problem in terms of people’s perception of bullying.

Whenever HMIE reports and collects statistics on whether pupils have ever been bullied in school, the figures are horrendous. The issue is about what people see as bullying. For example, if you look at me in the wrong way just now, I may feel bullied because that is my perception. Rightly, all schools in Scotland, including Catholic schools, have zero tolerance of all forms of bullying, but that does not stop the bullying. I agree with what has been said about the scale of homophobic bullying, but it could also be said about lots of other kinds of bullying. Schools are trying to stop all bullying—some successfully, some less successfully.

11:00

We have talked about transgender young people. All young people need support when they enter our schools, and some young people need greater support than others. We would fully support those young people in understanding their sexuality—that would be part and parcel of the pastoral care of any school and would certainly apply to Catholic schools that have such young people in them. My issue is that I am not sure that same-sex marriage will suddenly solve all those problems. I think that we must be very careful if we are changing what marriage is in order to solve a number of other societal problems.

**Marco Biagi:** Despite what some people assume from my name, I attended a non-denominational school, so I have limited direct experience of denominational schooling. How would a teacher in a Catholic school address a young person who came to them having experienced homophobic bullying that was, in some way, justified by a twisted reference to scripture? What if the child asked how, if the teacher did not believe in same-sex marriage and all of that, the teacher could say that they were all right? How can you reconcile such issues? Have they ever come up?

**John Brown:** We would recognise the dignity of that young person as a person, and their dignity as a person is not dependent on their sexual orientation.

The other side of it is that we just would not accept homophobic bullying. If the youngster who was bullying was able to quote scripture, I would question both his ability and his understanding of scripture. As with all understanding of sacred scripture, people can pull out bits and pieces without seeing the whole. We must be very careful of that, and the person who is doing the bullying—whether it is homophobic or not—must be dealt with severely. We must help young people to understand that every person in society has dignity, and under Catholic belief that dignity is formed by the fact that every person is made in the image and likeness of God. For me as a Catholic, the principle that every human is made in the image and likeness of God means that I must treat other people with a tremendous amount of dignity, whatever their sexual orientation.

**Ruth Hunt:** I grew up in a Catholic school as a young gay woman. There were teachers who could use scripture against me and there were teachers who used scripture to make me feel better about myself. Teachers will interpret scripture in all sorts of different ways. An obscure reference to Leviticus that generally emphasises men—as the Bible does in its entirety—was easily counterbalanced by the idea that God is love and that we are all born enabled to live in that way.

The key issue is how we support young people who are experiencing bullying. The notion that everybody could perceive a slight as bullying is a distraction. If everybody was like that, the statistics would say that 100 per cent of gay young people experienced bullying. The fact that half of them experience bullying—it can be physical bullying, verbal abuse and taunts or damage to school property—means that the issue is real and pertinent.

Having one generic response to bullying has not worked, which is why the stats in schools that take that approach remain unchanged. That is a good practice issue about how schools work. Lots of Catholic schools that work with us have recognised that they need particular approaches to different issues, and they are working successfully on that.

**Marco Biagi:** To clarify, do you think that equal marriage is a silver bullet that will end homophobic bullying, or is it just one small factor?

**Ruth Hunt:** It absolutely will not end homophobic bullying, but it will have a transformative effect on Scottish society, and that should not be underestimated and cannot be
denied. However, it will not by any means change everything overnight.

Marco Biagi: Mr Calwell, do you want to come in?

Michael Calwell: First of all, asserting that marriage is a purposeful sexual union of a man and a woman is not in any way, shape or form a slur on anyone who is homosexual—it just is not. That is why I really do not understand why the issues get so conflated and confused all the time. Children bully because they are insecure and often because they come from unstable family backgrounds. They do not have proper paternal or maternal role models in their lives to give them the security to accept all human beings as equal and as having dignity, and they feel the need to be superior to others.

If we start dismantling the paradigms that keep our society together, particularly the very healthy and necessary paradigm of marriage in our society—some say that it will be extended but, actually, the bill will undermine the essence of marriage—we will create a society that has a lot more problems, the nature of which will lead to more bullying and problems. At this point in Scottish history, when for example half of all children will see their parents split up by the age of 16 and almost half of all children in the country are born without a married mother and father—frankly, that does not bode well for them, as the evidence suggests—the state should be positing a positive view of marriage, not as a basically empty political and legal construct but as something that is vital to human society.

The bill undermines that and will lead to more problems, not just of a social nature but of an economic nature. We have a certain stock of human capital in society, and it is dependent on people being raised in an ordered context with a mother and father and all the basic human norms. That is why the bill is counterproductive if we want to achieve many of the noble aims that we are talking about of reducing bullying and social problems.

Marco Biagi: Can you succinctly describe how allowing two men or two women to get married to each other will cause men and women to stop getting married to each other?

Michael Calwell: What do you mean by “get married”?

Marco Biagi: I mean, after the bill is passed, marriage as recognised in law taking place.

Michael Calwell: Marriage is not just a piece of paper from a bureaucrat. Nobody denies that, at some point in the history of the increasingly atomised, childless and ageing western liberal societies, the political class can convene and create a bill such as this one in which people are issued with documents that say, “You are married.” Whether or not that constitutes marriage is the fundamental essence of the debate.

Marco Biagi: You clearly do not think that it is appropriate for two men or two women to get married to each other—

Michael Calwell: What do you mean by “get married”? I do not know what you mean by it in that context.

Marco Biagi: You do not consider that to be an adequate environment for children or for role models and so on. Do you have any concerns about a man who is in a stable relationship with another man—whether or not we call it marriage—teaching children?

Michael Calwell: I do not know what has got to do with the debate at all. I do not know how it relates to this discussion.

Marco Biagi: This is—or has become—a panel on education and marriage.

Michael Calwell: If a man does that in a way that conforms with the views of parents and does not teach anything that conflicts with parents’ understanding of marriage, I would say that the relationship is not relevant.

John Mason: We have talked quite a lot about bullying of LGBT young people. Does anyone on the panel know whether there is bullying in schools of religious young people or of children who hold traditional values?

Michael Calwell: I know of people who are bullied. I know a young lady who expresses religious views and has been bullied. The school, which I will not name, has dealt with it. There is an increasing amount of vehement intolerance. The process that we are undergoing here is likely to lead to more of that kind of intolerance.

John Brown: Based on the evidence that we have, we do not know. The biggest piece of evidence on youngsters’ attitudes in schools is based on what comes through in reports from HMIE—now Education Scotland. As I said, those reports tend to suggest that vast numbers of young people think that they are bullied in school. We need to be clear about that. I have never seen any evidence to suggest that we know whether people have been bullied for religious reasons.

Ruth Hunt: The national data sets, which I do not have to hand, say that bullying comes in the following order. First and foremost, young people are bullied because of their weight, and second because of their sexual orientation, or perceived sexual orientation. About number five on the list is people who have faith. They tend to be of Muslim, Sikh or Hindu faith and are perceived to be
terrorists, basically. Christian faith is lower down the list.

John Mason: Okay. Thank you.

We have not really spent much time on chaplaincy, for which I apologise to the relevant witnesses. Mr Robertson, you have answered a few questions on that. Will you expand on what you have said? I do not know about the police or even schools, but you know about the NHS. In the NHS, is an employed chaplain different from a volunteer chaplain? Do you have both?

The Rev Blair Robertson: We do not have volunteer chaplains as such. Those who are healthcare chaplains are employed by the NHS to deliver the service. Representatives of churches and faith communities will be called upon, or will come to hospitals, to deliver a service to their own people, as and when required.

John Mason: Although you said that a chaplain is not there representing a particular faith, they are there in hospital or wherever representing the whole NHS. Presumably some patients want to see a Muslim chaplain, a Catholic chaplain, a Sikh chaplain or something very specific. Is that the case?

The Rev Blair Robertson: We would not use the term “chaplain” for those people. We would ask the patient, “Do you want to get your own minister, priest, rabbi or imam in?” and we would contact a representative of their faith community. They are not chaplains, though; they are representatives of the patient’s faith community.

John Mason: I see.

You said that if somebody was in the hospital they would not smoke, but if they went home and smoked that would have nothing to do with hospital. If they went home and put on Facebook that they think that smoking is a good thing, would the hospital get involved?

The Rev Blair Robertson: I do not know. It would be very strange if a respiratory physician did that.

John Mason: I watched the film “Diana” on Monday night and the heart surgeon was a heavy smoker.

Alex Johnstone: But he did not prescribe smoking to anyone else.

John Mason: No. I suppose that the parallel of that is that if a chaplain goes home and puts on Facebook that he or she thinks that same-sex marriage is wrong, would the NHS be interested in that?

The Rev Blair Robertson: If it came to my attention, I might say to a colleague, “Be careful what you’re saying. I’m interested in what you do in the workplace as long as you don’t discriminate in any way in the delivery of your service.”

John Mason: Do chaplains lead services in hospitals?

The Rev Blair Robertson: When I say “service”, I mean delivery of a service, as in an NHS service, and not a church service.

John Mason: Do they run church services in hospitals?

The Rev Blair Robertson: Some do and some do not.

John Mason: Would that be in line with their denominational style?

The Rev Blair Robertson: Again, that would probably be considered on a case-by-case basis. For example, we would need to assess exactly what was put on Facebook and what the context was. If what was said was clearly unlawful
or offensive, a conversation would be had about that and a judgment would be made.

John Mason: Mr McCrossan, can you comment on school chaplains in this context? I do not think that they would be regarded as being employed.

Stephen McCrossan: Sorry, but I do not know.

John Mason: That is not your area. Okay. Thanks very much.

The Convener: As members have no further questions, I thank everyone for coming along to the meeting and for their contributions. Our next meeting on Thursday 3 October will include evidence from Alex Neil on the Marriage and Civil Partnership (Scotland) Bill.

Meeting closed at 11:16.
Marriage and Civil Partnership (Scotland) Bill: Stage 1

09:31

The Convener: Agenda item 2 is ministerial evidence on the Marriage and Civil Partnership (Scotland) Bill at stage 1. I ask the minister and his officials to introduce themselves, and I invite the minister to make his opening remarks.

The Cabinet Secretary for Health and Wellbeing (Alex Neil): I will introduce myself first, convener. I am the Cabinet Secretary for Health and Wellbeing and I am leading on the bill on behalf of the Government.

Francesca Morton (Scottish Government): I am from the Scottish Government legal directorate.

Julia McCombie (Scottish Government): Good morning. I am from the family and property law team in the Scottish Government.

Simon Stockwell (Scottish Government): Good morning. I am from the family and property law team in the Scottish Government.

The Convener: Thank you. I remind members to ask questions through the chair.

The first question that I would like to ask the cabinet secretary is this. The Law Society notes that the bill expands the ways in which couples can choose to define their relationship, whether different or same-sex marriage, cohabitation or civil partnership. The Law Society suggests that, in order to help people to understand the differences and/or choose between them, further definition or explanation of the status of each would be useful. Can we have your comments, please?

Alex Neil: I have an opening statement to make, if that is okay, convener. Can I do that first?

The Convener: You certainly can. I apologise.

Alex Neil: I have an opening statement to make, if that is okay, convener. Can I do that first?

The Convener: You certainly can. I apologise.

Alex Neil: Thank you. I did not want to interrupt you.

I thank the committee for the opportunity to come before you before you start to prepare your stage 1 report on the principles of the Marriage and Civil Partnership (Scotland) Bill. I promise—unusually—to be as brief and concise as I can possibly be.

The bill is essentially about addressing an inequality that exists for lesbian, gay, bisexual and transgender people. It provides the option for same-sex couples to marry and for the registration of religious and belief civil partnerships. It will also impact significantly on transgender people. A couple who are already married will no longer...
have to divorce, as is current practice, before the
transgender person can obtain a full gender
recognition certificate.

In passing the bill, the Scottish Parliament will
take a significant step to reduce inequality.
However, the Government also recognises the
challenges that the legislation presents to those
who consider that marriage should remain a union
between one man and one woman. We
understand the concerns that they have, and that
is why we have included in the bill strong
protections for religious and belief bodies and
celebrants, including an opt-in process for the
religious or belief body and the individual celebrant
before any solemnisation of a same-sex marriage
can take place.

We have agreed with the United Kingdom
Government that there will be amendments to the
Equality Act 2010, and the bill also contains a
provision on freedom of speech. The Lord
Advocate has already produced prosecution
guidance on that matter. My colleague Michael
Russell, the Cabinet Secretary for Education and
Lifelong Learning, is seeking views on draft
guidance that reaffirms the rights of parents to opt
children out of sexual health education classes.

Marriage is a key societal issue and the bill has
attracted a great deal of interest and criticism. We
have worked hard to balance everyone’s rights
within the bill. I followed the evidence in the
committee’s earlier sessions with great interest
and I welcome your questions. Thank you.

The Convener: Perhaps I should repeat my
question. The Law Society notes that the bill will
expand the ways in which a couple can choose to
define their relationship, whether different or
same-sex marriage, cohabitation or civil
partnership. The Law Society suggests that, in
order to help people to understand the differences
between them and/or choose between them,
further definition or explanation of the status of
each would be useful.

Alex Neil: My view is that, if and when the bill is
passed, we will have sufficient definition. Scots
law is very clear about cohabitation, on which
there is a lot of case law. Civil partnerships were
declared very clearly in previous legislation about
eight years ago. The bill very clearly defines
same-sex marriage.

The one outstanding issue is whether civil
partnerships should be extended to mixed-sex
couples and not confined to same-sex couples. As
you know, we have announced a review on that
matter, which will run concomitantly with the
review that is being undertaken by the UK
Government. The reason for that, as no doubt I
will explain later when we get to this, is that many
of the issues that need to be considered—this will
require future legislation, as there will not be time
to deal with this in the bill that is before us—relate
to reserved matters, in particular issues around
pensions.

My view is that, if and when the bill is passed,
we will have very clear definitions in Scots law. Of
course, in Scotland cohabitation is recognised in a
way in law that does not apply south of the border.
We will have cohabitation, we will have civil
partnership and we will have marriage, including
same-sex marriage. My view is that the definitions
will then be very clear indeed.

The Convener: Witnesses against the bill also
had concerns that redefining marriage beyond
simply one man and one woman could open
marriage to further redefinitions in future. Does
making a change to the definition of marriage
potentially allow for further redefinition at a later
stage?

Alex Neil: Well, we live in a democracy. My
view is that this is an overdue reform of the law,
but I do not envisage any further reforms to the
definition of marriage, as it has been described, in
terms of who can enter into a marriage legally in
Scotland. My view is that, once the bill is passed,
we as a Government certainly have no intention of
introducing further legislation to amend marriage
legislation in the future.

The Convener: How does the Scottish
Government respond to witnesses who have
argued that the bill weakens or diminishes the
institution of marriage?

Alex Neil: I have been married for 35 years
and, personally, I do not feel that allowing people
of the same sex to be married in any way
diminishes my marriage, quite frankly. I know that
there are some people who feel that, but I think
that they tend to think of that more from a religious
point of view than necessarily from a legal point of
view.

The bill recognises marriage between same-sex
couples in law. It will be entirely up to individual
churches and celebrants to decide from a religious
point of view what their approach is, and obviously
that has to be respected. My view is that, in many
ways, the bill will actually enhance marriage
because the issue of equality that I referred to in
my introductory remarks will be satisfied. I think
that it is unfair that people who are in love and
who are of the same sex and who wish to marry
are currently banned from doing so.

Of course, one reason why institutions such as
the Quaker church are in favour of this change in
the law is that they believe that same-sex couples
should be allowed legally to marry in their church.
At the moment, the law bans, for example, the
Quaker church from doing what the Quaker church
would like to do, which is to administer same-sex marriages.

**John Mason:** The term “definition of marriage” has been used. Is there a definition of marriage? Can you define marriage?

**Alex Neil:** There is clearly a definition in law and there is a definition in each church about the union between a man and a woman and what rights and responsibilities are carried by marriage. The one change that the bill will make is that it will allow marriage to take place between two people of the same sex, whereas under current legislation a marriage in law in Scotland can take place only between one man and one woman.

**John Mason:** I am not sure whether that is really a definition. You and others have said that if people are in love with each other, that should allow their marriage. By the same logic, two closely related people of the same sex could presumably be married to each other, and even three people could be married to each other if they all loved one another and were willing.

**Alex Neil:** Let us confine ourselves to the provisions of the bill. In terms of marriage, the bill is doing one thing only, which is to allow people of the same sex to marry each other. Wider issues of defining marriage and so on are not the subject of the bill, which deals with one change and the consequences arising from that. Any other issues around the definition of marriage would require additional legislation, but we have no plans at the moment to introduce additional legislation around the definition of marriage.

**Alex Johnstone:** We are certainly redefining marriage with this piece of legislation. The minister concentrated heavily in his opening remarks on the issue of equality. I wonder whether we are perhaps also redefining equality with this legislation. If I was entitled to do something that someone else was forbidden by law to do because of the colour of their skin or because of their sex, that would be a fundamental equalities issue. What we are talking about here is slightly different, in that the rights that I have and those that everybody else has, whatever they may be, are in fact identical. So, we have, in effect, a degree of equality here. Do you think that the term “equality” as used in your opening remarks requires a reinterpretation of what we mean by equality?

**Alex Neil:** No. The bill deals specifically with what I would regard as an inequality, which is the right of people of the same sex to marry one another and have that marriage legally recognised in Scotland. That is the inequality that we seek to rectify through the bill.

**Alex Johnstone:** Just to recap: we are giving people a right that they did not previously have, but the people who will require that right have always had equality of rights under the law; they had the same rights as I had and the same rights as you had. Are we defining equality in a different way in the bill from that used in previous legislation?

**Alex Neil:** You are right up to a point, in the sense that people who are gay have the same rights as you and me in most other aspects, if not all. There might be some exceptions, but generally speaking, they have the same rights as you and me. However, the one right that they do not have at the moment is the right to marry someone else of the same sex. The bill will close that gap to ensure that that part of equality is satisfied and that people of the same sex who wish to marry are allowed to do so.

The bill will not force anybody to do anything. All that it will do will be to give people more freedoms. It will give people of the same sex who wish to marry the freedom in law to marry. It will also give the freedom to churches to carry out same-sex marriages, if they wish to do so. They are not allowed to do so at the moment, but they will have the freedom to do so according to their religious beliefs.

Similarly, as with the amendments to the UK Equality Act 2010, the bill will be an opt-in piece of legislation with guarantees for organisations, churches and celebrants who do not wish to solemnise same-sex marriages or, indeed, to recognise same-sex marriages in religious terms. I think that that addresses a fundamental issue of equality and freedom. Current legislation restricts the personal freedom of people of the same sex to marry and it restricts the freedom of Quakers, for example, to administer same-sex marriages. We will therefore be giving individuals, as well as the Quakers and the minority of churches who recognise same-sex couples, the freedom to carry out same-sex marriages, which is what they wish to do.

**Alex Johnstone:** I would suggest that much of the law is about defining and restricting personal freedom.

**Alex Neil:** Sometimes it is, but sometimes the law is about expanding freedom, and this law is about expanding freedom.

**Marco Biagi:** You referred to the forthcoming review of civil partnerships. Can you give us any indication of a timeframe for that?

09:45

**Alex Neil:** I hope for it to be done reasonably speedily. I have not put a deadline on it because it would make sense that our review, which has started—we have published the remit—is not totally completed until we see the conclusions and
recommendations from the UK Government’s review. That is because many of the issues that will inform both reviews are reserved matters, particularly pensions and the like. It would therefore be sensible for our review to have the opportunity to study the recommendations and conclusions from the UK review in consultation with Maria Miller, the culture secretary and lead minister for the issue in the UK Cabinet. I have agreed with her that we want to try and get the review done and dusted reasonably quickly. We need to do it properly. It will be into 2014, but the sooner it is done the better.

Marco Biagi: With regard to the review and the possibility of opening up civil partnerships to mixed-sex couples, is the Government minded one way or the other on the central principle of that, or is it still undecided and awaiting the evidence from stakeholders?

Alex Neil: The Government has no policy on that. We will wait and see what the review says and then decide what our policy should be.

Marco Biagi: Are you aware of the case that is before the European Court of four mixed-sex couples who are seeking the right to enter into civil partnerships? We have heard some views about that in evidence. Will the Government’s review be conscious of that?

Alex Neil: We are always conscious of what happens in the European Court. We will wait to hear what the court says about that particular case and, if it requires us to take any action, we will consider that. Given that the issue is before the courts in Europe, it would be appropriate for us to wait to see what the court says.

Marco Biagi: The mirror image of the couple who are married and one of them transitions gender and they have to divorce is the couple who are in a civil partnership and one transitions gender and they have to dissolve the partnership. Will that also be addressed by the review? That is quite a glaring anomaly.

Alex Neil: The review’s remit is wide enough that it can look at such issues. I suspect that that issue will feature in the evidence that is given to the review.

Marco Biagi: Another point has arisen about the difficulty that people who are in a foreign civil partnership will have with entering into a same-sex marriage in Scotland without dissolving the partnership in their home jurisdiction. That will be more difficult for them than if they had a Scottish civil partnership and wanted to change that to marriage through the administrative process. Is the Government aware of that situation from the submissions and from dealing with stakeholders? Does the Government intend to look at that issue again with the passage of the bill?

Alex Neil: We are not really inclined to lodge any amendments on that out of respect for foreign jurisdictions. The law in other jurisdictions could cause enormous complications, particularly if it is proposed to dissolve the civil partnership or if it is proposed to dissolve the marriage in some way, if the partnership goes on to a marriage. The law would have to be very complicated if we tried to address those intricacies. It is much more straightforward and would not delay the passage of the bill if we did not lodge any amendments on that.

If someone who is in a civil partnership comes from abroad to live in Scotland, they would be free to marry in Scotland. I think I am right in saying that.

Simon Stockwell: No, but we would recognise the civil partnership.

Alex Neil: Yes, we would recognise the civil partnership. Simon is much more au fait with the intricacies than I am.

Marco Biagi: We can get into some quite detailed bits of drafting there.

Siobhan McMahon: Following up Marco Biagi’s point, I think that you will be aware that article 8 of the European convention on human rights has been engaged in the current challenge in the European Court, which means that this bill could be seen as discriminating against mixed-sex couples. Why do we have to take this review and why, given that this is a matter of equality, was the issue not covered in the first place?

Alex Neil: First of all, I dispute the premise behind the question that the bill could be seen as discriminating against mixed-sex couples. We absolutely do not accept that interpretation of either our law or the ECHR, so the premise—

Siobhan McMahon: This is not my personal view—it emerged in evidence from lawyers.

Alex Neil: The Scottish Government’s very clear position is that the bill does not contravene the rights of mixed-sex couples.

Siobhan McMahon: Given the legal evidence that we have heard, why did you never think to cover this in the bill? After all, the review is taking place and you are minded to look at the issue in future. Given that, as we have heard, article 8 could be engaged, why was this not covered in the first place? Why is the review taking place now? Obviously we will have to see what happens in the European Court but, if article 8 were to be engaged, would you wait for the evidence and amend the provision in the current bill?

Alex Neil: The people in question can get married so we see no need to amend the bill.
Nevertheless, I will ask Simon Stockwell to go into a bit more detail on the intricacies of the matter.

Simon Stockwell: The cabinet secretary has already explained quite a lot of the issues. Clearly, we would need to reach agreement with the UK Government on a number of the reserved matters in relation to opposite-sex civil partnerships. When we have looked at the issue in the past, one of the big questions has been this: if you could enter into an opposite-sex civil partnership in Scotland, what would be your rights and responsibilities with regard to reserved matters both in Scotland and if you travelled outside Scotland? For example, there is no guarantee that, if you entered into an opposite-sex civil partnership with someone from overseas, you would be able to bring your partner into the country, because there is no guarantee that the UK Government would recognise the partnership for immigration purposes as it would recognise, say, a same-sex civil partner or a married person. There are also social security and, as the cabinet secretary mentioned, pensions issues to take into account, and we would very much have to work with the UK Government on the implications for reserved as well as devolved matters. Otherwise, couples could enter into mixed-sex civil partnerships thinking that they have full rights and responsibilities when, in fact, they could have quite limited rights and responsibilities, unless, as the cabinet secretary has made clear, the reserved matters followed.

Siobhan McMahon: Just to be clear, you are saying that the provision was not included in the bill because mixed-sex couples can get married. It is not that they are being denied a civil partnership.

Alex Neil: It would have made the bill much more complicated and would have had a lot of ramifications. As Simon Stockwell has just made clear, not moving in concert with our colleagues south of the border could cause a lot of problems instead of solving them. Our view is that the sensible course of action on this issue is for us to take our time and work with our colleagues south of the border and, hopefully, by some time next year, we will be very cognisant of all the challenges that might arise from that particular change in the legislation. A decision will then have to be made both south and north of the border on whether we go ahead with any recommendations that result from the two reviews.

The Convener: Can civil partnerships that have been performed abroad be dissolved in Scotland?

Alex Neil: Yes.

The Convener: Can polygamist marriages such as those that happen in Saudi Arabia—where, I assume, they are legal—also be dissolved in Scotland?

Alex Neil: Francesca Morton will explain the legal aspects of the matter.

Francesca Morton: That comes back to the policy position that, under the bill’s changing provisions, only civil partnerships that have been registered and solemnised in Scotland will be permitted to change to a marriage. That is the position with overseas civil partnerships.

Simon Stockwell: We have looked at the issue of overseas civil partnerships changing to a marriage in Scotland. The cabinet secretary gave some of the reasons why we think that it is difficult. Perhaps I could outline some more of the reasons.

First, as the cabinet secretary said, there is an issue about respect for overseas jurisdictions. When we have looked at what other jurisdictions do in respect of changing overseas civil partnerships to marriages, some of them do and some of them do not. It seems to be the case that Holland and New Zealand would change overseas civil partnerships to marriages whereas Norway and Sweden would not.

In Holland, one must either be resident in Holland or a Dutch national in order to get married there. That is not the case in Scotland. Pretty well anybody can come here and get married. If we introduced a residence requirement for civil partners to change their relationship to marriage in Scotland, that would be unusual in Scots marriage law. It is not impossible, but it would distinguish between most people getting married and people changing their civil partnership to marriage. There might have to be a residence requirement for those people.

The English have their own provision in the UK act, so there is probably no need to look at English civil partnerships.

There is also a question about when we would say that the marriage would be deemed to have started. In the Scottish bill, we have provision that says that if you change your civil partnership to marriage, the marriage is deemed to have started when you went into the civil partnership. It might be hard for us to do that in respect of the overseas jurisdiction because we do not have the same sort of control over civil partnerships registered in overseas jurisdictions as we do in Scotland.

There are a number of quite complicated issues that we would need to go through before we thought about changing overseas civil partnerships to marriage in Scotland.
The Convener: Is that something that you will consider in future?

Alex Neil: We will see. Those issues may well be raised during the review—the remit is wide enough to take them on board.

You can see the complications. This is not a straightforward process and a lot of consultation and research is needed before we can decide the best way forward. However, there is no reason why the review on civil partnerships could not consider those issues.

The Convener: I would like to ask about pensions policy regarding same-sex spouses. You mentioned in your introduction that pensions policy is reserved, but there are devolved powers on pension policy relating to certain public sector schemes. Why, then, does the Scottish Government intend to treat same-sex spouses in the same way as civil partners for the pension schemes where the Scottish Government has devolved responsibility?

Alex Neil: Irrespective of the provisions in the bill, the policy of the Scottish Government, where we have devolved responsibility, is, as far as possible, to have a pensions policy that is compatible with the general principles of pensions policy throughout the UK. To do otherwise would result in many potential anomalies and difficulties. That is our general approach.

However, a review is being undertaken by the UK Government of occupational pensions in particular. We reckon that that will report in about July next year. Once we see the results of that review, we can discuss the issue with our colleagues south of the border. Of course, depending on what happens on 18 September next year, we might be able to take our own decision on the future of pensions policy in that respect.

Alex Johnstone: I think that you are safe enough.

Alex Neil: We are very conscious of the issue. We have an open mind about it and we think that the sensible thing to do would be to await the review of occupational pensions by the UK Government because it will give us a clear indication of the best way forward in this area.

The Convener: John Finnie has some questions on transgender provisions.

John Finnie: Good morning, cabinet secretary. You talked about the legislation impacting significantly on a group of people. I would like to raise a number of issues about the implications for transgender people, in particular about what has been referred to as the spousal veto. Do you see any merit in requiring a declaration of spousal consent to continue with the issuing of a gender recognition certificate?

10:00

Alex Neil: We recognise the concerns. It is a difficult issue for us. The first point to stress is that spousal consent is not required to obtain a new gender; consent is required to stay in the marriage when a new gender is acquired. Both parties must be willing to stay in the marriage. In the bill, we have recognised the specific concern that some non-transitioning spouses may not wish to be in a same-sex marriage after their spouse obtains gender recognition. The point has been made that the non-transitioning spouse has at least two years to take action, given that the transitioning spouse must live in the acquired gender for two years before applying to the gender recognition panel. However, it may be the application to the panel that makes a non-transitioning spouse consider his or her options. This is quite a complicated area, but we have been listening to the concerns and we believe that we are addressing them. If the committee wants to make any recommendations on that in its report, we would obviously listen to what it has to say.

John Finnie: I think that the options available to the spouse during that two-year period are what give rise to a lot of concern. They are seen as punitive to the other individual.

Alex Neil: If the committee wants to comment on that, we will certainly take its view into serious consideration.

John Finnie: Thanks very much. On evidence requirements, it can be quite difficult for those who are long-term transitioned—for over six years—to assemble the same level of evidence as others. Is that something that you could look at?

Alex Neil: I will ask Simon Stockwell to answer that, because there are some intricate, technical issues involved, which I think he can explain to you in some detail.

Simon Stockwell: The short answer to your question is yes. Our bill is very similar to the UK act in this area. That is deliberate because, given that the gender recognition panel operates on a UK basis, we wanted to stay as far as possible in line with the way that it operates. After speaking to us, the UK Government decided to amend its bill at quite a late stage to introduce what is sometimes called a fast track for long-term transitioned people who possibly cannot get the full range of medical evidence. Obviously, the UK act relates to people who could not use the original fast track under the Gender Recognition Act 2004 when it was brought forward because they did not want to end their marriage. We think that we might lodge an amendment at stage 2.
along similar lines to what is already in the UK act to try to address that issue.

We will have some detailed discussions with the Equality Network and the Scottish Transgender Alliance, because we have seen what they have proposed in this area. We will also speak to the UK Government and the gender recognition panel, given that the panel operates on a UK basis. In principle, we think that there is scope to introduce an amendment at stage 2.

Alex Neil: Again, we would welcome the committee’s views on this matter. The issue has been raised with you and we will certainly take your views into serious consideration in deciding what stage 2 amendments to bring forward.

John Finnie: Thank you. That is reassuring. I want to ask about the use of gender-neutral language in ceremonies.

Alex Neil: Sorry, in what way, John?

John Finnie: I am asking about the use of gender-neutral language, such as "spouse", rather than "husband" or "wife."

Alex Neil: We think that we have probably struck the right balance in that regard, but this is a very sensitive issue obviously. There are some areas where there can be some licence in the approach and other areas where definitions need to be very clear.

As I understand it, the proposal is that both the denomination and the couple would have to agree to use the gender-neutral declaration. There might be further detail added to the arrangements for the ceremonies. I would not rule out change on that altogether. We will listen to what the committee has to say. However, I am concerned about the complexity. Any further changes to the bill in this respect would require a great deal of thought. It is not so much about the amendment or amendments that might come forward; it is about the implications and unintended consequences of any potential amendments. We would welcome comments from the committee, but it is an area that we would be quite cautious about, simply because it is particularly complex and I do not want to end up with unintended consequences, particularly if they damage the people whom we are trying to support to move forward.

Simon Stockwell: We would want to make certain that we would cause no problems for denominations that might not want to use a gender-neutral marriage declaration when marrying an opposite-sex couple. We would need to speak to them, too.

John Finnie: So that is a live issue.

Alex Neil: It is a live issue. If the committee wants to comment on it, we will consider that. We are very much aware of the oral and written evidence that has been given to the committee and we are looking at all that, but it is the committee’s comments that will primarily inform my view about the stage 2 amendments that we lodge.

John Finnie: I have a couple of other points that might be seen as technical. What protections will the bill offer those who seek to cohabit after a gender recognition certificate has been received from losing their accrued rights and entitlements?

Simon Stockwell: If you are talking about the scenario when a couple choose to divorce because they have decided not to live in a same-sex marriage, we have concluded that the bill provides people with considerable rights—it allows transgender people to stay married and obtain gender recognition as long as they have the spouse’s consent and it allows a civil partner to change a relationship into a marriage and acquire gender recognition. The bill makes considerable provision to allow gender recognition to take place and to allow people to stay married or change a civil partnership into a marriage. We therefore do not think that further provision is needed.

If such a couple decide to divorce or dissolve their partnership, that is their choice, and the position will be similar to that of any couple who decide to divorce or dissolve. We are not looking to put further provisions in the bill to reflect the position of those who choose to divorce or dissolve and cohabit afterwards, because they are in a similar position to that of anybody else who decides to divorce or dissolve.

John Finnie: The Law Society of Scotland has given evidence on proposed new section 4D of the Gender Recognition Act 2004, “Application under section 4C: death of spouse”, which allows a person to continue to receive a gender recognition certificate if their spouse dies before the application is complete. The Law Society suggests that that does not cover all eventualities. Would the Government be prepared to look at that if we mention it in our report?

Simon Stockwell: Yes.

Alex Neil: We are aware of the Law Society’s evidence and we are looking at the issue. If the committee wants to comment on that, we will take any comments seriously.

The Convener: Why is the minimum age for applying to the gender recognition panel 18 when the age of consent for marriage and sexual activity is 16?

Alex Neil: We expected that question to come up, because it concerns a serious issue. I will give a fairly full explanation of why the age is 16 instead of 16. Before a person may apply to the
**gender recognition panel, they must produce evidence that they have lived full time and exclusively in their acquired gender for a minimum of two years. That alone suggests a gap between 16 and 18.**

The age for applications was set at 18 in the 2004 act to reflect the fact that people are expected to live for two years in their acquired gender. Most adolescents can be expected to have reached sexual maturity at the age of 16, which is also the age of consent to sexual intercourse. Some people mature more quickly than others, but it might be difficult to vary the age limit from case to case.

If we lowered the limit generally, practical concerns would arise about how a child would show that, between the ages of 14 and 16, they had lived full time and exclusively in their acquired gender. The panel looks at documents such as driving licences, household bills and passports with a person's gender-appropriate name on.

We would need strong medical evidence to support any change in the age limit and before we could agree to any moves to lower the limit. I would be extremely reluctant to lower the limit, for the reasons that I have outlined.

**The Convener:** It is possible that an individual could have lived in their acquired gender for two years before they were 16. They could have confirmation of that from their school or a general practitioner, who could also confirm what medication they were on.

**Alex Neil:** Theoretically, that is possible, but we have to be quite cautious about how we move forward on the issue. I would tend to err on the side of caution. As a Government and in the bill, we have shown that we are keen to ensure that transgender people have all the rights that they should have, but I think that we have to strike a balance here, because there are issues to do with the maturity of people of that age and, in particular, the ability of people who are aged between 14 and 16 to show that they have been living in that way. I take quite a cautious view. If the committee disagrees with that, I invite it to say so in its report. We will listen to what the committee has to say, but I think that it would take a fair bit of persuading for me to decide that the bill needed to be changed in that regard. [Interrupted.] Simon Stockwell has just reminded me that we did not consult on the matter, so I think that it would raise issues if we amended to 16 the age for applying to the gender recognition panel.

**John Finnie:** It was remiss of me not to cover that in my questioning.

I understand that there are young people at secondary school who have had their gender changed on their educational and medical records.

I have spoken to an organisation that assisted a young person with that. The education authorities were delighted to have that assistance. It is perhaps the unfortunate association between the age and the term "sex" that is unhelpful. Do you recognise that there are public bodies that are involved in recognising the lifestyle choice that people from the age of 12 and upwards have made?

**Alex Neil:** I do. You mentioned the age of 12. Should we pick 12, 14, 16 or 18? This is an area in which I am being quite cautious, because the law will apply to everyone. If we allowed waivers for different age groups or variations in what is allowed, we would end up in an extremely complex situation. If we went down that road, we would end up with a bill that was almost unmanageable. I think that it is necessary to choose between 16 and 18. For the reasons that I have outlined, our view is that 18 is appropriate, although we will listen to what the committee has to say. However, it should be borne in mind that we have not consulted on the issue.

**John Finnie:** Is there any intention to consult on it in future?

**Alex Neil:** We are going through stage 1 of the bill process and we will move on to stages 2 and 3, so I do not see us having the ability to consult widely, but it may be that we could take powers to make a future change in secondary legislation. We could make such a change by affirmative order rather than in primary legislation if there was a demand for us to do so.

**Marco Biagi:** It is my understanding that the material change happens before the GRC is issued, and that the GRC is simply recognition of what has already happened. Given that we know that such material changes in life are happening to 14 and 15-year-olds, it seems odd to withhold formal, legal recognition of that.

There is another issue that I would like to raise, which emerged from discussion with one of our previous panels. It was suggested that, by not allowing a 16-year-old person who is transgender to marry when someone who is not transgender can marry at that age, we might be treating them less favourably in law and therefore be open to a human rights challenge on that ground. Has the Government considered that?

**Alex Neil:** Everything in the bill has been human rights law proofed. We do not believe that any aspect of the bill would be open to a successful human rights challenge. However, if the committee feels strongly that we have not got things right, we will listen to what it has to say. I admit that I am being cautious on the issue—for good reason, I think—but if the committee suggests an alternative, we will take it seriously.
Simon Stockwell: My understanding is that what we have in Scotland and the UK is broadly in line with the position in other jurisdictions, which have similar procedures in respect of gender recognition. At the time of its introduction, our approach was seen as cutting edge, but other jurisdictions have now followed us. I was looking at the consultation documents for the Republic of Ireland the other day, and I do not think that we are out of line with what happens elsewhere.

10:15
Siobhan McMahon: For clarification, cabinet secretary, when you talked about 14 to 16-year-olds you used the terms “child” and “maturity”. Were you including 16-year-olds, or did you mean people younger than 16?

Alex Neil: I was just using the definition. Anyone under 16 is regarded as a child in law.

Siobhan McMahon: That means under-16s, not 16-year-olds. We are trying to see whether you would be willing to lower the age limit for gender recognition to 16. I have listened to your views on the matter and I appreciate that you are being cautious, but I do not understand how we can grant a 16-year-old the right to vote and take part in democracy but not the right to have their gender recognised in the way that they want it to be.

Alex Neil: There is a wider issue about variations in age limits. A person can get married at 16 but cannot drive a car until they are 17. The law says that to access alcohol in a bar someone must be 18. A person can vote in the referendum at 16, and I hope that the voting age will go to 16 more generally. The bill is not trying to solve all those problems. If we consider the general issue of the age of consent and the ages at which someone can vote, get a driving licence, get married or join the army, enter into illegal wars and get killed, we can see that all those ages vary. The bill does not address such variations; it is trying—

Siobhan McMahon: I was just asking about your use of the terms “child” and “maturity”. We have your response on the record—thank you.

Alex Neil: I was using the legal definition of a child, which is anyone under 16.

The Convener: If there are no more questions on the matter, we move on to the rights of religious bodies.

John Mason: We have questions about denominations, individual celebrants and so on. How confident is the Government that a denomination such as the Church of Scotland or the Roman Catholic Church would not be successfully challenged in court if it point-blank refused to take part in same-sex marriages? Under the Equality Act 2010, the churches appear to be providing a public function, so it appears that a same-sex couple could demand that a church celebrate their marriage.

Alex Neil: There are two things to understand. First, the bill and the changes to the 2010 act, which we have agreed with the UK Government and which will be made before the bill is implemented, make the position clear and legally watertight. The advice that I have is that the position is legally watertight in respect of potential challenge under the European convention on human rights and human rights legislation.

Secondly, I think that I am right—Francesca Morton will correct me if I am not—in saying that the European convention on human rights does not include a right to same-sex marriage, so it is difficult to see under what part of the convention a challenge might be brought.

There has been a fair bit of scaremongering on the issue. The reality is that we are absolutely sure that there is no prospect of a challenge under the European convention on human rights in respect of the matter.

John Mason: Are you 100 per cent sure of that or 90 per cent sure? Would you put a figure on it?

Alex Neil: I would say that I am as sure as anyone can ever be that there is no prospect of a successful challenge. The UK Government shares that level of confidence, by the way.

John Mason: I am not questioning the intentions of the Scottish Government and the UK Government, but there is concern. The Catholic church and the Church of Scotland both say that they might have to pull out of marriages altogether, because the risk is so great. We have heard legal opinion on both sides.

I agree that the ECHR does not say that there is a right to same-sex marriage. However, if we create a right to same-sex marriage, what is to prevent someone from challenging the position and saying that the Church of Scotland or the Catholic church is discriminating against them?

Alex Neil: The key point is that the European convention on human rights also gives rights to religious organisations and to celebrants. Our clear view, which is shared by the Lord Advocate in Scotland and by the senior law officers in the UK, is that there is no realistic prospect of a successful challenge to that aspect of the bill.

John Mason: In the case of the adoption agencies, especially Catholic adoption agencies, strong assurances were given by the Government that the adoption law was only permissive in relation to adoptions by same-sex couples—that agencies would be permitted to undertake such adoptions. Do you accept that, despite those assurances, the position changed fairly swiftly to
one in which it became compulsory to undertake such adoptions, and we are now losing agencies that do not want to take part in that? If the same logic is followed in the case of same-sex marriages, it could become compulsory for churches to carry them out.

**Alex Neil:** Those are two different scenarios, and quite frankly you cannot compare apples and oranges. The solemnisation of marriage is a function that is carried out by churches. It is at the heart of what churches do, and the work is carried out by religious celebrants. It is plain that protection can and should be provided to denominations and celebrants. Quite frankly, the situation is not the same as in the adoption law example.

**John Mason:** Can you explain the difference?

**Alex Neil:** I will get the lawyers to explain exactly what the legal difference is.

**Francesca Morton:** The Scottish Government is satisfied that the protections in place in the bill are robust. The ECHR permits a wide margin of appreciation when it comes to balancing the rights of different bodies or different persons, which is what the bill seeks to do. The Scottish Government considers that it is proportionate and reasonable to pursue a policy that would mean that not every couple would be permitted to have a same-sex marriage ceremony of their religious or belief choice. The justification for that is that it takes into account the religious views and article 9 rights of religious bodies and celebrants. We are satisfied that that approach is proportionate and reasonable.

**Simon Stockwell:** The other point is quite simple—no public money goes into churches to solemnise marriages. As I understand it, when an adoption agency is successful in placing a child with a couple, it is paid some public money by the local authority to reflect that, and a public service generally has to be available to all. We do not provide any funding to the churches to solemnise marriages. Indeed, if we offered money to the churches to solemnise marriages, they would run the other way very quickly.

**John Mason:** A chauffeur or a photographer would not get public money, but they would be counted as a public service and required to participate, would they not?

**Simon Stockwell:** They would be counted as a public service, yes.

**John Mason:** I am not quite sure I understand why they are different from a church.

**Simon Stockwell:** The church is carrying out a religious function—which is not true of a photographer, for example—and so it is entitled to rely on its rights to say what religious service it is providing. That is not true of a photographer, who is providing a civil function.

**John Mason:** On a slightly different point, if a denomination as a whole—the Quakers were mentioned—opts in, but an individual celebrant wants to opt out, is that not a case of the Government interfering in that religious organisation?

**Alex Neil:** As I say, this is about freedom and rights. If an individual celebrant does not want to opt in, they have that right.

**John Mason:** Some legal opinion has suggested that that would be, in effect, the state interfering in the internal workings of a religious organisation because it was stopping the denomination controlling its own members.

**Alex Neil:** Not at all. At the end of the day, we have to have a balance between the rights of the individual and the rights of the state. It is not our wish to interfere at all in the internal workings of any religious organisation. However, obviously every individual has certain rights and if a celebrant decides that they do not wish to participate in a same-sex marriage ceremony, they have the right not to do so as far as we are concerned.

The church organisation itself may decide that it no longer wishes to have a celebrant, a minister, a rabbi or a priest who takes that position participate in a whole host of things. That would be entirely a matter for the religious organisation to decide. As far as the state is concerned, the individual celebrant has the right not to participate.

**Simon Stockwell:** Another point to mention is that the bill is in line with the provisions in a number of other jurisdictions. In the second consultation paper, and possibly in the first, we referred to the Norwegian marriage act, which lays down that a clerical solemniser can refuse to solemnise a marriage. Over the past few weeks, the committee has discussed the position in Denmark, where an individual celebrant can choose not to take part in a same-sex marriage ceremony even though the church of Denmark takes part in such ceremonies. The position in England is the same under the UK Marriage (Same Sex Couples) Act 2013.

In addition, there are precedents from other jurisdictions on matters other than same-sex marriage. For example, in England there is a general obligation on Church of England celebrants to marry people who live within their parish, but that obligation is specifically disapplied in relation to divorcees.

**John Mason:** But we still have to see whether the provision will stand up in court.
**Simon Stockwell:** Other jurisdictions have had the measures in place for some time and there is no sign of any celebrant being forced to solemnise a same-sex marriage against his will in jurisdictions that are subject to the convention.

**John Mason:** Cabinet secretary, do you accept that, when cases go to court, although the Equality Act 2010 does not have a hierarchy of protected characteristics, in practice the courts tend to put sexual orientation and other protected characteristics above religion and belief?

**Alex Neil:** I do not know that I would agree with that generalisation. It is always difficult to summarise what the courts do in terms of hierarchy. Sometimes, it depends on the judge. However, on the law—and it is the law that we are addressing—we are absolutely confident that there is no serious prospect of any successful challenge to the bill.

**John Mason:** My final point is on an issue that the Jewish community has raised. There are different branches within the Jewish community, so it would find it difficult to be in or out as a whole. I do not know whether you have read the evidence from the Jewish community, but are you open to some kind of amendment along the lines that it has suggested?

**Simon Stockwell:** We have read the evidence and we will have a look at some of the detailed points that that community has raised.

**John Mason:** That is great.

**Alex Neil:** The principle remains the same, however—people and organisations will have to opt in.

**The Convener:** I will bring in Alex Johnstone on the same subject.

**Alex Johnstone:** My question refers to answers you gave to previous questions, cabinet secretary. You said that protection from prosecution under European legislation would be based on the fact that the European legislation does not grant the right to same-sex marriage, and you just used the line that you see no serious chance of a successful challenge. Is that a fair summary of the view that you have expressed?

**Alex Neil:** It is not a view but a fact that the European convention on human rights does not include a right to same-sex marriage.

**Alex Johnstone:** Earlier, you defined the right to same-sex marriage, in your view and the Government’s view, as an equality issue, and you said that you wish to include same-sex marriage in Scottish law as a result of your desire to pursue your definition of equality. Is it unusual for European human rights legislation to entrench something that you see as an inequality?

**Alex Neil:** It might well be, but that would obviously require the agreement of all the signatories to the European convention on human rights. As you know, there are proposals to withdraw from the European convention on human rights circulating in the UK Government, so one cannot entirely predict the future. It will depend on whether we remain part of the UK state and, if we do, on whether the UK state remains signed up to the European convention on human rights. My view is the same as that of David Cameron, Maria Miller and our law officers. Obviously, we take our advice from senior law officers, and I think that every law officer in the UK is on record as saying that they do not believe that there is any prospect of a serious challenge to the proposed legislation here or to the equivalent UK legislation.

**Alex Johnstone:** I accept that view but, to summarise, we have got to a stage at which, in effect, the ECHR entrenches something that you have defined as an inequality. What is the prospect of European law being changed? Are there precedents for such a change happening when there is a change in the perception of what constitutes equality?

**Alex Neil:** I am not qualified to answer that, and I do not know whether the lawyers can. Given the point that Simon Stockwell made about the number of jurisdictions in Europe that now have similar legislation—in some cases quite long-standing legislation—my view would be that if the European convention on human rights is changed, the likelihood is that it would be changed to entrench the provisions in the bill rather than to mount a challenge to the fundamental principle of same-sex marriage legislation.
jurisdictions are making exactly the same points as religious bodies are making in Scotland.

Alex Johnstone: So you do not believe that there is a prospect of a change in another jurisdiction removing the protections that you assume will be granted to Scottish religious institutions.

Alex Neil: Nothing in the ECHR gives anyone the right to same-sex marriage. It does not cover the issue.

I will give you a parallel. When the convention was being drawn up, same-sex marriage was not an issue. In the same way, when the Scotland Act 1998 was written, no one had heard of climate change, so climate change is not a reserved matter. There is no reference in the ECHR to same-sex marriage.

If the signatories to the ECHR agreed or desired—and that is a big if—to change the convention, I think that the purpose of any change would be to accommodate balanced legislation such as the provisions in the Marriage and Civil Partnership (Scotland) Bill and in the UK's Marriage (Same Sex Couples) Act 2013. My view is that the purpose of such a change would not be to prevent people from having same-sex marriages.

Alex Johnstone: The functionality of the bill depends on the status quo in Europe.

Alex Neil: It is not about functionality. The question is about whether there is a prospect of a serious legal challenge, under the ECHR, to the provisions of the bill, and the clear evidence from both north and south of the border is that there is no serious prospect of a successful challenge to the provisions of the bill or the equivalent UK legislation.

Alex Johnstone: Under the ECHR as it stands?

Alex Neil: Yes.

Alex Johnstone: As it stands?

Alex Neil: Absolutely.

The Convener: We are running out of time so we will move on with Marco Biagi and then Siobhan McMahon.

Marco Biagi: Amendments have been suggested in written submissions to the committee, including from the Church of Scotland, with a suggested wording change on performing marriages and having marriages recognised. This might be a question for Simon Stockwell. Has the Government considered such a change?

Simon Stockwell: We met representatives of the Church of Scotland a couple of days ago to talk about that particular point and some other issues, including the civil partnership review that the cabinet secretary mentioned earlier.

I understand that, in essence, the Church of Scotland wants the Marriage (Scotland) Act 1977 to be amended so that it is clear that religious celebrants are acting not as agents of the state but on their own behalf. The difficulty that we have with the proposed amendments—I said this to the Church of Scotland representatives—is that we are not sure that they would make much difference in practice. We would still recognise the services, which would be carried out by religious bodies and religious celebrants, as they are now, and the state would recognise them, and the rights and responsibilities would flow from them. We therefore tend to think that the Church of Scotland is proposing a drafting change rather than a change of substance.

We will certainly consider the matter further. I suggested that the cabinet secretary might want to write to the Church of Scotland once we have done so, but when we had looked at the suggestion, our view was that it probably would not make much practical difference.

Marco Biagi: We also heard in a submission that as well as having included a freedom of speech provision in the bill, there would be benefit in including freedom of speech provisions in other public order legislation including, I believe, the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012. Does the Government consider that to be necessary or are the bill’s provisions covering freedom of speech sufficient?

Alex Neil: I am just dealing with this bill. Any proposals on amendments to other acts relating to football matches or anything like that would have to be made to my colleagues. I have no ministerial responsibility for that area of policy.

Siobhan McMahon: We heard evidence from Ephraim Borowski, who said:

"we have commented that it is a concern that, for example, the Lord Advocate produces guidance on the prosecution of people for expressing their opposition to the proposal in a particularly strong manner but not guidance on the prosecution of people who express their support of it."—[Official Report, Equal Opportunities Committee; 12 September 2013; c 1450.]

We are all aware that social media have been used as tools for making what can only be described as abhorrent comments, particularly if one expresses a view against the bill. Will you address the guidance or speak to the Lord Advocate about how we can make it stronger?

Alex Neil: I think that the Lord Advocate’s guidance is very balanced and fair. There is a precedent for this, Siobhan. I was in Parliament at the time of the controversy over section 2A. At that
time, the then Lord Advocate published guidance of a very similar nature as a result of the change to legislation that was proposed by Wendy Alexander. The guidance is only one page and it is designed really to try to protect freedom of speech on all sides, provided that people behave reasonably and are not stirring up hatred or antagonism—the kind of things that people on both sides of the argument do not want.

Of course, the Lord Advocate does not consult on his guidance; I was not and should not be consulted on the guidance because it would be entirely wrong for it to be politically motivated. Any amendments to the guidance would need to be considered by the Lord Advocate. My view is that he has produced very proportionate, fair, balanced and practical guidance.

Siobhan McMahon: I turn to a slightly different topic. Has the Scottish Government included in the financial memorandum any cost to the public purse that would be associated with a decision by the Church of Scotland, the Roman Catholic church or any other faith community to stop performing the civil law aspects of weddings?

Alex Neil: The financial memorandum of any bill relates to the impact on the public purse and the public purse only. No financial memorandum would estimate the impact on other institutions in terms of costs. It depends how those institutions—

Siobhan McMahon: I am sorry, but that is not what I was asking. We heard in evidence from all the churches that they might have to do what the churches do in other European countries, including France, where people have to have a religious ceremony and a civil one. Clearly the costs of the public part of that would have to go up. Should those costs be included? We have evidence on that.

Alex Neil: There is nothing in the bill that would force the churches either to abandon carrying out marriages or to do things as they are done in France. It is obviously a matter for the churches, should they decide to do that. If there is a cost involved as a result of their decision, that is their affair, not mine.

Siobhan McMahon: It would be your cost; it would be a cost to the public purse. I understand that it would be the churches’ decision, but you would have to meet the cost.

Simon Stockwell: That is not covered in the financial memorandum, but civil marriage ceremonies are done on a cost-recovery basis. The cost falls on the couple, so if there was a civil marriage ceremony, the couple would have to pay for it. Clearly it would be for the couple to decide whether they wish to then have a blessing in a church.

John Mason: We received legal opinion that the Lord Advocate’s guidance does not really carry much weight. Can you confirm whether that is the case?

Alex Neil: I would strongly dispute that. The idea that the chief prosecutor’s opinion carries no weight with the prosecution service is, I think, absurd.

Christian Allard: We have heard a lot of evidence on public sector workers, particularly on the issue that we have already discussed about the interaction between pieces of legislation. Views differ, with some religious groups suggesting that, in human rights terms, there is a hierarchy in which issues of gender trump issues of religion. Others have taken the opposing view and some have no view at all on the matter.

In its submission, the Law Society of Scotland expresses uncertainty about how European convention on human rights article 14 rights will interact with the public sector equality duties in section 149 of the Equality Act 2010, about which there has also been much discussion. Will you consider the suggestion that has been made by some witnesses and allow the principle of reasonable accommodation for public sector workers who provide a service? If your answer is yes, how might that be conducted in rural areas?

Alex Neil: As I understand it, the question is about the right of public sector workers who object to the bill’s principles not to carry out their duties. That has already happened where people have objected to a particular aspect of a particular type of ceremony.

Quite frankly, our view is that there is no big issue here. We are talking, in the main, about registrars having an opt-out with regard to their work. There is a big distinction to be made between a publicly employed registrar and a celebrant in a church; after all, the former is employed to carry out a public duty. That said, if a public sector worker has specific concerns, they should, as with any such matter, raise it with their employer in the first instance.

The registration of civil partnership by civil registrars has worked well. In the eight years since the legislation was introduced, 4,800 civil partnerships have been registered in Scotland, and I do not think that there is any reason to expect that the solemnisation of same-sex marriage by civil registrars will not work as well. I have no doubt that some civil registrars had concerns and perhaps did not entirely agree with the civil partnership legislation; however, it has not presented a problem.

As you know, civil registrars in Scotland are employed by local authorities. It is for each authority to decide how best to provide services
for registering marriage, and we expect local authorities to handle with sensitivity registrars who object to same-sex marriage or civil partnership on the ground either of religion or of belief. Given that we have received no representation whatever from local authorities on an opt-out with regard to civil registrars’ responsibilities, we believe that the issue is a bit of a red herring and see no problem. Common sense should prevail, as it has done for the past eight years in relation to civil partnerships.

**Christian Allard:** So, you see no need for such accommodation.

**Alex Neil:** As the employer, the local authority will always try to accommodate such things. If a civil registrar has a religious or belief objection to same-sex marriage, the local authority that employs them will, I think, come to some kind of appropriate accommodation on the matter. Common sense just has to prevail.

**Christian Allard:** What is the scope for conflict between ECHR article 9 rights of thought, conscience and religion and the public authorities’ public sector equality duties?

**Alex Neil:** This is basically the same area, Christian.

**Christian Allard:** What I am talking about now is a conflict between different pieces of legislation.

**Alex Neil:** I do not think that there is a conflict, because the public sector duty is on the authority, not on individual employees of the authority.

10:45

**Christian Allard:** So you do not think that the equality duties would take precedence over a public sector employee’s ECHR articles 9 and 10 rights to express and act on their own views?

**Alex Neil:** The public sector duties are clear. The authority—in this case, the local authority—has the public sector duty. The employee does not, as an individual, have a public sector duty. As an employee, he or she does have responsibilities, but if there is any clash in terms of religious belief, or non-religious but nevertheless conscientious objection, that is for the employer and employee to work out between them. In working it out, the employer must be cognisant of the legislative framework within which they are operating, and when this bill becomes an act it will be part of that consideration, as is the Equality Act 2010. The public sector duty would clearly also be part of that consideration.

We have rules on how the public sector duty is exercised. Although we do not define the public sector duty, which is a reserved matter, we define how the public sector duty is carried out in Scotland, which is devolved, and the European convention on human rights and employment legislation also come into the mix. We do not see any conflict in the legislation. We think that there is a precedent in the legislation for civil partnerships, which has been handled sensitively and with a great deal of common sense, and has not resulted in any pressure on employees of local authorities in carrying out their duties.

**The Convener:** On the same subject, I would like to bring in John Mason and then Marco Biagi.

**John Mason:** You said that you hope that common sense will prevail on the issue, but we have the legal case—albeit not in Scotland—of Lillian Ladele, in which the local authority insisted that she take part in a ceremony. You said that employers—that is, the local authorities—have not made any representations on the matter; of course they will not, because we are talking about protecting their employees from them, so they are not going to make representations.

On abortion—another controversial issue—we have specific protection in legislation for employees who wish not to take part, and that seems reasonable to me. Would it be possible to have such a provision in the bill?

**Alex Neil:** First of all, let me say that there have been a lot of questions about the European convention on human rights. The key point about the Lillian Ladele case is that the European Court of Human Rights found that there had not been a violation of Ms Ladele’s human rights, and this bill is in line with that decision. Great play has been made of the role of the European Court of Human Rights the employee’s human rights were not breached in that case.

**John Mason:** So the court did not protect her and you do not want to protect her.

**Alex Neil:** I do not think that you can say that. The European Court of Human Rights, which is the protector of human rights for all of us, having heard the case, made the decision that her human rights had not been violated. That decision is not something that I am qualified to question or to undermine in any way. The key thing about our bill is that the human rights of everybody, including employees, have to be protected. In that case, the court said that Lillian Ladele’s human rights had not been breached. You may disagree with the court’s decision—

**John Mason:** I certainly do.

**Alex Neil:** I have to legislate according to the framework of law, and that case is now part of the framework of law.

**John Mason:** Do you accept, in that case, that you could put in a section that would give added protection?
Alex Neil: I do not think that such a section is necessary, to be frank. I do not see a big issue here at all, and I do not think that the local authorities do. If I had had representations from local authorities saying that there is a big issue that needs to be addressed in legislation, I would have listened to them. I have not had any such representations. I think that I am also right in saying that I have not had any representation from any registrar in Scotland on the matter. Again, it is a red herring.

Marco Biagi: You have slightly pre-empted my question. Have you had formal contact with the Association of Registrars of Scotland? Has AROS given a view on the bill?

Simon Stockwell: I met some registrars. The registrar general’s office kindly organised a seminar for me with registrars from most Scottish local authorities about a year ago. We discussed the issue with them and, as the cabinet secretary has said, there was no desire around the room for any legislative opt-out. They said that when somebody is against civil partnerships, they try to ensure that the person is moved to other duties within the registrar’s office.

Alex Neil: Common sense prevails.

The Convener: I have two further questions to ask you. One regards reset. It is currently a defence in Scots law that a wife is not guilty of the criminal charge of reset of goods that have been stolen by her husband. That defence will not be available to a woman in a same-sex marriage. It would appear that that provision could be discriminatory. Is the Scottish Government considering the law in that area?

Alex Neil: I will let Simon Stockwell answer that very specific question.

Simon Stockwell: Yes. Our understanding is that the defence has not been used for a number of years; we think that it is about 20 years since it was last used. It is an odd defence, and it reflects an antiquated view of marriage and the position of men and women in society. Having discussed the matter with our criminal justice colleagues, we intend to recommend to the cabinet secretary that the Government lodge an amendment at stage 2 to repeal the defence altogether.

The Convener: The answer to this question might be the same, but I will ask it anyway. According to our advice, the current law on impotence was not drafted with same-sex marriage in mind. If it is proved, the marriage could be declared void, which could have a different effect from marriage ending through divorce. It could be argued that, since the provision clarifies that that rule of law will apply only to different-sex couples, it is discriminatory.

Simon Stockwell: This will be a different answer. We discussed the matter in the policy memorandum. The ground of incurable and permanent impotency for voiding a marriage is certainly antiquated and is not often used. We had thought in the past about whether there was any scope for removing it altogether from Scots law and we have had some comments to the effect that we should.

However, some people have suggested that the concept is useful in certain circumstances, particularly for people who might wish to enter into another marriage but do not wish to get divorced because of their religious objections to divorce. Given that particular religious aspect of this issue relating to impotency, we intend to make no change and to leave the provisions in the bill as they stand.

Alex Neil: That said, it is the type of issue to which the Scottish Law Commission might give longer-term consideration. The committee might wish to recommend to the Cabinet Secretary for Justice that he refer the matter to the Law Commission.

Simon Stockwell: I am sure that the Law Commission would welcome a look at the matter. I used to be involved in sponsoring the Law Commission, and I know that it is the sort of thing that those who work there very much enjoy doing. [Laughter.]

Alex Neil: That was meant as a compliment, let me emphasise, before we get angry letters from the Law Commission.

Simon Stockwell: I know them well.

The Convener: Committee members have no more questions to ask. I invite the cabinet secretary to make closing remarks.

Alex Neil: Thank you, convener. We have covered many specific and technical issues. I repeat what I said at the beginning: I view the bill as being about rectifying an anomaly regarding the equality of treatment of people who, at the moment, are not allowed to marry in Scotland. At the same time, we have made it absolutely clear that we are determined to protect the rights in particular of church organisations and celebrants in the way that I have described and in the way that it is described in the bill and in the amendments to the Equality Act 2010. I think that Scotland will be a better place when we pass the bill.

The Convener: Thank you again, cabinet secretary, for your contribution.
That concludes the public part of the meeting. Our next meeting will take place on Thursday 10 October, and will include evidence on the Scottish Government’s draft budget for 2014-15.
SUPPLEMENTARY EVIDENCE AND CORRESPONDENCE

Supplementary evidence
The Equality Network
Scottish Transgender Alliance
Scotland for Marriage
Scottish Youth Parliament
Amnesty International
Family Education Trust

Correspondence
Dr Gordon Macdonald, CARE for Scotland, to Convener, 11 October 2013
Scottish Government to Clerk, 11 October 2013
Dr Gordon Macdonald, CARE for Scotland, to Convener, 5 November 2013
Scottish Government to Clerk, 6 November 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUPPLEMENTARY SUBMISSION FROM THE EQUALITY NETWORK

We request that the Committee please consider this supplementary evidence, which focusses on providing information on some of the issues discussed in oral evidence sessions. We are happy for this evidence to be published under our name.

Possible number of same-sex marriages

The Committee has received different figures, in evidence, about the number of civil partnerships in Scotland, and the likely rate of same-sex marriages. These range from 0.01% (1 in 10,000) of households (John Deighan, 5th Sept, Official Report col 1426) upwards.

The total number of civil partnerships registered in Scotland, from commencement in December 2005, to 30th June 2013, was 4639 (2430 women couples and 2209 men couples). Complete quarterly figures may be found here:


Once the initial surge had settled down, the rate of civil partnership registration in Scotland has averaged around 2% of the rate of marriage. Our survey work indicates that a majority of same-sex couples would prefer a marriage to a civil partnership, and we therefore expect the annual rate of same-sex marriages to be at least 1.5% of the rate of mixed-sex marriages.

Effectiveness of same-sex couples as parents

It has been suggested that sociological data shows that children perform better if they come from a family with married parents (Dr Gordon Macdonald, 12th Sept, OR col 1452). However, the sociological evidence demonstrates that there is no difference between the outcomes for children with two parents of the same sex and for those with two parents of mixed sex. In our previous evidence we quoted one research review which concluded this (Biblarz and Stacey, Journal of Marriage and Family, Feb 2010).

We would like to clarify that we were not cherry-picking the research results in quoting that study. Other overview studies of all the relevant research reach the same conclusion. The American Sociological Association (ASA) provided written evidence on this to the US Supreme Court earlier this year, for Court cases considering same-sex marriage. The ASA wrote (page 5 of their brief), “when the social science evidence is exhaustively examined – which the ASA has done – the facts demonstrate that children fare just as well when raised by same-sex parents.”

The full ASA Supreme Court brief may be found here:

http://www.asanet.org/documents/ASA/pdfs/12-144_307_Amicus_%20Gottlieb%29ASA_Same-Sex_Marriage.pdf
Religious and civil marriage in the rest of Europe

It has been suggested in evidence (Ephraim Borowski, 12th Sept, OR col 1461) that in many other European countries that have same-sex marriage, religious bodies do not conduct legally-effective marriages, and all marriages are solemnised in civil ceremonies (with an optional additional non-legally-effective religious marriage).

Of the nine European countries with same-sex marriage, this is the case in only three: the Netherlands, Belgium and France. In the other six countries, religious bodies do solemnise legally-effective marriages, as in Scotland (those six are Iceland, Norway, Sweden, Denmark, Spain and Portugal). In all of those countries, religious bodies are free to choose whether or not to solemnise same-sex marriages.

The position of religious bodies in Denmark

It has been suggested (Dr Salah Beltagui and John Deighan, 5th Sept, OR cols 1410 and 1432) that the Church of Denmark has been unwillingly required to conduct same-sex marriages. The Church of Denmark is a state church, unlike the Church of Scotland, or even the established Church of England. The Church of Denmark cannot decide its own laws, and has no decision-making body like a General Assembly or Synod. Church law for the Church of Denmark can only be decided by the Danish Parliament, and there is accordingly a government Minister for the Church.

Church of Denmark law is proposed by the Danish government in consultation with the Church, and there was consultation on the proposals for same-sex marriage. The majority of bishops and clergy of the Church of Denmark support same-sex marriage, but a minority are opposed, and the law, which came into effect in 2012, allows clergy who disagree to opt-out of conducting such marriages. The law is fully permissive and there is no compulsion on any celebrant. Two of the ten Church of Denmark bishops opted out of developing the same-sex marriage rite, and around one third of clergy have opted out of solemnising same-sex marriages.

There are of course many other religious bodies in Denmark, many of whom provide legally-effective marriage. They are all free to decide for themselves whether to conduct same-sex marriages.

Public opinion on protections for religious belief

A member of the Committee asked Prof John Curtice whether there is information on public opinion related to the protection of the beliefs of those who oppose same-sex marriage (19th Sept, OR col 1521). Prof Curtice referred to one Britain-wide Ipsos-MORI survey in 2012, discussed in paragraph 15 of his written evidence, which found that 45% said that same-sex marriage should be introduced but that religious bodies should not be required to provide same-sex marriages, while a further 28% said that same-sex marriage should be introduced and that religious bodies should be required to provide them. The full results are here:

The Equality Network commissioned a Scotland-wide opinion poll from Ipsos-MORI, conducted in June 2012. The poll asked whether people agreed or disagreed with the statement “Religious organisations should have the right to decide for themselves whether or not to conduct same-sex marriage.” 68% agreed, and 21% disagreed, with 10% neither agreeing nor disagreeing. This represents a three to one agreement in Scotland with the principle of freedom of religious choice that is enshrined in the bill’s opt-in requirements. More details of the poll may be found here:


Registrars

It was suggested in oral evidence that, in the Netherlands, civil registrars have a statutory opt-out available if they do not wish to conduct same-sex marriages (Dr Gordon Macdonald, 12th Sept, OR col 1446). That is not in fact the case. There is no statutory opt-out in the Netherlands; however, as will also be the case in Scotland, local authorities there make their own arrangements for registrar cover for same-sex marriages, and manage their registrars accordingly.

Given the relatively small number of civil partnerships (around 3.5% of the number of civil marriages), not all registrars in Scotland have conducted them. It is for local authorities to manage their registrars to provide a good overall service, taking into account individual employees’ preferences, and the same will apply for same-sex civil marriages. No problems have arisen with the management of civil partnership registration in any part of the Scotland, and, as the Scottish Government has also said, we would expect the same good management to apply to same-sex civil marriages. We note that there is no call from the Association of Registrars of Scotland for a statutory opt-out, and the suggestion is also opposed by a number of local authorities.

Education

John Brown of the Catholic Education Commission (26th Sept, OR col 1548) expressed a concern that a teacher in a Catholic school who stated that the Catholic Church believes marriage to be between a man and a woman only, would be unprotected. However, the bill does not affect the faith content of the curriculum in any way. The Scottish Government have clearly said “the faith content at Roman Catholic schools is decided by the Scottish Catholic Education Service on behalf of the Bishops’ Conference of Scotland. The Government is committed to maintaining this” (Policy Memorandum to the bill, paragraph 124).

The Equality Network’s view is that it is appropriate for religious education to present and discuss the views of religious bodies on marriage, and in Catholic schools there will be a particular focus on the Roman Catholic faith. As Mr Brown acknowledged, that is a separate matter from presenting the facts about the law on marriage. Underlying all of this is the need to ensure that all pupils, whatever their family arrangements, are respected and supported.
Michael Calwell of the Family Education Trust asked for a number of statutory provisions (26th Sept, OR col 1546). These include a statutory obligation on schools to inform parents if any teaching about marriage conflicts with their views, and a right for parents to withdraw children from such teaching. That is clearly impractical, whether in the case of same-sex marriage or other issues on which there is a variety of strongly-held views, such as divorce. Some parents will disagree with divorce; should they have a right to be informed in advance of teaching about Henry VIII of England so they can withdraw their children? If a pupil asks what divorce is, what abortion is, or what same-sex marriage is, must the teacher say “I can’t answer that unless all your parents agree in advance”?

Mr Calwell also asked for a statutory obligation for teaching to comply with parents’ understanding of the nature and purpose of marriage. The obvious problem with that proposal is that parents of different pupils in the same class will have very different views on this (and some may be same-sex couples). How are such differences to be accommodated? Surely the answer is: just as they are at the moment on issues such as divorce and unmarried parenthood, through teachers being professional and sensitive to the situation of different pupils. The bottom line is that teachers are not there to promote their own personal opinions, or those of one set of parents, but to support and facilitate the development of all the young people in their care.

The public sector equality duty

It has been suggested in evidence that the public sector equality duty in section 149 of the Equality Act 2010 might be used by public bodies as a reason to withhold services or partnership work from religious bodies that decline to conduct same-sex marriages, or to discriminate against organisations or employees who do not agree with same-sex marriage.

The equality duty is fairly weak; it requires only that public bodies give “due regard” to the need to advance equality of opportunity and to foster good relations between different communities. It covers all the equality strands to the same extent, and so applies to religion and belief as well as to sexual orientation. Treating a person or organisation detrimentally because of their religious belief would clearly not advance equality of opportunity on grounds of religious belief, nor would it be likely to foster good relations between people of religious belief and others.

More directly, all public bodies are subject to two much stronger legal requirements, which effectively trump the public sector equality duty. Public bodies are directly prohibited by the Equality Act 2010 from acting detrimentally towards any member of the public or any employee, because of their religious belief. And under the Human Rights Act 1998, a public body must not breach the ECHR rights of any person, including the right to freedom of religion provided by article 9. As the Committee has heard (Karon Monaghan, 19th Sept, OR col 1499), the Human Rights Act (in section 13) requires particular regard to be had to the importance of the article 9 rights of religious organisations, effectively placing greater emphasis on this right than on other rights.

The Equality Impact Assessment
It has been suggested that the Scottish Government’s Equality Impact Assessment (EQIA) for the bill says that the protections for organisations and people that oppose same-sex marriage cannot be guaranteed. We would respectfully point out that that view does not form any part of the assessment results in the EQIA.

The words “Concerns that Government reassurances on religious and belief bodies and celebrants not having to take part in same sex ceremonies could not be guaranteed, as there could be challenges on human rights grounds” appear in stage 2 (evidence gathering and consultation) of the EQIA, under the heading “Some consultation responses also made other points, as outlined below”. They are the view of some consultees, not the view of the Scottish Government or the result of the assessment.

Stage 3 (assessment) of the EQIA concludes that the overall effect of the bill on religion and belief equality will be positive. Stage 4 (decision making) of the EQIA sets out the actions that the Government has taken in response to these concerns, including protecting religious bodies and celebrants by the opt in system and the amendments to the Equality Act 2010. The Committee has heard evidence from expert lawyers about those protections, including that it is “inconceivable” that a human rights challenge to the protections could succeed (Karon Monaghan, 19th Sept, OR col 1501).

The general approach to statutory “protections”

There is a clear difference of view on whether additional statutory “protections” related to same-sex marriage are needed for teachers, registrars and others. We would point out that those calling for these additional protections are mainly organisations that are opposed to the bill proceeding at all. In contrast, the organisations that represent teachers, registrars and others, such as the EIS, the Association of Registrars of Scotland, and UNISON, do not think such provisions are either needed or beneficial.

The Equality Network believes that the evidence that the Committee has heard clearly indicates that the necessary protections are already provided. Our clear view is that any new statutory provision which singled out same-sex marriage as particularly sensitive or controversial, and something to which opposition should be “protected”, would undermine the key purpose of the bill, which is to bring about sexual orientation equality in the law. Such a provision would stigmatise LGBT people and would send a signal that discrimination against LGBT people is acceptable and is endorsed by the Parliament. It would in effect return us to the days of “section 28”, and would be a huge step backwards.

Tim Hopkins
Director
Equality Network
30 September 2013
SUPPLEMENTARY SUBMISSION FROM SCOTTISH TRANSGENDER ALLIANCE

We request that the Committee please consider this supplementary evidence, which focusses on providing information on some of the issues discussed in oral evidence sessions. We are happy for this evidence to be published under our name.

Spousal Veto

The Committee received evidence from the Cabinet Secretary for Health and Wellbeing (Alex Neil, 3rd Oct, OR col 1588) that the Scottish Government’s intention in drafting this provision was not that the spouse would be required to consent to the trans person obtaining gender recognition, but rather would consent to remaining a party to the marriage once gender recognition had been awarded. However as the Bill is currently drafted we are of the view that this policy aspiration is not achieved due to the fact that at the same time as withholding spousal consent an uncooperative spouse can also delay divorce proceedings for a number of years and therefore unfairly prevent the trans person from having their gender legally recognised.

We believe that the rights of the non-trans spouse and the rights of the trans person have not been appropriately balanced. There are numerous actions which a person can take which may impact greatly on their spouse, for example risking serious physical health consequences by refusing medical treatment, but which can nonetheless be done without spousal consent. In all such situations the person is still afforded the personal autonomy to make the decision for themselves; the only recourse open to an aggrieved spouse is to initiate divorce proceedings after the action has been taken. In the same way, a trans person should be able to make their own decision to have their gender legally recognised, and if their spouse is unhappy with that decision they are then free to divorce them.

We wish to draw the Committee’s attention to the fact that no-one giving oral evidence, including those representing religious organisations, expressed any concerns about our proposed amendment. Nor has the Committee received any evidence from spouses of trans people supporting the need for the spousal consent provision. Indeed, spouses of trans people who have contacted the Scottish Transgender Alliance about this feel that the provision requiring spousal consent is unnecessary and offensive, and they support our proposed amendment.

Engender, which works and campaigns around gender equality, stated that: “the spousal veto is inimical to the principle of individual autonomy. It places an unnecessary strain on couples’ relationships by imposing an artificial deadline for non-transitioning spouses to opt themselves in or out of marriage.” It therefore appears to us that the provision in the Marriage (Same Sex Couples) Act has been transposed into the Scottish legislation without evidence of its necessity, in a way which harms the human rights of transgender people.

The Cabinet Secretary (Alex Neil, 3rd Oct, OR col 1588) also suggested that, although a non-trans spouse has remained in the marriage throughout the two years
that their partner has been living full-time in their acquired gender, the gender recognition application may cause them to reconsider whether to remain in the marriage. Some non-trans spouses have told us that they indeed feel they need a lot longer than two years to make a final decision about the continuation of their marriage. However as currently drafted the Bill does not afford the non-trans spouse this opportunity, and rather puts intense pressure on them to decide whether they can consent to remaining in the marriage once the trans person has been living in their acquired gender for two years or face being divorced by their spouse. In contrast, by separating out the option to divorce from the granting of gender recognition our amendment enables the non-trans spouse to take the time they need to decide whether or not to continue in the marriage once their spouse has obtained gender recognition.

Although fewer in number than lesbian, gay and bisexual people, transgender people are most egregiously affected by the current gender-segregation of the marriage and civil partnership systems. We believe therefore that this legislation can only be truly regarded as successful if it fully resolves the marriage inequalities which transgender people face. The Marriage (Same Sex Couples) Act 2013 unfortunately failed to resolve such inequalities. Many transgender people feel that the legislation was progressed too quickly to take account of their needs, and feel acutely let down as a result. This Bill has the opportunity to fully consider the needs of transgender people and ensure that these inequalities are properly resolved. We are very encouraged by the excellent work of the Committee in enabling the concerns of transgender people, often the most affected but least understood, to be heard. We hope that the Committee can continue in this vein and ensure that the complex equality needs of this marginalised group are properly met by the details of the legislation.

Gender Neutral Ceremonies

The Committee was advised by the Scottish Government (Simon Stockwell, 3rd Oct, OR col 1589) that in considering this proposed amendment it wants to make sure that no difficulties are caused for denominations who do not want to use the gender-neutral marriage declaration when marrying an opposite sex couple.

We would like to draw to the Committee’s attention to the fact that our proposed amendment is specifically designed to ensure that denominations who wish to continue to use the terms “husband and wife” in their marriage ceremonies will be unaffected. We fully respect the right of religion and belief bodies to continue to conduct their marriage ceremonies as they always have done. However, just as the Bill provides religion and belief bodies the religious freedom to opt-in to providing same-sex marriages for lesbian, gay and bisexual people with no legal compulsion to do so, so too should the Bill provide them with the freedom to opt-in to using the gender-neutral wording for mixed sex couples who would prefer it, with no legal requirement to do so. In our view, the same safeguards which will protect celebrants and denominations not wishing to opt-in to same-sex marriage will protect celebrants and denominations not wishing to make use of this amendment.
Long-term transitioned people

The Committee was advised by the Scottish Government (Simon Stockwell, 3rd Oct, OR col 1588) that it intends to submit an amendment at Stage 2 relating to the evidence required by the Gender Recognition Panel for people who have been living in their acquired gender for 6 years or more. While we very much welcome this, and in order to ensure equity of access to all long-term transitioned people we urge the Committee to recommend that this amendment:

1. Not be limited to applicants who are, or have been, married. This is important because many unmarried long-term transitioned people did not make use of the temporary provision that was available from 2005-7, either because they had not heard of gender recognition or did not apply as a matter of conscience while the right was not provided to married people.

2. Provide that evidence from a medical practitioner of having undergone any gender reassignment related medical treatment (such as hormone treatment), together with proof of having lived in the acquired gender for at least six years, should be sufficient to obtain gender recognition. We suggest this as an alternative to evidence of having undergone surgery because some NHS Boards in Scotland have not funded gender reassignment surgery until very recently and some trans people are unable to have surgery due to other medical conditions. Furthermore, surgery is not a requirement for gender recognition via the standard, 2 year transitioned, route, so it should not be a requirement via the 6 year, long-term transitioned route.

The Committee requested, that the Scottish Transgender Alliance provide information about the number of people who had used the long-term transitioned route when it was first in operation from 2005-2007 (Marco Biagi, 5th Sept, OR Col 1390). We are now able to inform the Committee that:

- By 2000, the UK Government had changed the gender on the passports of around 5000 people\(^1\) meaning that when the Gender Recognition Act 2004 came into effect, on 4th April 2005, at least 5000 people would have been eligible to apply for a gender recognition certificate;

- By 31st Jan 2010\(^2\), only 1443 people had received gender recognition via the long-term transitioned ‘fast track’ route, and a further 1056 people had received gender recognition via the standard route;

- Therefore, approximately half (2500 people) of those who had already transitioned by 2000 (13 years ago) are likely to still be without gender recognition. In addition, the hundreds of people who are likely to have transitioned between 2000 and 2006, will now be long-term transitioned.

- We therefore estimate that at least as many more people could apply via a new long-term transitioned route than have received gender recognition to date.

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Age for Gender Recognition

It was suggested by the Cabinet Secretary (Alex Neil, 3rd Oct, OR col 1591) that if the minimum age for applying for gender recognition was reduced from 18 to 16, such applicants would have difficulty in providing evidence of having lived permanently in their acquired gender for over two years, because of their young age.

However, having consulted with Mermaids, the UK’s leading support group for families of gender variant children and adolescents, and with 26 young people via LGBT Youth Scotland’s transgender residential event, it would appear that this is not the case. We found that a significant number of 16 year old trans people would have ample evidence to show that they have been living in their acquired gender for over two years and in many cases over four years.

Young people in this situation have told us that by the age of between 12 and 14, with their parents’ support, they have been able to successfully obtain a statutory declaration of change of name and update all of the following identity documents and records to reflect their acquired gender:

- passport;
- young person’s bank savings account;
- young person’s bus pass;
- secondary school reports;
- medical records;
- dental records;
- youth group records.

The Gender Recognition Panel only requires two or three such documents as evidence, together with two medical reports detailing the person’s diagnosis of gender dysphoria and any treatment received. Therefore, young trans people aged 16 are able to easily meet the evidence requirements necessary to obtain gender recognition. The gender recognition certificate is the very final stage of this process and only changes an applicant’s birth certificate.

At age 16 in Scotland, people are considered legally old enough to leave school, get married and found a family. This is in spite of the fact that making a decision which they later regret in any of these areas of life could have profound consequences and cause significant harm to the young person and others. In contrast, obtaining legal gender recognition is a purely paper exercise which carries no risk of harm as the young person must already be living all of their day to day life in their acquired gender, regardless of whether or not their birth certificate has been amended.

It is also important to recognise that allowing trans people to apply at age 16 for gender recognition is not linked in any way to them receiving medical treatment, such as medical treatment to delay puberty. Indeed specialist medical practice for young people who are profoundly and consistently gender dysphoric and living in
their acquired gender, is to begin such treatment at Tanner Stage 2 of puberty\(^3\) (around age 12). This is current practice in Scotland and will not be affected in any way by changing the age for legal gender recognition.

**Foreign Civil Partnerships**

The Scottish Government confirmed in evidence that a couple resident in Scotland who are in a foreign civil partnership would be, uniquely, unable to marry, as the bill stands. The Cabinet Secretary advised the Committee (Alex Neil, 3\(^{rd}\) Oct, OR col 1584) that the Scottish Government were concerned about the complications which may arise in relation to the recognition of a couple’s relationship in other jurisdictions if they were able to change a foreign civil partnership to a marriage in Scotland. The international framework for recognising civil partnerships and gender recognition is already extremely complex, and in some instances unknown. In our view therefore it is unlikely that enabling couples with foreign civil partnerships to marry here will significantly add to this confusion. Indeed, once a couple are married, their status in other jurisdictions is likely to be clearer because they will be recognised as being married in any country which has same sex marriage.

Nathan Gale
Scottish Transgender Alliance Development Officer
Equality Network
28 October 2013

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\(^3\) P. Cohen-Kettenis and F Pfafflin, Transgenderism and Intersexuality in Childhood and Adolescence: making choices, Sage Publications, 2003, p. 145
Following the oral evidence provided to the Equal Opportunities Committee on 3 October by Alex Neil MSP, Cabinet Secretary for Health & Wellbeing, Scotland for Marriage would wish to make the following comments.

Mr Neil said “We have agreed with the United Kingdom Government that there will be amendments to the Equality Act 2010” [Col 1579] and that these changes “will be made before the bill is implemented” [Col 1594]. It is our view that MSPs cannot reasonably be expected to have confidence in these protections (and therefore to vote on the bill) without having had sight of these amendments. We would therefore urge you to raise this matter with the Cabinet Secretary.

Mr Neil also noted that “the bill…contains a provision on freedom of speech” [Col 1579]. Our view is that the section of the Bill which attempts to deal with this issue (Section 14) falls short of what is required in two very important respects. Firstly, section 14 states that there is no effect on the exercise of existing rights, whether under the Convention or rule of law. As this must be true of any Holyrood legislation (apart from this section) it is essentially worthless. Secondly, it simply refers to “nothing in this part”, meaning the section only applies to the Bill itself. This is inadequate because our concerns relate to the impact of redefining marriage on how existing public order law will be applied. Mr Neil’s refusal to address amendments to other acts [Col 1600] is of great concern to us because in our view specific amendments to legislation such as the Offensive Behaviour at Football & Threatening Communications (Scotland) Act 2012 and the Criminal Justice & Licensing (Scotland) Act 2010 is what is required to seriously address the free speech concerns.

Christian Allard cited the Law Society of Scotland’s concern about the interaction between article 14 rights and the public sector equality duty (PSED), and asked that Mr Neil “consider the suggestion that has been made by some witnesses and allow the principle of reasonable accommodation for public sector workers” [Col 1602]. Mr Neil said in response that: “Quite frankly, our view is that there is no big issue here” [Col 1602] and regrettably most of his subsequent remarks to this line of questioning related to the specific issue of civil registrars. His further statement that that “The employee does not, as an individual, have a public sector duty” appears to miss the point because our concern is that local authorities, which are bound by the PSED, will use the duty as a justification for disputing the equality or diversity credentials of staff or applicants who happen to be opposed to same sex marriage [Col 1603]. We are gravely concerned that the Cabinet Secretary appears not to have grasped this, as this goes to the very heart of our concerns about this Bill.

At the very least, the Scottish Government should be pursuing an amendment to the Equality Act 2010 making clear that compliance with the PSED requires ensuring that no-one should suffer detriment as a result of holding the view that marriage is between a man and a woman. The Act should also be amended to specify that the protected characteristic of religion or belief includes the belief in marriage as presently defined.
We are especially concerned about how teachers will be affected, and would advise that a conscience clause be inserted into the Education (Scotland) Act 1980, under which teachers with a conscientious objection to same-sex marriage would be protected. In terms of the specific difficulties facing civil registrars, if Mr Neil’s expectation that “the local authority that employs them will, I think, come to some kind of appropriate accommodation” [Col 1603] is correct, then surely there is no reason why this should not be made clear on the face of the Bill.

Dr Gordon Macdonald
Scotland for Marriage
30 October 2013
In her oral evidence on 12th September 2013, Louise Cameron MSYP offered to provide further information on some of the questions asked by the Committee. Please see below for information about the Scottish Youth Parliament’s Youth Manifesto consultation, on the age of gender recognition and connected issues. The Scottish Youth Parliament (SYP) would be happy to supply any other information or clarify any further points should the Committee wish.

The Scottish Youth Parliament’s Youth Manifesto and support for equal marriage amongst young people.

The Scottish Youth Parliament’s Youth Manifesto, ‘Change the Picture’ was shaped by direct consultation with young people – with a total of 42,804 responses it is the largest youth consultation of its type in Scotland. Our elected membership (MSYPs) decided on fifty policy statements, which were collected into five ten question surveys and consulted on between July and October 2010. Young people who responded were asked whether the agreed, disagreed or were not sure with each of the statements in each survey. Any statement that received agreement from 50% or more of young people responding was included in the final youth manifesto, which was published in the run-up to the 2011 Scottish Parliament elections and will shape the basis of SYP’s policy and campaigning activity until 2016.

Of the total, 29,886 responses came through direct consultation work by MSYPs in their local areas, which included them organising sessions in schools, youth clubs, at local events and in public places to ask young people their views on the statements in the survey. 6,265 responses came through engagement by SYP centrally in schools, 4,158 through outreach work at festivals and events across Scotland and 2,249 responses were submitted online. More information, and the final youth manifesto document can be found at [http://www.syp.org.uk/our-manifesto-W21page-82-](http://www.syp.org.uk/our-manifesto-W21page-82-)

49 of the fifty statements received majority support and were included in ‘Change the Picture’, including “All laws regarding homosexual relationships, whether male or female, should be equal to those of heterosexual relationships”, to which 74% of respondents agreed, 17% disagreed and 10% were not sure. At our June 2011 National Sitting, our membership discussed and voted on which of the statements in the Youth Manifesto to prioritise as a national campaign. From all the issues contained in the manifesto, MSYPs voted to prioritise a campaign for marriage equality based on the statement above, which was launched as ‘Love Equally’ in August 2011.

Further evidence of young people’s majority support for equal marriage can be seen from the Ipsos MORI opinion poll conducted in June 2012 which showed 78% of 18-24 year olds in Scotland agreed that “same-sex couples should have the right to get married” with 17% disagreeing¹. Additionally, as we noted in our written evidence to the Scottish Government’s 2011 consultation, in the 2009 Scottish Social Attitudes survey, 77% of 18-24 year olds in Scotland thought that relationships between adults

of the same-sex were ‘rarely or not at all wrong’, notably higher than the population as a whole.2

The initial findings of the 2010 survey show this trend continuing, both amongst young people and Scots as a whole. As the SSA’s ‘Attitudes to discrimination and positive action’ paper noted:

“The biggest and most rapid change in discriminatory attitudes in the last decade has been in views of gay men and lesbians. In 2000, 48% felt sexual relationships between two adults of the same-sex were always or mostly wrong. By 2010 this figure had fallen to just over a quarter (27%). At the same time, support for same-sex marriage has increased from 41% in 2002 to 61% in 2010 [our emphasis], while more people said a gay man or lesbian would be a suitable primary school teacher in 2010 compared with 2006 (56% compared with 48%).

“These changes in attitudes have occurred across most groups in Scottish society, including people brought up in an era when male same-sex relationships were illegal (although it remains the case that older are more likely than younger people to hold discriminatory views towards gay men and lesbians).”3

Gender Recognition Age and transgender issues in the Bill

SYP has not yet discussed the age of gender recognition and whether it should lower from 18 to 16 so has no policy position on this emerging issue at this time.

We do however note the support and importance to young trans people as seen from LGBT Youth Scotland’s written and oral evidence, which was based on their engagement with transgender young people.

As noted in our written evidence, SYP welcomes the provisions in the Bill to end the current situation where transgender people must divorce in order to obtain gender recognition. As same-sex marriage and mixed-sex civil partnership are currently illegal, transgender people are forced to undergo a divorce or dissolve their civil partnership before receiving legal gender recognition – even if their partner is the same person. We believe that one of the many positive benefits equal marriage will bring is to end this cruel situation and a much-needed step towards quality for transgender Scots.

The Scottish Youth Parliament believes the solution to this discrimination is equal marriage. This is an extremely welcome feature of legislating for marriage equality, and a much-needed step forward towards equality for transgender Scots.

Rob Gowans
Policy and Research Officer
Scottish Youth Parliament
12 September 2013

http://www.equalityhumanrights.com/uploaded_files/Scotland/Projects_and_Campaigns/pdf_final_2.pdf

Successive Scottish Parliaments have strongly supported the development of a just and fair Scotland, working hard to take action against social inequality and celebratory of Scotland's diversity. Successive Parliaments have sought to place Scotland in the European mainstream when it comes to human rights. In some respects, within these islands the Parliament has shown itself to be a leading light.

The Scotland Act secured legal protection for human rights through the Human Rights Act. This requires that the legislature does not interfere with certain freedoms and that it takes positive action to ensure protections. The Human Rights Act is derived from the Universal Declaration of Human Rights.

Following the barbaric inhumanity shown during the two world wars in which particular communities were targeted with unspeakable violence the Universal Declaration on Human Rights was adopted by the United Nations. That this set of Articles is universal, that it is applicable to all is central to its importance. It is the standard against which rights based legislation is judged. It is the reference point for the European Convention on Human Rights which followed it and which celebrated its 60th anniversary last week. It paved the way for the International Covenant on Civil and Political Rights.

The international standard on gender equality is clear. Art 16 of the UDHR (right to marry and form a family) and Art 23 of the International Covenant on Civil and Political Rights. States may not discriminate with regards to the right to marry and found a family, on the basis of sexual orientation or gender identity. The position in Scotland today sits in stark contrast to this international standard.

UN Human Rights Committee and UN Committee on the Rights of the Child have consistently pushed for expansive definitions of family. 'The concept of family is so varied across cultures that here can be no standard definition' (UNHRC). 'All arguments place the essential value on the principle of non-discrimination at the fore of discussion about the family' (UNCRC).

Scotland is 12 years behind the Netherlands which legislated for same sex marriage in 2001. It is behind Spain, Norway, Denmark, Sweden, Iceland, Portugal, Belgium etc. The Scottish legislature and consequently society is now behind England in taking positive action on equal marriage.

Homophobic bullying has lead to suicide in school age children with 3 national studies including one in the UK showing very high levels of suicidal thoughts amongst young LGBT people. Countries as diverse as Finland and Latvia have introduced education materials and policies ranging from compulsory education on sexual diversity to prohibition of discrimination on grounds of sexual orientation.
Amnesty International and UNICEF have ambitious programmes of human rights education. Education, knowledge, understanding and tolerance will deliver a more equal and socially just society. Knowing your rights is the first step in asserting your rights. If they’re a secret, they’re useless. Schools should be supported to teach human rights and the universal nature of those rights.

Today Scotland is not a part of that European mainstream thinking on human rights and equality. Today, on this issue it is not leading. Today the legislature is presiding over discriminatory policy which stigmatises relationships in a way that can fuel discrimination based upon sexual orientation or gender identity. Some will use this to justify their discriminatory attitude and hate crime. The media regularly reports, on gender and homophobic based hate crime in Scotland. The Times Scotland reported in June 2013 with a headline ‘Hate crimes against gay people soar to highest in 3 years’.

Amnesty International believes that the legislature in Scotland should take positive action. It should secure equality in law and not leave same-sex couples with inferior rights to the rest of society.

Failure of Parliament to secure this legislation will be a particular blow at this time when across the world the LGBT community could reasonably consider itself to be under systemic and orchestrated attack. Amnesty international global research has shown use of the death penalty for the physical expression of sexual identity, the state sanctioned public beating, harassment and oppression of LGBT people.

On the international stage the timing is very important. In Russia a draconian homophobic law came into force in July, imposing fines on individuals and organisations accused of promoting “propaganda of non-traditional sexual relations” which the Russian authorities maintain could morally corrupt children.

Russia’s new law, effectively banning public activism by lesbian, gay, bisexual, transgender and intersex (LGBTI) individuals has done nothing but create a climate of intolerance and promote violence by vigilante groups.

This law provides the framework for a state-sponsored discrimination and follows a pattern of abuse against LGBT individuals, with officials systematically failing to investigate hate crimes.

The Scottish Parliament has an opportunity to demonstrate leadership and in passing this Bill do the opposite of what is happening in Russia. Amnesty International supports the intent of the Bill and urges the Parliament to demonstrate its commitment to the values demonstrated by successive Parliaments which reflect the international standards shown by the civilised mainstream of European and world thinking.
UN Secretary General Ban Ki-moon 'to LGBT, let me say you are not alone. Your struggle for an end to violence and discrimination is a shared struggle. Any attack on you is an attack on the universal values of the United Nations...I call on upon all countries to stand with you'

Mark Bevan  
Programme Director  
Amnesty International  
13 September 2013
We are grateful to have had the opportunity to present oral evidence at the meeting of the Equal Opportunities Committee on 26 September.

Having reflected on the proceedings, we wish to submit a few further thoughts on some of the matters that were discussed and to make some additional comments on issues that were not raised at the oral evidence session.

The legal definition of marriage

In the course of the evidence session, John Finnie MSP asked for the source of the statement made in our original submission that:

‘There are four key components in the definition of marriage: it is voluntary, heterosexual, monogamous and lifelong.’

The simple answer to that question is that each of these components lies at the heart of the legal definition of marriage – a definition which reflects the very nature of marriage. For generations in free societies throughout the world, marriage has been recognised as the union of one man to one woman, for life, to the exclusion of all others, and it must be freely and voluntarily entered into.

Mr Finnie went on to enquire about the basis for our submission that:

‘The Scottish Parliament should no more legislate for same-sex marriage than it should legislate for forced marriage, polygamous marriages, or temporary contract marriages.’

The reason for this statement is that any legal change to any of the four key components in the definition of marriage would be put the law on marriage at variance with the nature of marriage. We reject the suggestion that this is an offensive view. We are not equating same-sex marriage with a forced marriage any more than we are equating polygamous marriages with temporary contract marriages. The point being made is that the four key components of marriage are indivisible and belong together. The state should not therefore tamper with any one of them.

The nature and purpose of marriage

We are concerned that the Bill demonstrates a deeply defective understanding of the nature and purpose of marriage. A concept of marriage that is not rooted in the sexual union of a man and a woman and the basic need of children for both a mother and a father cannot really be said to be marriage at all - certainly not in the sense that marriage has been understood historically and universally. To reconstruct marriage around the desires of empowered adults for the recognition of their relationships is to invert it.

The primary way in which marriage serves adults is by providing a secure environment for the adults of tomorrow to enjoy a happy and ordered childhood, ideally with maternal and paternal input. It also serves adults because stable families founded on the intergenerational support that marriage provides makes an indispensable contribution to building a prosperous, productive and peaceful society with a future.
By helping to put the interests of mothers and children first, a gendered understanding of marriage puts the interests of society first in a way that a genderless understanding of marriage never can. Marriage is a bond of solidarity between one man and one woman, and between one generation and the next. It encourages fathers to take responsibility for their children, and in health terms provides the only truly safe context for sexual activity.

Elaine Smith MSP and others have remarked that if ‘love’ provides a sufficient basis for the state to recognise a relationship as a marriage, then there is no logical reason for preventing more than two people from marrying each other. Although critics have been swift to label anyone who makes this observation ‘homophobic’, the point being made merits careful and sober reflection. The Scottish Parliament needs to consider what are the practical, philosophical and moral criteria by which it determines which types of union may be considered ‘marriages’ and which types may not. In our view, it is not possible to make any such determination without taking full account of the socio-biological purpose of marriage. It may well be that it would be unthinkable for the Scottish Parliament to legislate for polygamy at the present time, but not so many years ago, the current Bill would have been unthinkable.

‘Genderless marriage’

The terms ‘same-sex marriage’, ‘gay marriage’ and ‘equal marriage’ are used interchangeably in the context of the current debate. However, a more accurate term would be ‘genderless marriage’. What the Bill is seeking to do is to introduce a concept of marriage devoid of any recognition of sexual complementarity and difference, and that does not recognise the need of co-operation between the male and the female sexes. The Bill would remove from marriage any appreciation of the real and positive reality of sexual difference and, indeed, the place of sexual union itself. As such, the present proposals may be viewed as part of a wider ideological assault on the very idea of gender difference, and on our identities as male and female.

The ideological genesis of the concept of ‘genderless marriage’ is rooted less in simple gay rights thinking than in various Marxist theories such as gender theory and critical theory, with undemocratic and radical intent.

A divisive Bill

The recent evidence sessions have underscored the wide range of issues raised by the Marriage and Civil Partnership (Scotland) Bill. It has become the source of a great deal of concern and distress for very many people of goodwill throughout the country and it is hard to remember a time when a single subject galvanised so many people across Scotland’s religious, racial, class and even political boundaries. At a time when politicians are frequently accused of arrogance and elitism, this Bill risks driving a greater divide between our elected representatives and the people they represent.

Conclusion

If the Marriage and Civil Partnership (Scotland) Bill were to become law, it would present conflicts and difficulties for many people in many walks of life: for parents, teachers, public servants and even private sector employees. It would do so for the very simple reason that marriage is not a malleable and arbitrary legal or political construct. Indeed, the relationship between the state and marriage is tangential, not essential.
Since marriage is not essentially a legal institution and pre-dates the legislature, the question ‘What is marriage?’ cannot be answered by the law and must be addressed from an anthropological, philosophical and religious perspective. However, the vast majority of substantial and established anthropological, philosophical and religious perspectives on marriage are diametrically opposed to the concept of marriage set out in the Bill. To require the people of Scotland to submit to such a radical and objectively contradictory construction of marriage would conflict with the principles that lie at the heart of a free country in which religious and philosophical freedoms are paramount.

It is our sincere hope that the Committee will recommend that this Bill does not proceed, or, at the very least, that it should be delayed to allow further time to carefully consider the many far-reaching issues it raises. This would give the Scottish Parliament the opportunity to evaluate the impact and consequences of the introduction of same-sex marriage in England and Wales. A change as seismic as the legal redefinition of marriage demands years of calm, reasoned debate, not a few short months of emotive and often manipulative campaigning.

Norman Wells
Director
Family Education Trust
4 October 2013
Thank you for the opportunity to give evidence on behalf of Scotland for Marriage to the Equal Opportunities Committee regarding the Marriage and Civil Partnerships (Scotland) Bill.

Over recent months I have been in correspondence with the Scottish Government regarding a matter of serious concern relating to the Government’s 2nd consultation on the draft legislation. It became evident after the analysis of consultation responses was published that a large number of responses to the consultation were not included in the Scottish Government’s analysis. Some 4110 valid responses to the consultation which were submitted through the Scotland for Marriage web portal have not been considered by the Scottish Government or included in its analysis of consultation responses. This represents 21% of the total consultation responses.

On 21st August I wrote to the Scottish Government pointing out this problem and requesting that they take action to resolve the matter. The Government conducted a search of their server to see if they could recover the responses. The Government took this action because during the first consultation on the Marriage and Civil Partnerships (Scotland) Bill some 10,000 responses from Christian Institute supporters had been located in a holding file.

On 27th August the Scottish Government responded to my letter informing me that no trace of the responses had been found and asking for further technical information. I replied to this letter on 10th September providing the information requested. I repeated my question as to what action the Scottish Government intended to take to resolve the situation. In addition, I asked the Scottish Government to write to the Scottish Parliament requesting the Bill process be put on hold until the matter was resolved. On 20th September the Scottish Government sent a response which informed me that despite a further search based on the information I had provided, no trace of the responses had been found. During subsequent discussion it was agreed that I would provide the Scottish Government with further data identifying all those who responded to the consultation through the Scotland for Marriage web portal. This information was provided on 23rd Sept. On 4th October I wrote to the Scottish Government again and asked it to respond to the specific questions posed in my previous correspondence. In my letter I stated:
I refer to our previous correspondence regarding the missing responses from some Scotland for Marriage supporters to the Scottish Government’s 2nd consultation on the Marriage and Civil Partnerships (Scotland) Bill. I note that in your letters dated 27th August 2013 and 20th September 2013 you have not answered my question as to what action the Scottish Government intends to take to resolve the matter. I appreciate that the Scottish Government has conducted a number of searches for the missing responses based on the information I have provided on behalf of Scotland for Marriage. However, my specific request that the Scottish Government ask the Scottish Parliament to put on hold further consideration of the Marriage and Civil Partnerships (Scotland) Bill until this matter is resolved remains unanswered.

Yesterday’s session of the Equal Opportunities Committee concludes the committee’s oral evidence on the Bill. In the near future the committee will be moving towards drafting its Stage 1 report. It is highly unsatisfactory if this report is drafted without the Equal Opportunities Committee being aware of the fact that 4110 valid responses to the consultation have not been considered. Indeed I would have thought that the Cabinet Secretary might have taken the opportunity of yesterday’s evidence session to inform the committee of this fact and to ask for time to consider these responses and to bring a report analysing them to the committee before the Stage 1 report is drafted.

Scotland for Marriage is now in receipt of legal advice from Queen’s Counsel regarding the matter of the missing responses. The advice is that Scotland for Marriage has a case against the Scottish Government for acting unlawfully by progressing the Marriage and Civil Partnerships (Scotland) Bill in the absence of a proper consideration of the results of the Government’s prior consultative process. We are in the process of considering this legal advice and shall be grateful if you will provide answers to the specific questions I posed in my letters of 21st August 2013 and 10th September 2013.

I have now received a response to my letter of 4th October. I enclose the Scottish Government’s reply for your information.

In view of the doubts over the legality of the Scottish Government progressing with the Bill, in the interests of fairness to those who responded to the consultation and in order to preserve confidence in the integrity of the public consultation and legislative processes, I ask the Equal Opportunities Committee to raise this matter with the Scottish Government as a matter of urgency. In particular, I request you to write to the Cabinet Secretary asking him to provide an assurance that the Scottish Government will read the missing consultation responses (which can be provided by Scotland for Marriage) and that he will submit a report analysing these responses to
the Equal Opportunities Committee before the Stage 1 report is finalised. I ask that the committee holds off drafting its Stage 1 report on the Marriage and Civil Partnerships (Scotland) Bill until after the Cabinet Secretary has submitted an analysis of the missing responses to the consultation.

Dr Gordon Macdonald
Parliamentary Officer
CARE for Scotland
11 October 2013
11 October 2013

Dear Gordon

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL: CONSULTATION RESPONSES

Thank you for your letter of 4 October.

As you will be aware from my email of 20 September at 14:13, we consider that “www-data@recovery” is an incomplete email address as it is missing the top level domain (eg “.com” or “.org.uk”). It appears that these responses from Scotland for Marriage did not reach us because Scotland for Marriage used an incomplete email address.

The Scottish Government has already considered the points made in the standard response suggested by Scotland for Marriage (the standard response was contained in Annex A of the analysis of the responses to the consultation). The Scottish Government is prepared to consider any additional points made in responses which we did not receive that were sent before the closing date for the consultation. The Scottish Government is also prepared to put information on its website about this consideration.

If Scotland for Marriage can let me have points which the Government have not already considered, we can consider them accordingly. In considering these points, the Government would also reach a view about whether any Government amendments to the Bill at Stages 2 or 3 should be lodged.

We are writing to the Equal Opportunities Committee to advise them of your correspondence. The Government does not intend to ask the Parliament to suspend consideration of the Bill. As indicated above, we are prepared to consider points not already drawn to our attention and, if appropriate, lodge amendments. You will, of course, appreciate that once a Bill has been introduced to Parliament, its consideration and timetable is for the Parliament rather than for the Government.
Yours sincerely

SIMON STOCKWELL
11 October 2013

Dear Douglas

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL: RESPONSES FROM SCOTLAND FOR MARRIAGE

1. I am writing to advise the Committee about a point raised with us by Scotland for Marriage.

2. As you will be aware, the Scottish Government published on 27 June the analysis of responses to the Government consultation on the draft Bill. Dr Macdonald of Care for Scotland, part of the Scotland for Marriage campaign, wrote on 21 August to tell us about a perceived discrepancy of 4,187 responses between the number of Scotland for Marriage responses noted in the analysis and the number of responses Scotland for Marriage believe were sent through their campaign. Subsequently, Dr Macdonald has told us that the difference is 4,110 responses.

3. We have checked the e-mail records which we still hold for March, which is when Scotland for Marriage ran its campaign. Over 4,000 responses sent by Scotland for Marriage did not reach the consultation mailbox.

4. We have obtained information from Scotland for Marriage on the email addresses used to send the responses. Their records show that over 2,000 emails had the return-path of www-data@c4m.org.uk, and over 4,000 had the return-path of www-data@recovery. This latter address is missing, at the end, a top level domain (such as .com or org.uk). This appears to be why the emails did not reach the consultation mailbox.

5. The responses the Government received through the Scotland for Marriage campaign mostly followed a standard format. However, individual respondents could make changes to this standard format. We have advised Scotland for Marriage that the Scottish Government is prepared to consider any additional points made in responses which we did

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1 This analysis is at http://www.scotland.gov.uk/Publications/2013/06/2782
2 This standard format is shown at Annex A of the analysis.
not receive that were sent before the closing date for the consultation. The Scottish Government is also prepared to put information on its website about this consideration. In considering these points, the Government would reach a view about whether any amendments at Stages 2 or 3 might be desirable and whether, therefore, the Government should lodge amendments to the Bill.

6. Dr Macdonald has asked the Scottish Government to request that the Scottish Parliament suspend consideration on the Bill until the matter is resolved. The Scottish Government does not consider it appropriate to make this request to the Parliament.

7. We will keep the Committee advised of our consideration of any additional points in the 4,110 responses.

Yours sincerely

Simon Stockwell
Family and Property Law
It has come to my attention that some members of the Equal Opportunities Committee are under a false impression as to the reason over 4000 valid responses to the Scottish Government’s second consultation were not included in the Government’s analysis of consultation responses.

It has been suggested that these responses were sent to the wrong e-mail address. This is not the case. Rather the responses were sent to the correct e-mail address, but it appears that the Scottish Government’s server did not accept these responses. These responses were copied to Scotland for Marriage and our server received them. This suggests that the responses were sent to, but not accepted by, the Scottish Government owing to the particular programming of the Government’s server. Moreover, the Scottish Government did not advise any of those who submitted the responses which were rejected by its server that these responses had been rejected.

I shall be grateful if you will clarify this to those members of the Equal Opportunities Committee who seem to have misunderstood Simon Stockwell’s letter of 11th Oct 2013.

Thank you for your assistance.

Dr Gordon Macdonald
Parliamentary Officer
CARE for Scotland
5 November 2013
06 November 2013

Dear Douglas

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL: RESPONSES FROM SCOTLAND FOR MARRIAGE

1. I have seen Gordon Macdonald’s letter of 5 November 2013 on your website.

2. The Government agrees that – so far we are aware – Scotland for Marriage tried to send the responses to the consultation email box which the Government used for the consultation.

3. It appears that the responses did not reach the Scottish Government because of the invalid “return path” used by Scotland for Marriage. The “return path” is the address used to reply to emails. Scotland for Marriage have advised that over 4,000 of their responses had the return path of www-data@recovery.

4. As I have indicated previously, this is missing, at the end, a top level domain (such as .com or org.uk). In addition, in email addresses the portion of the address after the “@” symbol needs to be convertible into a numeric value, its Internet Protocol or IP address. “Recovery” does not appear to be convertible in this way. Conversion is done by lookups performed on publicly-available name or Domain Name System (DNS) servers.

4. The reason why the Scottish Government system does not accept emails with an invalid return path is that such emails are commonly spam. The Government’s understanding is that it is common for IT systems not to accept emails with invalid return paths, in order to reduce the amount of spam which the systems receive. In this case, of course, the emails were consultation responses. It remains unclear to the Scottish Government why Scotland for Marriage used a return path of www-data@recovery for consultation responses.

5. I advised Dr Macdonald in my letter of 11 October that the Scottish Government is prepared to consider any additional points made in responses which we did not receive that were sent before the closing date for the consultation. I said this again in a further letter
dated 24 October to Dr Macdonald. I phoned Dr Macdonald on 1 November to say this again and followed that up by email. Dr Macdonald replied on 1 November to say that he had “asked Scotland for Marriage’s information technology department to collate the missing responses. It is my understanding that this information has been compiled and it is now being checked by our lawyer. I shall contact you again once this process has been concluded.”

Yours sincerely

SIMON STOCKWELL
Family and Property Law
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MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

30 July 2013
MARRIAGE AND CIVIL PARTNERSHIPS (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

This Bill will be a significant step in changing the lives of LGB Scots by ensuring that equal marriage is available to loving committed couples, who to date, have only had access to CPs. CPs were an important part of the journey to equal marriage but there is no doubt that they inhabit second class status in Scottish society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

See answer to Q4

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist ceremonies are increasingly popular and these ceremonies should have equal footing and status.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I welcome the plan to enable civil partnerships to change to marriages, with effect of ending the CP and regarding the original CP date as the reference date to effectiveness of equal marriage benefits. I would urge Ministers to consider keeping fees low for couples wishing to change their CP to marriage without undergoing another marriage ceremony. Many couples will have incurred significant expense in holding their CP and subsequent fees should take account of that.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

This is a key development. As a religious lesbian, being forced by law to accept a civil CP where my readings and music were scrutinised for any religious references was necessary but made me feel second class.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is an important change designed to end the cruel choice of trans folk to end their marriage to obtain their GRC

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

As equal marriage is now legal in England and Wales, I urge Scottish Ministers to proceed with this Bill as soon as possible to enable LGB Scots to receive equal treatment to their counterparts in the south

Are you responding as...

a private individual

26 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

12 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

I consider the freedom of speech in this country had been systematically eroded over the years although i am I big believer in freedom of speech. Too many people are afraid to speak out for fear of being classed as bigots, homophobic or racist when in fact the are not but are considered to be by media and other sources. they are simply worried about the future of Scotland.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

my main concern is on what will be done in the case of religious leaders refusing to marry same sex couples further down the line and Christian faith groups being targeted for their beliefs.

Are you responding as...

a private individual

25 July 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

26 July 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

Marriage is by definition the union of a man and a woman. No government has the right to hi-jack and redefine a word. It is profoundly undemocratic. It was never in any Party Manifesto nor Queen's Speech. At least hold a referendum on this and let the people decide. We were told when same-sex civil partnerships were brought in that there was no question of introducing same-sex marriage. So the politicians have told us lies and I will never trust any politician again.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I am not sure what this means.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Since same-sex marriage cannot exist (because it violates the meaning of words) no celebrant should be solemnising it.

How would you characterise your views on civil partnerships changing to marriages?

People have the rights and equalities they seek through civil partnerships. No need to call something marriage when it is not.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Given my previous comments I am in support only of civil marriage ceremonies between persons of the opposite gender.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There must be full protection for everyone who supports the traditional definition of marriage in their workplace so that no one can be sacked or penalised in any way. There have been numerous cases of this type of discrimination even when same-sex marriage is not legal. The tiny gay lobby has created a climate of intimidation in which ordinary people dare not speak out for fear of being labelled as a bigot.

Would you like to comment on the wider issue of freedom of speech?

It is vital that freedom of speech be preserved in this country. Thus is one thing that Britain has been justifiably proud of in the past. Don't let it be eroded by giving in to the shrill whining of the gay lobby.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The effect of introducing same-sex marriage will be to weaken marriage in general as the definition is eroded. There is plenty of evidence that children do better in every way when they are with their biological mother and father. Tampering with the found

Are you responding as...

a private individual

9 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

It was not in the government manifesto and the views of the previous consultations have been ignored.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

This proposed legislation does not give additional legal rights to those in Gay relationships but it seriously jeopardises everybody who disagrees with the legislation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I am not sure many people outside the Scottish Parliament knows what a belief celebrant is but that in a free country everybody should be allowed to opt in or opt out of support of this policy without fear of persecution.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

It is of little advantage to gay couples but it seriously undermines the meaning of marriage and appears to be part of an ongoing process to make marriage meaningless to the detriment of family life.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

You do not say whether this refers to same sex couples or not but I do not have view on where civil ceremonies take place as long as people are not forced out of their jobs through changes in the law.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I believe celebrants who wish to opt out would be at risk of prosecution if religious bodies were constrained to do this.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am extremely concerned that neither Scottish or UK government are taking the issue of freedom of belief or conscience seriously. There appears to be an agenda of pushing those of religious (especially those of Abrahamic faiths i.e. Islamic, Christian and Judaic conviction ) out of the public arena. It appears that rather than becoming the progressive country so frequently talked about by politicians, we are actually reverting to the narrow, prejudiced and bigoted mindset that sent the Pilgrim Fathers and others to the Americas in earlier centuries.

Would you like to comment on the wider issue of freedom of speech?

I am old enough to remember an age when we had freedom of speech in this country. I have been horrified that the current Bill has done more to curtail freedom of speech than any piece of legisllation I can recall - even before it becomes law.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

My greatest concerns are in the area of education. When I was a student we lived in an age when Iron curtain countries controlled what parents could teach their
children. 40 years later we seem to be heading for a position where the state can do the same.

Are you responding as...

a private individual

9 July 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
19 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

I believe the Bill re-define both the definitions of Marriage and Adultery contrary to - Common sense - i.e. men need women to procreate Gods' word - the Bible The creation of the 'best' definition of family - i.e. one man, one woman and childre.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I don't recognise a man and a man or a woman and a woman as a 'marriage'. I find the whole idea offensive and repugnant.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

They are completely different - i.e. lesbian/gay or humanist/atheist v religious - so why try to treat them as the same when clearly they're not.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Indeed I would! I'm dismayed that those Registrars whose personal beliefs, whether moral or religious or otherwise are opposed to this legislation are not protected with an 'Opt-out' clause - i.e. They can choose not to carry out civil partnerships or marriages of gays or lesbians. How can that situation be 'Equality'? You're preferring, in fact imposing, a single view of society on Registrars like a dictatorship - teachers will next be at risk of the same dismissal/redundancy.

Would you like to comment on the wider issue of freedom of speech?

See my comments in 12. above

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

See my comments in 12. above

Are you responding as...

a private individual

11 July 2013
How would you characterise your views on the Bill in general?

In opposition

We are in a time of financial difficulty with poverty, people relying on food banks, huge unemployment, social problems and so on. These are the problems that ought to be exercising Governments, not something that affects a tiny minority many of whom do not wish the redefinition of marriage. Marriage is not marriage it it isn't between a male and a female. To give it the name 'marriage is a nonsense. Civil Partnerships are already available. It looks as if, other countries have done this so Scotland must follow suit. a Poll conducted by ComRes in 2012 found that 55% of Scots believed in marriage as defined. Only 35% disagreed. Canada, USA and Holland now wish to make further redefinings. That's the danger of tampering with the status quo.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage has changed over the years but the terms of one man joined to one woman for life and to the exclusion of all others has never changed. It has always been seen as the bedrock of society. It is obvious that 2 people of the same sex cannot conceive children. It flies in the face of common sense that two people of the same sex will have the same diverse yet complementary 'family' life with 'adopted' family. It seems that because individuals want something it must be so but marriage as it stands is unique. It cannot be redefined to suit people's longings. The argument has been used in England that redefining marriage will strengthen it yet we are now told that where adultery as a ground for divorce will apply to marriages between people of the opposite sex. How can this encourage faithfulness and commitment? This means that in redefining marriage, same sex 'marriages' will have a different legal framework. How can they then both be marriage?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

In any democracy, individual conscience ought to be a basic right.
How would you characterise your views on civil partnerships changing to marriages?

In opposition

As in my previous responses, marriage is something quite special. It's really attempting to call two very different things the same. They cannot be.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Again, good Democracy protects those who genuinely have conscientious objections and therefore the rights of people of Faith have to be protected too.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Good Democracy tries to ensure the protection of all its citizens yet already, people are not being supported. Already, in England a homosexual couple intends to sue the Church of England for not hosting gay weddings. In the European Court of Human Rights, where there is a conflict between 2 rights, the right of conscience loses. Registrars, Teachers, and others with strong religious convictions will be forced out of work unless they go against their consciences. People making private views known in conversation or debate are already losing positions and salary e.g. Rev. Brian Ross and Adrian Smith. This is discrimination. It does not happen to people airing a whole host of opinions on many issues, often extremely controversial, even on Radio and Television. The Abortion Act of 1967 protects those of conscientious objection to Abortion. Atheist teachers are not forced to teach R.E. or take religious assemblies. Parents also ought to have the right to determine whether they wish their children to participate in lessons where same sex marriage is to be taught.

Would you like to comment on the wider issue of freedom of speech?

Freedom of Speech must be protected. The Police seem to be exceeding their remit in arresting people for stating an opinion. No public affray has been caused. Often, those objecting can be loud and unpleasant but there is no objection to that by Police. their children to participate in lessons where same sex marriage is to be taught.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Even greater than the crucially disappointing determination of the Scottish Parliament to redefine marriage, is the redefining of Democracy. In the UK Parliament, there was undue Pressure on those who disagreed; there was so little examination and debate

Are you responding as...

a private individual

9 August 2013
Call for evidence

Marriage and Civil Partnership (Scotland) Bill

Questions 4 to 14 are about the Bill's proposals and wider issues. Please comment on as many or as few as you wish.

4. How would you characterise your views on the Bill in general?
   - In support  
   - In opposition  
   - Neither

Specific comments:

Once you change the character of something, its original cannot be the same. Marriage should continue to be defined as a life long exclusive commitment between a man and a woman.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples marry each other?
   - In support  
   - In opposition  
   - Neither

Specific comments:

Marriage can only be between a man and a woman and cannot be between a same sex couple. That can be a relationship that does not marry.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants on the same footing?
   - In support  
   - In opposition  
   - Neither

Specific comments:
Call for evidence: Scottish Parliament

Call for evidence

Marriage and Civil Partnership (Scotland) Bill

Questions 4 to 14 are about the Bill's proposals and wider issues. Please comment on as many or as few as you wish.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite and same-sex marriage (including the opt-in procedures)?

- In support
- In opposition
- Neither

Specific comments:

8. How would you characterise your views on civil partnerships changing to marriages?

- In support
- In opposition
- Neither

Specific comments:

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, or religious premises, agreed between the couple and registrar?

- In support
- In opposition
- Neither

Specific comments:
Call for evidence

Marriage and Civil Partnership (Scotland) Bill

Questions 4 to 14 are about the Bill's proposals and wider issues. Please comment on as many or as few as you wish.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?
   - [ ] In support
   - [ ] In opposition
   - [ ] Neither

   Specific comments:
   [Religion can have no part in civil partnerships]

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
   - [ ] In support
   - [ ] In opposition
   - [ ] Neither

   Specific comments:

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

   [For those who cannot accept same sex marriage, it will be more and more difficult to hold their views if not impossible because of fear of legal action being taken against them]
Call for evidence

Marriage and Civil Partnership (Scotland) Bill

Questions 4 to 14 are about the Bill's proposals and wider issues. Please comment on as many or as few as you wish.

13. Would you like to comment on the wider issue of freedom of speech?

A grave danger of stumping any opposition and thus stumping freedom of speech.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There is no demand for the change apart from a few activists. Why should the local be allowed to wag the dog?

15. Are you responding as...

- [ ] an academic
- [ ] a celebrant
- [ ] a faith/belief-based organisation
- [ ] a faith/belief local group or congregation
- [ ] an LGBT group
- [ ] another representative body
- [ ] a private individual
- [ ] a public body
- [ ] Other (please specify)

http://www.scottish.parliament.uk/65067.aspx
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual

15 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

The word marriage has always defined a union between a man and a woman and to change the meaning of a word for a minority group is ridiculous.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Don't know what that means
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

no

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 July 2013
How would you characterise your views on the Bill in general?

Neither

As a baptised Roman Catholic I fear that people will not take to this kindly

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

No comment

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

No comment

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

5 July 2013
How would you characterise your views on the Bill in general?

In opposition

I don't see that this Bill is required because same-sex couples are provided for through civil partnerships. Also, a large proportion of the population are not in favour of this.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

To bring this Bill into law will make a colossal social change for the whole country, and it is being called for by a tiny minority. I believe it will have serious consequences for the future generations. Children and young people will be confused about sexuality as a result of this being taught in schools. The Bill is not about equality, true equality. The concept of adultery applies with reference to those in a heterosexual marriage but this will not apply for same-sex marriages. Marriage is a special relationship between a man and a woman for the purpose not only of companionship but also for the procreation of children. To include two of the same sex in "marriage" is akin to trying to call a square a circle.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I want to see protection for those who are not in agreement with same sex marriage, and I want freedom of conscience and of speech. There is concern that people will lose their jobs for reason of their conscience on this issue. This has already happened to two people even before the law was changed. I am very concerned too about churches and celebrants who refuse to conduct same-sex marriages. Only this past week or so, a gay couple announced their intention to sue the Church of England for refusing to conduct same sex marriages. There must be robust legislation in place to protect those who disagree with same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

There needs to be assurance and robust protection in law to provide for freedom of speech and conscience for those who are not in favour of same-sex marriage. There needs to be freedom for Christians to teach Biblical moral values without danger of litigation.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual; A representative of a faith/belief local congregation

12 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Not all religious groups are Bible-believing Christians

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Yes- it seems that already a Millionaire Gay couple are to take the Church of England to court for refusing to marry them! So much for David Cameron's 'Guaranteed protection' for churches. It doesn't work! Christians MUST have freedom to obey the Word of God. They are entitled to freedom of speech and conscience as much as anyone else!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

a private individual

9 August 2013
How would you characterise your views on the Bill in general?

Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

Neither

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I do have to think to myself why on earth is so much time spent on this Equal Marriage, so many other serious things need to be addressed to help people, we already have civil partnerships the more given to one group of people the more will be wanted. In other words give an inch and people want a mile. Please lets concentrate on other things.

Are you responding as...

a private individual

27 June 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A woman who wishes to one day be able to marry whomever she loves, regardless of their gender.

18 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Celebrants who wish to perform same sex marriage ceremonies should be able to, but those who do not shouldn't be forced into performing a ceremony. I believe this is an important part of the Bill that must be stressed so that there is little conflict betw

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Couples that wish to be involved in a civil partnership should be allowed to, regardless of whether they are in a same sex or opposite sex relationship.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that there is a widespread inaccuracy or lack of understanding of same sex relationships: there should be more emphasis on teaching people that same sex relationships are not wrong or disgusting. Furthermore, the only effect on opponents of allowing same sex marriage is a damage in their idea of what marriage is: it does not directly affect or hurt them in anyway (provided the opt-out option is available). I would also suggest that a number of these opponents are preaching false pretences, passing off the word of god as a reason to hide their hatred of things they fear or do not understand - this should not be allowed to influence the decision made of the Bill, hatred is not something that should rule over love.

Would you like to comment on the wider issue of freedom of speech?

Regardless of whether same sex marriage is legal or not, it will have little effect on people saying what the believe, as they are intitled to do.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant       a private individual

15 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

All the legal rights of marriage are already available to same-sex couples through civil partnerships. There is no great demand for same-sex marriage and the other measures contained in the bill.

How would you characterise your views on the introduction of same-sex marriage, so that same-sex couples can marry each other?

In opposition

Marriage is a relationship between a man and a woman for the purpose of companionship and the procreation of children. It is based upon the objective reality of the complementarity of two created genders (male and female). The procreative potential of the institution of marriage is intrinsic to its nature and role in society. This is the reason the state recognises marriage in law. The Bill proposes a two-tier system of marriage and is not about true equality. For those in a heterosexual marriage, the concept of adultery will remain in law as a ground for a divorce. For those entering same-sex marriages, this will not apply. If the Scottish Government is committed to bringing same-sex relationships into the framework of marriage, it should apply the same standards of commitment to both types of relationships. If it cannot then the two types of relationship should be categorised differently. They cannot both be called marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same-sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is a significant danger of churches and celebrants who refuse to "marry" same-sex couples being subject to litigation. In England, a gay couple has just announced their intention to sue the Church of England for refusing to conduct same sex marriages. Ultimately, the matter may be decided by the European Court of Human Rights. If the law is changed as proposed, there is a real chance that at some future date, the court will rule that religion and belief celebrants must solemnise all "marriages" or cease to marry people altogether. There is a real concern that people who for reasons of conscience cannot endorse same sex marriage might lose their jobs. This is not hypothetical. It has already happened to both Adrian Smith and Brian Ross before any law has changed. Parents should have a right (protected in law) to remove their children from lessons where same-sex marriage is being taught. They should also have a legal right to be informed in advance of when such lessons are going to occur. The Scottish Parliament's Equal Opportunities Committee should ask the Westminster Government to amend the Equality Act 2010 in order to incorporate the principle that an employer must make reasonable accommodation of the manifestation of religious belief by employees. The Scottish parliament should not pass the Marriage and Civil Partnerships (Scotland) Bill until such an amendment has been obtained.

Would you like to comment on the wider issue of freedom of speech?

People should be able, graciously, politely and with proper respect for those who hold opposing views, to give full expression to the own belief with regard to the question of same sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

8 August 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage has always been and should remain a union of one man and one woman for the procreation of children. This definition has existed for millenia and has proven to be the best way of preserving family life to change this will lead to all kinds of problems, legally, morally, socially, spiritually as well as other unknown consequences.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Many examples already exist of people who have lost their jobs on grounds of conscience in the UK and other European countries with no evidence that this will stop.

Would you like to comment on the wider issue of freedom of speech?

This will disappear as it always does in totalitarian situations e.g. Nazi Germany, USSR, China, North Korea.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

This Government is not listening to the democratic voice of the Nation.

Are you responding as...

a private individual

12 August 2013
How would you characterise your views on the Bill in general?

In opposition

I believe the majority of people in this country are not in favour of changing the traditional view of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex couples have the right to a civil partnership. Marriage is held to be the joining together of one man and one woman in a manner ordained by God, and specifically for the procreation of children.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

9 August 2013
How would you characterise your views on the Bill in general?

In opposition

This will have a great impact on the foundation of bringing up children. All children have the right to be brought up by a mother and father. Marriage is the foundation of a family.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There should be a bill to protect those who do not agree with same sex marriage their beliefs should be protected and not be condemned for it.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

11 July 2013
How would you characterise your views on the Bill in general?

In opposition

I think that this change in the Law was not asked for by the general public or was on a manifesto. To say that traditional marriage between a man and a woman is similar to same sex marriage is just not true. One of the main reasons for the bond of marriage has been for the procreation and nurture of children.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

All the rights of a married partnership were there for same sex couples with Civil Partnerships. All that the bill does is redefine the word marriage to mean something different, but it does not make the two types of partnerships the same. It will cause legal difficulties for those who do not agree with the bill on conscience grounds.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Both should have the same rights.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I've heard that one couple are already hoping to take legal action against the Church of England for refusing a same sex marriage ceremony. I think that there need to be clear and distinct legal safeguards in place for those who, because of their own beliefs, cannot agree to solemnise same sex marriage.

How would you characterise your views on civil partnerships changing to marriages?

In opposition
Civil partnerships have all the legal rights of a married couple.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

So long as this is done respectfully and that religious premises do not have this forced upon them.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

I would propose that belief registration would be appropriate but there should be clear legal safeguards so that religious people would be protected if they through conscience could not perform this type of ceremony.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think that the civil rights of those who, because of their beliefs, cannot support same sex marriage will be discriminated against. As a secondary school teacher I would not be happy to teach teenagers at certain stages of their sexual development that there was no difference between the two types of relationship. Would I be discriminated against because of this. Would registrars forfeit their jobs, would people in other professions be discriminated against because they did not think that traditional marriage was the same as same sex partnership.

**Would you like to comment on the wider issue of freedom of speech?**

Perhaps the Equal opportunity act should be amended before this bill is finally passed in order to ensure that those that cannot endorse same sex marriage because of their beliefs are not discriminated against. Having heard the debate in parliament on the bill I was shocked that the way that those who opposed it were, in certain cases, treated with contempt.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**
If same sex marriage were the same as traditional marriage, would not the requirements be the same as traditional marriage. E.g. adultery be seen as a breach of the contract.

Are you responding as...

a private individual

8 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

As a practicing Christian I find this Bill Abhorrent, but having spoken to many who are not practicing Christians I find all totally apposed to this bill, it also goes against all the principles of family life in this country.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is defined in the Oxford Dictionary (and others) as a union between A MAN and A WOMAN, not two men or two women. Who has the right to change this. This county, although very diverse in its religious groups is a Christian country with Christian principles and although many may not be practicing Christians they believe in the word of the Bible where Gods Word says quite clearly Marriage is a union between A MAN and A WOMAN , woe betide anyone who wants to change that.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't believe the government of this country, be it the Scottish Government or Westminster Government can ever give a 100% cast iron guarantee, that all persons in every field of society and public office, would get protection from prosecution and/or disciplinary action if they adhere to their principles that marriage between same sex people is wrong and that they wish to be no part of it. I believe that the European Court of Human Rights would have a field day. People like Ministers of the Church, Registrars, Teachers, Lawyers, Social worker, Carers etc. have been mentioned as the vulnerable people involved but I believe there are many many more people and situations that haven't even been thought about yet. With respect, if any MP or MSP who votes for this bill thinks otherwise, I would say He or She wants to try living in the real world.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

8 July 2013
How would you characterise your views on the Bill in general?

In support

I think that it is crucial that same sex couples have the same pension rights as those currently married.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I do not believe in religious ceremonies - all marriage should be civil. However, given that, I would not want anyone forced to perform a ceremony which is against their personal views.

How would you characterise your views on civil partnerships changing to marriages?

In support

It gives far better pension protection for partners - it is not merely a name change.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I think marriage is a personal thing, so people should be given that choice. I assume some building owners would also need to give their permission as well?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think there is still a lot of prejudice and ignorance in many aspects of Scottish society -by allowing this Bill to become law, it should over time improve that situation.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

1 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Firstly, there should be no concerns about same sex marriage. I firmly believe in the equal rights of all. Same sex couples love just the same. I just don't understand why anyone would have concerns. My goodness, we are all here living our lives as best we can: Gay, Lesbian, Transgender, Straight - we didn't choose who or what we are - we just are. Maybe those in society who have concerns should educate themselves away from Old - no longer relevant - out of time - story books and try and accept folk for just who they are - we can't be moulded and fitted into wee boxes.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

8 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

30 July 2013
How would you characterise your views on the Bill in general?

In opposition

I feel the Bill is unnecessary as all the legal rights of marriage are already available to same-sex couples through civil partnerships. I am also informed that there is no great demand for same-sex marriage and the other measures contained in the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a parent I should have the right (protected in law) to remove my children from lessons where same-sex marriage is being taught. We should also have a legal right to be informed in advance of when such lessons are going to occur. There is a real concern that people who for reasons of conscience cannot endorse same sex marriage might lose their jobs. This is not hypothetical and is already a reality. Both Adrian Smith and Brian Ross have lost their jobs even before any law has been changed.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

11 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Scottish public, as a whole, did not seek this change. I would challenge figures which show a majority support for same-sex marriages. There was nothing mentioned by any of the mainstream political parties in their last election manifestos. The impression is that the Government is taking for granted that this law has to and will be changed. Further, using current marriage and civil partnerships figures, this proposal may affect less than 2% of adults. There is not a big demand for it and I wonder why it is such a priority? I worry that it is a priority due to pressure from other countries who have changed their laws. I am concerned that it would not be in the best interests of Scotland because it is not Scotland’s people who want it.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

By extending the definition of marriage, the Bill proposes to actually re-define it. Marriage is a union between a man and a woman: it is a complementary union. It is one in which they combine to form a completion. It is a unique relationship. I am not undermining a loving and committed relationship between 2 people of the same sex, but it is different to a complementary male/female bond. Therefore, for a marriage between same-sex couples to be equal to that of opposite-sex couples, there would have to be changes and differences to the existing definition and law (which are proposed) but these changes then undermine the conditions of marriage entered into by those who are currently married. Redefining marriage is unfair on existing marriages. Should the Government have authority to say what marriage is, or change its nature? Marriage today provides security and stability for society as a whole. This is for the common good of society. Most importantly, it provides a stable and secure environment for the nurture and upbringing of children. The proposed Bill threatens family life, which is already under attack from so many different quarters, because children would not be born from that relationship. Therefore, questions, confusions and issues regarding identity and parenthood are bound to create difficulties and could have a detrimental effect on children’s esteem. There are unknown consequences of this.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

There may be declaration in the proposals to protect religious organisations so that they can continue to conduct marriages as they have currently been doing, and also to protect individuals against being “forced” to conduct a same-sex marriage against their personal wishes. However, there is no guarantee that this will be upheld, particularly as there would undoubtedly be challenges and applications made to the European Court of Human Rights alleging some aspect of unlawful discrimination. This could lead to major court issues against religious organisations or individuals. This would be such a grave act against religion and faith.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil Partnerships are contracts in themselves. They are not Marriages. It is derogatory of both Civil Partnerships and Marriages to think one could be changed to the other.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I am concerned that allowing same-sex marriages may result in exploitation of vulnerable, naïve or immature adults, especially since the age at which people can marry in Scotland is 16. These are unknown territories at this point in time.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

1 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I would like for there to be no recriminations against people for sincerely held beliefs.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

27 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 July 2013
How would you characterise your views on the Bill in general?

In opposition

I feel that there is no need for this legislation given that LGBT only represent 1.5% (Office of National Statistics) of the UK population. I also feel that the current Civil Partnership arrangement provides all the legal protection and recognition for same sex couples. Also, there is no democratic mandate for this legislation. No party championed it in their manifestos, and during the consultation into the same sex marriage bill, the majority of respondents (however they chose to respond) were against it. The demands for this legislation have come out of nowhere, and it feels like it is being forced on the Scottish people who did not vote for it. I think a national vote on this is called for. Legislation can be passed to allow 16 year olds to vote, legislation can be progressed to allow same sex marriage, I'm sure legislation can be passed to allow a referendum to be held regardless if its constitutional or not.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I believe that marriage has served the vast majority of Scottish people for centuries, and I do not think the State should now be meddling with something so important. There is no knowing where this will end up by re-defining relationships in this way.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

We already see a same sex couple in England taking the Church of England to court to force the CoE to perform same sex marriages, this will make any opt outs irrelevant if the ECHR rules in their favour. There is no guarantee that celebrants in Scotland will not be charged for refusing to carry out such ceremonies if ECHR law overrides any clauses in the Scottish legislation. Those who do refuse, even if
protected by the law, will still be subject to accusations of homophobia and other hate language.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

As already stated I feel that civil partnerships provide all the legal protection that same sex relationships need. Same sex relationships have a completely different format and dynamic from opposite sex relationships.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Not sure what this question means.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

This is just further undermining of traditional marriage. Traditional marriage is being completely turned on its head as it is. Transgender people represent a miniscule minority of the population, yet in the interests of equality, the vast majority of the population are having their traditional marriage beliefs re-defined by the State when it was never voted for.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am concerned that teachers who do not want to teach same sex marriage will be forced to via social subjects. I'm also concerned that parents who do not want their children to be taught about same sex relationships or marriage will not be allowed to remove their child from the lessons under the guise of the child's human right being breached. There has been no mention of protecting citizens who fall into this category, only that religious groups will not be legally pursued for refusing to carry
out same sex marriages. There really isn't enough protection for people from the State.

Would you like to comment on the wider issue of freedom of speech?

The law abiding public should not have to live in fear of the State if they say, when questioned, they do not agree with same sex marriage or if they express an opinion that they do not agree with same sex marriage. People who express such a view are already subject to hate speech or are called homophones which simply isn't true. It feels that no one is standing up for the rights of the majority in this instance.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No, thank you.

Are you responding as...

a private individual

7 August 2013
How would you characterise your views on the Bill in general?

In opposition

The bill has been introduced quickly and without due discussion and consultation. The government has no mandate to do this.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I believe that marriage is the joining of a man and a woman for companionship and procreation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

It seems that the proposal places all beliefs, regardless of their truth or validity on the same footing. This is foolishness.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil partnerships offer legal rights and protection for couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is developing am intolerance to those who conscientiously disagree with same sex marriage. Freedom of speech would allow people to respectfully admit that they disagree. There is grave danger that teachers etc will lose their jobs for disagreeing with this. This is a situation we used to be shocked at happening in other countries and amounts to persecution

Would you like to comment on the wider issue of freedom of speech?

It is becoming more and more difficult to express your point of view due to intolerance of religious faith. It should be possible to respectfully disagree or abstain from certain activities.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Churches and ministers will find themselves in an impossible position. Their ordination vows are contrary to the this law. The European Court will definitely challenge any on the grounds of human rights. What about the rights of someone to cct according t

Are you responding as...

a private individual

8 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

We're all Jock Tamson's bairns. I also recall reading that the first recorded same sex marriage happened several hundred years before the birth of Christ. Which would mean the practice predates many, if not all, of the religious organisations that are opposing it.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Why should someone's belief entitle them to anything more, or less, than anyone else? Marriage is about the love of two individuals, it should not be categorised as being more, or less, because of secular or spiritual belief.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

2 July 2013
How would you characterise your views on the Bill in general?

In support

The Bill has been well-thought-out in all respects.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is important to remember that this is not introducing a wholly new concept. There are Scottish residents who will have been married under other legal systems. In the word of the US Supreme Court: “New York acted to enlarge the definition of marriage to correct what its citizens and elected representatives perceived to be an injustice that they had not earlier known or understood.” Same-sex marriage is not anti-family, it is pro-family. Not allowing recognition would, “[humiliate] tens of thousands of children now being raised by same-sex couples. [The Defense of Marriage Act] makes it even more difficult for the children to understand the integrity and closeness of their own family and its concord with other families in their community and in their daily lives.”

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I have been to several opposite-sex humanist marriages and they are very meaningful things.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

The most vocal religious lobbies must not distort that there are other religious and belief groups and celebrants who are pro equality.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The protections are more than sufficient. They have been well thought out and comply with Scottish and European law. There is a danger that if extended they will go too far. Under Apartheid, some churches genuinely believed that that mixed race relationships and marriages were an abomination and contrary to God’s will. That view would not today be afforded any respect so why the genuineness of homophobic views should allow for discrimination, real pain and suffering and inequality is beyond me.

Would you like to comment on the wider issue of freedom of speech?

The pro lobby has been diplomatic whereas the anti lobby has said some outrageous and damaging things in the exercise of their freedom of speech, whilst of course maintaining that they are the moderates and the pro lobby are subversive extremists.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Laws are generally prospective - they address the future. Politicians should take note that when breaking down views on equality it is older persons that are largely anti and younger persons who are overwhelmingly pro. We cannot offer young persons jobs, homes and so on but we can offer them the equality they are clamouring for.

Are you responding as...

a private individual

28 June 2013
How would you characterise your views on the Bill in general?

In support

I like to think that Scotland is capable of a fairer and brighter future, and this future could very soon become a reality with the publication, and hopefully, the successful passage of this bill through the Scottish Parliament. Marriage should be about love, not gender, and love should be equal regardless of the gender of your partner. Scotland has the opportunity to join countries like Argentina, Belgium, Brazil, Canada, Denmark, France, Iceland, Netherlands, Norway, Portugal, Spain, South Africa & Sweden, in making our society a fairer place, both for those who wish to enter into same sex marriage, but also for those religious bodies who wish to carry them out, whilst protecting religious bodies who wish to abstain from performing them.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think religious bodies should be able to opt in to performing same sex marriages.

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

With marriage firmly about love, and not gender (nor transgender) identity, I would be firmly in support of transgender individuals being allowed to stay married and still obtaining a full GRC.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Whilst I respect views against gay marriage, I do not think there need to be many protections built into the legislation, other than allowing religious bodies who do not wish to carry out same sex marriages, the ability to abstain from doing so.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is a pillar of democratic society, and I think, on the most part, that this freedom of speech has allowed both sides of the debate, to talk freely, in a mature and respectful way.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

27 June 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

Marriage must move-on from the one-dimensional legal position it has held until now - this is the 21st century; marriage should provide legal equality for all who wish to 'tie-the-knot'.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

In this 21st century, marriage is primarily about acknowledging the love between two adults, and ensuring underlying legal equality; having children might be important, but secondary to this core issue.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

The underlying fundamental is the statement of the two adult individuals to their 'bond'; for some this may be associate with commitment given before God, for others a non-God belief should have equal status.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Equality should be the measure - whilst obligating the underlying seriousness of the solemn commitment being undertaken.

How would you characterise your views on civil partnerships changing to marriages?

In support
if the two adult individuals in a civil partnership wish to elevate their commitment to
the higher level implied by marriage, they should be able to do this.

**How would you characterise your views on allowing civil marriage ceremonies
to take place anywhere, other than religious premises, agreed between the
couple and registrar?**

In support

The underlying measure should, again, be equality - same-gender marriage should
be legalised as per other marriages to date.

**How would you characterise your views on allowing the religious and belief
registration of civil partnerships?**

Neither

Religious communities should have the right to opt-out, but no right to impose their
beliefs & constraints on those who believe otherwise.

**How would you characterise your views on allowing transgender persons to
stay married when obtaining a full Gender Recognition Certificate, which
provides legal recognition in the acquired gender?**

In support

- with qualification. The background marriage involves two equal individuals. A
transgendered person should have rights, but not the right to unilaterally stay
married if the other individual wishes otherwise.

**Would you like to comment on the wider issue of protections for those in
society who may have concerns about same sex marriage?**

Equality must be the measure. This legislation is about enabling same-gender
marriage to be equal in law, but any change to the law should not jeopardise the
equal right of individuals who wish a particular outlook on the [then equal] status of
marriage. Protections must be in-built for those who have concerns about same-
gender marriage, but such protections must prevent those with such concerns
imposing their stance on others.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech must be tempered by the obligation not to use such freedoms,
either explicitly or by more subtle messages/actions, to suppress others.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

27 June 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Same sex couples should be treated in exactly the same way as other couples. Although civil partnerships have (as far as I know) the same rights as marriage, ‘equality’ goes beyond that strict definition; as long as there is marriage for heterosexual couples and civil partnerships for ‘the others’, there will be a distinction between them.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

"Protecting" those who object to same sex marriage is legally sanctioning discrimination. Having 'concerns' about, say, mixed race marriages would never be considered acceptable nor worthy of protection in law. Specifically, any organisation that receives state support, either direct or in kind (e.g., tax relief as a charity), should be required to fully support same sex marriage including the use of their premises for ceremonies.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech' is the freedom to make comments that others may disagree with - it is not the freedom to tell me how I should act. Democracy is the state of accepting the majority view, not the weighted opinion of interested parties.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

27 June 2013
How would you characterise your views on the Bill in general?

In support

As a Christian I fully support equal marriage. Marriage is not a timeless immutable God-given institution. Not so long ago marriage was a property transaction of the woman moving from her father's to her husband's ownership. What is truly Christian is all those places, times and events where love is found and cherished and celebrated. Whether it is between opposite or same-sex couples, where love is, Christ is and that should be honoured and celebrated!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

It makes sense for all options to be available to all.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Strongly support this.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Sadly, no safeguards will satisfy them. History will show their opposition in the same light as those who used the bible to justify slavery and interracial marriages.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

27 June 2013
Ciamar a chomharraicheadh tu na beachdan agad air a’ Bhile san fharsaingeachd?

How would you characterise your views on the Bill in general?

In support

Ciamar a chomharraicheadh tu na beachdan agad air toirt a-steach pòsadh den aon ghnè, gus am faod càraidean den aon ghnè pòsadh a chèile?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Ciamar a chomharraicheadh tu na beachdan agad air a bhith a’ cur dhaoine le feallsanachd (belief celebrants) air an aon rèir ri daoine le creideamh (religious celebrants)?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Ciamar a chomharraicheadh tu na beachdan agad air na h-ullachaidhean gus ùghdarras a thoir do luchd-pòsaidh pòsaidhean den ghnè eile agus den aon ghnè a shòlaimeachadh (a’ gabhail a-steach nam modhan-obraichaidh tagadh-a-steach [opt in])?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

Ciamar a chomharraicheadh tu na beachdan agad air com-pàirteachasan siobhalta ag atharrachadh gu bhith nam pòsaidhean?

How would you characterise your views on civil partnerships changing to marriages?

In support

Ciamar a chomharraicheadh tu na beachdan agad air leigeil le pòsaidhean siobhalta tachairt ann an àite sam bith, ach a-mhàn ionadan co-ceangailte ri creideamh, a tha air aontachadh eadar a’ chàraid agus an neach-clàraidh?
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Ciamar a chomharraicheadh tu na beachdan agad air ceadachadh clàradh feallsanachd is creideimh (religious and belief registration) de chom-pàirteachasan siobhalta?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Ciamar a chomharraicheadh tu na beachdan agad air leigil le daoine tar-ghnèitreach cumail orra pòsta an dèidh dhaibh Teisteanas Aithneachadh-gnè fhaighinn (Gender Recognition Certificate), rud a bheir aithneachadh laghail anns a’ ghnè a fhuairadh?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Am bu mhath leat beachd a nochdadh air a’ cheist fharsaing mu dhion airson daoine a dh’fhaodadh a bhith iomagaineach mu phòsadh den aon ghnè?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Am bu mhath leat beachd a nochdadh air a’ cheist fharsaing mu shaorsa cainnte?

Would you like to comment on the wider issue of freedom of speech?

Am bu mhath leat beachd a nochdadh air ceist farsaing sam bith eile co-ceangailte ris a’ Bhile air nach deach iomradh a thoirt gu h-àrd?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A bheil thu a’ freagairt mar...

Are you responding as...
Ciamar a chomharraicheadh tu na beachdan agad air a’ Bhile san fharsaingeachd?

How would you characterise your views on the Bill in general?

In support

Ciamar a chomharraicheadh tu na beachdan agad air toirt a-steach pòsadh den aon ghnè, gus am faod càraidean den aon ghnè pòsadh a chèile?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Ciamar a chomharraicheadh tu na beachdan agad air a bhith a’ cur dhaoine le feallsanachd (belief celebrants) air an aon rèir ri daoine le creideamh (religious celebrants)?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Ciamar a chomharraicheadh tu na beachdan agad air na h-ullachaidhean gus ùghdarras a thocht do luchd-pòsaidh pòsaidhean den ghnè eile agus den aon ghnè a shòlaimeachadh (a’ gabhall a-steach nam modhan-obraichaidh tagadh-a-steach [opt in])?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Ciamar a chomharraicheadh tu na beachdan agad air com-pàirteachasan siobhalta ag atharrachadh gu bhith nam pòsaidhean?

How would you characterise your views on civil partnerships changing to marriages?

In support

Ciamar a chomharraicheadh tu na beachdan agad air leigeil le pòsaidhean siobhalta tachairt ann an aite sam bith, ach a-mhàn ionadan co-ceangailte ri creideamh, a tha air aontachadh eadar a’ chàraid agus an neach-clàraidh?
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Ciamar a chomharraicheadh tu na beachdan agad air ceadachadh clàradh feal'sanachd is creideimh (religious and belief registration) de chom-pàirteachasan siobhalta?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Ciamar a chomharraicheadh tu na beachdan agad air leigel le daoine tar-ghnèitheach cumail orra pòsta an dèithd dhaibh Teisteanas Aithneachadh-gnè fhaighinn (Gender Recognition Certificate), rud a bheir aithneachadh laghail anns a' ghnè a fhuairadh?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Am bu mhath leat beachd a nochdadh air a' cheist fharsaing mu dhion airson daoine a dh'fhaoadadh a bhith iomagaineach mu phòsadh den aon ghnè?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Am bu mhath leat beachd a nochdadh air a' cheist fharsaing mu shaorsa cainnte?

Would you like to comment on the wider issue of freedom of speech?

Am bu mhath leat beachd a nochdadh air ceist farsaing sam bith eile co-ceangailte ris a' Bhile air nach deach iomradh a thoirt gu h-àrd?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A bheil thu a’ freagairt mar...

Are you responding as...
A private individual

10 JULY 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

I dislike any person or group, whether religious or otherwise, having the permission to discriminate against anybody, but I accept this bill as a balance between both sides.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

Ciamar a chomharraiceadh tu na beachdan agad air a’ Bhile san fharsaingeachd?

How would you characterise your views on the Bill in general?
In support

Ciamar a chomharraiceadh tu na beachdan agad air toirt a-steach pòsadh den aon ghnè, gus am faod càraidean den aon ghnè pòsadh a chèile?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Ciamar a chomharraiceadh tu na beachdan agad air a bhith a’ cur dhaoine le feallsanachd (belief celebrants) air an aon rèir ri daoine le creideamh (religious celebrants)?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

S beag orm cead a thoirt do dhuine no buidheann sam bith leth-bhreith a dheanamh an aghaidh duine sam bith, creideamh ann no às ach ghabhainn ris a’ bhile seo mar chothromachadh eadar an dà thaobh.

I dislike any person or group, whether religious or otherwise, having the permission to discriminate against anybody, but I accept this bill as a balance between both sides.

Ciamar a chomharraiceadh tu na beachdan agad air na h-ullachaidhean gus ùghdarras a thoir do luchd-pòsaidh pòsaidhean den ghnè eile agus den aon ghnè a shòlaimeachadh (a’ gabhail a-steach nam modhan-obrachaidh taghadh-a-steach [opt in])?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
How would you characterise your views on civil partnerships changing to marriages?

In support

Ciamar a chomharraicheadh tu na beachdan agad air leigeil le pòsaidhean siobhalta tachairt ann an àite sam bith, ach a-mhàin ionadan co-ceangailte ri creideamh, a tha air aontachadh eadar a’ chàraid agus an neach-clàraidh?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Ciamar a chomharraicheadh tu na beachdan agad air ceadachadh clàradh feallsanachd is creideimh (religious and belief registration) de chom-pàirteachasan siobhalta?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Ciamar a chomharraicheadh tu na beachdan agad air leigeil le daoine tar-ghnèitheach cumail orra pòsta an dèidh dhaibh Teisteanas Aithneachadh-gnè fhaighinn (Gender Recognition Certificate), rud a bheir aithneachadh laghail anns a’ ghnè a fhuaireadh?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Am bu mhath leat beachd a nochdadh air a’ cheist fharsaing mu dhion airson daoine a dh’fhaoaadh a bhith iomagaineach mu phòsadh den aon ghnè?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Chan eil seo a’ toirt air falbh cead no dion o dhuine sam bith nach eil airson cuideigin dhen aon ghnè a phòsadh agus leis nach e theocracy a th’ againn, cha ghabh mi ri argamaid creideimh sam bith ‘In opposition. Tha pòsadh co-sheòrsach laghail ann am barrachd air dusan duthchannan air feadh an t-saoghail ’s cha dàinig crioch air an t-saoghal fhathast, tha e san dearbh staing a bha e roimhe sin.

This doesn’t detract from the protection or rights of anybody who does not wish to marry those of the same-sex and as we don’t live in a theocracy, I don’t accept any religious argument in opposition to it. Same-sex marriage is legal in more than 12 countries around the world and the world hasn’t come to an end yet, it’s still in the same state it was in before.
Am bu mhath leat beachd a nochdadh air a' cheist fharsaing mu shaorsa cainnte?

Would you like to comment on the wider issue of freedom of speech?

Chan eil e furasta sgaradh a dhèanamh eadar saorsa cainnte agus gràin-chainnt uaireannan ach san fharsaingeachd, 's e saorsa cainnte an rud nas prìseil na dion o ghràin-chainnt.

It sometimes isn’t easy to distinguish between freedom of speech and hate-speak but in general, freedom of speech is more valuable than protection from hate-speak.

Am bu mhath leat beachd a nochdadh air ceist farsaing sam bith eile co-ceangailte ris a' Bhile air nach deach iomradh a thoirt gu h-àrd?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A bheil thu a' freagairt mar...

Are you responding as...

A private individual

10 JULY 2013
Responding to the Equal Opportunities Committee's Call for Evidence.

Question 4

As this huge, fundamental and all-pervading change in society was not contained in the Manifesto of any party in the Scottish Parliament, I consider it undemocratic.

Question 12

As a former teacher in Special Education I have a certain sympathy with those who come into this world different in any way from mainstream, and would most certainly refute the label 'homophobic'. I am not afraid of a homosexual person but I am afraid of a totalitarian state. However, I do not understand why there is such a huge campaign for this in a society where marriage is no longer defined, civil partnerships are legal, and those born with this orientation constitute a very small percentage of the population. Protection for the mainstream is imperative.

Question 13

Please ponder this note. I gather that the former S.N.P. MSP, Gordon Wilson was dismissed from his post with the Citizens' Advice Bureau for this very reason that he agreed with traditional marriage (or words to that effect.)
Continued from Page 10

Gordon Wilson I seem to recall was the First Speaker of
the Scottish Parliament.

Freedom of Speech?

What hope is there for teachers, people wishing to
adopt/celebrate, beliefs of any church or indeed
for anyone else?

Please remember that when freedom of speech is
denied, eventually no one, whatever oriention,
belief or lack of it will have freedom of speech.

My plea is for democracy in this land of
ancient freedom.

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Why do they need protection? Same sex marriage will have no effect other than making sure everyone is entitled to some basic human rights.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

15 August 2013
How would you characterise your views on the Bill in general?

In support

It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Religious freedom should apply to both groups, and the bill gets the balance right. The opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. A small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the “husband and wife” gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support
In the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. I see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. I see no reason why this should not also apply to couples who are already in a civil partnership, and believe that the bill should be amended to allow this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

15 August 2013
How would you characterise your views on the Bill in general?
In support
We think that some parts of the bill could still be improved further

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

A small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form.

How would you characterise your views on civil partnerships changing to marriages?
In support

couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but I see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. A provision for simpler medical evidence for long-term transitioned people should be added to the bill - this would assist the Gender Recognition Panel as well as applicants. I would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. I believe that the same choices - marriage or civil partnership - should be open to all couples regardless of their gender. I therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnership. I believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, I note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and I strongly believe that they should do that once the review is complete.
Are you responding as...

15 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

All people should be allowed to marry, to show commitment to one another! Gay people have been forced to be different for years! Why can't this loving union be called a marriage, why yet again must it be called something different! Everyone knows the word marriage everyone understands the connotations behind the word! So why must gay people be singled out again and forced to call their loving union a partnership? a civil partnership when its nothing less than a "marriage"! This isn't a question of anything other than wrong and right! It's discrimination, however you want to sugar coat it! It's unacceptable and it has to stop!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

100% agree this should be an option for ANYONE who wants it!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Fully support this!

How would you characterise your views on civil partnerships changing to marriages?

In support

This should happen, as my previous answer explains!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
They should be carried out anywhere and everywhere the same as marriage including religious premise if the minister/priest sees fit to conduct the marriage.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Everyone should be entitled to a wedding and everyone should be entitled to a civil partnership regardless of sexual orientation!

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

If their spouse is supporting them through and staying with them through their transition why should the government be allowed to strip that person of their support system?! It's wrong, so wrong! They should be allowed to stay married and there shouldn't even be a discussion about this!

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Look at your own marriage, what does it mean to you? do you love your spouse? Do you want your children to know that his/her parents wanted to show the world how committed they were to one another? Don't you want your parents, your a family & your friends to celebrate this union? If your answer was yes, which surely it was, then don't you think gay people want this too? The fundamental reason for marriage, as above, is to show these things to your partner, to everyone! I want the world to know I love my spouse for better for worse and until death us do part, why shouldn't Gay people be allowed to tell the world that in the same way as heterosexual people do? I'm ashamed to think that Scotland even has to question this! Its not about gay and straight, it's not about religion, it's not about my opinion nor is it about yours! This is a matter of right & wrong and we currently live in a society that tells our children, our next generation that its ok to discriminate! That is what's wrong with scotland today! It is shameful! Do the right thing voteless or same sex marriage and try and restore some equality!

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

It represents an important step forward for equality making Scotland a more free and fairer society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

'Equal but different' is not equal. That is why civil partnerships are not sufficient and why it is important that there is no distinction between 'mixed sex' and 'same sex marriage', simply having marriage for all is what is required.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Various religious bodies want to conduct same sex marriages, to prevent them from doing so would be madness. With those who do not the option to conduct only mixed sex marriage is in the bill, this does however enshrine in law the right of religion to refuse a service based on sexuality while it is not allowed to refuse them a service on grounds of religion. Is this something we want to do?

How would you characterise your views on civil partnerships changing to marriages?

In support

Those who want to should be allowed to, those who don't should not be forced.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I can see no reason why it should not be so.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I can't see why anyone would want it but if there is a call for it why not?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

For many reasons yes. Other people will doubtless put it better but from the point of view of simplifying a difficult process and not involving getting remarried or in a difficult relationship the spouse blocking the gender recognition I strongly support this. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. We therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill – this would assist the Gender Recognition Panel as well as applicants.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

To those with concerns I strongly recommend not marrying someone of the same sex. Otherwise I fail to see how it affects any but those who benefit from it. A greater degree of equality can only improve society.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The introduction of mixed sex civil partnerships would be welcome. Equality works both ways.

Are you responding as...

15 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage predates history, is the principal foundation & continuation of human society, and in its function as continuer of human society depends upon the reproduction, care & upbringing of children -- ideally by both a male and a female partner. Some of this is embedded in our language, since the word "matrimony" is derived from the Latin word for "mother". There is no need for same-sex marriage, since these partnerships already have sufficient legal rights.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is because I am against any special privileges being given to the members of religions. Beliefs are always personal to the believer, whether s/he is a member of a religion or not. However, the fact that anyone holds a particular belief does not nec

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Since I am against same sex marriage, I am against this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I have no objection to this.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

I have not considered this question.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Conscientious objections to same-sex marriage are thoroughly justified, and any legislation which renders it for a moment possible to haul such objectors into court must be seen as deplorable. Freedom of thought and speech make it essential that objections to single-sex marriage remain perfectly legal, admissible, and printable. “Equality law” goes too far if it for a moment prevents people being able to speak their minds, and discuss these matters openly.

Would you like to comment on the wider issue of freedom of speech?

See my reply to Question 12. I understand that there is a danger that people who express unpopular opinions may be removed from their posts -- and that this has even happened on occasion. We must resist the tyrannical view that only one opinion is admissible, and that nobody should ever rear his head against the "conventional wisdom", particularly since that shifts about all the time. Discussing such matters as who should marry whom is not -- repeat, not -- an act of discrimination. Nor should it become so even if the law is changed. Free speech is absolutely essential to the fair and proper running of a country, and we should always remember that.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I think that's enough for the moment.

Are you responding as...

a private individual

I am responding as one who has always been interested in political & philosophical questions, and who regards this as an important one.

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
In support

Isn't it more pertinent to educate, rather than protect, those with small minds?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Me and my partner of 19 years would like to get married before we lose any more parents as it would mean a lot to them and we have both always considered civil partnerships a sidestep and an insult so it was never an option.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

I am a Humanist and my partner a secularist so why should our choice of celebrant have less rights.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

you should recognise all civil partnerships for conversion to marriage for any couples that have moved here and also those born in scotland who had to go abroad to get a civil partnership before the UK allowed it.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Why should any organisation have a monopoly also for scotland this is essential for growing the tourist wedding market that could be a major industry here.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

very important for some people

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Their family unit has enough to deal with without you messing them around over paperwork irrelevancies.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

They shouldn't be forced (although this is another reason religions have no business being paid to provide public services) however if they work for council or government then they are paid to serve the people not their own prejudices. It should be said this is no different to mixed race marriages in the strength of peoples 'beliefs' however as the churches no longer control access to marriage this is a fight for people in their own organisations.

**Would you like to comment on the wider issue of freedom of speech?**

This will make no difference to freedom of speech as people can say what they like about different forms of marriage now so can and will continue to do so.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I'm sad it's taken so long as my partners mother sadly died before being able to see her child happily married; I hope we don't have to loose any more before we can celebrate as a family in Scotland.

**Are you responding as...**

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I am in a same sex relationship and feel that being told you cannot get married like a "normal couple" makes me feel like we are thought of as being different

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

It would make me feel more even in society

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I was brought up with strict religious views and was taught that homosexuality is a sin. There are lots of sins - but the church says that homosexuality is the sin of all sins!! For decades I believed this - I never understood why, I just did. In my view gays were not proper people. Then my world turned upside down. My Son told me he was gay. I was disgusted and revolted - How can he do this to us? How can he turn his back on God? This was the worst news possible. I believed he would be better off dead. After some time I realised that my Son did not choose to be gay - he was born that way. He didn't turn his back on God - he was just being an honest man and living the life he was dealt. As a parent I was devastated to learn about the suffering he had endured his whole life, and worse still how I had contributed to this. Learning he was often discriminated against, and had even been bashed just because he was gay. I felt so guilty learning he had been seeing a psychiatrist for 18 months - all because I was not there to support my Son - and worse still my outdated view on homosexuality were contributing to my Son's feelings of isolation and oppression. I love both my children equally and I want them to be treated equally - this is a matter of basic human dignity. A person's fundamental rights, including the right to marry, should not be affected by their sexual orientation. How can I tell my Son he has less rights than my daughter has? Could you tell your own child this? I can not justify this. Society is stronger when couples make vows to each other and love and support each other. I want marriage for my gay son. Religions can decide who they want to marry, but it's not OK for the state to discriminate. It's time to understand the state can not be in the business of discrimination - the state must introduce civil marriage for all citizens.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

All societies that consider themselves to be civilised should seek equality for all its citizens without exception.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I think civil partnerships should still be available but also be made available for heterosexual couples too.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

As long as religious celebrants are given the same freedom to conduct wedding ceremonies anywhere, other than religious premises - as is the situation currently with heterosexual couples and religious celebrants.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Why would we want to make life any more difficult for these people?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We don't provide protection for those in society who may have concerns about race issues or disability issues so why should we protect those who wish to discriminate against same sex couples who simply seek to have their love for each other officially recognised in the form of marriage, just like any other (heterosexual) loving couple. Some Christians believe the bible condemns Homosexuality and therefore so should we. But then the bible also supports slavery and we'd not allow them to have slaves so let's just put the faith nonsense to one side as it is simply another example of some churches making themselves irrelevant in today's society.

Would you like to comment on the wider issue of freedom of speech?

I would support anyone's right to voice their opinion but not to voice derogatory, threatening or offensive opinions. People have the right to freedom of speech but that speech has to be diplomatically inoffensive.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I don't believe that public employees should be given the opportunity to opt out of certain parts of their jobs simply because they don't want to recognise the right of homosexual couples to get married. Racists are not allowed to opt out and nor should anyone else.

Are you responding as...

a celebrant

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
It is time for equality for all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Why not? It means a lot to a lot of people, this right of passage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
The bill should not force religious people to change their beliefs but yes opting in or out of doing a same sex ceremony is good

How would you characterise your views on civil partnerships changing to marriages?
Neither
Legally they are similar but everyone should be able to either have a civil partnership or marriage. Because that is a matter of choice.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
As I was preparing to write this submission, I received a call from the local Social Work department with a request to deliver a food and toiletries parcel for a lady who has just been discharged from hospital. She has no food so I ensured that she was given plenty supplies from our Church’s store cupboard. I did not meet her so I have no idea if she is old, young, black, white, gay or straight; all I did was respond to a need without prejudice. However, I feel it is quite ironic that the state will accept hand outs from Churches (consider the number of Church run food banks that are opening all over the country!) but it appears that people of faith are to be forbidden to express their views openly on the redefinition of marriage.

I am sure that politicians of all persuasions regard their policies as sacrosanct. Listening to debates from both parliaments leaves one in no doubt that you do not readily embrace views of other parties and consider this freedom of thought and speech to be your right. As Christians, what we believe is very precious to us. This includes the belief that marriage is the union between a man and a woman. Is our freedom of thought and speech going to be denied and are we in danger of litigation if we express our views?

The case of Rev Brian Ross, who was removed from his post as a police chaplain in Strathclyde because of his personal beliefs about marriage, proves that, even before your committee has discussed Stage 1 of the Bill, sanctions are already in place. How hypocritical and undemocratic!

Chambers dictionary definition states that: ‘marriage is the ceremony, act, or contract by which a man and woman become husband and wife; the union of a man and woman as husband and wife.’ Statistics prove that children brought up in families with fathers and mothers are more secure and successful. While I appreciate that bereavement and divorce can alter this situation and many single parents provide stable homes, the ideal is undoubtedly a unit where there are both male and female nurturers. Same sex couples cannot provide this necessary balance nor can they procreate naturally.

Rights are obviously not an issue as all the rights of marriage are already available through civil partnerships. Politicians’ attempts to reassure Church leaders, teachers, social workers, parents, grandparents and individuals that they will not face legal action if they express a different view, do not reassure me and I feel these are empty promises. Why are our leaders deliberately allowing a law that will discriminate with such militancy against one group in order to favour another?

What about the local florist. Will she be forced to provide the flowers for a same sex ‘marriage’ against her beliefs? Will the local photographer be taken to court if he declines to take pictures of a civil partnership? Already in England, a gay couple are preparing to sue a Church which does not agree with this type of ceremony. Are gays going to use Churches, Christian businesses and the ordinary Christian worker as milch cows?
Unfortunately, this whole issue makes one cynical.

After I finish this letter, I will be working on a reapplication for Fairtrade Status which has to be completed by 13th September. Later today, I hope to write up the minute of a meeting which was held last night concerning bringing Street Pastors to our town. In the evening, I will be attending a committee meeting of another local group. This is how I choose to spend my retirement – like so many other people of faith quietly helping the less fortunate and trying to improve our area. Yet, in spite of being involved in all these Community activities, I am to be gagged because of my views on redefining marriage unless watertight protection is enshrined in law.

Please remember as you consider this document, that gay marriage is only one aspect of life involving a small percentage of the population, yet it is pervading through each and every part of society. Freedom of speech must be protected in a fair and democratic country. I would hope that the Committee will be balanced and unbiased. Remember that as politicians, you are elected to represent the whole population.

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
4. How would you characterise your views on the bill in General

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt in procedures)?

8. How would you characterise your views on civil partnerships changing to marriage?

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar?

10. How would you characterise your views on allowing the religious and belief registration of civil partnership?

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender recognition certificate, which provides legal recognition in the acquired gender?

12. Would you like to comment on the wider issue of protection of those in society who may have concerns about same sex marriage?

13. Would you like to comment on the wider issue of freedom of speech?

14. Would you like to comment on any other wider issues in relation to the bill that are not mentioned above?

My main response is in relation to the bill as a whole. I do not feel that, in its present form, the bill is fit for purpose. The wording is unclear and ambiguous. I do not believe in its present form the bill will achieve its objective if it becomes law. It is my submission that the bill requires significant redrafting. I have the following points to make. All references to the draft bill are in italics:-

1. clause 1(2)(c) which purports to amend the Marriage(Scotland) Act 1977: (b) in the case of a marriage between persons of the same sex...
   In my view this is ambiguous and lacking in specification. To describe a marriage as between 'persons' is not clear that there are two persons to the marriage.
2. Clause 1(3) which introduces a new marriage schedule 1, degrees of relationship: The explanatory notes by the minister state that the schedule is simplifying the schedule 1 of the Marriage(Scotland)Act 1977 as amended, but is this the case?

My understanding is that schedule 1 of the Marriage (Scotland) Act 1977 was amended by the Marriage (Prohibited degrees of relationship) Act 1986. This contains the prohibited degree of affinity in relationship regarding mother of former wife, former wife of son, father of former husband and former husband of daughter. Were these missed out from the new schedule in error?

3. Clause 4 (3) References (however expressed) in any enactment to two people who are (or were) not married to, nor in civil partnership with, each other but who are (or were) living together as if they were married to each other

This provision concerns me for a number of reasons. It lacks specification- how can a reference to the new type of marriage be defined in relation to an established marriage? Secondly, the 'two people' are not defined. What if they were within the forbidden degrees of relationship? What if they were not legally able to marry even if the law was changed? What if they are already married to someone else? Is it the intention of Parliament to give the status of marriage to people who are perhaps not legally able to marry for whatever reason?

4. Clause 4(10) References (However expressed) in any document...Are references to marriage whether between persons of different sexes...

In my view this is unclear? How many 'persons' can be party to the marriage? It may be implied as two but this should be said expressly.

5. Clause 4(13) 'marriage' means marriage between persons of different sex and marriage between persons of the same sex.

Again in my view this is unclear. How many persons are we talking about?

6. Clause 5(2) ... marriage between persons of different sexes.

Again, 'persons' is misleading.

7. Clause 5(3) ... in relation to marriage between persons of the same sex, adultery has the same meaning as it has in relation to marriage between persons of different sexes.

This is a difficult one to unravel. The reference to 'persons' twice makes the meaning far from clear anyway. But what is this provision designed to achieve? Marriage between one man and one woman can be dissolved on the ground of the adultery of one of the parties to the marriage. How can this be extended to same sex marriage? On the basis that one of the parties to the marriage commits adultery with a person of the opposite sex? Is it possible to discern this from the current wording? In my view, no, this is not possible.


Is it the intention of Parliament that this provision, if implemented will retrospectively change the civil partnership to marriage, as this is not specified?

Clause 8(2)(g) refers to regulations about the 'effect' of the change. Should this important matter not be expressed in the bill rather than delegated legislation after the fact?

9. Clause 9 Effect of marriage between civil partners in a qualifying civil partnership

Clause 9(1)(b) refers to civil partners as being treated as married from the date that civil partnership was registered. The explanatory document from the minister makes no mention of retrospective provisions. Is this the intention of Parliament?
10. Clause 10 Persons who may solemnise a marriage

In clause 10 (2)(a)(ii) the reference again is to persons of different sexes.

This is unclear and should in my view be made more specific.

11. Clause 11 Registration of nominated persons as celebrants

In clause 11(2)(a)(ii) the reference is again to persons of different sexes, and in clause 11(2)(c)(iii) marriages between persons of the same sex.

My previous points apply: the wording is far from clear and in my view should be changed to give clarity. The same reference to persons is found in clause 11(2)(f), (g) and (h).


This provision seeks to protect freedom of expression in its title. In my view there is nothing in the clause itself which gives any protection. If the intention of Parliament is to give protection to freedom of expression and other convention rights this should be expressly stated in the body of the bill. It should for example, make clear, as has been referred to in many press reports, that no one shall be compelled to solemnise a marriage between two people of the same sex. If it is the intention of Parliament to give the right of conscientious objection this should also be expressly stated.

15. I am responding to this call for evidence as a lawyer.

22 August 2013
Question 4

I believe that this bill is unnecessary and undemocratic. No party, either in Scottish Parliament or Westminster had this in their manifestos (and neither was it in the Queen’s Speech - she is still Queen of Scotland after all). The bill was introduced very quickly and the vast majority of people were unaware of its introduction. Very many people...
Q. 4 cont.

People are unaware of the present stage of the bill but LGBT pressure groups, funded by the government, will be pushing for this legislation. SPEQ are not ensuring maximum response from the general public because the general public do not go on line (even on line I was unable to continue beyond P. 1.)

Q. 5.
Where is this going to end? - like U.S. and Canada - attempts to legalize polygamy and as in some countries even 3-way relationships, ? I believe that marriage is between one man and one woman and that governments are taking to themselves powers with which they have not been invested, in changing the meaning of marriage and even our language - doing away with "father", "mother" - names cherished since time immemorial. It is the imposition of minority and state views on ordinary families. I think this is not only undemocratic but verging on totalitarian.

Q. 6 and Q. 7.

No celebrants should feel coerced into compromising their beliefs nor forced out of a job because they hold the belief that marriage is the union of one man and one woman for the mutual benefit of the spouses and for the normal and natural procreation of children, thus forming a family unit.
Q. 8.
Civil partnerships were created to give legal rights (e.g. inheritance) to same sex couples. Fair enough. C.P.'s should not be changed to marriage because that is not marriage.

Q. 9.
Civil marriages already take place anywhere couple chooses. People with religious beliefs generally choose religious premises. (I'm not really sure what this question is supposed to mean).

Q. 10.
I really do not understand this question.

Q. 11.
I believe this is a completely different issue and has little to do with the proposed legislation. It seems misleading.

Q. 12.
Many people are already being "affected" by equality laws - equality which does not recognise that the largely heterosexual population's rights should be preserved. Faith based adoption agencies asked to remove their religious ethos; people who disagree with same sex education not allowed to foster or adopt children; People who have conscientious objection and refuse to endorse this legislation are not guaranteed protection.
Q. 12. cont.

There must be protections in equality law to ensure that religious groups and those who oppose the re-definition of marriage are not treated less favourably by public authorities and employers. Charity laws should ensure that disagreement with this legislation will not cause the removal of charitable status. Really, I think that there is too much to lose for the majority if equality laws are deemed to favour only those who approve of the proposed re-definition of marriage.

Q. 13.

People who support “marriage” as has been understood “from the beginning” as the natural law and the normal way to beget children through procreation are now often accused of discrimination, “gross misconduct” — as in the case of Adrian Smith — the removal from his post of the Police chaplain — a breach of their equality policy. "Equality" seems skewed in favour of Same-sex so that people are almost afraid of being seen or heard to support the long-standing definition of marriage. People are vilified, called "bigots" in some cases even "anti-Christian".
Legislation should be put in place to safeguard freedom of speech and freedom of thought. No person should be compelled to agree with same-sex unions or be penalised in any way for expressing their disagreement. At present it seems that only the rights of LGBT adults are being considered. In a democratic society the views of the vast majority who hold to the traditional meaning of marriage should surely be respected.

As things stand, any two adults can live together. There is no law against this. Same-sex unions focus only on the rights of adults. Marriage is more than the love of two people. It usually focuses on the rights of children and children have a right to be brought up by a mother and father. (Of course there are marriage breakdowns but there is no guarantee that same-sex unions will be any different - in fact, I read that they are much shorter lived than opposite sex partnerships). Already, the family is being undermined by changing the language and making the names "mother" and "father" irrelevant.
Q. 14. cont.

It is not right and indeed it is most unfair to our children to change the names 'mother' and 'father' and give them instead 'Parent 1 and 2'. Children have an unspoken right to a (male) father and (female) mother. This same sex legislation will undermine the family and destroy civilised society.

I truly hope that the Equal Opportunities Committee will realise that the rights of the vast majority of heterosexual people are already being eroded and people are being silenced by so-called "equality" legislation which favours only LGBT groups and same-sex unions. C.P.s already have the same legal right as marriage and it is unnecessary to introduce this legislation or indeed write it into the statute books.

23 August 2013
In response to Question 5:

The law has never fundamentally altered the essential nature of marriage - a lifelong commitment between one man and one woman. The plan to redefine marriage is therefore radical and unprecedented. The family has been the backbone of society throughout the years. Marriage predates law, nation and church. It is not clear what new legal rights
(If any) same-sex couples would receive which they do not already have through civil partnerships.

2) As an institution, marriage has been understood as much more than the love between two people - a man and a woman not only committed to one another but to any children their union may create.

In response to Question 12: —

I was involved in the education of primary school children for more than 35 years and am concerned that many parents and teachers will have deeply-held views about their children being taught about same-sex marriage in the classroom.

While the law requires schools to provide religious education, it also protects atheist teachers from being compelled to teach it. Similar space should be given to teachers who (for religious convictions) or otherwise, do not feel able to teach about same-sex marriage.

Many parents will be unaware what their children are being taught so they should have a legal right to know if such lessons will take place.
I am concerned that people who have a conscientious objection and who work in the public sector may lose their jobs or be unable to work in certain professions if they refuse to endorse same-sex marriage. Conscience clauses should be introduced in employment and equality laws to allow employees who believe in marriage (as currently defined) not to be forced to participate in same-sex marriage ceremonies. Church and celebrants who refuse to marry same-sex couples will be susceptible to litigation. There seems to be no guarantee that in the future the Court will not rule that religion and belief celebrants must either conduct all marriages or cease to marry people altogether.

Believing in the current definition of marriage must not be used by public sector employers to dispute or question the equality and diversity credentials of existing or prospective employees.
There should be protections in equality law to ensure that religious groups that oppose the new definition of marriage are not treated less favourably by public authorities.

People fostering or adopting (who hold traditional views about marriage) should be secured, in doing this or fostering through legislative change not just through amending guidance (by the Government.)
In response to Question 13:
(Wider issue of freedom of speech.)

There are naturally different views on same-sex marriage and many people hold to the historic and long-standing definition of marriage, which is a belief worthy of respect in a democratic society. People who support this view are now often accused of discrimination (false allegations against employees and employers can be intimidating and may result in disproportionate action.)

In recent years, the vilification of those stating traditional beliefs about marriage has created a chilling effect on free speech. In theory, religion or belief is a protected characteristic that should be defended under equality law—whereas in practice, equality law has been used to create a culture in which people feel that legitimate views can no longer be aired.

More robust safeguards are needed to ensure that no person will be
compelled to express agreement with a same-sex marriage or be punished for expressing their disagreement with it. Specific amendments are really necessary to protect the right to free speech and debate. They need to apply across public order and equality laws, including employment and goods and services.
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Each individual should have the freedom to live their life as they see fit. Everyone should have the same opportunity and not be discriminated against

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
The marriage of two people should not concern anyone but the people involved in it.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support
Equality for all!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support
Equality for all!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Do not understand question!

How would you characterise your views on civil partnerships changing to marriages?

In support
Equality for all!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
Equality for all!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

As I am not religious I do not care.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Equality for all.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

For those who are against same sex marriage. Would you like to be told who you may marry? Look at history before marriage was introduced and before wedding rings were introduced. Why should we all be forced to accept religion when some people do not agree with religion? We all want the right to have the freedom to live as we wish to. As a lesbian I am not the one who sins against vulnerable people. Yet there are some individuals who are in power and say they are religious and abuse vulnerable people. Is this right? No it is not!

Would you like to comment on the wider issue of freedom of speech?

We have to respect each other without forcing others to discriminate against the minority members of society. Selecting Marriage only for those who believe in religion is discriminating against those who do not believe in religion. Religion may be viewed as power and control over individuals who do not wish to conform to religion. How many people have been victimised as a result of religion? History tells us too many!!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

My sexuality is private. My life with my civil partner is also private. I do not expect everyone to accept my way of life however, I do not force anyone to accept my way of life, as I do not expect to be forced to live as other people wish to live. When some individuals are ‘forced to live’ as other people ‘wish them to live’ discrimination and abuse may be used against those who do not wish to conform. How is that freedom? I do not tell other people who to marry. Therefore I do not expect to be told who I may live my life with or who I can or can not marry! Where is the equality? Nineteen years I have been with my civil partner. Who should have the right to prevent us from marrying when we are not given any legal right to prevent other people from marrying. Being happy in life is important. Being valued as a member of society is also significant towards having a good lifestyle. Why should some members of society be discriminated against because of those who believe in faith?

Are you responding as...

an academic

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I fail to see how equality compromises or threatens those in society who have concerns about same sex marriage.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Gay relationships are just as worthwhile as heterosexual relationships and I see no reason they shouldn't be entitled to the same recognition. Whilst civil partnerships were a massive leap forward, I believe a small number of legal uncertainties still exist.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I have very little sympathy. They’re entitled to hold these views, but the protections already in existence are more than adequate, and the bill bends over backwards to avoid offending those who justify such views through religious beliefs.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I was slightly puzzled that only sexual activity with the opposite sex is classed as adultery. I'm not sure what the intention behind this is.

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

In support of equality - of all consenting adults being able to marry the person of their choice.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Strongly support.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

The question is unclear

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

If same sex marriage is legalised, it shouldn't matter what gender a married couple are. Transgender people should be able to stay married without having to apply for a piece of paper that tells them what they already know about themselves.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Some people have "concerns" about people with different colour skin than their own. These people should not be allowed to ruin other peoples' happiness. To deal with people who may have either concerns or intolerance of LGBTQ people, we should work harder to normalise loving relationships of all kinds, through education in schools and in representations of relationships.

Would you like to comment on the wider issue of freedom of speech?

Free speech is one (important) thing; using words to verbally abuse or intimidate people because of who they love is another.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that
are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support
I believe in equality for all

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I am a member of the Church of Scotland but believe that others who hold different beliefs deserve to be respected

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
I believe that everyone should have a choice, even if that means they don't take part in same sex marriage or civil partnership.

How would you characterise your views on civil partnerships changing to marriages?
In support
I believe in equality

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
I would hope that churches would also welcome same sex marriage

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Anyone who has objections to same sex marriage should not be forced to participate in any way. There should be protection of jobs if someone doesn't agree with same sex marriage

Would you like to comment on the wider issue of freedom of speech?

I may not like some peoples opinion's but it is important that everyone feels able to say what they want and for open discussion to take place

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I hope it shows the world that Scotland is open to change and more concerned with the person rather than any label that is given. I am very proud that our government is dealing with this issue in an open and honest manner.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe the law in Scotland should treat all marriages the same regardless of the genders of the spouses.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I would welcome this. Having attended several Humanist ceremonies (weddings and funerals) I have found these to be more joyous, meaningful, personal, and relevant than the religious equivalents.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

In an ideal world religious celebrants would not seek to marginalise and discriminate against same-sex couples, but since they do, I support the Opt-in procedure as proposed.

How would you characterise your views on civil partnerships changing to marriages?

In support

I would assume that couples already in CPs would have been married had that been an option available to them at the time, so it seems reasonable for them to be able to change there status with as little cost or admin burden as possible.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Religious organisations will have an opt-out. That would appear to be sufficient protection. Civil registrars are not employed by their religious organisation and should not be able to opt-out due to their religious beliefs as this is tantamount to discrimination and would not be tolerated in any other public servant role.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Only to state my support for the complete harmonization of the treatment of opposite sex and same sex couples within the law, taxation system etc. Just as the Government does not treat "single people" any differently if they are gay or straight.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In opposition
see comments below

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Marriage as an institution was around long before state and statutes, and tho laws on marriage have been altered slightly over the years, this move to redefine marriage is unprecedented. Scotland has much more pressing matters of importance to concern it

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As the law currently stands, provision is made for doctors, on grounds of conscience, to opt out of performing abortions. The same guarantee of protection in law for celebrants who wish, on grounds of conscience, to opt out of same sex marriages is essential. Also, currently atheist teachers are protected by law from having to teach religious education. As a teacher, I would see, again as an essential, the same right, enshrined in law, to be afforded to Christian teachers, those of other faiths and anyone else who, because of conscience cannot, or will not, teach about the validity of same sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The cherished British tradition of freedom of speech is at stake here, and in a democratic society is a fundamental right which must not be eroded in the name of the rights of any section of society, or for any reason other than the most urgent reasons of national security. Equality laws must not be become the background for a culture in which legitimately held personal views on any subject can no longer be freely expressed.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The traditional definition of marriage must continue to be a belief worthy of respect in a democratic society. Those holding that view, whether in a private or corporate context, must continue to have the right to express this view freely and without threat of prosecution, dismissal from or disciplinary procedures in the workplace, or accusations of bigotry or discrimination. The right to free speech, as already mentioned above, must be upheld as a fundamental human right. Any future bill must contain specific clauses protecting the right to free speech and debate. Such a clause would send a clear and important message to those looking to silence the views of those who wish to continue to hold to the current view of marriage.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

Think civil partnerships should still be made available to same sex couples and opposite sex couples

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Personally I would not choose to get married in a religious premise. I would prefer to choose a location of that my partner and I would prefer

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic/a private individual

14 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't understand this question. Why would people who have concerns about same sex marriage need protecting? That question seems to imply that something harmful would occur if same sex marriage was legalised.
Would you like to comment on the wider issue of freedom of speech?

People are free to say what they like, but they do have to understand that words can be hurtful. Still, I don't really understand how this relates to legalizing same sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Love trumps hate. Who is this honestly harming? It in no way changes the marriages that opposite sex couples have. The only argument against it seems to be religion, and I believe religious opinions should not inform state policies. Marriage is not inherently Christian, and the part of the bible that outlaws same sex relations is the same bit that forbids certain clothing choices. Do not pick and choose from the bible just to make an offensive, intolerant point.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

equality is a human right. it is not a LGBT right and it is not a Heterosexual right; it is a human right. If two people are in love, why should they be denied the ability to proclaim their love for each other on an equal ground with the rest of the human

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

if the couple in question wish to change their civil partnership to a marriage, i see no reason as to why it should not be allowed.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

If people want to marry, they should be allowed to. If people want a civil partnership, they should be allowed one. It's not like anyone will be forced to marry so let everyone have equal rights. I don't think religious institutions should be forced

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

I think there is a place for both and that people (same sex or different sex) should all be allowed to choose to have either

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I can see no reason at all to stop people getting married wherever they choose provided they and the registrar agree

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
If you're against same-sex marriage, don't have one. Let others do as they wish. Religion has no place in modern legislation.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?

In support

I particularly support the removal of discrimination throughout the legislation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I strongly resist the idea put forward by religious groups that they can tell people who do not share their beliefs how to live their lives. This bill is an important step forward from the tyranny that religious leaders have exerted on people for centuries.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is an important step forward. I am not sure that the requirement for a 'belief body' to meet regularly is meaningful in the 21st century, however. It's quite possible these days for a system of belief to be generated and attract supporters without the need for meeting at all. Except perhaps to marry people - although one day probably even that will seem quaint.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I have no idea why civil partnership was ever defined differently to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I think civil marriages should be allowed to take place on religious premises (if the owner agrees).
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I still don’t understand the need for new civil partnerships. Better to call them all marriages from now on.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If both parties wish to. I think one party changing their sex should be allowed as grounds for divorce!

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It should be made clearer in Scottish law that religious beliefs are for the members of that religion to live by if they choose. Religious and other discriminatory beliefs are not for imposing on other people. This is very important!

Would you like to comment on the wider issue of freedom of speech?

I think the ECHR is flawed. It doesn’t make the connection between rights and duties. For example the right to freedom of speech should come with a duty not to abuse people.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

no

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

I completely support the aims of the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I view this as a long overdue step to give same sex couples the same rights as other couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Particularly given that some religions have outlined their opposition to conducting same sex ceremonies, I fully support the idea of putting belief celebrants on the same footing as religious celebrants.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I support those religious bodies willing to conduct ceremonies having the freedom to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

We currently have a civil partnership and would be very keen to easily change this to a full marriage, preferably via a simple procedure without having to go through another ceremony.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
I see no reason to restrict the places where these can take place, so long as there is agreement between the couple and the registrar.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I think that it is useful to allow this for those who choose this option.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I don’t think there is any need to force transgender people to divorce if they and their partner are happy for their existing relationship to continue.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I am OK with religious organisations opting out of conducting same sex ceremonies if that is their wish. However, I would be strongly against the principle of 'opt-outs' being extended beyond this one exemption. Otherwise this would encourage discrimination by the back door.

**Would you like to comment on the wider issue of freedom of speech?**

I don’t believe that the bill would have any impact on freedom of speech.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I would like to see private pension schemes forced to pay a similar pension to the surviving member of a same sex marriage as they would for a mixed sex marriage. I understand that this is reserved to Westminster and would encourage the Scottish Government to lobby for this to be brought into line.

**Are you responding as...**

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

Equality is important for a modern Scotland and this is just one aspect that demonstrates that we are a forward thinking equal opportunities country.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Faith and belief are such diverse but equal concepts it is important personal belief is respected in terms of marriage and civil partnerships.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

No one should be forced to carry out a marriage or civil partnership that opposes their own belief or faith. The opt-in is a sensible approach.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't believe that anyone; civil official, celebrant or religious office holder, should be mandated to carry out a same sex marriage against their beliefs. Whilst an important step forward for equality in Scotland we must also protect the rights of an individual to officiate or not.

Would you like to comment on the wider issue of freedom of speech?

As a tolerant country, freedom of speech should be protect within Scotland. However firm and clear conditions must be applied to cover aspects when free speech results in derogatory, defamatory or "hate" speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

I have been in a committed same sex relationship for nearly 9 years and see no reason as to why we cannot marry as a man and woman can. It is time for Scotland to follow many other countries and legalise gay marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Totally support same sex couples marrying. The fact that I cant legally marry my partner makes me feel discriminated against because of my sexuality. When one human being marries another human being, it should be a marriage! Not a same sex marriage or a d

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

It should never have been different to a marriage in the first place - the fact that its different means that there is discrimination.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Again, what marriage circumstances apply to a male and female, should apply to a male and male or female and female.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Totally agree they should be able to stay married. Again, humans are humans and should not be labelled.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Its discrimination pure and simple. As a human race we are not yet fully evolved because if we were, we would accept humans for who they are. If people have a problem with it, then its the same as having a problem with black people or Asian people.

Would you like to comment on the wider issue of freedom of speech?

Homophobic comments are no different to racist comments in my opinion. Freedom of speech is all well and good, but people need to realise that the right to free speech has responsibilities attached.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I would ask them to think of what they classify as marriage, if their opposition is based on the belief that marriage is a religious institution that should be kept between a man and women I would say; that at it's most basic it is an argument of
semantics. Two people regardless of their gender have the right to be in love and to have the benefits that come from a long term relationship. If you argue two men or two women should not be allowed to be "married" but would allow them to be in a civil union on the basis that marriage should be between a man and women it seems a difference of opinion on what constitutes as marriage. If I own a spade and I want to use it to eat my ice cream what business is it of the person that uses it to dig holes, or go sledging on, or uses it as a door stop. As long as I am not forcing anyone else to eat ice cream with a spade what's the problem? If marriage is a religious institution why has the church sanctioned marriages of couples that have never before attended church or have any plans of attending after their wedding day?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a fellow human

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

Fairness and equality are key values for me and the people of Scotland so I welcome the bill and its basic principles.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe marriage is an important formal relationship between two people, and needs to reflect the real relationships that the people of Scotland actually have, regardless of gender. Same sex partners should have exactly the same rights as different gendered partners. Marriage should be the same for all, we mustn't have two different arrangements for same sex and different sex partnerships.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I'm strongly in favour of this. For one I believe the proportion of people in Scotland who are genuinely religious to be low and reducing. Many people are uncomfortable with religious ceremonies and would really appreciate the same kind of celebration without the religious baggage. Marriage is a civil arrangement, religion must be an optional extra. Humanist celebrants are recognised but other beliefs are valid and to be respected.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I'm comfortable with the details of the bill.

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I Mm aware of some opinion that civil registrars might have the right to opt out of conducting same-sex marriages. I am strongly opposed to that. I agree with the Equality Network that civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

Equality in all things is something a 21st Century Scotland should be seeking to endorse.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
If marriage is supposedly one of the foundation stones of society then should not all couples be encouraged to enter into it regardless of gender.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

It's later than it should have been. We are a highly welcoming country and this would have passed easily years ago.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is wrong and immoral that it is not already the case.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

As long as the the religious body agrees to hold the ceremony I see no problem. I would never want someone forced to take a ceremony they didn't agree with. That being said all registrar offices should have no issues as no religious aspects are involved. A registrars own religion holds no boundary over their job.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

Again, it is everyone right to be married and changes should be made available with no cost incurring to the already partnered people.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

As long as presided over by a registrar.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Marriage is not a privilege its a right for all with no exceptions.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Opposing equal marriage rights will be seen in years to come as bad as opposing equal rights for men and woman. The concerns come from a bigoted few, be that through age or lack of education, but over time it will die out.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am in a Civil Partnership at present and to be married would put the final seal on our relationship

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I am a retired Church of Scotland minister and welcome all who could help

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

As I have already made clear earlier

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I have conducted weddings in many locations which were not religious premises and welcome this opportunity to show the Church in the community.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Trans gender persons have normally been through a terrible period in their lives and to receive a full Gender Recognition Certificate in the acquired gender would be a fine ending to their troubled life unitl now

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The majority of society in relation to same sex couples living together, in Civil Partnerships and the proposed marriages have their views dictated to them by a small minority of people who are completely ignorant of what it means for these couples to be together and be accepted as equal human beings in society.

**Would you like to comment on the wider issue of freedom of speech?**

I am a great believer in "Freedom of Speech" where the truth is openly discussed and not being censored by particular groups who have an axe to grind

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I trust and pray that the Bill will pass through Parliament and bring a Freedom of life to so many men and women who feel they are being kept apart from society by those who oppose this Bill

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Marriage should be available to same sex couples as a basic human right. In the future, we will look back with shame and wonder why same sex couples were ever discriminated against.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Marriage should be available to same sex couples as a basic human right. In the future, we will look back with shame and wonder why same sex couples were ever discriminated against.

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?

In support

I believe that equality means equality and if as a country we are passing laws to treat everyone as equal then it should mean everyone.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is very important that the bill does not discriminate and create two different versions of marriage. The law should treat all marriages the same, regardless of the genders of the spouses. It is very clear that the law as it stands is no longer fit for purpose and needs to be updated to treat all people no matter what sex the same.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

As someone who does not see themselves as religious I agree that religious and belief organisation should be free to decide for themselves, Religious freedom should apply to all groups

How would you characterise your views on civil partnerships changing to marriages?

In support

I think if those couple who are in civil partnerships had been given the opportunity to get married would have got married and should be given the chance to change their civil partnership to a marriage via a simple and inexpensive administrative procedure if they wish to do so and should not be denied this no matter where there civil partnership took place. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Religious bodies that would wish to conduct same-sex marriages should be allowed to do this the same as, Religious bodies who feel that they cannot do this due to there faith should be allowed to say no. Both views should be allowed to allow each to be treated equally and allow both to be respected.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the bill tries to strike the right balance to protect people with concerns about same-sex marriage, No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to this, organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation. These are strong protections for all.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?

In support

I believe that the bill can only be a positive addition to our society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I feel that this is something that will bring Scotland to the forefront of gay rights and show that as a society we will treat everyone as equal regardless of sexual orientation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I strongly believe that this is the right thing to do. I am passionate about equality throughout our society and I feel it is wring to have religious celebrants above belief celebrants as we do now. Being religious should not put you above anyone.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

You cannot force anyone to do something they don’t believe in therefore opting in is a procedure which will keep those against performing same sex marriages happy.

How would you characterise your views on civil partnerships changing to marriages?

In support

I am very happy to support this move.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
I am passionate about this also. I believe that you do not have to be religious to believe in the sanctity of marriage therefore allowing people to be married in a place of their choosing, within reason, is also a very positive step.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Again I am in support if this. I feel that religion is something that can be very personal therefore it is possible to be religious and follow religion whilst being attracted to those of the same sex. Although in most organised religions same sex relationships are frowned upon it is my belief that these are outdated views.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Again I am in support of this. If someone has went through and successfully completed the gender reassignment programme then who are we as a society to deny them their marriage to the person they love and allow it to stand?

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

As previously stated I truly feel that the "concerns" felt by those who are unsure or against same sex marriage are outdated and oppressive. As a society we should be making sure that everyone has an equal footing when it comes to their rights, regardless of colour, creed, sexual orientation or gender. It is almost akin with denying women to vote to deny people who love each other a marriage. Therefore I feel their concerns should be placed to one side to allow Scotland to move forward and ultimately progress as a nation. I am not attracted to the same sex as myself, I am heterosexual and I still feel that this is a very important issue for our people, gay or straight.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is vital to Scotland as a nation. It is important that those both for and against this bill are allowed to air their views. As long as they are done so in an appropriate manner. Ultimately their will always be groups who don't what everyone to have the same rights and to have their own freedom of speech but we must not let them "win" as such and allow others to remain oppressed.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

N/A

**Are you responding as...**
a private individual
14 August 2013
How would you characterise your views on the Bill in general?

In support

We, as a country, are falling behind so many other nations that have seen it right to introduce equality for all, some, decades before us. It is not right that Scotland remains seen as a nation that is seen by many as being 'backward' in these areas, and many others. Introducing equal marriage rights is not something that should be seen a step backward, it is one of the first of many steps we must take to enable future generations to live without persecution, fear and knowing knowing that the laws of the nation they reside in are fully behind them, allowing them them to live as freely as they deserve to, and allowing them the rights and protection that anyone else, regardless of gender, sexuality or race, is given by default.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As far as I'm concerned there should be no dividing line that would require us to label a marriage of two people of the same sex as a 'same sex marriage', there should only be marriage, for one and for all. It is time to break down the layers of red tape and the barriers of labels which cause so much division and hatred.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I have no views upon any religious aspects of this bill. Laws Laws should not be decided by religion in any form.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Once again, marriage should not be seen in separate terms, if someone wishes to conduct a marriage for a man and a woman then they should be required to do do the same for anyone else in interests of equality.

How would you characterise your views on civil partnerships changing to marriages?

In support
If any civil partners wish to do so the option should be made available to them.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

This is perfectly acceptable and I see no reason this should not be allowed.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Once again, this should be allowed.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Absolutely.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I struggle to understand any valid concerns about this matter beyond bigotry, hatred and fear (three things Scotland as a nation has been allowed to steep in for far too long) I believe that minimal resources should be used to protect those who have to deal with their irrational fears of progress and equality. Scotland has spent too long pandering to the demands of bigots.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is of course in theory something we should cherish and nurture, but I also believe that overall, in terms of matters such as these, common sense should prevail, there is no reason to stop progress because of the views of bigots.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same-sex marriage, so that same-sex couples can marry each other?
In support
Marriage is for all, not just for heterosexual couples

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same-sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
Marriage and civil partnerships should be open to all - it's about having the choice of which type of ceremony you would like.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It tends to be fed by bigotry rather than education. Love is for all not just for those who fit in with social norms. The right to celebrate that feeling and make a commitment is not just for the chosen few. Education on this issue would benefit from being widened.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is something that I agree with although I disagree with the press having carte blanche to say anything they wish which can be so damaging to others.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

an academic
a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support
I believe Scotland should be an equal society. This cannot be achieved without marriage equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I believe Scotland should be an equal society. This cannot be achieved without marriage equality. Love is love.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

'Protections' against what?! I would support any 'protections' which are identical to those they have around opposite sex marriage. No more and no less.

Would you like to comment on the wider issue of freedom of speech?

No

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I believe the protections, as set out in the proposition, are robust and sufficient.

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe that the Bill should be expanded to allow the option of civil partnerships for all couples, i.e. to include mixed-sex civil partnerships.

Are you responding as...

an academic
a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

I think this is the only way it can work but am always frustrated that religious groups are legally exempt from equality issues.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They need to get over themselves! This does not in any way impact on their rights to hold bigoted views. It does not dramatically affect the nature of life or society. Therefore no need for "protection"!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

As a country you should be ashamed that ye are not leaders on human rights issues and this has not been done

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The human rights of others should not need to be evidence or voted on. This right should be automatically enforced across all people and countries.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religion is a belief in delusions and a form of insanity. If the insane wish to say certain people cannot participate in the delusion too, then they are discriminating.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

All bodies should be legislated to solemnise both. Nobody should be allowed to discriminate. Did a 10 year old write these questions? You do have universities in Scotland?

How would you characterise your views on civil partnerships changing to marriages?

In support

If that choice is for everyone, then it must be for everyone. No excluding people.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This choice should be for anywhere and include the choice of religious premises, as exclusion of this choice is government sanction discrimination.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

One law for all. Religion has no place in dictating government policy.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Makes no difference to the world.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This has only positive benefits for a society. Screw any neurotic person who is in opposition or have baseless concerns. A neurotic is a person who knows what is right but doesn't like it.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech disguised to defend a historical delusion or discriminate against a group of people is not freedom of speech but permission to be deluded and insane. Insanity should be challenged. We should not allow people of very distant past, who may never have actually existed other than in contrived fairy tails, who would most likely have had lower IQs, who would have had less advance socially inclusive morals, were less open and more narrow minded, less intellectually skilled than man today, dictate what we should be doing to live life today.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Scotland should be ashamed to have lagged behind others in getting this into law. I am originally from Canada, I find it no wonder in evidencing why the outside world looks at the Scottish people as a backward, ignorant hicks. Sad but true.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

it is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. I am pleased that the bill achieves that.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Liberal Jews and others. Some religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. I think that the opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. I think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the husband and wife gendered form of the marriage ceremony should be free to continue to do so.
How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I think that most same-sex couples will prefer a civil marriage, a religious or belief marriage, or a civil partnership conducted by a registrar. However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief body that chooses to do so, adds a useful extra option. There may be some religious bodies that would not wish to conduct same-sex marriages, but would want to offer religious civil partnership ceremonies to same-sex couples who are their members. There may also be some couples with religious beliefs who would prefer a civil partnership to a marriage.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Scotland is lagging behind in terms of freedom and equality until this happens. It is embarrassing that it's taken us so long to get this far.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

People should be treated the same regardless of whether or not their beliefs are associated with an established "religion". But religion must not be allowed to shape laws to negatively impact non-religious people.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The fact that we need opt-in procedures is slightly offensive, but probably required at this point in time in order to appease opponents of equal marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

If civil partnerships really are equal to marriages, these conversions should be quick, easy and free to do.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Marriage should have nothing to do with gender.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I will be very disappointed in the Scottish Government if pandering to these people's demands for protections causes delays in the introduction of same sex marriage. Many Catholics, for example, think that Catholics should not marry Protestants - but there is nothing in the law to prevent this, and rightly so. Same goes for race, religion and age. Protections should not be necessary.

Would you like to comment on the wider issue of freedom of speech?

The difference between freedom of speech and harassment should be made very clear, but freedom of speech should certainly be upheld for everyone.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Faith schools must not be allowed to give biased teaching regarding same-sex marriages. Education and worship/religious study should be separate.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I don't think religious organisations should have the right to discriminate against people. If anybody wants to marry within a particular faith, I think that faith should be required by law to perform the marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

I think any couple who want to have their civil partnership officially converted to a marriage should be allowed to do that, easily and without too much expense.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The people who need to be protected here are the ones who are being discriminated against, i.e. the couples who wish to marry. The prejudices of people who are homophobic or intolerant of those couples, for whatever reason, should not be protected.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Mixed-sex couples should also have the right to choose civil partnership if they wish. There should be no difference in how couples are treated on the basis of their gender or sexuality.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

I think it is high time religious organizations, especially churches, started accepting gay and/or equal marriage; indeed, they should be leading the argument in favour of equality. The very least they can do is accept that they don't have to perform their ceremonies under the new law.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Get with the programme.

Would you like to comment on the wider issue of freedom of speech?

Feel free to speak - without hate. Do not wave "freedom of speech" around as an excuse for homophobic viewpoints, however.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

I have been with my same sex partner for 16 years and can't marry

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No one is forced to marry someone of the same sex. These decisions are private so others should't interfere

**Would you like to comment on the wider issue of freedom of speech?**

People are entitled to their own beliefs but should not force them on others or use freedom of speech to hurt others

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They can comment on personal issue but cannot speak for the lives of others.

Would you like to comment on the wider issue of freedom of speech?
I believe in freedom of speech when it does not infringe on the beliefs of others.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

Complete support, anything less is a sham in this day and age!! Just let people be happy

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Why should they not be able to? There are horrible things going on in this world, these people love on another, that isn't a bad thing!!! People need to cop on

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

Religion is a sham, so no comment on that

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No - leave people be. Its not your life!! Why are people committing suicide every day of the week, because of IGNORANT people!!!

Would you like to comment on the wider issue of freedom of speech?

no

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

no

Are you responding as...

a public body

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

Marriage should be an option for everyone, and we should not be forcing people to divorce if one of them changes their sex

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Any civilised country would allow this

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

It is discriminatory to exclude people who represent other religions and beliefs from being celebrants

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

In favour, but with a particular emphasis that all celebrants should be required to solemnise these ceremonies if they are secular, regardless of the religious views of the celebrant themselves.

How would you characterise your views on civil partnerships changing to marriages?
In support

It would be impractical and costly for people to have a second ceremony - although I am sure there are people who will choose to do so in a spirit of celebration that they finally have equality

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
This is such a personal decision for people, they should be free to choose the venue themselves.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

IN support, although in an ideal world they would be hosting same sex marriages too.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

It is barbaric to break up couples who do not wish to do so - Jan Morris had to divorce her wife and they stayed together for life. No-one but the couple themselves should have the right to split them up.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No-one conducting a religious ceremony should do these if their religion does not permit it, but outside of this there should be no protections - LGBT tax payers have as much right to be married as anyone else. I do not believe anyone should be able to make a moral judgement about this in the classroom either, and exclude mention of same sex marriages. Ten per cent of the children they are teaching are probably LGBT, and those children are alienated every time their existence is denied or downgraded or their behaviour judged.

Would you like to comment on the wider issue of freedom of speech?

People are entitled to give their views so long as these are not deeply offensive. Equating LGBT people with sex offenders is offensive, and has been heard far too often during the wider debate on this issue.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There is something deeply unpleasant about the current assumption that marriage is all about property and the inheritance of property by children- additionally dressed up in terms that suggest children are not safe with same sex couples. Marriage should be about love, not about ownership of goods. There is also something deeply distressing about the assumption that men and women are so intrinsically different, and perform such separate roles in life, that they must be paired in tandem to provide a child with a balanced background. Do we really still hold such destructive, old-fashioned views in this country?

Are you responding as...

a private individual
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
I think it is about time the playing field was levelled for all people.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Weddings are not about faith any more, they are about tradition. Under normal circumstances, any literature that promoted hatred of anyone would have need banned, yet here we are defending the very rights of some people from the religious persecution that should have died out with the crusades.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
If we are all "gods creatures" then the bible should not be discriminating against anyone, but people are entitled to a choice, and we should respect that.

How would you characterise your views on civil partnerships changing to marriages?
In support
For the simple reason that I can see no reason for not doing it. If you have a faith, then you should be afforded the same religious rights as everyone else.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
I thought that was already practiced. I have been at weddings conducted in hotels and gardens. Or are we still discriminating against same sex couple?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protection of someone's narrow minded, fear based discriminating concerns is that?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
If there is an opt out clause for those who don't want to participate in same sex marriage, then I think that will suffice. No one should be forced to carry out
ceremonies that they don't believe in, but everyone should have the option to marry whoever they want to.

Would you like to comment on the wider issue of freedom of speech?

No thanks

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

Allowing all couples to use a gender-neutral form of the marriage ceremony wording would be the best approach to include same-sex, opposite-sex and transgender/genderqueer couples - I believe this would require a small amendment to section 11(2)(g).

How would you characterise your views on civil partnerships changing to marriages?
In support

I am concerned that couples who got a civil partnership outside of Scotland will not be able to marry in Scotland (understandably converting from another jurisdiction's civil partnership or equivalent like the french PACS would be difficult) and would like to see the proposed bill changed to allow, for example, couples with english civil partnerships to marry without dissolving their existing partnership which would be nonsensical and potentially cause unnecessary expense to UK couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I welcome this proposal as it mirrors the current state for marriages by priests, ministers or belief celebrants.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

There may be religious groups that are unwilling to solemnise same-sex marriages but can bring themselves to register civil partnerships as a halfway house or pastoral consideration for their members. Some couples might also prefer this.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If marriage is marriage regardless of the gender of the participants, then a change of gender should not affect the status of the marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same-sex marriage?

As someone who identifies as a Christian, I believe the proposed protections are strong enough to safeguard those acting in a religious capacity. I do not support the addition of an opt-out for civil registrars as there are no equivalent opt-outs for marrying divorcees or inter-racial couples.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

People love people, everyone should have the opportunity to equal marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is 2013, Scottish society already accepts gay and lesbian people so the law needs to catch up.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religion is a choice.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I support this.

How would you characterise your views on civil partnerships changing to marriages?

In support

People who engaged in civil partnerships will have done so at the time as that was the only option available to them, they should be given the right to change it to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I think so long as both parties are happy that ceremonies should be able to take place anywhere.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If they are happy to do so and the same sex couple are religious then I support this.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Yes because regardless of their gender if they're in love with the person they married then the most important point hasn't changed.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those who do not agree with same sex marriage should not have a problem with the bill going into law. It does not affect them, they do not need to attend the weddings.

Would you like to comment on the wider issue of freedom of speech?

I think everyone is entitled to their view but I also think we all deserve equality.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

an LGBT group
a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support
As a lesbian currently in a civil partnership that was registered in Scotland I look forward to an opportunity to have full marriage equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
There should not be a two-tiered marriage. Same sex and opposite sex couples should have identical institutions or otherwise discrimination could still exist. Religious institutions should be able to perform same sex marriages if they wish and registrars should not be allowed to opt out of these services. This would be as bad as opting out of mixed race ceremonies.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
As a Christian who worships in the Metropolitan Community Church (a "gay" church) I would wish to have the opportunity to celebrate my union within a religious framework. I feel that all institutions that wish to perform same sex marriages should be allowed to.

How would you characterise your views on civil partnerships changing to marriages?
In support
As I am already in a civil partnership my personal decision will depend on the legal rights the institutions provide. At present my civil partner does not have equal pension rights compared to an opposite sex marriage. If this wrong was to be righted I would change to a marriage. Ideally this should not involve an extra cost as we would have married if it had been available to us.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

My childhood dream was to be married up the top of the campsie fells. I therefore would welcome this change.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I can see that some religious bodies and some same-sex couples may for belief reasons wish a religious civil partnership rather than marriage. Whilst this is not something I wish I believe they should have the freedom to celebrate their love as most agrees with their beliefs.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Most people love an individual and the gender is secondary. Why should stable relationships be destroyed due to an operation. The transgender person has not changed internally.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As stated before I do not feel civil registrars should be given an option to opt out of same sex marriage. They cannot at present opt out of civil partnerships and this would denigrates same sex marriage. It would be allowing prejudice in a manner akin to allowing an opt out for mixed race civil marriages.

Would you like to comment on the wider issue of freedom of speech?

I do not see why this should be an issue.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In opposition

The state, institution of Marriage is what it is, and not something else regardless of the motive for wishing to determine otherwise.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The state, institution of Marriage is what it is, and not something else regardless of the motive for wishing to determine otherwise.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

The state, institution of Marriage is what it is, and not something else regardless of the motive for wishing to determine otherwise.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

The state, institution of Marriage is what it is, and not something else regardless of the motive for wishing to determine otherwise.

How would you characterise your views on civil partnerships changing to marriages?

Neither

With reference to my answer to question 4. above, only those civil partnerships of one man and one woman should be considered for change to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
With reference to my answer to question 4. above, only civil marriage ceremonies between one man and one woman should be considered for recognition regardless of location.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

Heterosexual couples in years gone by co-habited without their relationship being classed as illegal. We have now moved on where same sex couples now co-habit without their relationship being classed as illegal. There is no need to legalise those arrangements. Government surely has within its ranks those with the intellectual ability to ensure that any co-habiting persons are not materially disadvantaged. Consequently, there is no need for belief or religious registration.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

The state, institution of Marriage is what it is, and not something else regardless of the motive for wishing to determine otherwise.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

It is impossible to have same-sex marriage and it will prove impossible to protect from discrimination those who understand and uphold the state of marriage from those who wittingly or otherwise are intent on imposing acceptance of marriage redefinition.

**Would you like to comment on the wider issue of freedom of speech?**

It is impossible to have same-sex marriage and it will prove impossible to protect from discrimination those who understand and uphold the state of marriage from those who wittingly or otherwise are intent on imposing acceptance of marriage redefinition.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

When a nation loses sight of what is right and what is wrong it becomes very introverted, selfish and consequently very vulnerable.

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage is between a male and a female.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Legalising homosexual acts between consenting adults is one thing, glorifying it by calling it marriage is not acceptable as it then involves the whole of society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

The place of the ceremony is irrelevant.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Allowing someone to do wrong is not a good idea but each would have to decide for themselves
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

When a government transforms something which has served society well since creation with something which is clearly not fit for purpose it must allow those who oppose it the right to speak without heed or hindrance. It should be explicit that opposition will not in any way make the opposer liable under law.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A tiny vociferous minority have manipulated a government to process a bill without mandate. A few already have lost positions, jobs, and been sued over expressing views or maintaining practices opposed to this bill. This will become not a bill of permission to the practicing homosexual in society but a rod to beat the backs of those who see it as harmful to the homosexual and destructive to society and take any action to express these views.

Are you responding as...

an academic
a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

A vital measure to achieve full equality irrespective of gender and sexuality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Marriage is a civil status that should not be exclusive - it should be available irrespective of the gender and sexuality of the two people involved.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religion is a belief like any other, so religion should not have a special status.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

However I believe all marriages should be conducted as civil marriages, and that religious and other belief organisations may then celebrate it as they wish.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil partnerships have a different history and different connotation and should not be abandoned, but rather should be opened up to different sex couples too.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

The key factor is that a public official (registrar) should be able to conduct civil marriages wherever: it is the official who should qualify the event, not the location.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

All civil partnerships and marriages should be conducted as civil ceremonies, which can separately be celebrated in whatever way the couple wishes and the organisations allow.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Anything else would be needless humiliation.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They are not forced to get married, so they do not need protecting.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech always needs to take into consideration vulnerable groups that can be stigmatised by discriminatory language.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Civil partnerships must be made open to different sex couples. This would be a popular move that would enable many different sex couples to formalise their relationship in law, when they do not wish the historical and cultural connotations of a 'marriage'.

Are you responding as...

an academic

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
in line with basic human rights

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
this is for me a human rights issue, people have the right to be in a same-sex relationship should they choose it. They should also have the concommitent right to have that relationship acknowledged by their family and friends and by the society we live in. Those rights should be on an equal footing with those in a traditional relationship. The important issue is surely that we support loving relationships within caring communities.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?
In support
The sooner the better; the more inclusive the better!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
Undecided

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They are more than adequately protected under the Bill.

**Would you like to comment on the wider issue of freedom of speech?**

There is a very, very clear line between being polite and accepting of others' differences and being rude and vitriolic, those that stay in the first area should be fine, those that venture into the second should be dealt with in the justice system.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Discrimination laws should be upheld to ensure that people are not discriminated against on the grounds of protected characteristics. That being said, where specific religious or spiritual beliefs mean that an organisation/individual within an
organisation does not feel able to perform a particular type of ceremony, there should be the option to refer to another organisation or individual within that organisation, with the emphasis on enabling citizens to marry in the way they choose within the places they choose. Religious beliefs hold an entire spectrum of support and opposition to same sex marriage, and so I think the government has a responsibility to ensure that marriage is available to all on fair, equal, and non-stigmatised grounds, whilst balancing respect for the religious/spiritual views of those who do not support such a view. The priority should be on marriage as a civil and legal right, first and foremost, covered by discrimination law, with religious objections taking a back-seat (as these objections are not enshrined nor do they represent the only available interpretation of religious texts)

**Would you like to comment on the wider issue of freedom of speech?**

I think that freedom of speech is a right that we all have and that should be protected, but it is a right which carries a commensurate responsibility to respect and uphold the rights of others to not be discriminated against. This is part of the social contract of each individual to be a citizen within a particular society - that we can expect certain levels of respect and freedom from others because we also grant that this respect and freedom is the right of others. I do not feel that religious beliefs should be given special compensation to freedom of speech when it is discriminatory towards other social groups. They have the right to believe what they wish but should still be subject to the same responsibilities to be respectful of, and non-discriminatory towards, others. Greater awareness of what freedom of speech means in a multicultural, diverse society should be promoted

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Everyone should have equal rights to marry who they love, whether the same gender or another. People have no more right to tell me that I cannot marry someone of the
same gender than I do to tell then they cannot marry someone of the opposite gender.

**Would you like to comment on the wider issue of freedom of speech?**

I believe in free speech. Everyone has the right to say what they believe but I do not have to like/agree. It also does not mean there will not be consequences for those preaching hate and intolerance.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition
civil partnerships should remain an option for those ( including mixed sex couples ) who would prefer a civil partnership to a marriage, and it is important that those who are already in civil partnerships are not made to feel that their relationship is any less valid by the new legislation.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
religious bodies who wish to allow use of their premises for civil marriages should not be prohibited from doing so. e.g Quaker meeting houses...

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
Those religious groups who wish to conduct or bless civil partnerships should be allowed to do so. Other groups who oppose such measures now will eventually see
the error of their ways, or preferably be deserted by the vast majority of the population and wither and die!

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

That a couple who wish to stay together should be required to divorce following gender reassignment, and then only be allowed a civil partnership was one of the most ridiculous and discriminatory pieces of legislation ever passed. Such matters need to be handled with more sensitivity in future.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The people who need protecting are those who being attacked and abused by vile bigots in the name of religious freedom. Quite honestly the scaremongering of cardinal OBrien and his ilk demonstrates how much hypocrisy is uttered in the name of Christianity. Those who support equality won't have a problem with this bill, the rest can go live with Vladimir Putain!

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

I'm a very out & proud Lesbian!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Why should I be discriminated against because I'm Gay?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I 100% believe in a Democracy in that people can believe what ever they want to believe but they have NO RIGHT to ENFORCE their beliefs onto me! The LAW of the land should NEVER DISCRIMINATE against someone because of their sexuality! It is NOT against the Law to be Gay therefore we should be allowed to marry who we love, just as straight people are allowed to marry each other!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

This is entirely due to the celebrant themselves! I would not want to get married by someone who doesn’t support Gay marriage!

How would you characterise your views on civil partnerships changing to marriages?

In support

Equality!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People can think and believe what they want but they have NO RIGHT to enforce their beliefs onto me or anyone else! This is about EQUALITY NOT RELIGION!

Would you like to comment on the wider issue of freedom of speech?

That's what Democracy is all about hence why we have these discussions in the first place! Religious people can voice their concerns and I will voice mine!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Look at the rest of the World in terms of society 'growing up'

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
It seems that the Church and other religious bodies feel that their views are the be all and end all. I don't think that religion has as prominent a part in society today than it did for previous generations and the Church needs to recognise this and move with the times.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

The option should definitely be there, but some couples do just want a civil partnership - believing that marriage for life is a hard option, but still want many of the legal benefits from living together for a long time.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

In many religions, God is omnipresent. A Divine being should be able to view a marriage regardless of location, and it should be up to the couple and registrar.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

I believe state and religion should be kept apart, but if the couple wish them to mix then allow it so.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

A marriage between two people shouldn't need a Gender Recognition Certificate in the first place, they both need to be consensual. So I support the marriages being kept, but I don't support the requirement of a Gender Recognition Certificate.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If two people are in love let them marry and be happy; their marriage is not your marriage. Marriage has been going on since Human Civilisation has begun and it wasn't conceived by by one religion, or one ideology, or by one state - it's a term to give to two or more people who consensually agree to love each other until they're dead. Otherwise this this video should help: http://www.youtube.com/watch?v=uQw0eLzfGNI

Would you like to comment on the wider issue of freedom of speech?

Should be done lots, and Governments have a duty to be as transparent as possible. Thank you for this.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

The choice should be given.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I support civil marriage ceremonies taking place anywhere agreed between the couple and registrar, including religious premises

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Some transgender people do not complete their transition due to the restriction on their marriage continuing after the transition.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Protections should be put in place the same way protections are put in place for those in society who have concerns about mixed race marriage and mixed religion marriage.

**Would you like to comment on the wider issue of freedom of speech?**

Discussion on this topic should be treated the same way we treat discussions around race and religion. We wouldn't tolerate the view that

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as…**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No-one is forcing them to participate, and I think this is appropriate. However I feel the principle of equality is highly important and should not be overridden here.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

I am a gay women. I think its about time gay marriage was legal. Equality for all should be a basic human right.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am a gay women so i would like the choice to be able to marry the person i want to spend the rest of my life with.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I disagree with religion, i think it causes so much anger and alot of problems.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think its disgraceful that this is even being debated. Sane sex marriage is a basic human right and its about time it was legalised

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual
Gay women

14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

I am unhappy with the term ‘marriage’. I find civil partnerships acceptable, but feel that same-sex marriage is different. Marriage is a religious ceremony (or at least, began as one) so I cannot understand why same-sex couples would want to enter into a marriage in the first place.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I feel that is entirely up to the celebrant (to opt-in). I am against it, but if the celebrant feels it is acceptable to his or her beliefs, then that is their decision.

How would you characterise your views on civil partnerships changing to marriages?
In opposition

See my earlier response - marriage and civil partnerships should legally be the same, but in religious meaning they are different. I believe same sex couples in civil partnerships should be given the same legal rights as married couples, but should not have religious marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Where they have it is up to the couple, provided it does not take place within a church or religious premises.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The perception of Christians as being against gay people - although we oppose gay marriage etc., we do not 'hate' gay people, and it would be helpful if the media tried not to encourage this perception. I think this will help people to understand the Christian reasons for opposition better - giving a more balanced side of the argument which they can then make their own free mind up from.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

In general, I support the bill and think the introduction of same-sex marriage is long overdue. I feel that far too much has been done to pander to the outdated views of extreme religions and consider the provisions for them are more than generous.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Marriage should be an option for all adult couples. The existing second-class arrangements were a small move forward but enshrined bias and discrimination in law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I see no reason to prevent any adult from being authorised to celebrate marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

It should be possible for any organisation to have authorised celebrants who can solemnise marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

Civil partnerships were a fudge based on the fear of religious organisations. It should be possible for those in civil partnerships who wish to have the option of changing that partnership (wherever performed) into a marriage either by simply submitting an appropriate form or by having a marriage ceremony. In no case should a civil partnership need to be dissolved before the partners can be married.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I see no logical reason to limit the location of any marriage ceremony.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

I see no point in civil partnerships once marriage is available to all. However, some couples may prefer a partnership and I see no logical reason for limiting their choice.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

The sex of parties to a marriage should be irrelevant in all circumstances. A spouse should have no veto on obtaining a GRC; if a change of gender causes problems to the marriage, the option of divorce is always available.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I see two issues. First, religious organisations should continue to have the choice of whom they do or do not marry. Second, those in a civil position (such as registrars) should be required to do their jobs and must not have the right to refuse to do what they are being paid to do simply because of personal feelings. I see no difference between a civil registrar refusing to marry a same-sex couple because of beliefs and a policeman refusing to investigate a crime involving a German because of memories of the war; both should lose their jobs.

**Would you like to comment on the wider issue of freedom of speech?**

People should be free to express whatever views they hold, providing they are not inciting people to take actions which would break the law. Likewise, people should be free to express opposing views under the same conditions.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Enough talking. Get the bill passed.

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

14 August 2013
How would you characterise your views on the Bill in general?

In support

This bill is crucial to forwarding equality in Scotland. I support it not only for the real, practical advancements it provides for same-sex couples and other LGBT people in Scotland, but also for the changes to laws that, in theory if not in practice, adhere to antiquated views on gender and sexuality, like the resetting and adultery laws.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Although same-sex couples can currently enter into civil partnerships, this creates a "separate but equal" status and promotes discrimination. Permitting all couples, regardless of gender, to marry removes that distinction and places same-sex and mixed-sex couples on equal footing. Furthermore, allowing same-sex and mixed-sex marriages means that a transgender person's marriage need not be dissolved upon gender reassignment, as being in a marriage with a person who is now of the same sex is not illegal (for this reason I would also support civil partnerships for opposite-sex couples, for those same-sex couples who are in civil partnerships).

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I support placing belief celebrants, for instance Humanists, on a level with religious celebrants, with one caveat: I see no reason to distinguish between non-religious and religious belief, and would rather see a single "belief" category, in addition of

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I understand the need to preserve religious freedom, and not forcing religious celebrants to perform same-sex marriages if it goes against their religious beliefs. However, I also believe that the current form of the bill protects the right to discriminate over the right to not be discriminated against. For one thing, the opt-in procedure continues to treat same-sex marriages as different from, say, mixed-race or mixed-faith marriages. The ability to choose whether or not to marry a couple on the basis of religion is already enshrined in law; for instance a Catholic priest could choose not to marry a Catholic to a Hindu, without the need for a specific opt-in for religious bodies to marry mixed-faith couples. The Canadian province of Ontario,
which has permitted same-sex marriage for the past decade, has the following protection for religious celebrants:

18.1 (1) The rights under Part I to equal treatment with respect to services and facilities are not infringed where a person registered under section 20 of the Marriage Act refuses to solemnize a marriage, to allow a sacred place to be used for solemnizing a marriage or for an event related to the solemnization of a marriage, or to otherwise assist in the solemnization of a marriage, if to solemnize the marriage, allow the sacred place to be used or otherwise assist would be contrary to, the person’s religious beliefs; or the doctrines, rites, usages or customs of the religious body to which the person belongs.

(2) Nothing in subsection (1) limits the application of section 18.

(From this site: http://www.ohrc.on.ca/en/part-ii-interpretation-and-application/solemnization-marriage-religious-officials) This includes, but is not limited, to same-sex marriages. I see no reason why Scotland should not also have a broadly-applicable law like this (which I believe already exists, as referenced above), without the need for one that specifically singles out same-sex couples. By requiring the opt-in to marry same-sex couples, the bill encourages the treatment of same-sex relationships as fundamentally different from and inferior to mixed-sex ones; rather than all religious celebrants being permitted to perform the same types of marriage, with no requirement to perform marriages that go against their religious beliefs, all will be able to perform mixed-sex marriages, but not all will be able to perform same-sex marriages. Furthermore, the requirement that both a religious body AND a celebrant must opt-in in order for the celebrant to perform a marriage needlessly limits the number of people available to perform these marriages. For instance, if the Catholic Church refuses to opt-in, no Catholic priest may perform a same-sex marriage, regardless of his own personal views on the matter. However, if the Catholic Church does opt-in, celebrants are still not required to equally opt-in.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

I support providing couples in civil partnerships with the opportunity to become married, either through an ordinary marriage service or a simple administrative procedure. However, this should not be limited to couples who entered these partnerships in Scotland, as it makes it virtually impossible for couples in civil partnerships from abroad, or even from elsewhere in the UK, to marry, as they would first have to dissolve their civil partnership.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

I see no reason for there to be a limited list of locations at which marriages can occur.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

This permission increases the options available to religious same-sex couples, who may either wish to enter a civil partnership of their own accord or whose religion may permit same-sex civil partnerships but not same-sex marriages.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I support the ability for transgender people to remain married, however I do think some changes need to be made. Most importantly, transgender individuals should not have to ask their spouses' permission for gender reassignment; it is a personal matter, and akin to draconian laws requiring women to ask their husbands' permission for abortions. Furthermore, because of the requirement that a person live as their identified gender for at least two years before reassignment, most spouses will have either accepted their spouse's true gender or the marriage will already have broken down, and it's therefore a needless law that places a barrier in the way of transgender people while treating them like people incapable of making decisions about their own bodies without a heteronormative person's input. I also support the changes made in England, though not in Scotland, that permit less evidence for those who have been living as their identified gender for six years, as after that time it can be difficult to obtain the evidence necessary for the procedure. Furthermore, as the age of majority - and the age at which one can marry - in Scotland is 16, it is only reasonable that gender reassignment should be available from that age.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There are ample protections in place for people in positions of religious authority who do not wish to conduct same-sex marriages. There have been some suggestions that people in positions of civil authority - registrars and teachers, for instance - should have similar protections; however this is wholly unsuitable as it allows personal faith to get in the way of performing a civic duty. Registrars are currently required to perform any kind of legal civil marriage, and that requirement should not change when the definition of "legal civil marriage" is broadened. Likewise, teachers cannot be permitted to base their lesson plans on their own personal views, without regard for the facts or how they may be disrespecting students in their class (eg LGBT students or those with LGBT parents).

Would you like to comment on the wider issue of freedom of speech?

This bill does not address the expression of opinion in any way, and therefore has no effect on freedom of speech. People will still be permitted to speak out against same-sex marriage, just as they are allowed to speak out against mixed-race marriages (though they may face criticism from their peers).
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The major element missing from this bill is the introduction of mixed-sex civil partnerships; the same choices should be available to all couples, regardless of orientation or gender make up. Just as some same-sex couples are not interested in marrying because it is an institution that has traditionally rejected them, there are women who wish not to marry (but still want legal recognition of their relationships) because it is an institution that has traditionally stripped them of any legal rights or identity. Furthermore, permitting mixed-sex civil partnerships would make it easier for a person in a same-sex civil partnerships to attain gender reassignment, as the partnership would remain legal. Finally, the restriction of civil partnerships to same-sex couples continues the "separate but equal" distinction currently in place. It reinforces the notion that same-sex relationships are not as "real" or "serious" as mixed-sex ones; the term "civil partnership" does not conjure up the same images of love and everlasting commitment as "marriage" does. As a result, a same-sex couple is "elevating" itself by entering a marriage rather than civil partnership, while a mixed-sex couple entering a civil partnership would be seen as a debasement, and it is only through permitting the latter that we will see true equality.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

14 August 2013
How would you characterise your views on the Bill in general?
In support
I lecture to many LGBT students, and this legislation will provide a significant source of comfort and security to them.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
This is a simple matter of equality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
We are an informally secular society, and why should the majority of the population who do not adhere to any faith be seen, should they wish to marry, as of a lower 'caste' when marrying?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Bigotry ought not to be placated. By all means be sensitive to the belief systems of others, but if racism or under age sex was a part of any faith group’s world view (which around the globe it is/has been), would we tolerate it? Why should religious faith be exempt from civilized and legislated for human rights?

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is circumscribed, and not without legal caveats; it is nonsense to regard the expression and practice of bigotry as a civil right.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

an academic
a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Yes. In our world today we have far more pressing issues to concern ourselves with than who is marrying who and what they may or may not have between their legs. More love and tolerance in the world can only be a good thing.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Why do they require protection? Another persons marriage has no effect on their own.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

I believe it would be preferable if couples whose civil partnerships were registered somewhere outside of Scotland were also able to change their civil partnership to a marriage, without having to first dissolve said partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

I believe it is unfair to require trans people to have their spouse's permission to obtain gender recognition (especially since they must have already been living in
their acquired gender for two years in order to apply, so it will have little effect on their spouse anyway). I think it would be more reasonable to require the spouse's permission only at the stage of re-registering the marriage, once the trans person's legal status has already been changed.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The bill provides strong protections for such people, as religious organisations are not required to conduct same-sex marriages, and any individual celebrant who doesn't want to perform them can also opt-out. It has been suggested that civil registrars should also be able to opt-out, but I oppose this - they work for the state and therefore should behave in compliance with the law, not their own personal beliefs.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

I support equal marriage in Scotland. The bill is a huge step forward for equality in Scotland, balancing equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I do not believe gender matters in terms of suitability for lifelong partnership, civil rights or child rearing and therefore support same sex marriage. The law should treat all marriages the same, regardless of the genders of the spouses.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I think it is correct and fair that belief celebrants will be allowed to marry individuals with full weight, celebrating their beliefs in their union.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think religious/belief groups should be able to decide themselves whether to endorse mixed-sex marriages and same-sex marriages as well. Some religious bodies do want to conduct same-sex marriages, others do not. Religious freedom should apply to both groups, through opt in for example.

How would you characterise your views on civil partnerships changing to marriages?

This for me is not an issue. I would suggest using one term for a religiously endorsed marriage and the other for a normal form marriage, where both carry identical rights as a partnership. I am heterosexual but if I every do get married I will not be having a religious wedding.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
As above, I do not believe that religion should always have a place in marriage. In fact, I believe marriage to now be a civil and economic institution so I would prefer that many other places became eligible for marriage ceremonies.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

A useful potential option I think.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Absolutely support. In my view of marriage/partnership, gender is not consequential and therefore should not matter.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think the bill provides balance here- no person who is against same sex marriage will be forced to perform one. I do not think civil registrars should be allowed to opt out of conducting same-sex marriages. Civil registrars are carrying out a civil function on behalf of the state, not a religious function. It would set a dangerous precedent in public service providers (in local government, NHS, etc) to allow this and is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The Equality Network suggest that some have proposed teachers having opt out rights when it comes to mentioning same-sex marriage. I am HUGELY against this idea. Teachers should report fact in line with government law, not in line with their personal belief.

**Would you like to comment on the wider issue of freedom of speech?**

I don't believe the bill infringes on any freedom of speech

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I would like to stress that I support introducing every option and right a straight couple has to same sex couples. This includes all financial rights (I believe pensions under the current bill could be reduced to a same sex husband or wife?).

**Are you responding as...**

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The concept of marriage has changed enormously over the centuries, eg women were once viewed as the property of their husband (and still are in some parts of the world) with no rights of their own. The time is long overdue to recognise another change and to stop excluding and discriminating against a particular group on account of their gender. If society is to progress, it must always move forward, not back as with the current dire situation regarding LBGTs in Russia.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

provided they respect the beliefs of those with different, eg religious, views - I am very disappointed by some prejudice displayed and encouraged on the British Humanist Assoc website

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Should be up to the individual celebrant whether or not they want to do this

How would you characterise your views on civil partnerships changing to marriages?

Neither

Only if the couple want this. People should be free to choose civil partnership if they would prefer to do so.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition
It becomes crazy - and often impossible for the guests! There should be some sensible restrictions.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Many religious celebrants are already happy to conduct a service of blessing. This would legitimise this step.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

If the couple wish to remain married, why should we interfere with their decision?

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The people who need protection and support are those who are being discriminated against, not those who cling to the past and refuse to accept that society is changing.

**Would you like to comment on the wider issue of freedom of speech?**

It is a vitally important freedom which allows individuals and groups to have a voice and keeps this country from degenerating into an authoritarian society.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

committed Christian and parent of a gay son

14 August 2013
How would you characterise your views on the Bill in general?

In support

It seems obvious to me that marriage should be extended to everyone, no matter their sexual orientation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is a civil rights issue that people will look back on in 20 years and wonder what on earth the fuss is all about.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I guess they can do what they want. If they want to marginalise themselves then they are welcome to do that.

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

It seems perverse to force people who are not religious to marry on premises that have no significance to them.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is tricky and comes down to the definition of terms really. However the existence of the marriage does not change.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I don't really see why people need protection from this issue. They are more than welcome to disagree but I don't understand what is special about their disagreement that warrants protection. They are standing in the way of a more equal society. Let them face the changes brought about by secularism like everyone else.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
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How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
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Are you responding as...

a private individual

14 August 2013
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How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
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Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I have very clear views that same sex couples should, if they wish to have a marriage, whether it be in a Church, or other religious institution. We are at a place in civilisation, where there are a significant number of same sex relationships, homosexuality is not a disease, and same sex couples for an integral part of our society. It is well documented, that gay people make an equal contribution through taxes and the like. There is no tax break available for gay people, so, albeit rather simple, on the basis that a equal contribution is made, equal marriage should also be a right!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?

In support

There should be no restriction on marriage for same-sex couples, therefore this bill is long overdue.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Having been raised in a home without prejudice, my sister was able to embrace her sexuality as a Lesbian and know she is fully supported by her family. I believe that she should have the right to marry her partner, just as I am able to marry mine.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

In this modern age, religion has to adapt to a very changed society. There should be no distinction between the two.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Should a celebrant wish to perform such a ceremony, they should be allowed to do so. Marriage, at its heart, is a celebration and joining of two people: I find it difficult to understand why some celebrants/institutions would restrict who is allowed to partake in this.

How would you characterise your views on civil partnerships changing to marriages?

In support

On a fundamental level, the level of "rights" would finally be the same. It is ridiculous that "partnerships" have more limited rights than "marriages".

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Religion no longer holds the sway it once had, and Scotland is now a multicultural society, with many religions. It is naive and ignorant to believe that marriage should only "allowed" through a religious service: marriage means so much more than a benediction and authorisation from a deity/religious institution. To claim otherwise, is unrealistic and not representative of modern-day Britain.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Just because nature has "decided" on a certain representation of a person, should not prevent them from adapting themselves to feel "true" to who they really are. The laws in this country should move with the times and allow this person the choice to stay with their married partner, in their new gender.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

Neither

needs improving, for all cases eg transgender. also civil partnerships for hetero couples

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
social mores move on. wrong done to those debarred from their civil rights is worse than 'offence' to religious beliefs

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

The Bill makes big strides towards improving equality in Scotland and towards removing ingrained prejudice from our legislative framework.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is wholly right that all couples, regardless of their sexuality, are free to express their love and commitment to one another in marriage, and that regardless of the gender of the parties concerned marriage be marriage; exactly the same form of marriage for all.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

As an elder of the Church of Scotland, who to my disappointment have failed to take a strong spiritual lead on this issue, I feel that it is vital that the beliefs of all are recognised and treated with tolerance and respect. It is of paramount importance.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

The Bill in its present form does not allow those who have registered a Civil Partnership outside Scotland to marry in Scotland. This seems most unfair and may create a situation where people who have registered a civil partnership outside Scotland will be unable to marry here. People from countries who do not allow same sex marriage may then find themselves unable to marry at all unless they dissolve their civil partnership and this may be beyond the reach of many. The Bill should be amended to address this and allow all resident in Scotland to marry here.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

There are issues surrounding spousal approval with regard to gender recognition and I am concerned that the need to obtain spousal approval for gender recognition may be very difficult for those also involved in divorce proceedings.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Bill seems very balanced. In particular I support the view that no civil servant (i.e. registrar) should be able to opt out of conducting same sex marriages. These individuals are performing a function on behalf of the state and their personal beliefs should play no part in that. Any suggestion that this is necessary is tantamount to allowing discrimination to continue, sanctioned by the state.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
I think freedom of speech is important, until it breaches the human rights of others.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support and welcome the bill. It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech. We think that some parts of the bill could still be improved further.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. I welcome that the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is appropriate. I also note that the bill applies unchanged the existing meaning of adultery as evidence for divorce, to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery; other forms of sexual infidelity, with a person of the opposite sex or the same sex, do not fall within the existing legal definition of adultery but can form the basis of a divorce under the “unreasonable behaviour” rule. I agree with the approach taken in the bill, which applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages, and allows divorce on grounds of sexual infidelity for all marriages. In Scotland, there is no consummation requirement for marriage, and so there is no need for the bill to address this for same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In our view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively “veto” the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender.

When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate. I therefore strongly believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a very important provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died, and as I have transitioned 15 years ago, my doctors have retired and where would I get the information necessary? Therefore I believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill – this would assist the Gender Recognition Panel as well as applicants. We would also like to see the minimum age for applying for gender
recognition brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither
It should be up to the individual if they want a civil partnership or a marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
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How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I hope we live in a modern and forward looking Scotland. Times change and I feel that many who have concerns about same sex marriage are out of touch with modern life - we don't send children to work up chimneys any more and what was
acceptable even 20 years ago is sometimes no longer the case. Giving some level of protection to outdated and/or bigoted views could be a dangerous move as it could give the "justification" that some might look for to justify their views/attitudes. I think that government should be aspiring to create an open and forward looking Scotland for the 21st century making it clear what is and is not acceptable in our 21st century society - they do it in most of the Scandinavian countries and I fail to see why we cannot do so in Scotland.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Completely in support. I believe that we are all created equally and should have the same equal rights. I believe you should have the right to love and marry whom every you wish as long as they are both consenting adults.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

If there is a God who created us then people are created gay or straight. And if there is not a God I believe that people who are gay or bisexual did NOT choose to be that way. That is the way they were born and so whether the way they choose to marry i

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

If that is what they couple wishes to do. And if it gives them more rights and makes them more equal in the eyes of the law then that is for the best.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

With boundaries of health and safety, common sense, discussion with land owners, etc then people should be allowed to marry wherever they wish. God does not just live in church! If he/she/it exists - he is everywhere, in everything.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If the couple still love each other and wish to married after this huge life change then they should be allowed to.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Huge social change was never made by the majority - it was made by a few people or small groups of people who believed that something was not right in society (I'm talking about the abolition of slavery, giving women the right to vote, etc). So not everybody is going to agree on this issue and there will always be concerns from those who are absolutely against it. My view is that everybody in this world is equal - man, woman, child, adult, white, black, rich, poor, straight or gay..... and until everybody has the same rights we cannot say that we truly live in a democratic country. That doesn't mean everybody has to agree and approve of everyone else's choices - of course not, nobody does!! But we have to respect each individual and the choices that they make for themselves.

Would you like to comment on the wider issue of freedom of speech?

Such a simplistic small statement but - everyone should have the right to freedom of speech. NOT to bully, threaten, be aggressive, be violent in their language, etc. But within certain boundaries (which is always a grey area I know!) this is a basic human right.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

no.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

This is a quantum leap in terms of equality for Scots.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Belief is used frequently to disguise homophobia. Are 'belief celebrants' excused from marrying divorcees? They are paid to perform a job, not project their beliefs onto others.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

Those who have had a Civil Partnership ceremony, have already encountered significant expense to join in a legal union. It would be extremely unfair to require a further ceremony to convert the union to marriage, given that marriage was not a legal option.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is no requirement for 'protections' for those in society who oppose same sex marriage. The Church will not be compelled to perform such ceremonies and if someone performing civil marriage has such a deep rooted belief, why are they performing that role? Surely such strong beliefs dictate that marriage must be performed by a religious celebrant? Opposition to same sex marriage is often little more than window dressing for deep rooted homophobia. Teachers for example are employed to teach the facts not their beliefs, when same sex marriage becomes law they will only be required to teach the facts not 'promote' it. If a teacher believed the earth was flat or believed in creationism, the local authority would not allow them to teach these 'beliefs', therefore why should they be allowed not to teach children (of any age) that being Gay or Lesbian is ok and that being in a loving same sex marriage is also perfectly normal. The bullying of LGBT pupils in schools is still a huge problem, and allowing teachers to promote homophobia by protecting their 'belief' is simply unacceptable.

Would you like to comment on the wider issue of freedom of speech?

Whilst anyone can object to same sex marriage and they do, or object to homosexuals, it is not acceptable to preach hatred. If you substitute the word gay for Jew or Muslim or Asian, in terms of the equal marriage coverage, how comfortable would you be with what had been said by objectors? Teachers, public sector employees should not be permitted to allow their 'beliefs' to prevent LGBT people from receiving equality in accessing services.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I am 100% in support of the bill and same-sex marriage. I am happily married myself - marriage is a wonderful institution in my opinion and it is discriminatory and wrong that it is not available to everyone in our community. Civil partnerships were a great step forward, but ultimately highlight differences, rather than the things couples have in common - wishing to cement and celebrate their love in the way of their choice.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do fail to understand why people need protecting from love. However, I believe the bill makes adequate protection for those whose religious beliefs would preclude them from taking part in, or performing, religious same-sex marriage ceremonies.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I don't think it makes a difference in what marriage is whether the couple is same or mixed sex.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
If I understand it correctly, civil partnership was introduced for same sex couples as they couldn't marry. If they are allowed to be married, civil partnership wouldn't be needed anymore

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
I'm for allowing civil marriage ceremonies to take place anywhere. If the couple's priest agrees, I think they should also be allowed to get married on religious premises

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

How on earth does it affect anyone else if two people who love each other are getting married? It doesn't make their marriage any less valuable.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

It's about time! It's embarrassing that it's taken so long to get to this point.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
What goes on between 2 consenting adults isn't anyone else's business & if 2 people want to get married then that doesn't affect anyone else, so there's no need for concern.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is all well & good unless it infringes on the rights of others or could be classed as hate speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

N/A

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Freedom of speech should not be a passport to bigotry.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a human being

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

It's about time the rights of gay and trans gender people are recognized and treated as equal. Discrimination of all kinds has to come to an end whether it be for colour, gender, weight, sexual orientation etc.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Long over due. I am a straight woman, happily married with 3 children but I fully support and believe in the right to fall in love and marry whomever you choose.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

why not? If someone is happy to conduct a marriage then where is the problem?

How would you characterise your views on civil partnerships changing to marriages?

In support

Everyone should be allowed the right to marriage

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech. I think that some parts of the bill could still be improved further - see questions 7, 8 and 11 below.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. We welcome that the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is appropriate. We also note that the bill applies unchanged the existing meaning of adultery as evidence for divorce, to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery; other forms of sexual infidelity, with a person of the opposite sex or the same sex, do not fall within the existing legal definition of adultery but can form the basis of a divorce under the unreasonable behaviour rule. We agree with the approach taken in the bill, which applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages, and allows divorce on grounds of sexual infidelity for all marriages. In Scotland, there is no consummation requirement for marriage, and so there is no need for the bill to address this for same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. We welcome this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support
We agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Liberal Jews and others. Other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. We think that the opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the “husband and wife” gendered form of the marriage ceremony should be free to continue to do so.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

Some couples who want to change would like to do so by marrying in the usual way, in a civil ceremony or a religious or belief ceremony conducted by an organisation that chooses to conduct same-sex marriages. However, many couples in civil partnerships would prefer to change their civil partnership to a marriage via a simple and inexpensive administrative procedure – they have already had their big ceremony when they had their civil partnership. The bill provides both those ways of changing a civil partnership to a marriage, which we welcome. However, in the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but we see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. We see no reason why this should not also apply to couples who are already in a civil partnership, and we believe that the bill should be amended to allow this.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**
In support

This is not specifically an issue for LGBT people, but we welcome the additional flexibility that will be allowed in choosing the location of civil marriage ceremonies.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

We believe that most same-sex couples will prefer a civil marriage, a religious or belief marriage, or a civil partnership conducted by a registrar. However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In our view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively "veto" the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate. We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. We therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill – this would assist the Gender Recognition Panel as well as applicants. We would also like to see the
minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. We would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. We would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage. The case of Smith v. Trafford Housing Trust demonstrates clearly that it is against the law for an employer to take action against an employee simply because they say publicly that they disagree with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the
main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices – marriage or civil partnership - should be open to all couples regardless of their gender. We therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnership. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, we note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete.

Are you responding as...

a private individual
I'm responding as a non homophobic adult.

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition
Those in civil partnerships should be allowed to retain that status if they choose.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
It makes sense to permit religious groups to do this if they elect to do so.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
There is no reason to annul such a marriage without the consent of the married parties.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

There is no reason that liberalizing marriage law should affect the freedom of individuals or groups to disagree with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

If the decision is made to retain civil partnership as an institution in parallel to marriage then it should be made gender-neutral.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People need to learn to be more accepting, no gay person will want to get married in a church or venue that is not accepting of them.
Would you like to comment on the wider issue of freedom of speech?

The Bill has no impact on freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

This has been a long time coming but to see this change so close to becoming a reality is inspiring.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is time we had marriage equality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

There needs to be equal recognition in terms of the law.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I hope it will be possible to carry out a conversion of existing civil partnerships to marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't think there should be protections that allow people in certain jobs (eg registrar, teaching) to refuse to carry out their legal duties. If equal marriage is legal then by working in certain professions, you agree to respect that fact.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is a different thing to using hate speech, and there should be no protection for those who use virulently homophobic terms.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I hope we will not see many more of these consultations and that the Scottish Parliament will follow the UK Parliament in passing legislation for equal marriage.

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

As long as it is opt-in

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
As we are all human we should be treated equally. What goes on in my or anyone else's bedroom as long as all partners are consenting adults it should be government policy to treat their subjects the same before the law.

**Would you like to comment on the wider issue of freedom of speech?**

I am in support of freedom of speech with limits on hate speech and incitement to commit violence. As they say there is a difference between free speech and shouting fire in a crowded building

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In support

I have Scottish parents although I live in England and I want Scotland to have the same positive LGBT rights as England.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
There must be equality. Protecting those with "concerns" is entrenching prejudice. Slave owners in the 18th Century would have been concerned at emancipation but those concerns could not mean that slavery was justified.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Scotland must be an equal society and equality means equality of marriage

**Are you responding as...**

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither
I don't mind there being one or both, as long as they are both available to both same sex and mixed sex unions.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I don't think they should be worried about things that don't concern them - the law must change to reflect changes in social norms. If they don't want to get married to someone of the same sex, they don't have to, and they shouldn't be allowed to discriminate against others.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I am very much in favour of civil partnerships (i.e. not marriage) for mixed sex couples. As somebody who identifies as bisexual but who is due to be married in a mixed sex union next year, I would much prefer a civil partnership as the gender of the person I am marrying should not be an issue. I also think it gives an option for those of us who don't like the baggage that comes with traditional definitions of 'marriage'.

**Are you responding as...**

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Unsure

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Unsure

How would you characterise your views on civil partnerships changing to marriages?
Unsure

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In opposition
Civil Partnership is adequate and available to all who wish it.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Marriage has always been between a man and a woman only. Any other form of coupling is not marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is a danger that proceeding on the path of same sex marriage will give rise to a reduction of freedom for those who, by nature of their employment, will be involved this question and could end up losing their employment. This has already been the experience of a number of people. In National terms, statistically, the demand for same sex marriage is evidence of the Tail wagging the Dog.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
I do not understand this question.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
I do not understand this question.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
I do not understand this question.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

My chief concern is that if this bill passes then heterosexual couples will be prejudiced against. I mean I think the bill should also introduce the possibility of the alternative status granted by a civil partnership to heterosexual couples also.

Would you like to comment on the wider issue of freedom of speech?

I am in favour of it!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?
In opposition

There is no problem with existing legislation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

I have no problem with same sex couples. I do however think that marriage is already has a definition of a partnership between one man and one woman, and there is no reason for this to change.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

Unnecessary to redefine marriage and undermine it's unique relationship between a man and a woman.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Recognize a desire for those in same sex relationships to emulate marriage, but cannot see why government policy surrenders to this pressure when a civil partnership option gives all the necessary legal recognition.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a father and grandfather, am concerned that grand children will be taught to see marriage options a confusing mix. Also children and grandchildren put under pressure to hide their Christian perspectives on same sex relationships for fear of reprisals. If following a career as a teacher, chaplain or Church Minister their conscience stance could make them vulnerable to accusations and legal challenges under equality legislation ultimately by the European Court of Human Rights.

Would you like to comment on the wider issue of freedom of speech?

It’s ironic that a concession has been made to accommodate a very small percentage of the population by bringing same sex relationships into the framework of marriage. Those who have deep religious viewpoints on the sanctity of marriage and feel unable to compromise are in danger of losing their civil liberties and freedom of speech. Legal protection needs to be afforded such people even to the extent of the highest court in Europe.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Redefining the historic definition of marriage is a danger to freedom of speech and conscience. The Bible is the foundation of my faith and life and the Bible speaks against the practice of homosexuality, much in the same way as it speaks against the practice of drunkenness or uncontrolled anger. As a teacher, I fear that under new legalisation my faith may be misconstrued to be racist or discriminatory. I already feel that there are no safe-guards for me to discuss my faith openly at work. If this legalisation passes, I have every expectation of losing my job over my beliefs in the next 10 years, if not sooner. This is radical and undemocratic. Further, I think the redefinition is unnecessary. Gay couples are already legally equal through civil partnerships. The extra rights they would achieve through 'marriage' are unclear. For my own personal situation, just as atheistic teachers have the right to opt-out of teaching religious subjects in school, I should have the right to opt-out of teaching about same-sex couples in school. As a parent, I should have the right to know if my child is being taught about same-sex couples in school and have the freedom to opt-out of it if I choose.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

More specific safe-guards need to be in place so that religious celebrants are not penalized or vilified for views upholding the traditional definition of marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I believe that marriage refers to the union between a man and a woman exclusively.

How would you characterise your views on civil partnerships changing to marriages?

In opposition
Marriage is a sacred bond. Married people would not say that they are in a civil partnership and there are some civil partners who would not want to be classified as married. Trying to equate the two is foolish.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Freedom of speech is a crucial aspect in a democratic society. People holding to traditional views of marriage are already mocked and abused by a hostile media. It is essential that under the law people have the right to verbally express their own personal faith without fear of legal repercussion. The government should ensure that no person is forced to express agreement with same sex ‘marriage’ or be punished for expressing disagreement with it.

Would you like to comment on the wider issue of freedom of speech?

Please see my previous comment.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

13 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ANONYMOUS

How would you characterise your views on the Bill in general?

In opposition

I am strongly opposed to this bill based on moral considerations as well as on an estimate of the destructive consequences of this bill to Scottish families and to our wider society. I do not believe that the introduction of this bill represents the interests of the Scottish people in general, nor even of gay people in particular, since there were no such demands until this legislation was proposed by politicians. Further, the simultaneous moves towards redefining marriage across the European Union suggests a consensus among top-ranking politicians rather than a consensus among the citizens of these countries. Yet, these moves are represented to these citizens as being in response to a groundswell of public opinion.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage as an institution has existed since the beginning of recorded history. It has always consisted of the union of a man and a woman for the purposes of procreation and mutual support. Marriage is the basis of the family which, as Aristotle observed, is the foundation of society. Whenever a tyranny – Communist, Fascist, or otherwise – has sought absolute control of a society it has seen in the traditional family an obstacle to its exercising complete influence over the individuals in that society and, consequently, sought to weaken the traditional family. To redefine marriage to include same-sex unions is to debase the value of marriage in the same way that the introduction of counterfeit coins into an economy debases the value of genuine coins. By extending the definition of marriage to same-sex unions the institution of marriage â€” as the union of a man and a woman â€” will be further weakened, thus leading to the further weakening of the traditional family in Scotland. The social consequences initiated by a social experiment of 'same-sex marriage' will be immense and probably not visible for at least a generation. Through the resulting weakening of marriage as an institution and the concomitant weakening of the traditional family, we may expect an increased level of crime and a decreased level of social cohesion in Scotland since children (especially boys) from non-traditional families exhibit a greater propensity to anti-social behaviours in comparison to children from traditional families[1][2]. This is not make a judgement of the culpability of children from such families, or in many cases the parents, but is an impartial statistical observation that bodes very ill for any nation that, by judicial fiat, attempts to change the nature of marriage and the family. [1]Â Stephen Demuth and Susan L. Brown, â€œFamily Structure, Family Processes, and Adolescent Delinquency: The Significance of Parental Absence Versus Parental Gender,â€ Journal of Research in Crime and Delinquency 41, No. 1 (February 2004): 58-81. [2]Â Robert Apel and Catherine Kaukinen, â€œOn the Relationship between Family Structure
How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I'm afraid that I do not understand this question and am unclear on the distinction between a belief celebrant and a religious celebrant.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I do not believe that same-sex unions should be solemnised by religious or state bodies in any way.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I do not believe that civil partnerships are a good thing since their introduction in Scotland served only to cause confusion about the real nature of marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I do not believe that same-sex unions should be solemnised by religious or state bodies in any way.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I do not believe that same-sex unions should be solemnised by religious or state bodies in any way.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition
I believe that confusion about one’s sex is a pathology that should be treated with compassion for the person afflicted. I believe that it is wrong to encourage a person thus afflicted to mutilate his or her own body. Therefore, I will not address the question of the marriage of such a person.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that if this bill is carried through we shall witness a radical and detrimental change take place in Scottish society. There is a very powerful and well-funded lobby in Scotland which is seeking to fundamentally alter the behaviour and beliefs of the Scottish people with respect to the gay lifestyle. Unlike other lobby groups, however, this lobby does not respect the right of those who disagree with it to hold their own opinions. In fact, the gay lobby has evinced a desire to employ the machinery of the state against those it sees as opposing it. An example of this was seen in 2006 when the police (Sunday Herald, 15 January 2006). This, on the part of one of the politicians most visibly associated with the moves to redefine marriage, is suggestive of a profound intolerance towards Catholic teaching on sexual morality and a willingness that someone who professes such beliefs be subject to legal sanctions. A further example of this was in the same year when we saw nine Strathclyde fire-fighters disciplined after they would not take part in the annual ‘Pride Scotia’ Rally in Glasgow, a rally which frequently features public obscenity and mockery of Christianity. Further, since images of firemen are sexualised in the gay community the men may have also been concerned that they would be degraded by the participants. Nevertheless, the consciences of these men were disregarded and they were punished and sent on ‘diversity training’, which is reminiscent of the ‘re-education’ of recalcitrant individuals in the Soviet Union and National Socialist Germany.

It is clear that the people who are driving the marriage bill are not interested in protecting the civil liberties of those who disagree with the redefinition of marriage. Rather, they will ensure that those who publicly reject the idea that marriage can exist between two people of the same sex or who wish to protect their children from anti-traditional marriage propaganda will be treated as criminals and subject to the full force of the law. If marriage is redefined in Scotland then we may expect based on past evidence that its proponents will seek to utilise the apparatus of the State to stamp out dissent. Without the risk of hyperbole, I believe that we shall have taken a large step towards a modern form of despotism that enforces consent through the media, schools, and the law courts.

Would you like to comment on the wider issue of freedom of speech?
It is extremely concerning that the right to free speech for those who disapprove of the redefinition of marriage was subject to opprobrium by so many other MSPs and subsequently thrown out. Further, that Mr Mason was subject to personal attacks and calls for his deselection. There are therefore no grounds to believe that the right to free speech will be respected, at least not for those who disagree with the redefinition of marriage. Rather, we have every ground to believe that those who do not believe that the State has the authority to redefine marriage will be denied freedom of speech and that those who dare to speak out will suffer legal penalties.

[1] That the Parliament notes the current discussion about same-sex marriages and the Scottish Government's forthcoming public consultation concerning equal marriage; further notes that, while some in society approve of same-sex sexual relationships, others do not agree with them; desires that Scotland should be a pluralistic society where all minorities can live together in peace and mutual tolerance; believes that free speech is a fundamental right and that even when there is disagreement with another person's views, that person has the right to express these views, and considers that no person or organisation should be forced to be involved in or to approve of same-sex marriages.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I find it worrying that this bill is being passed despite the majority of Scots expressing their opposition to it in the public consultation. There were a number of irregularities in relation to the consultation, such as the Equality Network being informed that the Government would accept submissions from outside Scotland while this was kept from groups campaigning for traditional marriage. Also, the late decision almost at the end of the consultation period that the Government would count postcard submissions as one entry, which depreciated the opinions of those many ordinary people who may not have had the opportunity, ability, or confidence to fill in the submission form which was, in many places, confusingly phrased. This bespeaks an attempt to enforce 'same-sex marriage' regardless of the wishes of the Scottish people. We should be concerned that elements in the Government have shown such disregard for genuine consensus and proper democracy. Finally, I find the proposed marriage bill most alarming as it will surely open the floodgates to anti-traditional marriage propaganda dignified with the name education in our schools. In each country where marriage has been redefined to include same-sex unions the public school system in that country has made such education mandatory and has even initiated criminal charges against parents seeking to protect their children from what amounts to little more than indoctrination. There is no reason to believe that the situation in Scotland will be different and the rights of parents as the primary educators of a child respected.

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

13 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am concerned that clergy and the group of leaders in the church may be subject to litigation by refusing to conduct a 'marriage' between a same-sex couple. I also believe that parents of primary school children require to be informed if/when same-sex marriage is being presented as a curricular subject.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is the union of a MAN and a WOMAN for support, comfort and procreation of children. This Bill proposes a two tier system of marriage, but in my opinion, this is unworkable through the existing regulations regarding divorce. There is no equality there.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There have already been situations in England, Wales and Northern Ireland where people opposed to same-sex 'marriage' have had their strong beliefs questioned and even experienced Court action.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech appears to be acceptable if one is in favour of same-sex 'marriage'; those opposed to it risk litigation. So the equality lies open to question.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Same-sex marriage allows no new legal rights which civil partnership current have. Redefining marriage is unnecessary and serves no benefit to the people of Scotland. If marriage is redefined what is there to stop it being redefined further, in some other countries an attempt has been made to legalise polygamy.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The European Court of Human Rights article 9 does not offer protection for religious beliefs when it is in opposition to other rights. Therefore as the European Court of Human Rights might eventual be ruling in cases where churches wont allow same sex marriage in their church. Public sector workers who believe in the definition of marriage 'one man and one woman' should not be should not be questioned over the diversity or equality credentials. Teachers need to be protected if the feel through religious conviction unable to teach same-sex marriage in classroom they should be allowed to withdraw from doing so. Parents need to be allowed to remove children from classrooms where they are being taught about same-sex marriage. The opportunity to foster children should given to couple hold hold traditional views of marriage. Those who work in public sector jobs may lose employment if they refuse to endorse same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
freedom if speech should not be used to discriminate against people based on their sexual orientation

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

As an issue of equality, it does not permit equality of respect for the views of people who do not agree with same-sex marriage. It imposes an obligation to treat the issue of marriage in a way which is not in accord with the views of many people and penalizes them for their views. This is an offence against freedom of expression.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

The redefinition of marriage (OED.: a relation between a man and a woman) is unnecessary and unacceptable. Why not invent another term for a different type of relationship instead of foisting it on a perfectly reasonable institution?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

I do not understand the difference between belief celebrants and religious celebrants. What do you mean by "footing"?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

To put religious celebrants in the position of having to perform a ceremony they neither agree with nor can condone is an insult to their vocation. To ask them to opt-in or opt-out is trivializing and treating the arrangements like a trade union issue.

How would you characterise your views on civil partnerships changing to marriages?
In opposition

If the term "civil partnership" has been satisfactory up until now, why push the boundaries in such a way as to distort an arrangement which has been perfectly satisfactory to the majority up till now. If it is religious sanction that is required then find another method of achieving it or another name for it.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

It just seems like an "anything goes" attitude which debases the deeper significance of a promise to be faithful to each other.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Considering that civil partnerships are precisely that, ie. civil, not religious, I do not see why they should seek the sanction of organized religions in this way.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

If persons "acquire gender" in the sense of proclaiming they are "transgender" , it seems legal recognition is superfluous and the issue of marriage irrelevant.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People who are in opposition to same sex marriage should have their views respected just as much as the other way round. Marriage-related institutions should not be subject to threats or withdrawal of funding.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is enshrined in the foundations of democracy. Dictatorships tell their people what to believe and how to act. This feels as if we are being told to believe in same sex marriage and being compelled to sanction it and are penalized if we disagree.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

How much research has been done into the duration of these same sex relationships? If the relationship breaks down, what happens to any children born or acquired through adoption or fostering? Do they not have an equal entitlement to treatment as children born of traditional marriage? Genealogy is going to become an impossibility.

Are you responding as...
an academic
a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

There’s no need to redefine marriage, especially now at a time when The Scottish Parliament should be concentrating on far more important things like: jobs, the economy, roads, health and education.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

1. Nobody knows yet just what additional legal rights same-sex couples will get under marriages that they do not already have under civil partnerships;
2. Same sex marriage is too radical. For years marriage has been defined as a union between a man and a woman for the production of children and to provide a safe background for them that is both loving and secure.
3. Redefining marriage could lead to the legalisation of polygamy with all the emotional and economic implications this would have - especially for the state and for children that are part of such marriages. In Canada and the US this is already starting to happen, whereas in Brazil and the Netherlands marriage-like recognition has already been accorded to three-way partnerships. So the ball is gaining momentum.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Personally I believe that only ministers of religion should conduct marriage ceremonies in places of religious worship and between men and women only. But since civil marriages between men and women only have been conducted by registrars in non-religious

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

There’s no need for this. Civil partnerships already afford to same sex couples the rights and privileges that were hitherto absent.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I prefer men and women to get married in churches, but have come to accept civil marriages in non-religious premises for those men and women who are non-believers. I could never accept a marriage between two men or two women no matter where that marriage took place and whomsoever conducted it.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Only marriage as it stands at the moment - a union between a man and woman - should ever have anything to do with religion. A civil partnership must always be solely a matter for the state.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Because I firmly believe that marriage is a union between a man and a woman, if any partner to a such a union were to change their sex, in my view the requirements of the union would no longer be satisfied and accordingly the marriage should be declared null and void.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People should be allowed to openly express their views on same sex marriage without fear of calumny and/or litigation. But even if this were enshrined in any Scottish legislation it would very hard to achieve given the Scottish courts' subservience to The European Courts. Indeed, some legal precedents have already been set which do not bode well in this regard. 1. In the same way as atheist teachers are not obliged to teach religious education, other teachers with strong religious convictions should not be forced to teach about same sex marriage; 2. Registrars and ministers should not be forced to conduct same sex marriages and no same sex marriage should ever be conducted in a church or other place of religious worship; 3. No one should be forced to accept same sex marriages if they do not wish to; 4. Employees, in particular public sector employees, should not be discriminated against as a result of their negative views, held privately or discussed in public, on same sex marriage; 5. Parents should be empowered to withdraw their children from any lesson that teaches about and/or promotes same-sex marriage; 6. Charities, in particular adoption charities, should not be discriminated against because of their unwillingness to embrace the same sex marriage ethos. 7. Registrars who object to same sex marriage should be afforded the same opt-out
facility as doctors who object to abortions. Those are specific points I can think of immediately. But in general the law must ensure that same sex marriage is something that people can agree with or disagree with at their pleasure without fear of calumny and/or litigation. Otherwise we return to Nazi Germany in the 1930s and no right-minded person would wish to do that.

Would you like to comment on the wider issue of freedom of speech?

Everyone in Scotland should allowed to say what he or she likes provided doing so does not infringe any legislation currently in place. Since I believe we already have quite enough of that sort of legislation, we do not need any more. On a much broader scale neither do we need anymore 'Cultural Marxism by Stealth', a wicked political ideology brewed up in Germany in the 1920s with the express purpose of destroying Western Culture by steady degrees over a very long period of time. In my opinion same sex marriage forms an important strand of this wicked ideology and, as such, should partially explain why I am vehemently opposed to it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I think that if a same sex marriage law is passed before the Referendum on Scottish Independence The Scottish People will DEFINITELY punish The Scottish Government by saying 'No' to Scottish Independence. Whereas, right now, the very fact that a same sex marriage bill has been proposed and is being discussed makes it more, rather than less, likely that The Scottish People will punish The Scottish Government by saying 'No' to Scottish Independence. So, maybe that's another reason to drop this stupid bill as soon as possible.

Are you responding as...

an academic

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage between a man and a woman is a unique relationship. It has proved itself to be the backbone of our society. It is through marriage between a man and a woman that children are born thus ensuring the future population of the world. The affections, affinity and relationship between husband and wife are different to all other relationships into which people may enter. The population of our world would die out after one or two generations if same-sex marriage became the norm because same-sex couples cannot procreate children. That in itself shows that same-sex marriage is not the right way forward for our society. I do not know, nor have I been informed by the proposed legislation, as to what benefit "Same-sex Marriage" will bring to society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The law already gives legal rights of marriage to same-sex couples. Therefore, it is not necessary to further change the law for them. Same-sex marriage cannot procreate children. Children need, and benefit from the influence of both a father and mother in their lives. Research shows that marriage benefits children. Same-sex marriage and marriage between a man and a woman are two different relationships. Same-sex marriage cannot provide the complementary input of a mother and father into the lives of their children. The fact that same-sex couples want to have the same legal status as heterosexual couples indicates, indirectly, that they already think that heterosexual marriage is the best arrangement!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

The church is not under the jurisdiction of the state. Therefore the Scottish Parliament should not interfere in the legislation of the church. Religious celebrants should not be expected, or asked, to conduct marriages of people of other beliefs if

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

The authorisation of celebrants to solemnise opposite sex and same sex marriage, if made law, will have implications on registrars. It means, that if they refuse to do so,
that they are in peril of losing their job. There have already been instances of people losing their jobs because they have voiced the opinion that they do not support same-sex marriage. We already know, from the media, that the Church of England is being taken to court by a same-sex couple to demand that it conducts same-sex marriage. It is not unreasonable to think that the same thing will happen in Scotland.

**How would you characterise your views on civil partnerships changing to marriages?**

*In opposition*

Civil partnerships are between people of the same sex. Thus, they are not the same as marriage between a man and a woman. Therefore they should remain separate.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

*In support*

Civil marriages are "civil" not "religious". Therefore, in my view, they can be conducted anywhere, other than religious premises, agreed between the couple and the registrar.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

*In opposition*

I believe, as already stated, that civil partnerships are "civil" and should have civil registrations only.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

*Neither*

This question demonstrates the complexities of the proposed legislation. A transgender person means that a person has changed their sex. If that is followed through, it means that the marriage relationship with the couple has been changed from that of one woman and one man, to a couple of the same sex. It is no longer a heterosexual marriage. The relationship must now be different for both parties. It will not be the normal relationship it was before. Since I have no knowledge or experience of such relationships I am unable to support or oppose this part of the legislation.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**
There should be no threat to people’s jobs just because they do not believe in same sex marriage. Children should not be taught about same sex marriage. They are already being taught more than is good for them. If children are to be taught about same sex marriage then parents should be free to withdraw their children from these lessons.

**Would you like to comment on the wider issue of freedom of speech?**

At present people do not feel free to express their opinions about same sex marriage for fear of being reported and taken to court. This is not equality and shows that we do not have free speech in our country.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I fear that if this bill becomes law that it will be further relaxed just as happened with the Abortion Bill. This bill, if passed, will have implications for our children. They already have to contend with heterosexual marriage, single parent homes, and co-habiting couples. Now they might have to add same sex marriage to that. It will like make life more confusing for them and more complicated. This proposed Bill will not benefit our country.

**Are you responding as...**

a private individual

13 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Completely unnecessary pandering to a minority with a loud voice within the Gay community, civil partnership gives all the legal safeguards needed for same sex relationships & households, same sex marriage is a step too far.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

This again is pandering and pussyfooting about a loud minority, it should be remembered that marriage is, whether people like it or not, a part of religion and should remain so.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I think if mixed sex marriage participants would like to use gender-neutral language, then this should be allowed, where the celebrant is willing.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

The bill should be amended to allow full gender recognition with or without the spouse’s consent. Gender recognition should be allowed with or without the spouse’s consent because it is a matter personal to the trans person. The granting of
a full gender recognition certificate has no practical impact on the non-trans spouse as all their pension, inheritance, parental and other rights remain unchanged. Also, many trans people have delayed applying for gender recognition whilst requirement to divorce exists. They may subsequently have lost contact with the specialist who originally diagnosed them and therefore may not be able to provide as much medical evidence as is currently required for a GRC. So the bill needs to be amended to allow a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

I don't believe religious leaders are any more qualified to register a marriage than a 'celebrant'. As long as they have all had to sit a course that gives them the legal right to notarise a marriage than I have no issue with religious officials having th

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Couples of the same sex who wish to enter into a formal union are entitled to do so under the terms of the Civil Partnership Act 2004. Re-defining marriage, which is exclusively between a man and a woman, is a dilution of that long established institution and will lead to polygamy and people claiming they are entitled to marry inanimate objects.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In opposition

It is essentially the same thing under a different name. Why not include polygamy under the term 'marriage'? Should this Bill become law there will be no barrier to what type of union can be referred to as a 'marriage' and thus fall under its definition. By breaking up marriage as it has always been known we are opening up to the possibility of polygamy and 'marriage' to inanimate objects.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Although science has advanced considerably in recent years there is no science that can completely change a man to a woman or vice versa.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The definition of marriage as it currently is should be protected. There is adequate recognition of civil partnerships under the Civil Partnership Act 2004. If not, it is entirely possible for the government to extend that legislation without redefining marriage.

Would you like to comment on the wider issue of freedom of speech?

There is an increasing danger across Scotland and the wider UK at the moment that those who do not agree or speak out against same-sex marriage are 'homophobic'. While this may be true for some it is certainly not true for others and the government would do well to visibly encourage arguments from both sides of the debate. There is the increasing danger of people who are not in agreement with same-sex marriage being encouraged to embrace it in order to keep their jobs, particularly in the public sector and, again, these people are at risk of being labelled 'homophobic' which, for most of them, will be complete nonsense.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would emphasise that there is a significant risk of polygamy and other forms of 'union' been claimed as 'marriage' if the term is to be redefined to include same-sex unions. It will lead to a culture of selfishness where people will marry what they want, when they want and there will be no end to the legislation and judicial proceedings as people constantly battle out what they are and are not entitled to within our courts.

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

As a former Biology teacher, my main concern are the health implications of anal sex. I believe no one on the committee will be prepared to place his/her finger in and out of a test-tube with human excrement. I also believe the scientists who regard anal sex as the principle culprit in the spread of the incurable HIV Aids virus, besides other viral and bacterial infections. The problem with the bill therefore is that it sends out a strong signal that anal sex is both normal and healthy. That could increase the spread of HIV and other infections, which in turn could cripple the NHS as retro-viral drugs do not come cheap.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Very, very sad at the madness of even a suggestion it is natural or healthy for society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

So long as it is not inclusive of same sex marriage

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

I believe in traditional marriage only. I very reluctantly accept civil partnerships (as they exist) for same-sex couples. I feel it is hypocritical to allow same-sex partnerships if you do not allow non-sexual (such as sisters living together etc) civil partnerships.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Please protect our children (in particular) from thinking that anal sex is natural, normal or healthy - please follow medical advice and convey the truth! Unlike with smoking tobacco we can tax tobacco products to offset the cost to the NHS - we cannot tax HIV patients to offset the cost of retro-viral drug therapy for life. Your bill is bound to backfire on the homosexual community when the NHS cannot afford routine treatments/surgery.

**Would you like to comment on the wider issue of freedom of speech?**

Please do not be forced into this bill because of a tiny yet very vocal lobby. Please show some courage!

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

an academic
a celebranta private individual

13 August 2013
How would you characterise your views on the Bill in general?
In opposition

As same sex couples already have equal rights in the law it is totally unnecessary to change the definition of marriage. This is an ill-thought out bill that has nothing to do with equality but has everything to do with silencing those who support historical marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

same sex couples in civil partnerships already consider themselves married. Why is it necessary to violate what has always been accepted historically as marriage?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

It will bring further and unnecessary confusion and cost.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

This is in total opposition to what is natural and will bring unnecessary confusion within families, especially for the children.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As already evidenced in the UK and in other countries, there are no protections for those who oppose same sex marriage. Even before the bill was passed at Westminster, chaplains lost their jobs and others were demoted merely for supporting traditional marriage. And just last week—August, 2013, a homosexual couple have brought suit against the Church of England to force them to perform same sex marriages. Frivolous litigation against those churches and others who support traditional marriage and refuse to perform same sex marriages can bring heartache and bankruptcy, hindering organisations that faithfully serve their communities from continuing valuable work. Just yesterday—12 August 2013, I received a call on my home phone from someone purporting to want to know more about God. They said they got my number from our church website. They asked various questions about church and the Bible and then asked what I thought about gay marriage. I mentioned that I disagreed with it. That person called me all kinds of profane and abuse names and hung up. And, the coward that they were left no phone number to respond. There is nothing on our church website that mentions anything against same sex marriage. If this bill passes, myself as a minister, and my church, will suffer even further abuse and, very possibly, be taken to court to try to force us to perform same sex marriages. This bill does not and cannot offer appropriate protection. It will merely encourage the homosexual lobby to further its cause to silence all those who oppose their lifestyle. By the way, we have had homosexuals in our congregation for some time. And though we opposed their lifestyle, we never once made them feel marginalised or unwelcome. Privately I made my views known to them and publicly I encouraged folk to support traditional marriage but made it clear that we must always act with compassion and respect to others, whatever their stand.

Would you like to comment on the wider issue of freedom of speech?

People in the UK have already lost their jobs or been demoted for using their so-called freedom of speech. How are you really going to protect someone’s freedom of speech if they oppose same sex marriage? The Scotsman has been full of letters calling those who oppose same sex marriage as narrow minded, bigots, Nazis, etc., for merely having a different point of view. I personally have been abused by those who deliberately sought out my views to abuse me.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Again, this is a confusing, costly and totally unnecessary bill that will open a pandora's box of trouble for families, society, as well as individuals and organisations that oppose same sex marriage. All this for a tiny minority of individuals who already have equal rights in the law and many of whom have no interest in same sex marriage. This is a bill designed not for equality but to silence all those who oppose same sex marriage and the homosexual lifestyle.

Are you responding as...

a celebranta faith/belief local group or congregation
a private individual
also as a foster carer

13 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage is ordained by Almighty God

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

Already in England two homosexual men have publicly declared their intention to pursue their "right to be married" in a Church through the courts, declaring they are "un satisfied" by the current proposal and feel it discriminates.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Already Christian evangelicals e.g. Street preachers have been arrested for declaring the Gospel, as homosexuals declare doing so is homophobic. It is alarming the Nation which sent Mary Slessor to Nigeria, where she prevented the murder if twins, and was greatly lived by the common people, would today face arrest in her native land for declaring the Good News of Jesus Christ. Whilst homosexual groups continue to persecute Christians, they tolerate Muslims, some of whom have much stronger views than Christians re homosexual marriage.

Would you like to comment on the wider issue of freedom of speech?

Yes. One of Hitlers first acts was to suspend Weimar Constitution 113, 115, 117 and 118 which gave freedom of speech, of the press, of association. Hitler knew if he could control speech, he would have absolute power. Then he persecuted Jews and believing Christians such as Bonhoeffer. It all started with the state determining and controlling what individuals were allowed to say.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage cannot be specified as the property of any state or institution including the Scottish Government. The Scottish Government was not given a mandate to redefine marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I believe that the protections will be eroded over time.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

Same sex couples have already been granted legal rights through the introduction of civil partnerships. Marriage has a clear definition and it is not for a government or group of individuals to decide that it must change in definition. By changing the definition, it would make it easier for other groups to call for further changes at a later date; for example, more than two people in a marriage, a non-human being part of a marriage, etc. It leaves a door open for the institution of marriage to be rendered meaningless, as minority groups call for their 'rights'. In this country people have extensive freedoms and human rights. To demand that marriage changes its definition, could end up making a mockery of our human rights which we hold very dear.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those of us who support marriage as a union between one man and one woman do so, not just because of religious beliefs, but because of the security it can bring to society. Research clearly shows the benefits a child gains from being brought up by one male and one female parent, and the disadvantages brought about when one of those roles is missing in their life. We should not be discriminated against because we hold the sanctimony of marriage very highly. We should be protected in our desire to bring our children up to believe the only marriage acceptable is between one man and one woman. This does not make us homophobic- tolerance means treating people with respect, not giving into all demands in the name of ‘equality’.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would like those in leadership with influence in this area to reflect on what a change in the definition of marriage could mean in the long term. What could it be a springboard for? Changing the definition will not end the problem of homophobia. The government would be better looking at ways to try and end the harassment and abuse of people who are gay, rather than changing the definition of a much valued institution, which could in turn lead to further intolerance and marginalisation of religious groups.

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Equality in Scotland will be a beautiful and splendid thing!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I do not agree that religious bodies or individual celebrants should be able to opt out of solemnising same sex marriage but continue with opposite sex marriages. If a church or celebrant does not wish to solemnise same sex marriages then they are discriminatory and unpleasant and their licence for solemnising opposite sex marriages should be removed in my opinion. I realise that this is perhaps a hardline stance, but I cannot personally get behind the idea of a law which allows homophobic / transphobic organisations or celebrants to continue. I agree in general with the Equality Network regarding their proposed amendment of section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Detailed briefing here: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.Rc0x5rNx.dpuf

How would you characterise your views on civil partnerships changing to marriages?

In support

I welcome the different options within the bill for changing a civil partnership to a marriage. I think that couples in a civil partnership registered elsewhere should also be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their
civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. I see no reason why this should not also apply to couples who are already in a civil partnership, and I believe that the bill should be amended to allow this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I fully agree with the following response from the Equality Network: We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In our view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively "veto" the trans person's gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse's consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person's spouse would be appropriate. We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans
spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. We therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill; this would assist the Gender Recognition Panel as well as applicants. We would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16. For more details of these points, see sections 1, 2 and 4 of our briefing here. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.Rc0x5rNx.dpuf

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Teachers should have no opt-out of discussing equal marriage, in any Scottish school. I think that those in society who feel that they deserve protections because of their concerns about equal marriage are frankly idiots.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I fully agree with the following from the Equality Network: The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices marriage or civil partnership - should be open to all couples regardless of their gender. We therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, we note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2013. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete. - See more at: http://www.equality-
Are you responding as...

a private individual

13 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Redefining marriage is unnecessary and a distraction from matters which are of importance to the people of Scotland, such as the economy and health. It is not clear what new legal rights, if any, same-sex couples would receive which they do not already have through civil partnerships. Marriage predates law, nation and church. Although matrimonial law has been tweaked over the years, the law has never fundamentally altered the essential nature of marriage: a lifelong commitment between one man and one woman. The plan to redefine marriage is therefore radical and unprecedented. Same-sex marriage focuses on the rights of adults. But marriage, as it has been understood throughout history, has been about much more than the love between two people. As an institution it incentivises a man and woman to not only commit to one another but to any children their union may create. Once you start unpicking one aspect of the definition of marriage, it can unravel further. In Canada and in some US states, where marriage has been redefined, attempts have been made to legalise polygamy.1 In Brazil, a three-way relationship was given marriage-like recognition, and the same is true of the Netherlands.2

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same-sex marriage?

Churches and celebrants who refuse to marry same-sex couples will be susceptible to litigation. In England, a homosexual couple are already planning to go to court to force churches to host gay weddings. Ultimately this matter may be decided by the European Court of Human Rights, and any attempted protections in Scottish law could be overturned. There is no guarantee that, at some future date, the Court will not rule that religion and belief celebrants must either solemnise all marriages or cease to marry people altogether. Several cases in the European Court of Human Rights show that the Article 9 right to freedom of thought, conscience and religion does not provide protection when there is conflict between Article 9 and other rights. Equality laws have led to nearly all of Britain’s faith-based adoption agencies shutting down or dropping their religious ethos. A recent challenge involved a Scottish adoption agency who were told to end their pro-marriage policy by the charity law regulator because of alleged discrimination. Human rights law has not protected such adoption agencies. People who have a conscientious objection and who work in the public sector may lose their jobs or be unable to work in certain professions if they refuse to endorse same-sex marriage. Conscience clauses should be introduced in employment and equality laws to allow employees who believe in marriage, as it is currently defined, not to be forced to participate in same-sex marriage ceremonies or to express approval of marriage between two people of the same sex. Believing in the current definition of marriage must not be used by public sector employers to dispute or question the equality and diversity credentials of existing or prospective employees. The law makes space for doctors to opt-out of abortions if they conscientiously object to it. Similarly, registrars should be prevented from solemnising same-sex marriage if it goes against their consciences. While the law requires schools to provide religious education, it also protects atheist teachers from being compelled to teach it. Similar space should be given to teachers who, for religious convictions or otherwise, do not feel able to teach about same-sex marriage. Charity law should be amended to ensure that disagreement with same-sex marriage is not used to remove charitable status from religious and other charities, so that e.g. religious groups will not lose their charitable status if they are unwilling to marry same-sex couples. Many parents will have deeply-felt views about their children being taught about same-sex marriage in the classroom. The law should not undermine these views but should protect parents’ right to withdraw their children. Many will be unaware what their children are being taught so they should have a legal right to know when such lessons will take place.
The Public Sector Equality Duty says that public authorities must have due regard to the need to remove or minimise disadvantages suffered by persons who share a relevant protected characteristic (e.g. sexual orientation) that are connected to that characteristic. There must be protections in equality law to ensure that those religious groups that oppose the new definition of marriage are not treated less favourably by public authorities, such as being refused contracts, grants or use of facilities. People should not be prevented from fostering or adopting simply because they hold traditional views about marriage. The Government is considering making this clear through amending guidance, but it is something that should be secured through legislative change, not just guidance.

Would you like to comment on the wider issue of freedom of speech?

The issue of freedom of speech in this context is crucial because it is the expression of beliefs about marriage that tends to get people into trouble. Aside from a declaratory clause which has no practical impact (Clause 13), the Government’s Bill does not address this issue. More robust safeguards are needed to ensure that no person will be compelled to express agreement with a same-sex marriage or be punished for expressing their disagreement with it.

People who support the long-standing law of marriage are now often accused of discrimination. False allegations against employees and employers, for example, can be intimidating and may result in action being taken that is disproportionate. Adrian Smith, a housing manager in Trafford, was demoted after a colleague complained when he described same-sex marriage in church as an equality too far. Rev Brian Ross was removed from his post as a police chaplain because he disagreed with gay marriage on his personal internet blog. Strathclyde Police said Rev Brian Ross could hold his beliefs in private, but publicly expressing them was a breach of their equality and diversity policy.

People who express disagreement with same-sex marriage are already facing difficulties. There are clearly different views on this issue, and many people hold to the historic and long-standing definition of marriage, which is a belief worthy of respect in a democratic society. Those holding that view have a right to be able to express it freely. In recent years, the vilification of those stating traditional beliefs about marriage has created a climate of fear. There has been a chilling effect on free speech that has left the expression of some views something that is beyond the pale in many contexts. In theory, religion or belief is a protected characteristic that should be defended under equality law. In practice, equality law has been used to create a culture in which people feel that perfectly legitimate views can no longer be aired.

Specific amendments are necessary to protect the right to free speech and debate. They need to apply across public order and equality laws, including employment and goods and services. As a bare minimum amendments need to make clear that merely discussing or criticising same-sex marriage is not, on its own, a form of discrimination for the purpose of equality law or a breach of public order legislation. Such changes would help those who believe in traditional marriage to feel free to discuss the issue with their colleagues or customers, employees or employers. It would send an important message to those who are quick to label any disagreement with same-sex marriage as bigoted.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a faith/belief-based organisation
a faith/belief local group or congregation
a private individual

13 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I DON'T FEEL THE CURRENT PROTECTIONS BEING PUT FORWARD GO FAR ENOUGH OR GIVE ENOUGH CLARITY TO ORGANISATION/WORKPLACES WHO WILL BE REQUIRED TO FOLLOW THEM. SPECIFICALLY IN THE PUBLIC
SECTOR ORGANISATIONS WHERE I'M PRETTY SURE THAT WHEN EVEN A SLIGHT DISAGREEMENT OF SAME SEX MARRIAGE OR MORE SO A BELIEF IN TRADITIONAL MARRIAGE ONLY IS DECLARED PUBLICLY, THERE WILL BE UTTER PANIC BY THE HR DEPTs, AND UNECESSARY DISCIPLINES/DISMISSALS WILL OCCUR. MORE PROTECTION TO ALLOW FREE EXPRESSION OF AN OPPOSING VIEW, AND CLARITY OF THESE PROTECTIONS IS REQUIRED TO PUBLIC SECTOR AREAS.

Would you like to comment on the wider issue of freedom of speech?

SEE PREVIOUS ANSWER

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

THE WIDER ISSUE IN MY OPINION IS HOW THE SNP HAVE IGNORED SO MUCH OPPOSITION TO THIS BILL AND HAVE GONE AHEAD REGARDLESS. SADLY, THE MANY PEOPLE WHO HAVE BEEN IGNORED MAY HAVE VOTED FOR SCOTTISH INDEPENDENCE - BUT NOT NOW!

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In support

I pay my taxes, I work a full-time job, I actively contribute to society and I think it is an absolute disgrace that I cannot, by law, marry the person I love.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?


Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

18 July 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

9 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
I don't understand the question

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

9 August 2013
How would you characterise your views on the Bill in general?
In support
Fully support equal marriage and equal civil partnership

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
I believe those in public office should authorise all regardless of religious views.

How would you characterise your views on civil partnerships changing to marriages?
In support
If one system is most suitable I would be in support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Freedom of speech is fine, but it shouldn't be allowed to dictate where an inequality exists

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I'd like to see a more compassionate, understanding society. Society is so diverse, which is a beautiful thing. Open communication can inspire acceptance, compassion and understanding. Bigotry promotes, fear, hate and violence. You can not promote
homosexuality. A person is born this way. I'd like to see the promotion of compassion for ourselves and others.

**Would you like to comment on the wider issue of freedom of speech?**

A difficult one. Hateful speech can influence others who don't know any better and be very hurtful to others. Although, we can only start to communicate with people who hold ignorant views when we speak to each other on an open and compassionate ground. Condemning and judging doesn't necessarily solve the problem. People need to see their own wrong internally on their own. "Be the change you want to see in the world".

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

14 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

First of all, marriage has always been the union of one man and one woman – before any organised religion or government came into being. Therefore, as no government invented marriage, the Scottish Government does not have any right to change the definition of marriage. Moreover, if the Government redefines marriage to include same-sex marriage, there is nothing to stop it further redefining marriage to include polygamy, or to include marriage between a group of men and/or women who claim to love each other and wish to have such arrangements recognised. Also, the institution of marriage has benefited families and communities for centuries. It has been proven that children are healthier and more successful in education and in society when reared by their natural married parents, rather than by any other arrangement, in particular, by a same-sex couple. And, of course, a man and a woman are required for a child to be produced. Finally, regarding the legal rights of marriage, same-sex couples can have all of these by entering a civil partnership, and same-sex marriage will not give them any additional rights. Therefore, there is no need for the Government to redefine marriage to include such couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

First of all, it must be pointed out that people’s consciences should be respected, and that reasonable accommodation for civil registrars who conscientiously object to same-sex marriage should be made. This should be allowed, given that doctors are allowed a conscientious objection for abortion. Also, it must be stressed that a person’s freedom of religion is not simply about freedom to worship or to believe certain things; it is also about freedom to live out those beliefs – to practise one’s religion. Moreover, a registrar may be carrying out a CIVIL duty, but the issue of solemnising same-sex marriages is very much a MORAL issue, and it is for this reason that registrars (Christian or otherwise) who object to such marriages should be accommodated. Why should Christians be excluded from such a profession? If they’re excluded, there will be many more cases like Lillian Ladele, the Christian registrar who was dismissed for refusing to conduct civil partnerships. In addition, as the teaching of same-sex marriage is very much an issue of conscience to many teachers (as it is a MORAL issue, and not simply another part of their job), it is vital that teachers who believe that marriage should only be between a man and a woman are reasonably accommodated. Simply providing guidance to schools will not do; there needs to be protection explicitly laid down in law, and so the Equality Act 2010 must be amended accordingly so that teachers (Christian or otherwise) who object to teaching same-sex marriage are protected from dismissal. Furthermore, parents who object to their children attending lessons that deal with same-sex marriage and/or other same-sex relationships because it is contrary to their deeply-held beliefs must be given the right to withdraw their children from such lessons. Again, guidance is not sufficient; the law needs to be changed so that parents have the legal right of withdrawal. Finally, the views of parents and pupils on the subject of marriage should be respected, and they should not be disadvantaged because they hold to a traditional view of marriage. This should also apply to charities that believe in traditional marriage, and in that regard, charity law should be amended so that organisations (Christian or otherwise) will not lose their charitable status, or be denied the use of public buildings or facilities because they conscientiously disagree with same-sex marriage. This is particularly the case with adoption agencies, which Alex Salmond has previously promised to protect, and the Scottish Government has also assured us that people who hold to the traditional view of marriage should not be excluded from being foster carers. If the First Minister is serious about these promises, he needs to back it up with changes to legislation (and not just guidance), even if it means asking the Westminster Government to amend the Equality Act 2010 accordingly. It is important to note that Article 9 of the European Convention on Human Rights has proved to be ineffective in providing protection in the above cases.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
First of all, Alex Salmond has already promised to protect freedom of speech, and so in order to keep that promise, he needs to go much further than what is currently being proposed. One only has to look at recent cases of people being dismissed because they spoke out against same-sex marriage: Rev Brian Ross was dismissed from his post as a police chaplain in Strathclyde, and, of course, the former SNP leader, Gordon Wilson, was dismissed from his position on the Citizen’s Advice Bureau in Dundee because he believes that marriage should only be between a man and a woman. It is therefore clear that such people would not be protected under current proposals, and so it is vital that the Equality Act 2010 is amended to the extent that a person’s beliefs about marriage are specifically included in the protected characteristic of religion or belief. This is to ensure that it would be unlawful for employers to dismiss such people because of their beliefs regarding marriage. Also, the current proposals are far too vague; people must be free to express opposing views in the workplace without fear of intimidation (which is already commonplace), disciplinary action or dismissal, and so equalities legislation, particularly the Public Sector Equality Duty, must not be used to silence legitimate debate on the subject of same-sex marriage, but rather, equalities legislation, particularly the Equality Act 2010 must be amended accordingly so that legitimate debate is protected.

Would you like to comment on the wider issue of freedom of speech?

I wish to stress that it is vital that words like “husband” and “wife” are retained in the Scottish Government’s Bill on marriage. I find it quite disturbing that traditional, heterosexual marriage is being watered down in this way by using gender-neutral language, just so that same-sex marriage can be accommodated. Whatever one’s views are on same-sex marriage, there must be no change to opposite-sex marriage, for example, by using the word “spouse” in place of “husband” and “wife”, and nor should the words “husband” and “wife” be given new definitions, as appears to have happened south of the Border.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
If that's what people in civic partnerships wish

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Where people are entitled to their personal or religious beliefs, this should be protected and the Bill proposes opt-outs and opt-ins which will do this. Where people perform a public role, for example registrars, teachers etc they should not allow personal views to interfere with their public duties. And we should keep on educating and re-educating the bigots, the prejudiced and the discriminators until there is at least an equality in society to have ones own personal views, so long as they do not harm or inhibit anyone else's freedom

**Would you like to comment on the wider issue of freedom of speech?**

People need to be reminded that freedom of speech is admirable, but only when we all enjoy it

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Scotland leads the way again!! I am proud to be Scottish when I see this Bill going through parliament and look forward to independence so that we can continue a more socially just country free of prejudice and discrimination

**Are you responding as...**

a private individual

16 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I had been under the impression that Civil Partnerships gave gay couples a clear legal position with all the rights of marriage - or if there are minor differences these could easily be amended. The whole debate across the UK seems to me a major distraction from getting the economy right which affects the whole population. Marriage between a man and a woman longs predates the United Kingdom, Scots Law and Christianity. For thousands of years it has been the foundation of societies around the world providing a stable basis for children to grow up. If passed this law will not be the end of the process. Pressure is already growing to approve polygamy and polyamorous relationships in some countries.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

See comments at No 14

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

In schools teachers who are atheists are not required to teach religious education. In similar terms Christian teachers should not be compelled to promote same sex marriage. Any responsible teacher would seek to treat all children equally and fairly regardless of their background or orientation. Parents have a right to be concerned about what their children are taught in RME and should have the right to withdraw them. Our son and daughter in law have adopted two children who are a great joy to the whole family. Many Christian couples wish to adopt which would be a benefit to society as a whole and yet may be turned down for believing that the best context for children is a mother and father married to each other. Even although protections for religious celebrants have been mentioned how effective will they be and will they stand up if a case is taken to the European Court of Human Rights? As a Church of Scotland minister who is responsible for a parish I might have some sympathy for a couple who were active members of the congregation but not wish to get involved with marrying someone who turns up on the doorstep while they are holidaying in the area. This is a very popular tourist area! It is hard to predict what might happen but potentially you could get overwhelmed with requests to get married in a very picturesque part of Scotland. You might well feel that you would wish to turn down any holiday wedding requests on the basis of the amount of time they take up. Are you left wide open to requests for marriage from all over the UK?

Would you like to comment on the wider issue of freedom of speech?

The universal declaration of human rights lists freedom of speech and freedom of religion as fundamental rights and these appear to be under threat here. Equality Laws have been used to ride roughshod over these rights. Just because you disagree with someone does not mean that you hate them. It seems very strange to come to that conclusion. Surely in a civilised society people can express different points of view provided they are not deliberately whipping up ill feeling against a particular section of society. Religion or belief should be a protected characteristic which is defended under the equality law. In practice this is not happening. The law has been used to muzzle people.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

As a Church of Scotland minister I have conducted marriages for nearly 40 years. I cannot help but think that there would be an argument for making all marriages civil which perhaps would solve a lot of problems. This has been the case in a number of European countries for some years - long before same sex marriage appeared. The registrar conducts a legal ceremony which is the actual marriage. Subsequently faith groups or humanist celebrants can conduct a celebration of this fact. It has no legal significance but it does celebrate the reality. This would be fair and equal since the
registrar would deal with everyone. What happens afterwards would simply be a private celebration. Even under the 1977 Act the Registrar already does most of the work. Instead of the couple going in to collect the Marriage Schedule they could go in for a brief civil service. The Registrar could be solely based at the Registry Office and leave it to others to conduct celebrations the following day or even that day. The Crown Prince of Luxembourg was married last year. The couple had a civil service on the Friday which was the legal part in the registry office and a celebration service in the cathedral the following day.

**Are you responding as...**

a celebrant

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

Redefining marriage is not only unnecessary but in opposition to not only historical and time served definitions but also biological truths and will irrevocably change Scottish society for the worse, regardless of somewhat popular current thinking, for which our citizens will reap the costs of further breakdown of society and its values.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The issue centres on the redefining of the institution of marriage which is not something a government has a mandate to alter. Further to this, the lack of clarity concerning the benefits beyond those already established through civil partnerships implies this is a hollow exercise. Any and all loving relationships between two people of the same sex cannot be equated with the definition of marriage and does not boil down to a matter of equality. The suggestion that any law will protect churches and celebrants is simply not true as we have seen recently with legal proceedings in England where a gay couple is keen to test the law with the aim of forcing churches to hold same sex ceremonies on the basis that the law doesn't offer full equality according to Barrie Drewitt-Barlow who feels he is “still not getting what I want … It upsets me because I want it so much – a big lavish ceremony” (see http://archbishop-cranmer.blogspot.co.uk/2013/08/tony-and-barrie-drewitt-barlow-sue.html; http://www.dailymail.co.uk/news/article-2383686/Millionaire-gay-fathers-sue-Church-England-allowing-married-church.html)

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

The difference between religious and belief celebrants is unclear.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition
I do not believe that same sex marriage should be introduced for all the reasons given above.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

This does not make any sense and does not appear clear cut. Belief is a matter of personal conscience and is a moral rather than legal matter.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

Despite the rhetoric there appears to be no cast iron guarantees that protection will be given. I have cited the current legal challenge in England above and Article 9 of the European Court of Human Rights shows that protection is not given when there is conflict between this article and other rights. There have been many well publicised cases in recent years regarding the bullying of employees over their religious beliefs, e.g police chaplain forced to step down for his view that marriage is a “God-ordained institution between a man and a woman” but that this violated Strathclyde Police’s “equality and diversity policy” (http://www.telegraph.co.uk/news/religion/9901134/Police-chaplain-forced-out-after-criticising-gay-marriage.html). This issue goes to the heart of so many aspects of society such as the need for protection for public sector workers, charities, parent's rights of teaching about marriage in the classroom, foster carers, etc, etc. So called equality laws have led to the closure of almost all of the UK's faith-based adoption agencies which has had a negative effect on some of the most vulnerable children in our society.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Sadly, those who hold true to the traditional view of marriage are so often being accused of discrimination despite the statistics borne out by previous consultations where the majority of Scots are keen not to redefine marriage. As cited above the issue of freedom of speech is being courted by one side of this debate but not afforded to any other view.

**Would you like to comment on the wider issue of freedom of speech?**

Legal amendments are required to protect the freedom of belief and speech on such matters where the airing of such is not deemed in any way to be discriminatory.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

an academic

Are you responding as...

a celebrant

22 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support this bill. I think it is important that every person is treated equally regardless of their lifestyle. It remains respectful of those with strong religious beliefs but allows a basic inequality to be addressed.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is so important for Scotland to achieve! Discrimination through the law should be a thing of the past, the law is meant to protect people from discrimination. If two people are in love and want to legally commit to each other through marriage, then they should be allowed to do so regardless of their gender. While civil partnership is all well and good, it is not the same thing as a marriage. This should not be denied to the LGBT community through the prejudice of some of the population.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

It is important that Scotland is able to recognise also that there are a wide variety of belief systems in place within our country. Traditional religious avenues are not appropriate for everyone, so clarifying this through the bill is a good thing. Humanism as a main example is becoming ever more popular and this should be recognised as every bit as valid as any traditional religious group.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think the bill strikes a good balance between equality and respect for religious freedom. Those in support can embrace these changes and those opposed are free to ignore them. The opt in system is a good way to go about this.

How would you characterise your views on civil partnerships changing to marriages?

In support
Strongly support. A same sex marriage in no way affects anyone else, it does not invalidate mixed sex marriages, so why not? If you are against same sex marriage, then don't marry someone of the same sex as you! All relationships should be taken equally seriously when two people have legally committed themselves to each other regardless of gender and regardless of the opinions of others. It is important that for those who wish to make this change, it is easy to do so. By allowing either a marriage ceremony or a simple administrative based change this should be achieved. However there should be more done for those whose partnership was registered outside of Scotland, as this could make it very difficult for those who did it abroad, or those who have since moved here.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This is one of the main draws of a Humanist ceremony for a lot of people and I support it. It allows all couples of any gender to make their wedding day a more personal experience. As long as all the paperwork is submitted correctly then I don't think it matters where the ceremony takes place.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

This allows greater flexibility for everyone. Couples of same and mixed gender and also celebrants from different belief backgrounds. Excellent idea.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

In theory I am in support, however some changes would be beneficial. Requiring spousal approval to gain Gender Recognition is not appropriate as this provides the transgender person with their basic human rights in line with the gender they have been living in for at least 2 years and is a personal matter. However spousal approval should be required to re-register the marriage. If they do not want to be in a same sex marriage then divorce is an option, therefore the non-trans spouse still has their freedom of choice without discriminating against the transgendered person. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. I therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill â€“ this would assist the Gender
Recognition Panel as well as applicants. I would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16. As if a person is old enough to marry, they are old enough to know what gender they wish to live as.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. I would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. I would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage. While I personally think it’s rude and represents a homophobic attitude, similar to other forms of unacceptable prejudice, freedom of speech allows me to think that and therefore it's important that those of the opposite view are afforded the same freedom.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
The bill is a huge step forward for equality, but it does not introduce full equal marriage. The main thing missing from the bill is the introduction of mixed-sex civil partnerships. I believe that the same choices — marriage or civil partnership — should be open to all couples regardless of their gender. I therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnership. I believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, I note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and I strongly believe that they should do that once the review is complete.

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Deserve the same rights as everyone else

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They need reeducation to make them understand that just because you love someone of the same sex, doesn’t mean you are ‘wrong’ or ‘evil’. If you can marry someone you love, why not allow me?

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is wonderful, so long as it’s not used to promote or induce terrorism. That’s the law, and terrorism isn’t just against a country or a government, it can be promoting hate against a group of people, including the LGBT community.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

If you refuse to allow same sex marriage, does that make you better than the people who refused to allow people of different races or religion to marry?

**Are you responding as...**

a private individual

16 August 2013
How would you characterise your views on the Bill in general?

In support

I see no reason to distinguish between the legal union of same sex and opposite sex couples. The current categorisation of same sex unions as civil partnerships implies some form of inferior recognition and there can be no legitimate reason for discriminating on this basis.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I see no reason to distinguish between the legal union of same sex and opposite sex couples. The current categorisation of same sex unions as civil partnerships implies some form of inferior recognition and there can be no legitimate reason for discriminating on this basis.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I can see the point in those who have taken a specific religious vocation having the right to discriminate and not marry couples who are not in line with their beliefs. But those who are appointed civilly must respect the law and the rights of people not to be discriminated against on the grounds of sexual orientation. If their beliefs do not allow them to do this then they must not take up the position of a celebrant.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

See answer to question 6.

How would you characterise your views on civil partnerships changing to marriages?

In support

It seems inherently unfair that same sex couples have two options to formally recognise their union and opposite sex couples have only one. It seems logical therefore that only marriage exists and those with civil partnerships are automatically converted to marriage.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This is an excellent idea and is in line with the position in other jurisdictions. Marriage is a personal thing and the right of couples to agree a location which accords with the couple’s own wishes seems most appropriate.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No.

Would you like to comment on the wider issue of freedom of speech?

No.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No.

Are you responding as...

a private individual

18 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

17 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

a] I would consider that the Bill is not a priority with the general public, many of whom would prefer that the Scottish Government focus more on matters such as the economy and health. b] The ComRes poll in 2012 showed that 55% of people in Scotland agree that "marriage should continue to be defined as a lifelong exclusive commitment between a man and a woman". The percentage disagreeing was 38%. Civil partnerships already give all the legal rights of marriage to same-sex couples—it is not clear what new rights would be given to same-sex couples by redefinition. c] Redefining marriage would set a precedent which could lead to further redefinition eg (i) there are attempts to legalise polygamy in some US states and in Canada [cf: PinkNews.co.uk, 4 February 2009] (ii) a three-way relationship has been legalised in both the Netherlands and in Brazil. [The Daily Telegraph, 28 August 2012]

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

a] Over many centuries, the fundamental understanding of marriage has been that of a lifelong exclusive commitment between a man and a woman. Same-sex marriage focuses on the rights of the couple but traditional marriage emphasises not only these but also includes an emphasis on the heterosexual relationship as one in which children may be conceived and brought up. This recognises the complementarity of male/female as being of benefit to children. b] Although it is claimed that redefining marriage will equalise heterosexual and homosexual marriage relationships, in fact this is not so. In traditional marriage both commitment and responsibility are priorities, a fact which is recognised in law by the situation of adultery being a ground for divorce. However, under the proposed law, adultery will not apply to same-sex marriage, thus creating an inequality between the two forms of marriage. Thus the substantive legal framework for same-sex marriage and heterosexual marriage differs—logic would seem to dictate that differing legal obligations should result in differing categorisation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition
I would be concerned, if some celebrants are authorised to solemnise heterosexual and same-sex marriages, that there will be a challenge under European equality law such that a same-sex couple may claim discrimination if a celebrant refuses to solemnise their marriage. Already, Mr Barrie Drewitt-Barlow, a partner in a same-sex couple relationship in England says that he is intending to take the Church of England to court so that he may have a marriage in church. I suspect that this challenge will include the celebrant. http://www.dailymail.co.uk/news/article-2383686/Millionaire-gay-fathers-sue-Church-England-allowing-married-church.html

How would you characterise your views on civil partnerships changing to marriages?

In opposition

All the legal rights of marriage are already available to same-sex couples through civil partnerships. It is not clear what new rights if any would be gained for same-sex couples by redefining marriage. Therefore, I do not support the changing of civil partnerships to marriage. I am deeply concerned about the civil rights and freedom of speech of people who support traditional marriage. There are cases already of a baker, a florist and a printer being challenged in court because they refuse to become involved with business requests from same-sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I would be concerned, if civil marriage ceremonies are allowed to take place anywhere, other than religious premises, agreed between couples and the registrar, that this would lead to couples claiming discrimination under EU equality law if they cannot have a civil marriage on religious premises. Already, Mr Barrie Drewitt-Barlow, a partner in a same-sex couple relationship in England says that he is intending to take the Church of England to court so that he may have a marriage in church. http://www.dailymail.co.uk/news/article-2383686/Millionaire-gay-fathers-sue-Church-England-allowing-married-church.html

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I would be concerned that, if religious registration of civil partnerships is allowed, that this would open the door to pressure on religious groups/individuals to be willing to offer this service. I would be concerned that this is a move towards a situa

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

a] When there is conflict, in the European Court of Human Rights, between Article 9 [right to freedom of thought, conscience and religion] and other rights, several cases have found that Article 9 does not provide the protections it is set up to do. [ cf. Eweida and Others v United Kingdom [2013]: http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881 ] b] It is important that conscience clauses be introduced in employment and equality laws so that employees who support the present definition of marriage are not forced either to participate in same-sex marriage ceremonies or to give approval of same-sex marriages. If such clauses are not introduced, the situation may arise where whose who work in the public sector may lose their jobs or be excluded from certain professions if they do not support same-sex marriage. Reference: The Implications For Freedom of Conscience and Religious Liberty Arising From Redefining Marriage in Scotland by Aidan O'Neill QC  c] At present there are legal protections for atheist teachers which mean that they are not forced to teach religion. I believe that there should be similar protections for teachers who have religious or other convictions such that they do not support same-sex marriages.  d] The law should protect parents’ right to withdraw their children from lessons involving same-sex marriage. Moreover, the parents should have a legal right to know when such lessons are planned to happen.  e] The Government is considering making it clear through amending guidance that people should not be prevented from fostering or adopting simply because they support traditional marriage. However, more robust legislation should be set up, rather than just guidance.  f] It is important that religious groups which support traditional views on marriage are protected in equality law so that they are not treated less favourably by public authorities, for example by being refused grants, contracts or use of facilities.

Would you like to comment on the wider issue of freedom of speech?

a] It is vital that robust safeguards are put on place such that no person will be forced to express agreement with same-sex marriage or be penalised for not agreeing with same-sex marriage.  b] There are differing views on same-sex marriage. People who support the historic and long-standing definition of marriage should have the right to express their belief freely. In recent times a climate of fear has grown where many people do not feel free to express their beliefs peacefully. One result of the equality law is that people feel that perfectly legitimate views cannot be freely expressed.  c] I believe that specific amendments are vitally necessary to protect the right to free speech and debate. Such amendments should apply across public order and equality laws, including employment and goods and services. It is VITAL that there are amendments which clarify that equality law and breach of public order law do not legislate such that that merely having a discussion on same-sex marriage is, of itself, a form of discrimination. This would help ensure that supporters of traditional marriage feel at liberty to discuss the topic with others at work or in the general public without being labelled as being discriminatory.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
a] I believe that it is very important that the principle of reasonable accommodation should be required of all public bodies in Scotland in their provision of public services.  
b] I strongly believe that the Marriage and Civil Partnerships (Scotland) Bill should not be passed before an amendment is made to the Westminster Equality Act 2010 such that it incorporates the principle that an employer must make reasonable accommodation of the manifestation of religious belief by employees.

Are you responding as...

a teacher

17 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I think this is a great step forward for equality. It was very painful for me to learn that my friends, a lesbian couple,

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

It is important that same-sex couples have the option of having a religious or belief based ceremony. It strikes me as very narrow minded to rule out that a couple might be religious simply because of their sexual orientation.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage has been in existence since before time began as a union between a man and a woman for life. It is the foundation upon which families are based. Re-defining it will disrupt this and open the door for any other form of relationship including polygamy. It will be detrimental to children brought up in an environment where any form of relationship is acceptable and where any means of procreation is acceptable. Children will become merely accessories of whatever adults happen to want at the time. We have enough important issues in the country to be dealt with. This issue is a painful distraction from the other important things which need to be addressed including rebuilding the economy. Also, I as a constituent have not been given the opportunity to vote on this issue which is more fundamental than independence to our country. Such an important issue should never have come before parliament without the opportunity for the electorate to vote on this. Also, if this law is passed it will be impossible to repeal the law and uphold the sanctity of marriage in this country.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

Marriage can only be between one man and one woman. Same sex partners who choose to live together in a form of legal partnership should be recognised as same sex couples living together not as married people who are able to produce their own biological children.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

In the Christian tradition I would expect the man and woman to marry according to the commandment of the Bible. It is my understanding that other major religious groups would expect marriage according to their traditions between a man and a woman. To ex

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As has already happened in several cases in England, those who hold traditional beliefs about marriage will be discriminated against and the "equality" issue of the homosexual lobby will override the rights of Christians to exercise their faith in the daily exercise of their lives. It will result in Christians being discriminated in work, loosing jobs, not being considered for promotion and being considered as bigots purely for the purpose of holding on to the faith of the majority of the population of Scotland. It will begin persecution on a scale in Scotland that has not been seen for hundreds of years, and this is what the SNP government will be remembered for.

Would you like to comment on the wider issue of freedom of speech?

There is nothing that the Scottish Government will be able to do if this law is enacted that will protect Christians from being victimised and criminalised for saying privately or publicly their beliefs that marriage should only be between one man and one woman for life.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?

In opposition

I would summarise by saying that if the term marriage has to be redefined in order to make this happen then same-sex couples are not accessing marriage as it was. The result is that as the consequences of this Bill filter through no one will be better off and some will be worse off. Some of the consequences of the Westminster Bill are already risible e.g the possibility that the following questions might be realistic " Is your daddy a man or a woman." or " Is your husband male or female ".

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

As I have said in previous submissions and correspondence.  As marriage stands every person, male or female has the opportunity to marry as we know it. If someone chooses an alternative life-style why should they wish to alter the status quo for others . They are not discriminated against they just do not qualify any more than they could qualify for the mixed doubles at Wimbledon . Can we now expect the tennis authorities to cease discrimination and redefine 'mixed'.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Compared with the principal elements of the Bill this is almost an irrelevance. Let the state appoint who it likes to perform the ceremony. It is far more important that no one be forced to take part in something to which they strongly conscientiously object.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

Irrelevant. This is not a conscience issue.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

15 August 2013
How would you characterise your views on the Bill in general?

In opposition

I do not think that there is any reason for changing the marriage bill as it stands at present.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The rights of same sex individuals at the moment respect their choice to live in partnership and this does not have to be a reason for changing the law on marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

No need to change arrangements as they stand at present.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do not think that believing in the current definition of marriage should influence decisions about employing individuals or affect their working conditions. Religious Education is part of the required curriculum, I as a teacher feel that my religious convictions would make it difficult for me to teach about same -sex marriage and would not want to participate in these lessons.

Would you like to comment on the wider issue of freedom of speech?

Specific amendments are necessary to protect the right to free speech and debate. They need to apply across public order and equality laws, including employment and goods and services. As a bare minimum amendments need to make clear that merely discussing or criticising same-sex marriage is not, on its own, a form of discrimination for the purpose of equality law or a breach of public order legislation. Such changes would help those who believe in traditional marriage to feel free to discuss the issue with their colleagues or customers, employees or employers.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

YOU ARE EITHER FOR OR AGAINST EQUALITY FOR ALL.

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?

In support

There is no equality when part of society is excluded... Civil partnerships not being available to all put a second class taint on them. This is all about two people committing to each other, nothing else matters.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Sex and gender are not terms which are interchangeable, ceremonies should be possible to be gender neutral.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religious celebrants should not have any advantage over anyone else. Belief in something which is not provable should never give you an advantage over anyone else.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

When civil partnerships were devised solely for same sex couples they were already being given something which could be considered "not quite a marriage", this was absurd. If it had equality status it should have been offered to two sex couples too. Civil partnerships should be available to be changed to a marriage AT NO FURTHER COST.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

It is the words and intention to commit which is important not the premises.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is of personal concern since this week was the thirtieth anniversary of a marriage which both of us wish to continue. Without this change in the law You have the absurdity of two women already being married except that one of them has an "M" on a birth certificate and without distorting a thirty year old marriage that cannot be changed during the lifetime of the spouse. Should I die first you have the absurdity of dealing with a female body with this one legal male document whilst every other from bank account to passport has been female for years...

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They have had an unjust monopoly for far too long.

Would you like to comment on the wider issue of freedom of speech?

I have some concerns that the gutter press will do their best to publicly "out" people like me who have had a medical condition dealt with, i.e. had my physical appearance match my innate self image. They would not get away with harassment of anyone with another medical condition so I would like to see provision shown to protect the identity of those living a life in a gender role other than the one forced on them at birth.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A post operative transsexual trapped in a legal limbo.

17 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Bill defies God's law and the moral basis of all societies the world over for many thousands of years. It also is not a view which is held by a great deal of the general public and this should be a great concern to any political party trying to push this through. It is also uncharted waters which may cause a lot of problems in years to come. This policy has caused problems in various parts of the world and is not universally accepted. It also will fragment society more and marginalise people like myself who hold to a Biblical view of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

What is wrong with Civil Partnership. Marriage was intended for the union of one man and one woman to live together as two individuals but one unit. It was also intended for the procreation of children and providing appropriate role models for their development and understanding of human nature. Even most of nature has similar methods and relationships. Marriage certainly in my eyes and my understanding will never mean the union of couples of the same sex.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I'm not sure I fully understand this question. However, there are many religious beliefs, some agree with the Bill, some oppose and some are on the fence. Those who base our faith in the God of the Bible and desire to honour him in our lives will take the view as described in the Bible which is clearly opposed to same sex marriage and even same sex relationships of any kind

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

With regards to the Christian faith, it is impossible to say that you live by the standards God has set but then go and do something or agree with something which is in direct opposition to God and his revealed word. It would be like me stating that I agree with the Governments policy on taxation for raising money for public spending but then stashing undeclared income in some offshore account.
How would you characterise your views on civil partnerships changing to marriages?

In opposition

I am not comfortable with Civil Partnerships, but can live with that as it is not marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

These should be held in registrars to maintain privacy. Also such events if held elsewhere can be offensive to people who hold to traditional values and morals.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

As my previous comments state, I cannot sign up to any form of same sex union. It would be a great sin on my part as a minister of the Christian Gospel. Once one goes so far down a road, the gradient only goes one way - down.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

The Bible is clear - one man, one woman - from birth.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Already the Christians who hold to traditional, but Biblical views are being marginalised, discriminated against and made to feel that they do not value those who are different. This of course is far from the truth. God loves the sinner but hates the sin and all of us are in the same boat for all have sinned and fallen short of the mark. We have been influential in many social reforms and raising the standard of life for people in general. Religion has had a lot of bad press and rightly so. However, Bible believing Christians are not so much concerned about religion, but rather about a relationship with a holy God who will one day judge us all in righteousness. I wrote to David Cameron recently asking if I would be breaking the law if I was to attach to our church notice board a statement that this church only performs marriage as defined by God in his word the Bible. I have yet to receive a reply. Already ourselves, along with many other Bible believing churches are amending our church constitutions to ensure we will only allow one man one woman marriage so that apart from the Bible, we will also have a legal document to back up
our position. This is truly sad that this is the case in Scotland. A country which was once described as the "Land of the Book."

Would you like to comment on the wider issue of freedom of speech?

I wonder how long there will be freedom of speech for Christians. Freedom to stand by your belief within the workplace is now becoming a thing of the past as many Christians have suffered the loss of their job or have been victimised and marginalised because they hold a different view, a view that has been good enough for around 6000 years.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Sow to the wind and reap the whirlwind.

Are you responding as...

a faith/belief-based organisation
a faith/belief local group or congregation
a private individual

17 August 2013
How would you characterise your views on the Bill in general?

In opposition

a] I would consider that the Bill is not a priority with the general public, many of whom would prefer that the Scottish Government focus more on matters such as the economy and health. 

b] The ComRes poll in 2012 showed that 55% of people in Scotland agree that "marriage should continue to be defined as a lifelong exclusive commitment between a man and a woman". The percentage disagreeing was 38%. Civil partnerships already give all the legal rights of marriage to same-sex couples—it is not clear what new rights would be given to same-sex couples by redefinition.

c] Redefining marriage would set a precedent which could lead to further redefinition. eg (i) there are attempts to legalise polygamy in some US states and in Canada [cf: PinkNews.co.uk, 4 February 2009] (ii) a three-way relationship has been legalised in both the Netherlands and in Brazil. [The Daily Telegraph, 28 August 2012]

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

a] Over many centuries, the fundamental understanding of marriage has been that of a lifelong exclusive commitment between a man and a woman. Same-sex marriage focuses on the rights of the couple but traditional marriage emphasises not only these but also includes an emphasis on the heterosexual relationship as one in which children may be conceived and brought up. This recognises the complementarity of male/female as being of benefit to children. 

b] Although it is claimed that redefining marriage will equalise heterosexual and homosexual marriage relationships, in fact this is not so. In traditional marriage both commitment and responsibility are priorities, a fact which is recognised in law by the situation of adultery being a ground for divorce. However, under the proposed law, adultery will not apply to same-sex marriage, thus creating an inequality between the two forms of marriage. Thus the substantive legal framework for same-sex marriage and heterosexual marriage differs---logic would seem to dictate that differing legal obligations should result in differing categorisation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I would be concerned that there may be a challenge on the grounds of discrimination under European equality law such that a couple may wish a belief celebrant to use religious premises for their same-sex marriage.
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I would be concerned, if some celebrants are authorised to solemnise heterosexual and same-sex marriages, that there will be a challenge under European equality law such that a same-sex couple may claim discrimination if a celebrant refuses to solemnise their marriage. Already, Mr Barrie Drewitt-Barlow, a partner in a same-sex couple relationship in England says that he is intending to take the Church of England to court so that he may have a marriage in church. I suspect that this challenge will include the celebrant. [ cf http://www.dailymail.co.uk/news/article-2383686/Millionaire-gay-fathers-sue-Church-England-allowing-married-church.html ]

How would you characterise your views on civil partnerships changing to marriages?

In opposition

All the legal rights of marriage are already available to same-sex couples through civil partnerships. It is not clear what new rights if any would be gained for same-sex couples by redefining marriage. Therefore, I do not support the changing of civil partnerships to marriage. I am deeply concerned about the civil rights and freedom of speech of people who support traditional marriage. There are cases already of a baker, a florist and a printer being challenged in court because they refuse to become involved with business requests from same-sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I would be concerned, if civil marriage ceremonies are allowed to take place anywhere, other than religious premises, agreed between couples and the registrar, that this would lead to couples claiming discrimination under EU equality laws if they cannot have a civil marriage on religious premises. Already, Mr Barrie Drewitt-Barlow, a partner in a same-sex couple relationship in England says that he is intending to take the Church of England to court so that he may have a marriage in church. [ cf http://www.dailymail.co.uk/news/article-2383686/Millionaire-gay-fathers-sue-Church-England-allowing-married-church.html ]

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I would be concerned that, if religious registration of civil partnerships is allowed, that this would open the door to pressure on religious groups/individuals to be willing to offer this service. I would be concerned that this is a move towards a situation where
a same-sex couple may claim discrimination if some members of a faith group are willing to perform this registration and others are not.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

I do not agree with legally acknowledging a transgender status

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

a] When there is conflict, in the European Court of Human Rights, between Article 9 [right to freedom of thought, conscience and religion] and other rights, several cases have found that Article 9 does not provide the protections it is set up to do. [cf. Eweida and Others v United Kingdom [2013]: http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115881 ]  
b] It is important that conscience clauses be introduced in employment and equality laws so that employees who support the present definition of marriage are not forced either to participate in same-sex marriage ceremonies or to give approval of same-sex marriages. If such clauses are not introduced, the situation may arise where whose who work in the public sector may lose their jobs or be excluded from certain professions if they do not support same-sex marriage. [cf 'Re: The Implications For Freedom of Conscience and Religious Liberty Arising from Redefining Marriage in Scotland' by Aidan O'Neill QC]  
c] At present there are legal protections for atheist teachers which mean that they are not forced to teach religion. I believe that there should be similar protections for teachers who have religious or other convictions such that they do not support same-sex marriages.  
d] The law should protect parents' right to withdraw their children from lessons involving same-sex marriage. Moreover, the parents should have a legal right to know when such lessons are planned to happen.  
e] The Government is considering making it clear through amending guidance that people should not be prevented from fostering or adopting simply because they support traditional marriage. However, more robust legislation should be set up, rather than just guidance.  
f] It is important that religious groups which support traditional views on marriage are protected in equality law so that they are not treated less favourably by public authorities, for example by being refused grants, contracts or use of facilities.

**Would you like to comment on the wider issue of freedom of speech?**

I, myself, when delivering postcards supporting traditional marriage through letterboxes, was approached by a gentleman who demanded my name so that he could report me, claiming that delivering such postcards was a 'hate crime'. He accused me of spreading 'utter hatred'. On another occasion, a lady returned the postcard saying that I could 'wipe my arse with it'.  
a] It is vital that robust safeguards are put on place such that no person will be forced to express agreement with same-sex marriage or be penalised for not agreeing with same-sex marriage.  
b) There are differing views on same-sex marriage. People who support the historic and long-standing definition of marriage should have the right to express their belief
freely. In recent times a climate of fear has grown where many people do not feel free to express their beliefs peacefully. One result of the equality law is that people feel that perfectly legitimate views cannot be freely expressed. c] I believe that specific amendments are vitally necessary to protect the right to free speech and debate. Such amendments should apply across public order and equality laws, including employment and goods and services. It is VITAL that there are amendments which clarify that equality law and breach of public order law do not legislate such that that merely having a discussion on same-sex marriage is, of itself, a form of discrimination. This would help ensure that supporters of traditional marriage feel at liberty to discuss the topic with others at work or in the general public without being labelled as being discriminatory.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

a] I believe that it is very important it is made a robust legal situation that the principle of reasonable accommodation should be required of all public bodies in Scotland in their provision of public services. b] I strongly believe that the Marriage and Civil Partnerships [Scotland] Bill should not be passed before an amendment is made to the Westminster Equality Act 2010 such that it incorporates the principle that an employer must make reasonable accommodation of the manifestation of religious belief by employees

Are you responding as...

Retired Senior Teacher

18 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex marriage goes against the Law of God. When God gave the 10 Commandments to Moses, three of those Commandments referred to marriage: Honour Thy Father And Mother; Thou Shalt Not Commit Adultry; and Thou Shalt Not Covet Thy Neighbours Wife. What gives any Government the right to go against the Law of God?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I have concerns for the rights of women and children in our society if this law is passed. I would also like to know where divorce law would stand on the question of adultery.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

18 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

I am heartened by the forward-thinking, egalitarian, humanistic stance of this Bill and the Scottish Government's position. As a Scotsman who left his home country to live in Canada 8 years ago, and who is returning to Scotland to live shortly, I am delighted to be coming home to a more enlightened country. Canada legalised same sex marriage years ago. Bravo to Scotland for catching up!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Freedom of expression and choice demands the ability to conduct ceremonies in the venue of the couple's choosing.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I cannot see what they need protected from. It is not for them to dictate how others live their lives.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Someone who has hidden either knowingly or not their true Gender Identity should not put their partner through the stress of a divorce if both partners wish to continue their marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Love is Love, no rules, no cure!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

I think that this should be available to those that want it. But some people would prefer a civil partnership and that should be available to all couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?

In opposition

It is unnecessary because same-sex couples already have all the rights they need under the civil partnerships scheme. It is also unwanted except by a very vocal minority. Until relatively recently a majority in the gay lobby did not even want marriage, which they considered too binding a tie. I very much doubt that this legislation will add any stability to most same-sex liaisons. It is also a distraction from more serious Government priorities â€“ securing good local employment, seeing that the NHS is up-to-date and able to treat an ageing population, maintaining the roads and other transport networks in good order, ensuring that the assessments for the Curriculum for Excellence are rigorous and will stand up to outside scrutiny etc.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Essentially I am dismayed. Also, I believe that the public are being hoodwinked into the idea that the Bill will achieve (a) equality; and (b) a strengthening of the marriage bond in society. In fact, it will undermine marriage because it has failed to substitute a new and satisfactory definition of marriage in place of the traditional one of a voluntary union between a man and a woman for life to the exclusion of all others. For its part, this Bill will set up a form of marriage where adultery is irrelevant; where marriage has nothing to do with the procreation of children; and where it seems that the distinction between male and female is being trampled underfoot. Moreover, under the Bill the terms of same-sex marriage will be different from those of opposite-sex marriage. So, where is equality?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I have no objection to this part of the Bill provided the belief celebrant comes from a responsible organisation. It would further undermine the place of marriage if representatives from flippant groups like the Jedi Knights cult were allowed to conduct marriage ceremonies.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither
I am happy with these arrangements in that they take care to respect the conscience of individuals on this matter. My one difficulty (and it is a very serious one) is how far these arrangements will stand up under the European Convention on Human Rights see my answer to Q12.

**How would you characterise your views on civil partnerships changing to marriages?**

Neither

I am not greatly perturbed by this aspect of the legislation but I do have concerns that we will end up with a very complex and confusing family legal system where in time there will be both civil partnerships and marriages available to the same groups of people. After all, that was not the intention when civil partnerships were first introduced.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

I am indifferent about this aspect of the Bill.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

I have no objection to this, provided there is no possibility of coercion emanating from courts whether in Scotland or in Europe.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

While the Bill does show genuine respect for the position of those churches and celebrants who are opposed to same-sex marriage, there is considerable doubt as to whether this will stop gay activists taking churches to court or will prevent such challenges ending in the European Court of Human Rights. Already, in England a homosexual couple have announced their plans to go to court to force churches to offer wedding ceremonies for same-sex couples. I worry about the pronouncements of Scottish Government spokesmen who assume the sovereignty of the Scottish courts on rights issues. They rather naively ignore the possibility of the ECHR overturning verdicts in the Scottish courts. While Article 9 of the European Convention on Human Rights does give the right to freedom of thought, conscience and religion, there have been some cases where these rights have been
trumped by other sorts of rights. This may well happen, especially as the Faculty of Advocates have pointed out that the Convention is a living instrument and as society’s mores change, the way the Convention is interpreted changes. The time may come when the European Court decides that allowing churches and individual celebrants not to participate in same-sex weddings is discriminatory against homosexuals. In the light of this, I would find the Bill more satisfactory if it incorporated the right of conscientious objection for at least the following groups (a) individual religious celebrants; (b) teachers in school who might be required to teach same-sex marriage; (c) civil registrars employed before this Bill becomes law. As a retired teacher, I am well aware of the sort of pressures from a Senior Management Team or a head of department to follow a certain line in the curriculum. The conscience of individual teachers can easily be ignored in the process. The provisions under section 14 of the Bill are too brief and vague to be of any practical use. I am worried too that parents will have little idea of the new teaching materials to which their children will be exposed should the Bill become law. I am not sure how realistic it is for them to be fully informed of the content of every aspect of the curriculum, but the attempt should be made. It was not reassuring that as part of their last consultation, the Government referred merely to the provision for parents to remove their children from R.E or from lessons on sexual health. After all, R.E. and sexual health are only a small part of the curriculum and there are many other aspects of the curriculum where approval of same-sex marriage could be introduced, either overtly or implicitly. Unless clearer guidelines are given on parental rights and unless parents are informed in far more detail of curriculum content than has traditionally been the case, I can foresee a situation in a few years’ time when there will be a groundswell of protest against the whole system of primary and secondary education in Scotland. I would also like to see two legal changes – (i) charity law should be amended so that disapproval of same-sex marriage is never used as a justification for removing charitable status from religious and other charities; (ii) The Scottish Parliament Equal Opportunities Committee should ask the Westminster Government to amend Equality Act 2010 to enshrine the principle that an employer is obliged to make reasonable accommodation for the manifestation of religious belief by employees. It would be irresponsible for the Scottish Government to allow this Bill to become law before such an amendment is obtained.

Would you like to comment on the wider issue of freedom of speech?

There are many people who believe that sexual orientation is quite different from race and gender, which cannot be altered. They consider that sexual orientation is more of a lifestyle choice, and so open to approval or diapproval. They should be free to express that viewpoint. As a former R.E. teacher, I know that while it was not my role to impose my beliefs, pupils were curious to know what my beliefs were. It would not have helped classroom dynamics to conceal these views. This would apply not only to R.E. teachers but to teachers in many other subjects as well. Teachers should be free to express their own views in the classroom with restraint, of course, and with respect for the views of others. It will not help the atmosphere in schools nor will it improve the quality of teaching and learning if teachers who disagree with same-sex marriage are constantly in fear of pupils (or colleagues) trying to trip them up and so reporting them for their heretical notions about same-sex marriage. To remove the possibility of this scenario it should be made crystal clear in the bill that expression of disapproval of same-sex
marriage is not reprehensible in any context. In other areas of the public sector personal beliefs on this issue should not be adduced against them. It was disgraceful that Adrian Smith, a housing manager in Trafford, should have been demoted on the ground of ‘gross misconduct™ because of remarks on his Facebook page which had nothing to do with his day-to-day work. Above all, if the Bill becomes law, it must be open to people to affirm publicly that it is a bad law with detrimental consequences for the whole of society. This is quite different from open defiance of the law and should be regarded as such. As a corollary, the right of legitimate protest against this law should be recognised. Moreover, those considered about its influence on society should be given unimpeded access to relevant data to enable them to monitor the effects same-sex marriage will have on all aspects of society.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am amazed that a Bill on such an important family matter should have so little to say on the rights of children.

Are you responding as...

a private individual

17 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This bill is essential. It is farcical how long it has taken, for the basic human right to marry the person you love, to be made into law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
For the greater good, it is my opinion, no extensive protections should be required regarding same-sex marriage. The outcome of introducing a same-sex marriage bill will be a fairer society, which should be embraced by society.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is essential, but should should not be abused.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

13 August 2013
How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

I married my wife in 1986. I changed from male to female 5 years ago here in Canada. We remained married and have 3 children.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Gay marriage has nothing to do with straight people, no effect on their marriage, and they should have no say in which two persons, regardless of gender or sex, can or can not get married.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

an LGBT group
a private individual

17 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

I have heard members of parliament saying that it will strengthen society and similar quotes however they clearly have not experienced this lifestyle or undertaken any scientific research in this area. From personal experience my father was a homosexual and the lifestyle and culture that he passed on to me was not healthy and life empowering, it was a culture that imparted the message that sexual confusion is normal and healthy, that pornography was normal and healthy, sexual abuse, verbal abuse, sexual promiscuity, drug taking and alcohol abuse was all normal and healthy, however I soon started to realise as I grew older that it wasn't normal and healthy I started to realise that my deep sense of self hatred, insecurity, isolation and inability to communicate effectively or relate to anyone in a healthy way was because I had been parented by a person who himself did not understand what was normal and healthy and therefore was not able to impart a healthy culture to me. My father's parenting resulted in me being a very damaged and dysfunctional person, who struggled with eating disorders, anorexia and bulimia, self harming with razor blades, suicide attempts, drug abuse, alcohol abuse, nicotine abuse, inability to relate to anyone, sexual confusion, sexual promiscuity, manic depression, fragmented personality to mention just a few of the many many issues I have had to face and overcome. I further supply you with scientific research undertaken over the last 125 years into these issues (see link below) that fully support my experiences as normal and hope that it will provide you with further information to support your stance against the damage this bill will cause to society generations of children to come. http://freereformednotesbycvd.blogspot.co.uk/2009/06/conclusive-scientific-evidence-that.html

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

It was only through a personal encounter with Jesus Christ that my life was restored but he also gave me answers regarding my own struggle and sexual confusion. The bible is very clear in Romans 1 that the issue of homosexuality as well as all sin such as greed, murder, strife etc.. the things our newspapers are full of and we ALL have to overcome is because we have exchanged the truth of God for a lie, which then hands us over to a culture which gradually becomes more and more debased due to a lack of being connected to the source of life. I believe the Bible is true because when I placed God at the centre of my life once again my own sexual confusion, addictions and destructive behaviours were resolved and I have been able to help other people overcome similar issues. same Sex marriage will therefore be reducing culture into an increasing state of depravity as experienced by myself and therefore should be resisted as a corporate mandate. People are not created homosexuals and God has given everyone the freedom of choice however to live as
they see fit and they will choose their eternal destiny based on their own choices. Therefore if people want to live as homosexuals they are free to do that however it should not be enforced on the wider community as a healthy alternative life style, which research and my experience and the bible all clearly say it is not. If we start shifting these ancient boundary stones and paying no attention to the bible, to research and to people's experience then what will stop us starting to legislate the right to commit incest or have sex with children, bigamy or any array of sexual deviation in the name of equality and freedom, which actually brings us not into increasing freedom but of depravity.

**How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?**

In opposition

The message we are giving to society is that a life without God is good and that is not the case. God is the source of all the good in the world that we take for granted. Creating a system separate from him is like a person saying I don't need a heart any

**How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?**

In opposition

see previous comments

**How would you characterise your views on civil partnerships changing to marriages?**

In opposition

see previous comments

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

Any marriage that is not inline with divine design honouring God at the centre of it such as civil marriage is going to be under pressure from the word go and therefore I do not really think it matters where people get married and should be free to choose how and where they have their ceremony without restrictions.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

People are free to choose their way however they will have to live with either the positive or negative consequences of their choice
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Yes I think anyone that is against same sex marriage should be allowed to freely hold that view without any form of discriminatory or legal punitive action in any way, and be free to not participate in any such activity, however it is vital that their belief also include treating those that agree with it or choose to embrace a homosexual lifestyle with honour and respect and ensure that they are not party to any homophobic bullying or persecution in any way shape of form.

Would you like to comment on the wider issue of freedom of speech?

I think freedom of speech is important and we should all be free to express our views, however expressing them with any form of hatred, bullying, intimidation or violence is what should be legislated against, not opinions.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

13 August 2013
How would you characterise your views on the Bill in general?

In opposition

It is an unnecessary Bill with an unnecessary agenda which though obliquely referenced in Manifesto's has been brought forward with haste and with prejudice.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is an institution, universally recognised as between one man and one woman and a central part of which has been the provision of a stable environment for the upbringing of the next generation. this Bill loses that fundamental component of marriage by focusing on the wishes and preferences of adults without consideration of children at all. This legislation is unnecessary in that Civil partnerships proved the same legal rights as marriage and therefore there is no need to enact this legislation. In addition, what happens to terms like "husband" and "wife" or do they now become redundant or will they, as in England and Wales, become non-gender specific with the concomitant damage to the language?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I do not believe that this ought to take place because marriage ought to continue to be between one man and one woman.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I do believe that civil partnerships have a place in a religious setting at all.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Churches and celebrants who refuse to marry same-sex couples will be susceptible to litigation. In England, a homosexual couple are already planning to go to court to force churches to host gay weddings. Ultimately this matter may be decided by the European Court of Human Rights, and any attempted protections in Scottish law could be overturned. There is no guarantee that, at some future date, the Court will not rule that religion and belief celebrants must either solemnise all marriages or cease to marry people altogether. The Law also currently provides that doctors who object to abortion on conscience grounds are not required to perform such and similar protection ought to be afforded to registrars re same sex "marriage" in this Bill. Also in schools, although religious education is compulsory, atheist teachers are not compelled to take part and so in a similar vein, neither should teachers who object to same sex "marriage" be compelled to teach it. This legislation, as the anecdotal evidence currently shows, will be a charter for the alienation of and perhaps persecution of those people, like myself, who hold to the view that marriage is between one man and one woman.

Would you like to comment on the wider issue of freedom of speech?

There is clear evidence from cases which have been brought before courts that there will be significant curtailment of the right to free speech should this legislation be enacted. Biblically, without question, homosexual conduct is condemned as a sin but if this legislation goes ahead, it is doubtful if it will be legal to hold and teach this view.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

do not go ahead with this poorly conceived and ill thought through piece of legislation.

Are you responding as...

a celebrant
a faith/belief local group or congregation

13 August 2013
How would you characterise your views on the Bill in general?

In support

I believe in the principle of gender equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I also believe that civil partnerships should remain as an alternative for same sex couples, and that different sex couples should have the same choice between marriage and civil partnership.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

It is OK to solemnise marriages but basically, in law, all marriages should be civil marriages, with freedom for marriage partners to receive solemnisation from their particular religion.

How would you characterise your views on civil partnerships changing to marriages?

Neither

I believe that civil partnerships should remain as an alternative for same sex couples, and that different sex couples should have the same choice between marriage and civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

I believe that everyone should be allowed the possibility of civil partnerships as an alternative to marriage. These two institutions are not exactly the same although they should remain equivalent in terms of law.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People who have concerns about same sex marriage should not be allowed to restrict the choice and rights of others.

Would you like to comment on the wider issue of freedom of speech?

Everyone has the right of free speech but people who have concerns about same sex marriage should not be allowed to restrict the choice and rights of others.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

In law marriage and civil partnerships should basically be civil not religious in nature. Religions should be free to endorse or not endorse either of these institutions.

Are you responding as...

a private individual

18 August 2013
How would you characterise your views on the Bill in general?  
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?  
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?  
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?  
In opposition

How would you characterise your views on civil partnerships changing to marriages?  
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?  
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?  

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?  

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?  
I would like safeguards to be put in place to protect people who are of a different opinion and who believe that marriage is between one man and one woman.
Would you like to comment on the wider issue of freedom of speech?

Freedom of speech should be allowed by all parties.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

17 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I believe that it is morally wrong, and will send the wrong signals to the youth of today. It is in contrast to what we have learned from the bible.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

I do not believe that anyone should be given legal recognition of an acquired gender. We are either male or female at birth and this should remain so, irrespective of gender reassignment.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

Individual choice. Some couples may be content with a civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

The marriage commitment is the important issue, not the place.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I cannot see what problems would occur if they knew any couple who were married. It does not impact on their lives. So why should they be concerned about anyone else's personal lives.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

18 August 2013
How would you characterise your views on the Bill in general?
In support
It shows that Scotland is moving forward with the rest of the world and is setting a great example for other countries who are unsure of their stance on equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
There is no reason why two people who love and are committed to each other cannot be wed in the ceremony of their choice.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They need to be educated and taught than same sex couples are no different than traditional straight couples.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I think it's far more important to address inequality. Many people in the USA in the mid-20th century felt that allowing black and white people to marry was morally reprehensible. Now, such views are, thankfully, in the minority. It is crucial that clear
points about the importance of equal marriage are made accessible to those who have doubts. Equality, first and foremost, must take precedence over moral positions.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am gravely concerned by the proposals to redefine marriage and feel they are completely unnecessary and unhelpful, without sufficient protections in place for contentious objectors.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The institution of marriage is older than even the existence of our laws or country. It has always been defined as the union of one man with one woman. This is a fundamental change that was not even mentioned in any political party manifestos. If we redefine this, then marriage itself may be redefined as being not just one person with another but multiple marriages (polygamy). I believe this has already been brought up in some USA states where marriage laws were adjusted. As a primary school teacher, I believe this would seriously harm the mental health of our children. They need a stable relationship of two adults. I believe a stable balance of male and female, enables them to develop both masculine and feminine aspects of their personality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

Celebrants who hold traditional views, must be given the freedom to act accordingly and not forced to act against their conscience.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil partnerships have equal status with marriage, in all governmental matters. The two are different. It is not necessary to redefine marriage.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

As I understand it, civil partnerships should be free to adhere to any belief system.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

This might be abused as a way to achieve gay marriage by the back door but I would have thought it unlikely to happen.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I'm particularly concerned that Christian charities should not be stripped of their charitable status because of their beliefs on marriage. Also - people should not be prevented from fostering or adopting simply because they hold traditional views about marriage. Their rights to hold these beliefs need to be protected by law. Employees should have the right to personal beliefs and not be forced out of their jobs as a result of them - especially council workers, or those working with children.

Would you like to comment on the wider issue of freedom of speech?

It is really important that we continue to respect those who wish to hold to a traditional view of marriage and give them the right to be able to express views freely. Protection is clearly needed, following the case of Rev Brian Ross, who was removed from his post as a police chaplain because he disagreed with gay marriage on his personal internet blog. If we are not free to discuss our views, it is not possible to have a full and reasoned debate - it is stifled by a climate of fear. Criticising same-sex marriage is not, on its own, a form of discrimination. Some are quick to label any disagreement with same-sex marriage as "bigoted" TM.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

This needs a very thorough examination and has been rushed through the English parliament system without receiving this. Please examine every aspect carefully and ensure that safeguards are put in place.

Are you responding as...
a private individual

17 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage is a sacrament and can be only between a man and a woman. Civil Partnerships enable same-sex couples to make their relationship official and public.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
How would you characterise your views on the Bill in general?

In support

I believe Scotland should lead the way in the United Kingdom in relation to same-sex marriage, we started the ball rolling and believe as a nation we can lead others in bringing full equality to Scotland's population. The equal marriage bill needs to go further to fully live up to its name, yes same-sex couples can marry or be civil partnershiped, but why are civil partnerships not allowed in opposite-sex relationships? I also think that specific priests (ect) should be allowed to say whether they wish to perform a same-sex ceremony and be protected from the church or denomination they belong to for their choice, I think that the leader of a specific religion saying as a whole that no (for example) Catholic priests can perform a same-sex union in a church is wrong and again puts a stop to full equality. Individuals who belong to a religion should also have their own choice.

How would you characterise your views on the introduction of same-sex marriage, so that same-sex couples can marry each other?

In support

I am fully supportive of same-sex marriage and feel it will bring equality to Scotland's population and bring Scotland forward in regards to people's views towards the nation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite-sex and same-sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. In my view, full gender recognition should be allowed with or without the spouse's consent because it is a matter personal to the trans person. The granting of a full gender recognition certificate has no practical impact on the non-trans spouse as all their pension, inheritance, parental and other rights remain
unchanged. It is only any re-registration of the marriage after gender recognition that should require the consent of both spouses, since that is where both spouses have a direct interest.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I cannot imagine what protections those who have concerns might require. I cannot imagine what rational concerns they might have. Every couple who wish to be bound in matrimony strengthens the institution of marriage for everyone. Same sex marriage will strengthen the institution for everyone, even for those who feel they have cause for unfounded concerns, even for those who are opposed because they are consumed by prejudice will benefit from extending this right to all of their fellow citizens.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

17 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

A small amendment to section 11(2) of the bill would be appropriate, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
The partner who wishes to apply for a Gender Recognition Certificate should not have to obtain the consent of their spouse, but that consent should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

In the interests of equality and support of basic human rights its imperative this Bill is passed.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

A significant progressive movement for a Scottish society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Important, but a purely personal choice. And only if this was characterised by the values and principles of the faith of which the persons were being married within.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Both options should continue to be made avaialble

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

as with current marriage legislation, it should be extended to include all relevant premises

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Why do they need protection, this is a modern society with diversity at its core; Same sex marriage will enhance Scotland as a nation and culture as it represents inclusion and equality in its widest form.

Would you like to comment on the wider issue of freedom of speech?

That is should be celebrated and valued.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

it seems to be being ram-rotted through Parliament. When the overwhelming majority of respondents to the consultation was against same sex marriage, it seems the government is making a mockery of the idea of being responsible to the electorate.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I fail to see that same sex marriage will give any greater legal rights to the couple than civil partnership already does. Presumably when it comes to people of the same sex divorcing, the same legal requirements governing heterosexual divorce will be in force. Should this not happen it can hardly be classed as equality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am concerned that already people are being dismissed for opposing same sex marriage; that people are already being intimidated; and that although safeguards may be said to be in place, they can be challenged successfully under various equality laws. The protection does not seem to be very stringent.

Would you like to comment on the wider issue of freedom of speech?

There seem to be already situations where freedom of speech is not respected if the comments are not in favour of same sex marriage. What safeguards would a concerned teacher or parent, for example, have if they voiced their disagreement with educational material promoting same sex marriage as being the equal of heterosexual? Would the right to dissent be enshrined in law? And if it would be, might that law too be challenged successfully?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am concerned that a group within the country seems to have an influence which is so disproportionate to the size of the group, and can seek to overthrow centuries of stable family relationships.

Are you responding as...

a private individual

18 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Equality Laws have resulted in the closing down of faith based adoption agencies. Human rights law offers no protection either. As I work in the public sector I could lose my job if I refuse to endorse same sex marriage. The Scottish government have
been unable to give assurance that jobs will not be lost. The law protects atheists from being compelled to teach religious education. Similar rights should be given to teachers who do not feel able to teach about same sex marriage. Many parents do not want it taught in schools either. They should have the right to withdraw their children from such lessons.

**Would you like to comment on the wider issue of freedom of speech?**

This question has not been dealt with in this bill. No one should be forced to agree with this bill or punished or discriminated against for saying they disagree with it.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Same sex marriage was not on this government’s manifesto and should not be railroaded through on the "assumption" that the electorate agree to it.

**Are you responding as...**

17 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
As a Bible teacher I am concerned, as has already been demonstrated in London, that in quoting the Bible one may be open to arrest if someone does not like what the Bible says about same sex relations. It has already been shown in a number of
countries that protection measures do not work. In parts of Canada, Christian lawyers who uphold the 'traditional' or Biblical view of marriage have been deemed unfit to practise.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation
a private individual

17 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

As the bill stands, all religious or belief mixed-sex marriage ceremonies must use gender-specific language (â€œI declare that you are now husband and wifeâ€). In contrast, religious or belief same-sex marriages will use gender-neutral language (â€œI declare that you are now marriedâ€). This creates difficulties for trans and intersex people who live in a different gender from their legal sex. In my view, it is wrong to impose gender-specific terms where the couple would prefer to use gender-neutral language and the organisation conducting the marriage agrees to do that.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. In my view, full gender recognition should be allowed with or without the spouse's consent because it is a matter personal to the trans person. The granting of a full gender recognition certificate has no practical impact on the non-trans spouse as all their pension, inheritance, parental and other rights remain unchanged. It is only any re-registration of the marriage after gender recognition that should require the consent of both spouses, since that is where both spouses have a direct interest. The bill is currently missing a provision that was added to the corresponding English legislation, to reintroduce the simplified long-term transitioned application process for gender recognition. Many trans people have delayed applying for gender recognition while the unfair requirement to divorce exists. Over the several years since they transitioned they may have lost contact with the specialist who originally diagnosed them and therefore may not be able to provide as much medical evidence. Currently you need to be aged at least 18 to apply for gender recognition. This creates difficulties for 16 and 17 year old trans people who want to get a civil partnership or marriage as they are unable to enter their marriage or civil partnership in their correct gender. The Age of Legal Capacity (Scotland) Act 1991 provides that people of 16 can enter into any transaction and the Marriage (Scotland) Act 1977 provides that people can marry at 16 without parental permission so the age for gender recognition should be reduced to 16 so that it matches with these existing Scottish legal provisions.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage equality is essential for a fair and equal society.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
How would you characterise your views on the Bill in general?
In opposition

I do believe that Marriage has been defined through the Bible by God. All people should be treated with respect and dignity but that does not mean that we need to redefine marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage has been defined by God as a man and a woman joining together in a covenant relationship. Same sex couples can live together and make agreements but it cannot be marriage. Although matrimonial law has been tweaked over the years, the law has never fundamentally altered the essential nature of marriage: a lifelong commitment between one man and one woman.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

Celebrants should be given a free choice, without any discrimination, if they want to solemnise same-sex partnerships.

How would you characterise your views on civil partnerships changing to marriages?
In opposition

It is not clear what new legal rights, if any, same-sex couples would receive which they do not already have through civil partnerships.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Marriage is between one man and one woman. We can call same-sex partnerships a 'Civil Partnership' but we must not and dare not try to redefine marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Allowance should be given to teachers who, for religious convictions or otherwise, do not feel able to teach about same-sex marriage. This would be similar to the protection offered atheist teachers from being compelled to teach RE.

Would you like to comment on the wider issue of freedom of speech?

The issue of freedom of speech is crucial and should fiercely protected by the authorities. Robust safeguards are needed to ensure that no person will be compelled to express agreement with a same-sex marriage or be punished for expressing their disagreement with it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

16 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

I am trans-sexual myself - male to female - and I support equality and the right of those who are LGBT to be able to marry and have the same rights as everyone else.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I think it's a wonderful thing, love is love and allowing for same sex marriage would really help the economy and promote progress and understanding.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

If people wish to be married in a church and the religious community is able to get over their backwards ignorance, then that's fine with me.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I feel that the terms should be up to the couple getting married, if they wish to be referred to as husband and husband or wife and wife, then that should be their choice and their right.

How would you characterise your views on civil partnerships changing to marriages?
In support

Sounds great to me.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
That's fine with me, why would you want to married in a stuffy or cold church when you could be married outside surrounded by the beauty of nature? It should be the choice of those getting married where they wish to get married

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

I do not feel that religion, if religion continues to be used as a weapon by ignorant minds, should have a say in the matter. If people can't look past their twisted beliefs and get over themselves then they should not have the say on people's lives

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

If the marriage is still holding and the couple still love one another, then that is a good thing, but they shouldn't be forced to choose between their marriage and their self happiness. If the couple are unable to keep their marriage together then they shouldn't be punished for that, transition is a very emotionally and mentally trying time for those who are Trans* and marriages and relationships can suffer from it

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I feel that those who are against it and who are determined to prevent progress and change are causing more harm than good. No one chooses their sexuality nor their gender identity, it is simply how people are born. It isn't the haters who need protecting, it's the rest of us who are just trying to live our lives in peace without ignorant, narrow minded bigots making things harder who need the protection

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech comes with the responsibility and maturity of understanding that the world does not belong to heterosexual, cis-gender people, we are all fellow human beings at the end of the day and our differences define us and enrich life. Without difference life would be very boring.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I am concerned that ignorance will still continue to be enforced by the media and hate will continue to be enforced by those determined to keep us in the dark ages. The hate needs to stop.

**Are you responding as...**

a private individual
Trans-sexual woman - male to female
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

19 August 2013
How would you characterise your views on the Bill in general?

In support

Im not sure why on earth we are asking for yet more consultations on this instead of just getting it passed. Total waste of time and money asking for more feedback!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Common Sense

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

We are in secular society. Church attendance gets lower every week. Should have the same powers as Religious celebrants

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

And should be made as uncomplicated and low cost as possible for existing Civil Partners

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Should be allowed anywhere

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
Totally supportive

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Totally supportive

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

In basic terms. Stuff them! If they dont like an equal society maybe they need to go and live in uganda or Russia.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech does not allow them to discriminate or try and being in amendments to defend their bigotry.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

as shown by same sex adoption legislation there can be no protection for those who oppose this legislation re same sex marriage. Those who vote to introduce this legislation do so knowing that they are in fact legalising discrimination against
Christians for simply holding the apparently radical and dangerous view that marriage should be between one man and one woman. Are critically ill patients to be denied the comfort and care of a hospital chaplain who shares their beliefs because that chaplain has been sacked. Will teachers face the sack if they refuse to use material which they find offensive

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is the most precious freedom we have and must be defended vigorously. The debate through the media and unfortunately through some politicians on this proposed legislation has been nothing more than bullying and name calling such as bigot towards those who oppose the legislation no matter how gently they express their views. We have already seen people sacked for expressing views honestly and not wishing to offend then losing their livelihood, business, s. We now have a situation in Scotland where the majority of people are fearful of expressing a commonly held, rational, traditional point of view. TYRANY How can Scottish politicians possibly think they would be taken seriously encouraging developing nations toward freedom of speech and transparency whilst inflicting this discriminatory and intimidating law

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

i find it astonishing that any government or political party would consider introducing legislation of this kind which has attracted such a huge amount of opposition from the public without having the honesty or courage to have included it in its manifesto. Gay rights lobbyists have already stated they will target for legal action schools, teachers and churches when this legislation is passed. How many sacked teachers and closed churches will be acceptable to the parliament

**Are you responding as...**

a private individual

19 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

I fail to see what additional legal rights the proposed legislation would give to same-sex couples that the current legislation does not already provide. Therefore the legislation in my opinion is a waste of time and scarce resources.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
Belief celebrants do not have the same training and background as religious celebrants. Someone with 6 or 7 years study should not be put on the same footing as someone who has done a weekend course.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is a definite concern about freedom of speech. Already I sense there is a fear to say anything against same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

As a secondary teacher I am particularly concerned about the right of teachers (and indeed all public sector workers) to express support for traditional marriage. A primary teacher in England has already been reprimanded because she refused to read a book to her infant pupils about gay penguins. This is really quite a Stalinist approach and will probably happen in Scotland as well.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?

In support

This legislation is long overdue and I am currently discriminated against in that having undertaken a civil partnership on the understanding that this provided total equality it is now understood that this is not the case and that previous legislation was not repealed or amended which in effect only enabled by civivl partner to access my pension up to 1988 and not prior to this date.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

100% agree that this legislation is overdue and hope the process to have this agreed and introduced is done so with the appropriate haste.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Appropriate that people should have the choice along with the organisations whoi should also have the choice. The only suggestion I would wish to make is that in order to give those religious and belief bodies that want to, the option of using gender free form of words within the marriage ceremony.

How would you characterise your views on civil partnerships changing to marriages?

In support

There should be no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. This would create problems for those that had to go elsewhere to have their relationship recognised and would then require to dissolve/divorce before proceeding to marry. This is not equal in terms of those of mixed gender.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

There are a number of amendments required to address issues around transgender e.g. consent of spouse etc. is a nonsense and should be done in line with the two year time frame for acquired gender status.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

A fair and correct balance however the idea for registrars to opt out is not appropriate as they are carrying out a civil function. The idea that Teaching staff could opt out of discussing same sex marriage when it is raised is not acceptable as there should be no reason to prevent young people discussing their particular home life whatever the make up of their family. If we are committed to equality then all means all and we should accept nothing less. It is understood there will be a need to raise awareness amongst staff in the public sector etc. and this should be undertaken as part of the ongoing professional development across the sector.

Would you like to comment on the wider issue of freedom of speech?

The proposed Bill has no impact on the freedom of speech as section 14 of the Bill confirms.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The Bill is a huge step forward for equality and the commitment to review the civil partnership law regards the need to consider the position on opposite sex civil partnership is paramount and urgent and should start without delay and prompt legislation t

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
without a doubt

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
without a doubt

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
definitely

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

protect them from what? their own fear? i'd encourage them to reflect on whether god has anything to do with belief systems!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academican LGBT group
a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Legalising same sex marriage does not mean that straight people need to go out and get married to a member of the same sex. Gay people can't help who they love and they should be allowed to declare this love and be given the same rights as straight
people in a relationship. It is 2013 and so it is time we realised that love is love and it is not bounded by race, skin colour, political/religious views or gender.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?

In support

I am very happy with the positive steps the Bill has taken towards marriage equality, although I do wish the bill had gone further in some areas, particularly in introducing civil partnerships for mixed-gender couples.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

There was never any good reason to prevent same sex couples getting married.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I note particularly that Humanist celebrants have been able to conduct marriages for several years now. Having attended several humanist weddings, I think they have proved that a wedding need not have a religious component to be a very personal and beautiful occasion.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I am broadly in favour of the Bill in this area, but I would note that I do not necessarily agree that religious celebrants should be able to restrict themselves to only marrying mixed sex couples. Being a marriage celebrant should be regarded as a legal position, carrying out a legal process, and celebrants should therefore be required to be willing to marry any couple who can legally marry (completely separately to whether or not a religious body wishes to solemnise same sex marriages).

How would you characterise your views on civil partnerships changing to marriages?

In support

It should be trivial to convert a civil partnership to a marriage (and vice versa). Indeed, I do not believe there should be any distinction between a marriage and a civil partnership.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Given that belief organisations may marry people, I don't see why they should not be able to register civil partnerships for people.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

This is not an area in which I have any knowledge, but I would note that I agree with the Equality Network's views on this topic, available here:  [http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/](http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/)

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do not think there are any concerns in this area.

Would you like to comment on the wider issue of freedom of speech?

I don't think the bill should cause any issues with freedom of speech. People have the right to disagree with equal marriage if they choose, as long as this is done in a respectful manner.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I object to the principle of religious celebrants being allowed to conduct a legal marriage. I would rather see civil marriage as the legal norm, with couples able to have a religious wedding ceremony to suit their own beliefs afterwards, as is done in France.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
I support it on grounds of equality of opportunity, but I have previously stated marriage should take place in a civil context.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

I attach the caveat that finding one’s spouse preferring to undergo gender reassignment should reasonable grounds for divorce proceedings.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do no believe anyone who has such concerns needs protection. Same sex marriage affects only the people involved and those who are concerned about it should withdraw from the debate. Public servants are required to marry those who apply if they meet the criteria for legal eligibility. Registrars should not be allowed to absolve themselves from their duties.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Marriage is for one man and one woman to be together.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No religious body and no individual celebrant will be obliged to conduct same sex marriages - they are free to opt out which seems like a very strong protection indeed for those who object to these plans on religious grounds. If we’re talking about civil
registar then their own personal beliefs about same sex marriage simply can't allow them to opt out of something that the state has decided to make law - they have a job to do, in accordance with the law, and their services must be open to everyone. Children in schools must be taught about the world they live in and the laws of the country which they live in. Any suggestion that teaching staff should have the right to limit discussion of same sex marriage in schools based on their own personal beliefs is illogical and offensive - by offering any protection along these lines we are saying that there is something unacceptable or second rate about people in same sex relationships and that a law that has been passed is something to be kept secret. It just doesn't make sense.

Would you like to comment on the wider issue of freedom of speech?

People will remain free to say that they don't agree with same sex marriage; there is no impact on freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe that both marriage and mixed sex civil partnerships should be made open to all

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage is fundamentally a union between two individuals who care and love for one another. In the 21st century this should not be exclusive to 'a man and a woman' when now, more than ever, we have a wonderfully diverse society with many
different people with many different preferences. Marriage is about a commitment between two PEOPLE, and ALL people should have the opportunity to marry whomever they love and want to and should not be restricted due to medieval beliefs about strict man and woman unions.

Would you like to comment on the wider issue of freedom of speech?

I believe everyone is entitled to freedom of speech, so long as they do so in an inoffensive, peaceful manner. The world would be a boring place if we all believed the same things, but we should also take caution that we make our opinions known in an appropriate manner with concrete evidence to illustrate that our individual opinions have been constructed through thorough education and research.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

N/A

Are you responding as...

a public body

19 August 2013
How would you characterise your views on the Bill in general?
In opposition

It is contrary to most people's opinions    It is contrary to age-long accepted views    It is contrary to common sense and our human natures

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
As my replies to no.4

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

My opinion on the basic provisions of the bill is so opposed that any response here would be irrelevant

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
Although my support here is reluctant and hesitant, I have no objection to the proposal
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If same sex marriage becomes legal in Scotland, full, guaranteed and completely unbreakable protection must be afforded to all who have concerns about same sex marriage. This would apply in a particular and special way, to those who have authority to solemnise marriage but are in conscience opposed to same sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The matter is so basically a matter of conscience that those who have a responsibility for the teaching of children (parents, guardians, carers, teachers) must have freedom to impart their opposition to those whom they have a right and responsibility to teach.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant
a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

I support the bill completely as I'm an asexual individual however as I'm also trans* I believe the bill still could be improved.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Very positive however I think the bill should consider those who are transgender or non-binary as well.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

Amend the bill to allow the option of gender neutral ceremonies for mixed sex couples where the religious or belief body is willing to do so.

How would you characterise your views on civil partnerships changing to marriages?
In support

I believe anyone of any gender or sexuality should be allowed the form of partnership they desire be it a civil partnership or a marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Amend the bill to allow full gender recognition with or without the spouse’s consent. Both spouses consent should only be needed if a re-registration is needed and allow a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. The bill is currently missing a provision that was added to the corresponding English legislation, to reintroduce the simplified long-term transitioned application process for gender recognition. Lastly amend the bill to equalise the age for gender recognition with the age for marriage which is 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

19 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They'll get over it.

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

My only thoughts are, this is long overdue, Scotland has tried to portray itself as an advanced compassionate culture, but it always seems to contradict this by allowing hate filled religious organisations to influence the outcomes of any progress. Not all people are to be tarr'd by the same brush, it seems to be mainly those at the top and those with lots of money.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I have been with my partner for 12 years, five of those years we have been in a civil partnership. At this ceremony we were told it was as good as marriage in all but name, this seems to be less certain now that the new marriage bill has come along and we are not sure whether we will need to upgrade or whether this will be done automatically. If we do have to upgrade, paying yet more money for something we were assured was the real Mackoy then we have been mislead by our government. It would be more genuine for our leaders to admit this, rather than make more money without a care in the world for consequence, people's rights or security.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is a cruel business being dictated by the ignorant and careless few, no matter what gender we are, we are all human,

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Bethany Hughes and many other professors of her ilk, Ian Stewart for eg. Have gently shown those who are willing to listen, many of the root causes to many tales from biblical origin. The Bible and Holy books, have their places in life’s coping strategies, but they certainly were not written for people to use as ammunition and a cover to hide their hatred and fear. Scotland has a dreadful reputation causing misery on a scale for so many to take their own lives due to rejection from local communities. Its time for people who wish to wallow in hatred and concern, to realise they are on the wrong side of history and will be remembered for all the wrong reasons. According to ancient Jewish custom, Jesus long term partner was James, I could hardly believe this until it was explained, along with the fact Jesus blessed a Roman Soldier in a same sex relationship. The Roman Catholic church has admitted same sex relationships once existed. Thousands of people have died and been forgotten and some smeared as mad or evil for simply being, these days should be well behind us now, may those with concern, gain confidence and peace of mind to move on.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Love, trust and respect is all that should matter when two people enter into a marriage. Their gender or sexual orientation should have no baring on whether they are able to make a commitment to each other. Should the bill be passed the only
people affected will be those currently prevented from marrying... For everyone else nothing changes!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

I acknowledge some same sex couples would wish to marry, and believe the numbers will be small. However, if there is to be parity, then same sex partnerships have to abolished, as at present, there is no mixed sex partnership. The organisations and people

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Religious forms of marriage are based on long historical records of acceptance into a belief, through established churches. This has to remain valid and not extended to all and sundry.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

All civil partnerships should automatically be changed to marriage and civil partnerships totally scrapped.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

To obtain a GRC, the person has to be transsexual and NOT transgender. Until such time as same sex marriage is legally permitted, then the granting of a GRC allows that person to be the acquired gender. This currently means that if the person remained marr

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Many members of the public are being brow beaten by the equal marriage lobby, and they are intimidated to not being "p.c.". This is ridiculous to have those who have an opinion to not be allowed their say. Moving forward and making things equal is a noble cause, but when doing so is preventing others from having a say, then where does this lead for the future

Would you like to comment on the wider issue of freedom of speech?

I have intimated my concerns in the last question

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There is a load of nonsense being pushed about transgender people, especially about having a spouse's permission etc. The NGO's, including the Equality Network and Scottish Transgender Association are trying to say that the spouse has no rights in regards

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I believe it should be the decision of the couple in the civil partnership

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe that this should be a non-issue. If you are of legal age, and wish to marry someone, regardless of gender, you should be allowed to do so, you have the right to do that. There is literally no reason to oppose this bill, religious or otherwise.

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

It is high time that same sex couples receive the same treatment and do not have to fight for what they believe in

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I think that belief celebrants should be afforded this right without the thought that this is a privilege, the way this sounds makes me think that religious celebrants are deemed ‘higher’?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

Same sex couples do not obtain the same legal rights even as civil partnerships,

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

There are so many beautiful locations in Scotland, not excluding our churches

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

People have to be allowed to make a choice regardless of sex, gender.......if they have undergone a sex change then that is how they choose to live their lives and should be allowed to do so without restriction

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is no need for protection........this implies problems!!!!! Society as a whole has its own problems and none of these can be put at the door of one individual group. If people have concerns then that is their right but they certainly don't need protection.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

I find the question a little unclear, and therefore cannot fully answer.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Get over it! Their concerns will prove unfounded once marriage is equal, and the world doesn't implode around them.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
How would you characterise your views on the Bill in general?

In opposition

Is the Bill really necessary? it is not obvious what additional legal rights it adds to same sex couples over what is available under current legislation. In contrast it introduces conflict between civil law and the right to freedom of thought, conscience and religion â€“ this would be best avoided by providing a ceremony which is called something other than "marriage".

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Because the same word (marriage) is being used to describe the man/woman binding relationship and a same sex binding relationship it is promoting the understanding that these are more than just equally valid â€“ they are the same. However, even within the proposed legislation that is not the case. It is also evident that procreation can only occur within the man/woman relationship. There is no reason why a same sex couple who wish to establish a binding relationship should not do so within the context of a suitable ceremony - however it should not be termed marriage because that leads to confusion.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

The suggested arrangements to authorise some celebrants could jeopardise the rights of dissenting celebrants should they be challenged in the European Courts.

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It seems that any protections within the legislation may be overridden by higher authority e.g. European Court of Human Rights - there seems to be a hierarchy of rights and someone will have to lose out. This is clearly not in the best interests of all. Also clauses which protect genuine and non harmful beliefs i.e. regarding the current traditional view of marriage as the only valid definition of marriage, must be incorporated into other legislation where individuals may be impacted e.g. employment law, equality law, charity law and local government legislation. Specific protection should be provided for faith based organisations to require as a "Genuine Occupational Requirement" the need to accept the current traditional view of marriage as between one man and one woman. The belief that marriage should be between only a man and a woman should be recognised as legitimate and people should be free to express that view.

Would you like to comment on the wider issue of freedom of speech?

There seems to be an increasing intolerance of the views that: * men and women are of equal value but are not the same * marriage should continue to be between one man and one woman â€“ for life * individuals can disagree with the concept of "same sex marriage" and be allowed to say so There seems to be a view that individuals may have such views but they are not permitted to voice them in any way these individuals are not in any way homophobic but are having their right to speak removed from fear of reprisals this is not a free speech democracy. There is a need to make it clear when and where it will be permissible (e.g. religious education in schools) for an individual to state that he/she believes that marriage should be between a man and a woman. Again the whole principle behind the proposed legislation seems to me to be misplaced and an alternative approach to providing a same sex ceremony should be investigated.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Recent news articles regarding the potential impact of Same Sex Marriage on schools and education authorities are giving concern that Head Teachers will increasingly be reluctant to include the teaching of Christian beliefs in their curriculum simply because they want to avoid any controversy which they perceive may arise from that. This means that the cumulative effect of the current legislation program on top of preceding legislation in this area will have the unintended effect of
reducing the breadth of the religious education curriculum which itself would conflict with other legislation.

Are you responding as...

a private individual

23 August 2013
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
I strongly support equal marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
I feel that civil marriage negates any need for civil partnerships.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
I am not overall in favour of civil partnerships as I feel they are a poor substitute for equal marriage.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
In the event of legalising equal marriage it seems petty in the extreme to penalise people undergoing this kind of trauma by forcing them to address this when it is a separate issue.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

- a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Eh?! Just what kind of protections are they supposed to require? There is hardly a risk of 'disapprovers' being forced into a same sex marriage. The question is a bit akin to asking if carnivores should have protection from vegetarians. Those who
'object' to same sex marriages should try to learn to live and let live. Love for someone of you own sex has no more potential for harm than any other love. And no, I do not think registrars 'with concerns' should be allowed to opt out of their legal duties, once the law is changed. I am also completely out of sympathy with the 'concerns' of some of the clergy, but have no desire to force any individual to act against their conscience. Enough said.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrantI reply as a caring individual, rationalist, and humanist grandmother.

21 August 2013
How would you characterise your views on the Bill in general?

In support

I warmly welcome this bill as a sign of Scottish Government's commitment to developing a fairer and more equal society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I strongly support the introduction of same sex marriage and wish to see marriage for same or opposite sex couples be considered to be the same thing in the eyes of the law and society. I accept the right of certain religious groups to only wish to perfor

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

Marriage and civil partnership are not the same things in the eyes of the law or society. Only by offering marriage as an option to couples of all kinds, can we avoid discrimination. Couples already in civil partnerships who wish to marry, should be able to do so easily, regardless of where their civil partnership was registered. The Bill should be amended to avoid the creation of a peculiar situation and potential hardship for partners who would have to formally dissolve their civil partnership in order to marry.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support this move. I am in agreement with comments made by The Equality Network regarding amendments to the bill.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I agree that people should be able to decline to perform religious same-sex marriage ceremonies on the grounds of their own faith and beliefs, but that those religious bodies and individuals that wish to perform such ceremonies are also free to do so. I do not believe this should apply to civil marriages.

Would you like to comment on the wider issue of freedom of speech?

I think the Bill does not impinge on freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Redefining marriage is costly and unnecessary, it was not in any party’s manifesto and the public have not voted to do so. There is nothing to say it will give gay couples any additional rights to the current civil partnership and will fundamentally alter an ancient institution which stretches further back than the Scottish nation itself or any formal religious institution. Undermining the definition of marriage as between one man and one woman will have far reaching consequences, not least on its stable framework within which the raising of children has been shown to be most favorable. I fear that this may be the thin end of the wedge when it comes to legalising other issues such as polygamy.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition
See Q5.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I worry that churches and celebrants who refuse to marry a same sex couple will face litigation, as article 9 has not shown itself to be particularly strong in cases against other rights. Conscience clauses should be introduced for both faith based charities and those in employment, particularly public sector workers, who refuse to endorse same sex marriage, including preventing employers disputing equality and diversity credentials of employees who refuse to endorse same sex marriage, foster or adoption patents discriminated because of traditional views on marriage and teachers who refuse to teach about it or parents who wish their children to be kept from lessons teaching it.

Would you like to comment on the wider issue of freedom of speech?

The bill does not address this issue of how it will protect the rights of those expressing their belief that same sex marriage is wrong. Those of us expressing disagreement are already experiencing difficulties and safeguards need to be put in place to support those holding this view to be able to express it freely. The equality law has created a culture of fear and has made it easy for some people to label any disagreement with same sex marriages as bigoted.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Love is love no one has any right to tell anyone anything otherwise

Would you like to comment on the wider issue of freedom of speech?
People can say what they want - doing something and imposing and focusing is another.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

no

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

i fully support the equal marriage bill. i do however support the rights of the church to refuse to conduct same sex marriage

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

i fully support this movement

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

https://www.surveymonkey.com/i/t.gif

How would you characterise your views on civil partnerships changing to marriages?

Neither

i feel this should be redone. i.e if you are part of a civil partnership marriage should be applied for as civil partnership is a joke.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

opposite sex couples have this right so same sex couples deserve this right

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

i believe this should be dissolved and re aplication would be required

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

how can it effect you gay people have been in society freely for years no one is being forced to perform these marriages.. do what my church did change the constitution to suit but just because you dont like it doesnt make it wrong... we have moved from slavery and have given black, Asian, Chinese, Japanese people rights and it was once seen as the norm to abuse people in a slavery role... it is 2013 we are all human beings one family from one god.... as a gay Christian i'm not saying i want to marry my partner tomorrow but when the time is right i would expect to have the same rights as Adam and eve not made to feel sub human because im adam and hes steve

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individuala gay christian

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group
a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Teacher

21 August 2013
How would you characterise your views on the Bill in general?

In support

I feel it should be everyone’s right to receive equal treatment and that should include equal access to marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

I’m not certain whether everyone with a civil partnership would wish for it to be converted to a marriage? If there is a benefit or preference for civil partnership, I think both should be equally available to people of any sexual orientation or identification.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

I don’t really have an opinion on this.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Definitely in support of this - I have heard of some very distressing situations where couples are unable to get married or to stay married due to the gender reassignment of one or other of the couple.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I fail to see what protection is due to people whose closed-minded attitudes are intended to prevent others in our society from having equal rights. I am a straight, married person - other than my belief that everyone deserves equal treatment, I can't see that it'll make the slightest difference to me or have the slightest impact on me whether everyone has equal access to marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support
Marriage should be available to all

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Allowing same sex marriage is not going to bring the world to an end
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In opposition
This goes against EVERY principle and decency known to mankind.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Disgusted. There is no need to continue with this issue. They already have Civil Rights.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
Opposed.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition
This will put those who oppose the solemnising of same sex marriage under pressure to conform.

How would you characterise your views on civil partnerships changing to marriages?
In opposition
Unnecessary.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
As long as it doesn't interfere with those of Religious Beliefs and that they will not be expected to bow to pressure to preform these ceremonies.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

You cannot class these in the same league.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

These will put people in the public domain in a position whereby they may lose their jobs because they refuse to promote same sex anything. This will lead to persecution and vilification of people who do not support and condone these practises. No one should be put in that position. There is only 3 per cent of the population who want this and as far as I am concerned this is a complete and utter waste of tax payers money and the governments time when there are other more important and relevant issues to be looked at and dealt with.

**Would you like to comment on the wider issue of freedom of speech?**

We are supposed to live in a free and democratic society, but when it comes to issues like this being rammed down the throats of people who clearly do not want this then we have to start looking at the policies of this Parliament. This would lead to people who do not agree being sued and prosecuted for this opinions and stances because they will not agree to perform a ceremony, not allow a couple to stay in the same room in a Bed and Breakfast or Hotel, there a Priest or Vicar does not consent to perform a wedding ceremony or a school teacher will not teach of this issue. There are a lot of reasons to suppose that there will be less freedom of speech in the future.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

They do not need to be 'recognised' by marriage. They are just raising their fist in the face of convention and decency. They will be expecting to be able to adopt children, which has already happened. What implications and effect do you think this will have on these children in the long term? Talk about being confused about gender and their sexuality, which could lead to long term issues that one seems to have considered.

**Are you responding as...**

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We are made in Gods image, and God loves all his children equally. The LGBT community does not want special treatment. They want equal treatment. We respect
the privacy of what goes on behind closed doors in other peoples lives and wish for the same respect in return.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In opposition

Not everyone subscribes to a particular religious faith as I do, but I have to express my belief in a Creator who laid down the fundamental laws about human life, fundamental for most religions and many millions of no particular faith. Like millions of Scots before me, I hold to the belief that marriage is not only for love but for the creation of new life. Contraception has broken that connection, but same-sex marriages will not create new life, but will depend on heterosexual couples to provide the children they may desire. In that sense, same-sex marriage is a dead end for the healthy regeneration of our society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I also oppose this law because I want to to head off the further developments which are already being spoken about such as polyamoury (previously called polygamy) - on Monday the BBC News webpage had a long article on two men and two women who lived toge

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I think that the dignity of marriage and the seriousness it deserves call for a limit on the kind of weddings people have. Marriage is trivialised by that and over-the-top extravagant celebrations which do not cement the relationship as is evidenced by al
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Why is Parliament intending to pass a law which will benefit so few and at the same time bring genuine fear to huge numbers of parents, teachers, and people in their work situation? Parliament is not supposed to create alarm. It is meant to maintain harmony in society. This issue has yet to be addressed with any seriousness. There is serious prejudice at work here. People have already lost their jobs, even before the legislation has been passed, over expressing their firmly held religious beliefs about marriage. We are moving into a new type of existence which it is not exaggerated to describe as totalitarian. You will no longer be free to express publicly your belief that the Creator laid down the basic ground rules about marriage. Parliament will decide what marriage is. Is this really what Parliament is for? I liken this to Parliament decreeing that the earth is flat. Parliament can imprison us all for insisting that the earth is round, but it will still be round! It has been that shape since as far back as anyone can remember and it would be very stupid for Parliament to pretend otherwise. So also with marriage: it has been a certain shape since as far back as anyone can remember. They cannot change the shape of marriage anymore than they can change the shape of the earth. They can decree all they like, but it will not change what the Creator Himself decreed long time ago. This is an issue of conscience. The legislation does not respect conscience. You will be breaking the law if you abide by your conscience in this matter. That is what is at stake. Is that the kind of country we will have for the future?

Would you like to comment on the wider issue of freedom of speech?

As a priest I have always told my people that they should always treat others with respect. In the particular matter of homosexual and lesbian people I have stressed the need to avoid cruel or unkind behaviour, to protect their dignity, and to help them f

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebranta faith/belief local group or congregation
a private individual
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

Civil partnerships seem very based in legality. There is little talk of love or commitment or of the couples relationship.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

This would entirely be between the couples and celebrant. If religious organisations are welling to allow ceremonies to take place in religious premises then then they should be allowed to marry wherever possible for different sex couples.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
This would purely be a question for the couples.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I find it hard to believe that anyone would require protection from same sex marriages

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
I don't relly understand this question. As far as I am concerned anyone employed by the state who can legally celebrate a marriage must do so for all legal marriages. Celebrants who are not employed by the state should have the right to refuse to celebrat

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
See my comments on previous questions.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Obviously, they have a right to remain uninvolved, but they do not have a right to dictate the actions of others based solely on some belief or other such as a religious belief (for beliefs are not facts) even if they are part of a hierarchy in an organisation to which the potential celebrant belongs. Same sex marriage, for the moment, must remain an issue for the individuals own private conscience - in EVERY circumstance.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is already severely curtailed in this country. One must take care not to limit it any further.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

It is an opportunity for Scotland to show that it is an equal, fair, tolerant and compassionate country

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Couples should have equality, regardless of sexual orientation. If marriage is such a 'desirable' institution then it should be available to everyone.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Belief celebrants should not be discriminated against simply because they do not share the religious views of other celebrants

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Couples should have the same choice of ceremony regardless of sexuality and not be discriminated against.

How would you characterise your views on civil partnerships changing to marriages?

In support

If that is what a couple want, it should be allowed

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Registrars should have parity with other celebrants so that couples have equal choice.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Celebrants should not be compelled to perform ceremonies to which they have an objection. this should not apply to registrars who should be compelled to perform all ceremonies which are recognised by law. they are government employees and should conform to policy

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

I think it is vital that this bill goes through and makes same sex couples equal in all aspects to heterosexual couple.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

But I believe that if the church chooses to carry out same sex marriages they should be free to do so.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They should not be allowed to enforce their beliefs on me, as I should not be allowed to enforce my beliefs on them. If they don't believe in gay marriage then they don't need to attend one, engage in one nor carry one out, they have the choice to do this. At the moment we don't have any choice.

Would you like to comment on the wider issue of freedom of speech?

No

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
Not sure what this actually means

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I don't believe that anyone should need to be protected from anything that has nothing whatsoever to do with them.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I fully support the introduction of marriage for same sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Permitting same sex marriage does not affect traditionally-recognised heterosexual marriage. I personally see no grounds for concern about enacting legislation to legalise same sex marriage in Scotland. Same sex couples should have equal opportunities to legally express partnerships.

Would you like to comment on the wider issue of freedom of speech?

I support the right of religious celebrants to opt out of performing same-sex marriages if it goes against their personally held beliefs, however I do not support any employee of a public body (ie registrar) from performing a civil same-sex marriage, nor

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
Neither

I believe there should be the option of both civil partnerships and marriages for same-sex couples and for mixed-sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I believe that religious marriages for same-sex couples should also be available in religious premises as well as other venues when agreed upon by those involved

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Transgender people should be fully recognised as the gender that they identify as.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't believe any religious establishments should be forced to perform same-sex marriages; other than that people are entitled to their beliefs but the rights of same-sex couples or transgender people should not be infringed upon because of negative views of others. Ultimately, those people will not be affected by same-sex and transgender people being granted rights that all citizens deserve.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

civil partnerships should be available for mixed-sex couples too. gender recognition should not require the spouses approval. any couple choosing to marry should be able to choose the language used, e.g. all people should be granted the ability to use gender-neutral language if they choose. couples who have entered into a civil partnership outside of Scotland, who then move to Scotland, should be allowed to marry in Scotland as those who formed a civil partnership in Scotland are able to do.

Are you responding as...

a private individual

20 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
N/A
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

N/A

Are you responding as...

an academic

20 August 2013
How would you characterise your views on the Bill in general?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.

How would you characterise your views on civil partnerships changing to marriages?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equality for all those who live in Scotland.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I have 'concerns' about same sex marriage: I am concerned that those who wish to have a same sex marriage need 'protecting' from anti equality groups, who do not see all individuals as equal in the eyes of the law and of society. I would also love to know who phrased this question, and what they were implying by it!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Every question put in this survey has the same issue at its heart...are we all equal, or are those who believe in certain things (or not) privileged to have different rules to the rest of society? The Scottish Parliament must take a stand for total equal

Are you responding as...

a celebrant
a private individual

20 August 2013
How would you characterise your views on the Bill in general?

In opposition

This Bill is a diversion of parliament’s attention away from many pressing and important issues. It is sadly symptomatic of the Scottish political readiness to pander to political correctness rather than tackle these issues. With both homosexual and heterosexual partnerships currently recognised and having equal legal rights, this bill is unnecessary and divisive. It is merely an attempt to eradicate any distinctive form of positive heterosexual identity in society. This also sets the scene for further redefinition in future - whether the government intends this or not - as can be seen with attempts to recognise polygamy in North America and recognition of three-person relationships in the Netherlands.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I think that this is a supreme piece of unnecessary illogic. The whole thing is geared to weaken marriage, not strengthen it. When marriage is the committed, publicly declared relationship of a man and a woman bringing up any children they might have, it is absurd to say that it will be strengthened by the “equal marriageâ€” where one gender is excluded, fidelity is of lesser importance, any children involved are intentionally deprived of either a mother or father in the home, and any distinct reference to male-female complementarity is branded as the forefront of intolerance.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I’m glad that it is finally considered that wider protections are required at all. Churches and charities are almost certainly going to face litigation, either on grounds of sexual orientation or gender discrimination. This has already happened to the Church of England. These sorts of cases will eventually end up at the European Court of Human Rights, where we can already see that freedom of conscience only applies to certain consciences. Opt-out should be available — atheists are not compelled to oversee religious or faith activities, health practitioners are not compelled to participate in abortions. I understand that Scottish teachers, as those in England, will be at risk of dismissal if they refuse to promote same-sex marriage. There have already been cases where others in public service posts — in Strathclyde Police, Trafford Housing Trust, the Citizen’s Advice Bureau — have been dismissed, demoted or disciplined for expressing views of marriage as being between one man and one woman, outwith their employment, before any changes were made in law. The Scottish Government believes human rights law protects against any charity from losing its status on the basis of supporting marriage. We have already been in this situation with adoption agencies — these assurances would appear to be worth little.

Would you like to comment on the wider issue of freedom of speech?

Statute must be made clear that disagreeing with same-sex marriage or homosexual relations is not a breach of equality or human rights laws. Additionally it should be clearly made illegal to bring actions against people for such disagreement.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe that the principle of reasonable accommodation for belief or conscience should be followed by employers and public bodies. To this end, Parliament should seek the amendment of the Equality Act 2010 by Westminster and do so before attempting to

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Don't understand the question. Don't see why anyone with "concerns" requires any "protection".
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

20 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The only issue I see is for those conducting same sex marriages. If it is against such a person's own beliefs to conduct such a marriage then they should be allowed to...
personally elect not to do so. I believe this is covered in the option to "Opt In" if you wish to conduct such marriages.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

20 August 2013
How would you characterise your views on the Bill in general?

In opposition

I do not see the need for such a Bill to be promulgated without proper and thorough debate. It was not mentioned in any of the parties' manifestos prior to the elections. All legal rites are available in civil partnership legislation and there is no clear evidence that the majority of the people in Scotland want marriage to be redefined.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

For hundreds if not thousands of years marriage has been inextricably connected with the continuation of the human species through the procreation and education of children, which by their very nature involve the union of a man and a woman. Any attempt to redefine the nature of marriage would be tantamount to defining the earth as flat. It would be impractical to remove procreation from the definition of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I would be against such an arrangement since the provision of civil partnerships renders such arrangements unnecessary. It also opposes the teaching of my Church.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

The change is unnecessary since all legal provisions are already in place for such couples.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Again, I do not understand the question

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I would have grave concerns about any protection being promised to those with concerns about same sex marriage, given the protection promised to faith group adoption agencies who opposed same sex adoption due to religious beliefs. I fear that any promises of protection for those who oppose same sex marriage on religious grounds would be unable to be fulfilled in law.

Would you like to comment on the wider issue of freedom of speech?

I thought that this country prided itself on the right of individual to freedom of speech, but increasingly Christians are being suffering reprisals for merely expressing their opinion, e.g. Adrian Smith, housing manager at Trafford House Trust being penalised for expressing is opinion BEFORE any law was promulgated.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I feel there are too many issues, as yet unforeseen, that will emerge if this Bill is promulgated without proper and lengthy debate and consultation.

Are you responding as...

a celebrant

20 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The plan to redefine marriage is 'radical' and 'unprecedented'. Marriage as we know it, between one man and one woman, predates law, nation and church. Therefore, to change, radically, the meaning of marriage (by redefining it in law) leaves the church, and especially Christians who believe the Bible, open to various forms of prosecution. You need to make allowance in legislation for the difference between the proposed new dictionary definition of marriage and the Biblical definition. This seems only fair and just. (There are at least 12 cases to date where Christians were censured, demoted or forced to resign because of their beliefs). This is unbelievable in a democratic country! Once you start redefining marriage it can open a can of worms. In Canada and some US states, where marriage has been redefined, attempts have been made to legalise polygamy. In Brazil, a three-way relationship was given marriage-like recognition. Similarly, the same is true of the Netherlands.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Although certain protections may be put in place for churches and celebrants who refuse to 'marry' same-sex couples, they will still be susceptible to litigation. In England, a homosexual couple are already planning to go to court to force the Church of England to host gay weddings. (Christian Post, August 2nd 2013). Ultimately, this matter may be decided by the European Court of Human Rights. Therefore, any protections in Scottish law could be overturned, which is totally unsatisfactory. You are willing to make radical changes to the state of marriage, yet few positive laws to protect a sizeable number of Christians and those of other faiths in this country, who still believe in traditional marriage. Article 9 which details the right to freedom of thought, conscience and religion, 'has not' been upheld in the European Court of Human Rights, where there is conflict between Article 9 and other rights. There needs to be a ‘conscience objection clause’ for people who work in the public and private sector. Already employees have been penalised for having a traditional view of marriage. The law allows for doctors and nurses to opt-out of abortions if they conscientiously object to it. Similarly, registrars should be exempt from solemnising same-sex marriage if it goes against their conscience. While the law requires schools to provide religious education, it also protects atheist teachers from being compelled to teach it. Similar protection should be given to teachers who, for religious convictions or otherwise, do not wish to teach about same-sex marriage. Also, the law should protect parents' rights to withdraw their children from classes when same-sex marriage lessons are taught.

Would you like to comment on the wider issue of freedom of speech?

The Government's Bill does not address free speech. 'Clause 14' has not prevented workers in the public sector from being censured and penalised. More defined safeguards in law are needed to ensure that no person will be compelled to express agreement with same-sex marriage or be punished for expressing their disagreement with it. People who support the long-standing law of marriage are now being accused of discrimination. Adrian Smith, a housing manager in Trafford, was demoted for 'gross misconduct' after a colleague complained when he described same-sex marriage in church as 'an equality too far'. (The Daily Mail, 24th October 2011). The Rev Brian Ross was removed from his post as a Police Chaplain because he disagreed with gay marriage on his personal internet blog. Strathclyde Police said that the Rev Brian Ross could hold his beliefs in private, but publically expressing them was a breach of their equality and diversity policy. (The Daily Telegraph, 1st March 2013). There are obviously different views on the issue of what marriage constitutes. For thousands of years it has clearly been between one man and one woman. Hundreds of thousands of people hold to the historic and long-standing definition of marriage in this country, which is a belief worthy of respect in a democratic society. In theory, religion or belief is a protected characteristic that should be defended under the equality law. But, it practice, the equality law has been
used to create a culture in which people feel that perfectly legitimate views can no longer be aired because of threats to their jobs and safety. (Elaine Smith MSP, who voted against same-sex marriage to represent the view of her constituents, was vilified and subjected to personal attacks). She said, "Speaking against the redefinition of marriage in modern Scotland, sadly, leads to verbal attacks which seems to be an attempt to shut down debate and intimidate opponents". (The Herald, Tuesday, 18th June 2013). This is indeed, shocking! She is one of the few brave MSPs who believes in being truthful, and appropriately representing her constituents.

I cannot help but feel that this blatant disregard for the voting public which is overwhelmingly in favour of traditional marriage, will have a great impact on the results in the coming SNP election for independence. Because the SNP government refused an electoral vote on same-sex marriage, bandying numbers about those in favour of this by The Equality Network's director, Tim Hopkins, is totally unproductive. (The Herald, 18 June 2013). The Independence Vote in September 2014 will speak for itself!

To protect the right to free speech and debate, 'specific amendments' are necessary. They need to cover public order and equality laws, including employment, goods and services. Both public and private employees need to feel free to voice their opinions when discussing 'same-sex' marriage without the underlying threat of being penalised.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

I do not think that same-sex marriage is a necessary or logical step in acknowledging the rights of those in the LGBT community. Civil partnerships have made it clear that the state recognises the their status and civil rights; in addition, the law protects individuals and groups from discrimination. Same sex marriage will break the tradition of acknowledging the complementary nature of male/female relationships and the greater benefit to society in general of stable family life where children have both a mother and a father.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am very concerned about the implications for those who work for public bodies e.g. teachers and who do not believe in same sex marriage or that homosexual and heterosexual relationships are of the same moral validity. I believe that the right of free speech and conscience should be recognised so that no-one will be prosecuted for expressing their private opinion on these matters - unlike as in the case of Mr. Ross, former Chaplain to Strathclyde Fire Service.

Would you like to comment on the wider issue of freedom of speech?

I think it is a fundamental right in civilised society and should be recognised in relation to the issue of same sex marriage. I am particularly concerned about teachers who disagree with same sex marriage (I was a teacher myself).

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Just as in the case of other equality issues e.g. gender, race, disability, it should be acknowledged that equality does not mean sameness. The distinctive relationship between a man and a woman (relating to complementarity of the sexes and to the possibi

Are you responding as...

a private individual
Former member of the teaching profession

20 August 2013
How would you characterise your views on the Bill in general?
In opposition
I am opposed to Bill on Biblical grounds, it is not a political issue, it is a moral and religious issue.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Marriage is defined in the Bible as between a man and a woman, there is no other definition. It is for the purpose of building the family, society, the school the church. The family institution was created before any other including the State and the Church. This Bill potentially destroys one of society's important foundations.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition
The marriage between a man and a woman is founded on Scripture not on the state or the church; Same sex marriage is not, it is unnatural. For my part I will never authorise it in my premises or outside them

How would you characterise your views on civil partnerships changing to marriages?
In opposition
Gay rights are all included in the civil partnerships. I would remind you that many in the Gay community do not support this Bill they are happy with civil partnerships, many of them see this legislation as a distraction.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
My views on this are stated above.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

My reasons for opposition are ground on the Bible.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

As above.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Apart from the moral issue which is the most important, if this Bill becomes law it will have a huge knock on effect involving civil liberties not just for churches and ministers. What about the work place Care Homes and schools etc those who work in the public sector, and parents who object on the grounds of a Christian conscience who do not wish their children to be taught that same sex marriage is normal. I am all in favour of protects if the Bill becomes law. However I am of the view despite whatever protections are in place, will be challenged in the courts and particularly in Brussels and the Court of Human Rights, any protections the Government will put in place will be overturned there.

Would you like to comment on the wider issue of freedom of speech?

If the Bill becomes law the true christian church will not be silent on this matter. I believe also that many outside the christian church will not be silent. This aggressive minority who are pushing this legislation and Gay rights will not succeed because conscencious christians and others who are not christian also have their human rights.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a celebrant
a faith/belief local group or congregation
a private individual

20 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is an ancient institution which has always been defined as a specific union between a man and a woman. The physical complementarity in the union of a man and a woman, for the purposes of procreation, points towards a deeper spiritual truth that calls each human being to an even more fruitful and life-giving union with a source of love and wisdom, which all generations and cultures until only very recently, have been able to discover in many and diverse ways. This history, if not this wisdom, should at the very least be respected. It would seem imprudent and callous to demolish the particular institution of marriage which for good reason has always specified the particular union between a man and a woman, especially since civil partnerships already affords legal equality for same sex couples. Marriage between a man and a woman, is the foundation of the family, which is the basic building block of civil and moral life. This building block upon which society depends is already vulnerable because of a consumerist mentality that ill-defines true freedom and happiness. The cost of this in economic terms alone, to our education and health systems (not to mention our prison system) is already evident. Redefining "marriage" will undoubtedly pave the way for the further disintegration and fragmentation of society, which will have immense repercussions for all.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

I am in opposition of the term "marriage" being used with respect to the union between same-sex couples. However, since a "civil marriage ceremony" between a man and a woman is not in itself a religious ceremony, I have no objection to such ceremonies taking place anywhere.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I am extremely concerned that Churches and celebrants who refuse to marry same-sex couples will be susceptible to litigation. Freedom of thought, conscience and religion are fundamental and inalienable rights of the human person and should be respected and protected as such. The human rights of individuals and organisations who are pro-marriage, should not be undermined and forced out of the public domain. Those who work in the public domain must not have their diversity or equality credentials disputed or questioned by employers, on the basis that they disagree with the definition of "marriage" being extended to same-sex couples.

**Would you like to comment on the wider issue of freedom of speech?**

I feel very concerned that the rights of those holding views which oppose same sex marriage are being undermined. Within the public domain, there already seems to exist a culture of fear whereby those expressing traditional views with regards to marriage are deemed bigoted and threatened with disciplinary proceedings under the equality law. The right to freely and publicly express opposition to same sex marriage without fear of repercussion and punishment needs to be safeguarded and clearly articulated and upheld especially by public employers.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**


does not apply

**Are you responding as...**

a private individual

20 August 2013
How would you characterise your views on the Bill in general?

In opposition

As far as 'rights' are concerned, same sex relationships already have equality in law. Under the interpretation of 'Equality', this Act is seeking to change the understanding of Marriage held by the great majority, to satisfy the paranoia of a small group of militants for whom this campaign is really their religion.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

'Marriage' has in the great majorities of nations and cultures involved the voluntary commitment of a man and woman to a permanent bond. creating a family within which children can be reared and nurtured. Stable families are the building bricks of society. By this Act and applying the term 'marriage' to a whole range of relationships you are not enhancing the meaning of the word, but making it meaningless.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Undertakings by Government to recognise that persons who through conscience and belief do not concur with the institution and promotion of 'same-sex marriage' will be protected, do not seem to have any substance. 'Equality' has become a new god before which all attitudes, practices and even thoughts are being asked to bow. Just as Russian science was set back years by accepting wholesale Lamarck's understanding and hypotheses, so is this rush into legislative change. Government will make promises, knowing full well that they will be over-ruled by the interference of the European Court of Human Rights.

Would you like to comment on the wider issue of freedom of speech?

The Bible (Romans Ch1) makes the point that the proliferation of same-sex practices is a punishment on Societies and individuals. The manner in which this Act by a stroke has deprived whole words and concepts of their basic meaning (eg 'husband' and 'wife') demonstrates how far madness has already penetrated our nation. God help us.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The situations envisaged by George Orwell in "1984' are being played out for real in our beloved country in 2013.

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage definition should not be changed. Changing the law about marriage is another issue that takes government time and taxpayers money to try to satisfy only the few from gay lobby.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I strongly do not agree that same sex couples should be able to marry. I believe marriage is only between man and woman, by the definition. The definition of marriage should not be changed. Marriage has immense, deep meaning and role in society. Same sex couples do not fulfill that meaning.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is a lot of people that do not agree with same sex marriage however it seems that nowadays their voice is not important - more - their opinions are commented as homophobic or intolerant. People are afraid to speak to support traditional marriage in places of work or in public places as it can lead to difficulties or even losing their job... That makes a farce from freedom of speech and believes. There is existing gay lobby that is disrespectful to majority of people and their opinion about marriage.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is not provided for everyone. People with traditional beliefs about marriage are in practice not supported and not protected. Their opinions are marginalised.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The Bill about same sex marriage was not consulted properly with wide society. I think there should be referendum done about it. Amongst my friends and acquaintance there is only a few that would agree with the Bill.

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

20 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I find this question puzzling. Those with concerns about same sex marriage should certainly not marry someone of the same sex. Other than that what "protection" could possibly be required?
Would you like to comment on the wider issue of freedom of speech?
No

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
No

Are you responding as...
a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In support
Very comprehensive and much needed

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
As a gay person I would love to have the chance to marry my partner, instead of being relegated to civeil partnership.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Opt-in procedures are a good idea - everyone can then adhere to their own beliefs.

How would you characterise your views on civil partnerships changing to marriages?
In support
Good for those who want it - those who want to stay in a civil partnership should be allowed to

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

While I do support this, I am concerned about the issue of a trans* person having to gain consent from their partner before being able to fully transition. You can get a new job, move house or have a child legally without asking your spouse - why is their

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

We are very supportive, particularly as our house in England is currently on the market so that we can move to Scotland to live. We want to live in a country where our marriage is fully recognised, irrespective of the fact that one party to our marriage has obtained gender recognition under English law (our marriage having been registered in England). We do think certain aspects of the Bill affecting trans people could be improved. In saying this, please note that we were the lead couple in raising the issue of pension penalties imposed by the UK parliament Bill upon the spouses of trans people obtaining gender recognition within marriage, and in persuading the UK government to relent on this point, which will of course also benefit such couples in Scotland. See 7 and 11 below.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

About time too.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

To do otherwise would be contrary to the right to freedom from discrimination arising from religion AND BELIEF (although we do not personally accept that it is appropriate to discriminate against people just because of the religion or belief one holds).

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

We do not personally accept that discrimination against same sex marriage on grounds of religion is appropriate and see problems where members and celebrants in a church or other organised religion wish to conduct a same sex marriage contrary to the tenet

How would you characterise your views on civil partnerships changing to marriages?

In support
We agree entirely and personally think that it would make more sense to have a single institution of marriage, rather than parallel legal relationships of marriage and civil partnership.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

Is there not supposed to be just one, single institution of marriage? All marriages are civil and the religious are entitled to put their own religious spin on their marriage, which nevertheless remains a civil marriage.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

If civil partnerships are to continue, then religious and other believers ought to be able to enter into them in the context of their own faith or belief. To allow otherwise would contravene their freedom of religion or belief.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

We have waited over a decade for this following the appalling marriage bar on gender recognition introduced by the Gender Recognition Act in 2003. We will personally remedy this under English law at the earliest available opportunity and wish to see the s

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Speaking as a couple at whom such 'protections' may allow people to discriminate against us, we totally disagree with such protections. If they must exist, they should be tightly confined to the practice of the religion seeking to discriminate and NOT allowed to leak into the public sphere, for example in the delivery of any services delivered to the general public, such as registrars, or health services.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...
a private individual

20 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

This is completely unnecessary, a total distraction from really important matters. Marriage is between a man and a woman. Same sex couples have civil partnerships. This issue has been raised by a minority group who just want to cause a fuss. It's a waste of time and money.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Education guidance from the Scottish Government says schools should teach about the importance of marriage. What happens in the case of same sex marriage? As a Christian teacher, I could not teach that same sex marriage is acceptable or right. According to expert legal advice, a teacher who fails to endorse same sex marriage could be dismissed. The law protects atheist teachers from being compelled to teach RE. so teachers who for religious convictions or otherwise do not feel able to teach about same sex marriage should also be protected.

Would you like to comment on the wider issue of freedom of speech?

We should all have the right to free speech and debate. I do not feel free to state my belief in traditional marriage as the 'noisy minority' will not allow me to. I feel extremely intimidated when shouted down and ridiculed. Many people feel the same way as I do and, for this reason, have not expressed their views.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
Equality is very important and needs to have whole UK united for matters like marriage

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
xxxAll arguments have been outlined ion UK Parliament.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Public employees should carry out government policy

Would you like to comment on the wider issue of freedom of speech?

Not affected by this except those of extreme views

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support
I believe that everyone should have an equal right to marry regardless of their sexual identity and that all unions should be recognised equally.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I am in favour of the introduction of same sex marriage but only if it is treated equally to opposite sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
I don't think anyone's personal beliefs should take preference over a person's right to marry.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support
I believe all civil partnerships should automatically be recognised as a marriage if the law is passed.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't believe there should be any protections in place, it is a personal choice to follow a religion and society shouldn't have to protect people because of something they have chosen to believe.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In opposition

I do not believe the Government has any right to redefine marriage between a man and a woman. I have no problem with same sex couples having a civil partnership but to use the term marriage is wrong. Marriage is already defined in the New Testament and as a Christian country (last time I checked) we have no authority to change that!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is between a man and a woman as it has always been. I have no problem with a same sex couple having a civil partnership but to use the term married is wrong and will confuse many people.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

The Government has no right to call same sex partnerships 'marriage' as marriage has already been defined.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Marriages already take place in various venues, so whether a marriage between men and women or a civil partnership should be able to hold them in a suitable venue.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Forget the religious part.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

I have no thoughts one way or another on this particular subject.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The obvious Religious aspect could cause great offence to many Christians who believe as already mentioned that marriage is defined in the New Testament in the Bible. Changes to that stance cold result in confusion in schools. Impressionable teenagers growing up believing its ok to be Gay or whatever especially if they are quiet or shy and may think they are different. Will 'Normal' marriage disappear in time? Will people who are against same sex marriage be bullied, ostracized, be removed from jobs etc? There are so many 'maybe's'. The fact you use the word 'Protections' in itself causes concern. So I still remain against Same Sex Marriage!!!!

Would you like to comment on the wider issue of freedom of speech?

What freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The wider issue I am concerned about is the fact that Government is planning on the redefining of Marriage to allow any combination of people to get married! I find the idea total anathema. If Scotland is a Christian Country (please advise me if I am wrong) then the definition of marriage is laid out clearly in the New Testament in St Matthew. Civil Partnerships between same sex couples I have no problem with as many of them are indeed nice people and loving to one another but to use the term Marriage is to far!!!

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Why are gay people not satisfied that they have equality under law, why do they want to attack God and his ways and violate his laws even more? Their actions are an offense to God, making a mockery of his institution. It is funny how this society actively mocks Christianity: OMG is offensive to God and to any true Christian. If I were to say "oh my mohammad" or "oh my kristna" or "oh my budha" or "oh for shiva’s sake", I would be taken to court. If I were to offend the gay community, I would be charged and maybe sitting in a cell, but it is ok for the gay community to make a complete and utter mockery of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Where people get married is not the issue and it may even be helpful to have marriages where the registrar can not make it.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
As God is in opposition to civil partnerships then I cannot support the religious registration of civil partnerships. Civil partnerships should provide the legal equality to satisfy a persons rights.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Straight people are supposedly not allowed to have an opinion as it has to be prejudicial. This is a cop out to prevent anyone from objecting. This is fear tactics used by bullies to frighten people into silence. It is basically a cruel attempt at victimising people for their beliefs because it goes against a minority of the population alternative beliefs. It is very much like Hitler’s movements: if you don’t agree you will be dealt with. Why should the state become an accomplish in destroying good people’s lives, losing their jobs or even going to jail because they have beliefs that existed for thousands of years: these rights should be protected from minorities who shout out loud.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech has to be put into context and not be used to bully and condemn good people. There should be debate not criminal conviction or job loss. This is similar to the witch hunts of our countries past; burn good people to strengthen the cause.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
Individuals who are in a loving relationship regardless of their sex should be granted the same rights as everyone else. If these couples want to commit their lives together the state should recognise these equally. Love is love and there is no difference between straight and gay couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
As long as the legal system treats all couples equally, that is fine. Religion has too much 'so called' say in the matter. As an atheist, I would like to be represented by my government, which is grounded in proper democratic processes.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
It's about time. In 50 years we'll look back on this time and wonder why we didn't do it sooner.

How would you characterise your views on civil partnerships changing to marriages?
In support
Same sex couples should be recognised on equal grounds as opposite sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Good. Religious ceremonies not for everyone anyway.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
I'm not sure what this means.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I think these types of folk need support and compassion during a time like that. It must be very hard. I'd support whatever was in their best interests.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

They don't need protection. They need to be educated about same sex couples to take the fear out of it for them. As society becomes more tolerant, younger generations will hopefully help to reduce the need for 'protection' as people realise it is just the way some people are. The only ones who need protection are religious groups. They need to know it has nothing to do with them. People are still going to be gay and live openly in this world. They need to be encouraged to accept it.

**Would you like to comment on the wider issue of freedom of speech?**

It's what makes me proud to be British. It's very important.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I can't think of any good reason to be against it, but I'm sure you've heard all the arguments again and again. I will tell you a story, though: there's a couple I know. One of them was American, one had moved to America but not with permanent residence. They fell in love. Eventually, the latter was due to leave the country; he'd stay, except that because they couldn't get married, he couldn't. They moved to Canada so they could stay together. Don't you think it would have been better if they could have stayed where they wanted?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

It's simple: equal rights for all. This shouldn't even need to be politicised. Anyone opposing this is doing so purely based on their own intolerant views but who would never be affected adversely by this.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
As above. There is no good reason they shouldn't get married.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

Question is worded weirdly...We live in a secular society. I would like to keep it that way.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Equal rights for all.

How would you characterise your views on civil partnerships changing to marriages?
In support
Would surely tidy things up and save bother of straight people requesting rights to civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Of course!
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I can't think who this would prove useful to but sure why not?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Of course. What, you would revoke their marriage based on something so personal? Please.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those who oppose it don't need protection - they need to take a long hard look at themselves.

Would you like to comment on the wider issue of freedom of speech?

Censorship on the Internet is becoming too frequent. We need to realise distinction between hate speech that actually invites violence or harm and people who just offend others. Offending people doesn't physically harm them. I regularly offend religious people. Their arms don't fall off, they just get hurt feelings.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
In a modern society the commitment made through law should not be undermined if not carried out in a religious institution.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
The civil partnership law was piecemeal and many people would want to have the equity afforded to heterosexual couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
People should be allowed to practice their faith and marry in this if they choose.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Support this on the basis that marriage is between a man and a woman

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Any person and organisation (business or charity) should be free to operate without a fear of litigation if they believe in and promote the traditional marriage definition i.e between one man and one woman
Would you like to comment on the wider issue of freedom of speech?

The Bill should make it clear, in unequivocal terms, that everyone is free to express support for traditional marriage and disapproval of "same sex marriage" without fear of litigation and impediment to follow their chosen career path. A retrospective clause should be inserted into the Civil Partnership legislation to ensure that there is no discrimination against those who cannot reconcile their conscience to agree with same sex unions.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am a teacher now in retirement. In the earlier part of my career, I taught all age groups in Primary School and latterly was a Senior Teacher, my pupils being children with special needs right up to school leaving age. If passed into law, there is no doubt that schools will be flooded with material designed to convince pupils of an impressionable age that same sex marriage is perfectly fine. Teachers who wish to teach the nature of the time honoured institution and its benefits to society as a whole, and who disapprove of same sex marriages or unions could find themselves, quite unjustly, in conflict with those authorities who claim same sex marriage is an equality issue. It is to be hoped that this Bill is not passed into Law, but if it is conscientious objectors must be protected.

Are you responding as...

a private individual
Please note my qualifications mentioned in 14

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
contributes to demonstrating equality in civic Scotland

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
allows those with religious beliefs & those concerned with different grounds e.g. adultery between marriage & civil partnerships to have these resolved

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
again contributes to equality between secular/non-secular organisations

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
opt-in procedures should resolve concerns for those organisations wishing to avoid involvement but should not be extended to public service employees e.g. registrars as they should fully observe non-discriminatory practice

How would you characterise your views on civil partnerships changing to marriages?
In support
for those electing to choose marriage universality should apply same as those opposite sex couples who wish to elect civil partnership option

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
support couples right to choose venue
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

support right of religious organisations to voice opposition but not to halt universal rights of others

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

should also extend to transgender individuals

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

why the hell should someone be banned from marrying the person they love? there's no good reason for it! people are people, and love is love. there's no argument.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition

no matter what, people should have the option. if someone still wants a partnership they should be able to have one

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

religion isn't a necessary part of marriage. I am of the belief that as a non believer, it would be disrespectful to people of faith for me to be married in their place of worship. there needs to be options for everyone

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

duh you can be both gay AND religious
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

being transgender doesn't mean you're suddenly not human. we face enough problems being transgender, we don't need laws breaking our marriages apart for simply being who we are. LOVE. IS. A. HUMAN. RIGHT.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

50 years ago people were picketing marriage between mixed race couples. now, we look back at them in shame. what do you think people will think of YOU in 50 years time?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

What does that even mean???

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

What the hell does all of that even mean? Just because you have a piece of paper saying 'I am no longer man but woman' doesn't change the metaphysical fact that what you are now is simply a badly deformed man or woman. Any likeness they would have to a man or a woman would be purely accidental (in the Aristotelian
sense) and essentially (yet again, in the Aristotelian sense) they would still be the
gender with which they were born.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

There will be none. Regardless of what the government promises, there will be none. It will mark the end of religious freedom in our country and the end of western civilisation - a process which had its beginnings in the enlightenment and its careless and irrational abandonment of metaphysical principles which (as current times show) have massive implications for the way we live and order not only our personal lives but society as a whole.

**Would you like to comment on the wider issue of freedom of speech?**

Yet again, there is none. I know plenty of people who are scared that they might lose their job or get demoted just because they are out spoken against the governments proposals. This fear is not without precedence not only in this country, but around the world.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

an academica private individual
A Roman Catholic

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Fully support the introduction of same sex marriages

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Once this is introduced where does it stop? It will lead to polygamy and other unnatural relationships. Children need a father and a mother and the result of the lack of this is already being seen in the behaviour of our youngsters growing up with single parents.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition
Ministers and churches should have the right in a democracy to choose whether they want to authorise a same sex marriage. Why do people who do not believe what churches preach want to get married in a church?

How would you characterise your views on civil partnerships changing to marriages?
In opposition
Marriage is a special relationship between a man and woman. Rights are already provided for a civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Parents should know about same-sex marriage teaching in school and be allowed to withdraw their children from it Teachers also should have the right to refuse to teach it It should not be widely available on children’s programmes on TV and taken as norm when so many people object

Would you like to comment on the wider issue of freedom of speech?

This Bill is proving that it is difficult to have freedom of speech now. People are afraid to speak out and there is a threat to jobs etc if people do not conform or agree this surely needs amendments to the Bill to cover this

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

All the legal rights and privileges of marriage are already available to same-sex couples through civil partnerships. Therefore, it is unclear how the introduction of same-sex marriage will provide any real benefit to anyone. I question whether the redefinition of marriage is necessary, especially at a time when there are very real problems facing the people of Scotland. The Scottish Government should be focused on issues such as the economy, health and education, which, depending on whether they are handled well or badly, will have a real and tangible impact on the people of Scotland. I would rather the Government spent their time on these issues than on an issue that is both controversial and will not improve anyone’s quality of life or civil rights. I would also like to raise concerns about potential future changes to marriage law. If the definition of marriage can be changed in one way, it can potentially be changed in other aspects. In Canada and some US states, attempts have been made to legalise polygamy using the same arguments that are being used to support the same-sex marriage. In both Brazil and the Netherlands, three-way relationships have been given marriage-like recognition. This is deeply troubling, and raises the question of where we draw the line on what marriage is. Marriage has remained (more or less) constant throughout history as the lifelong commitment between one man and one woman to the exclusion of all others. To fundamentally shift on one aspect of this definition paves the way for other fundamental shifts, and the Government should be wary of setting an undesired precedent.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Ultimately, introducing same-sex marriage will put the civil rights of couples to marry against the right of others (especially religion and belief celebrants) to freedom of though, conscience and religion. No matter what protections are introduced, there is the possibility that the matter may be decided in the European Court of Human Rights, who have the authority to overrule the protections of Scottish law. There is a precedent in that court that the Article 9 right to freedom of thought, conscience and religion does not provide protection when there is conflict with other rights. This raises troubling questions of the ability of Scottish law to provide sufficient protections. The Government should be very aware of this in their decision making process – the redefinition of marriage may well have far-reaching and unintended consequences. Having said that, the law currently makes space for doctors to opt-out of abortions on grounds of conscience. Similar protections should be introduced for registrars to opt-out of solemnising same-sex marriages. Charities should not be stripped of their charitable status for disagreeing with same-sex marriage – this is particularly a concern for religious groups, who may well be put under pressure to 'marry' same-sex couples. Atheist teachers are permitted to opt-out of religious education, so similarly, teachers who hold a traditional view of marriage should be permitted to opt-out of teaching about same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

This is a crucial issue, because the expression of beliefs about marriage has already got people into trouble. For example, Adrian Smith was demoted for "gross misconduct" after a colleague complained when he described same-sex marriage in church as "an equality too far". There needs to be specific and robust protections of freedom of speech in this issue. There is currently no restriction on speaking in favour of same-sex marriage, so opponents, who are already often vilified, must be free to speak in opposition to it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

No opposition, but unsure if this change is justified by demand.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Adequate protections seem to have been granted both to potential marriage celebrants, and to those worried about the effect on freedom of expression.

**Would you like to comment on the wider issue of freedom of speech?**

The Chapter 4 provisions seem to provide adequate protections.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I have concerns about the failure to redefine "adultery" within the Bill, as described in paragraphs 26-38 of the Explanatory Notes. I am of the opinion that sexual intercourse between one of the partners in a marriage and any person other than their spouse, regardless of gender, should be grounds for establishing irretrievable breakdown of a marriage. The application of the gender-specific definition of adultery to same-sex marriages is illogical and, in my view, does not give the full range of protections as for opposite-sex marriages.

**Are you responding as...**

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

Feel that love and Marriage has for so long been determined by dogmatic systems and society has changed on the whole, reasoning for opposition no longer applies and love is a natural occurrence that has no right to be dictated upon. A person falls in love with another and nature is what decides I do not feel that institutions such as christianity, local authority and parlaiment (humanity) have the right to decide what is natural. I feel people should be free to marry whom ever they love and or feel they can be committed to as a partnership.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Its about time, society cannot decide on such a personal experience and noone should be made to feel less than as this is degrading and cruel.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I do not know what this is??? Maybe better education about the difference would help to ensure you get a proper answer about this one. I dont feel there is a difference faith is faith and spirituality is what counts nomatter where a person might find it wether it be with a belief celebrant or a religious celebrant.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Everyone should have a right to choose, always

How would you characterise your views on civil partnerships changing to marriages?

In support

Equal fair opportunities for all

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Just the same as Marriages

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
In 2013 every person should be equal & free to marry & love who they want.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I think it should be down to individual religious places to decide whether they should conduct a service. No one should be forced to conduct something they don’t want to.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

I support equality of marriage for all people gay or straight  I support better legislation to protect transgender people  I support civil partnerships for straight people

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I fully support same sex marriage and no difference between law for anybody

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

belief celebrants should be treated same as religious ones, we need a wider understanding of spirituality in this modern age, no one is right or wrong and noone should not be allowed to judge someone elses beliefs.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

celebrants should be able to marry who they want to, if it is against thier personal belief to marry gay couples they should not have to do so.However I do not like opt out clause for church to not be allowed to marry same sex couples.

How would you characterise your views on civil partnerships changing to marriages?

In support

great idea all people should have option to marry someone they love and for that union to be treated as seriously and equally as straight people

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

all needs to be a bit more flexible, not to have such a divide between civil and religious marriage

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I support greater protection of the rights of transgender people

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

same sex marriage is of concern to the 2 people who love each other and not causing anyone else any harm. I think we need to embrace diversity, support equality of everyone and not pander to bigots who want to impose their beliefs onto how someone else should live their life.

Would you like to comment on the wider issue of freedom of speech?

i support freedom of speech, what ever it is as long as it does not incite violence and hatred. I think there is a difference between having a different opinion and telling someone how to live their life. equality for LGBT people is essential to be written into law. if some people don't like it , tough.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support
A welcome move forward to equality for all in this sphere.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
All humans of good standing must have equal rights.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
WHAT sort of question is this?! WHO devised it?! WHAT was their intention?! It smacks heavily of institutionalised religious bigotry. Have we not yet got beyond the archaic default position where the religious person is assumed to have superior rights to those of the non-religious?! Perhaps I should not be surprised when over half the population of Scotland can comfortably be assessed to be the latter and yet our Education Committees still have, BY LEGAL STATUTE, three non-elected ‘faith’ members with full voting rights. Will it take another Dreyfus Affair to separate Church and State in this backwoods?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Goes without saying.

How would you characterise your views on civil partnerships changing to marriages?
In support
Equality demands it.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

In the cause of equality.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

No discrimination

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They should work on their empathy skills and reflect that the world is not here for their especial benefit

Would you like to comment on the wider issue of freedom of speech?

Not at this time. My views are in accordance with those of the Humanist Society Scotland.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Not at this time. My views are in accordance with those of the Humanist Society Scotland.

Are you responding as...

a celebrant

22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a faith/belief local group or congregation
a private individual

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
Neither

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

When are you going to consider the difference in rights and experiences of cohabiting couples in comparison to married and same sex legal partnerships?
Cohabiting couples do not enjoy the same privileges of these two groups yet are the most common form of partnership in Scotland.

**Would you like to comment on the wider issue of freedom of speech?**

It is a necessity yet without the military and legal support of the judiciary, government and intelligentsia free speech does not exist. Try publishing a book that criticizes a religion in a liberal country and you will find out! Try exposing a neanderthal footballer who has an affair with his wife's sister and various other stupid women and you will find out that you can't even mention they have taken out a super injunction. Free speech does not exist in the UK.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

The problem is that most people in the UK and in Scotland accept and have no problem with same sex marriages, relationships etc. What the problem really is is a lack of tolerance from both sides of the vociferous debate that goes on in the name of equality (church vis LGBT lobbyists). Normal members of the public think money should be spent on promoting real equality and the SG should spend money promoting equality concerned with social class. The two opposing groups should grow up, stop trying to wind each other up and give us all a break from their obsessive fascism.

**Are you responding as...**

an academic  
a private individual

22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

Any Bill that brings equanimity to all peoples of Scotland is of value making an inclusive society and reflecting the message more widely that equal rights relates to all humanity.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

No matter what gender coupling, the act of marriage is a solemn commitment between two people who wish to formally unite their lives together. No doubt couples will have decided upon marriage after a great deal of deliberation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Whatever belief path or religion, we are one created humanity with dignity at the heart. Whilst some branches of formal religion are against change, there are others that openly acknowledge we are all one under God and they welcome LGBTQ peoples to partnership / marriage. What matters is each person's own truth and essential sincerity in relation to his or her God or belief. If the act of marriage and civil partnership is respected in the context of a belief or religious person then this reflects integrity.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Transgender people are vulnerable and brave, and it is essential to be open to give them the chance of a partnership of their choice.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the word ‘protections’ is quite alarmist. However, of course it is vital to address the reality of people with concerns. In the complexity of our communities, there are fears and anxieties that go beyond the central issue of same sex marriage, which may be the catalyst for people’s hatred, prejudice and loathing towards LGBTQ peoples. Indeed, some people may prefer to live in an exclusive society rather than an inclusive one. Nevertheless, with the aspiration of inclusivity reflected in sex marriage, those who have concerns may be fuelled by anger to reject people who seem far from them in belief and lifestyle. I think more could be done by way of creating dialogue and education between peoples of all diversities to expand knowledge offering the chance of understanding and insight into folk’s views, i.e., giving a space for those with concerns and those who welcome the change to develop respect and wisdom of each other.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is at the heart of human decency and forms a vital legacy for future generations.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Across the country, so many different voices express so many different views. We hear so much on all sides, however, what may serve in our society is to provide workshops such as creative writing at which people may explore their own experiences then to share aspects of their lives in a group. When disparate groupings of people come together in this way, they are often able to cut through conditioning and prejudice towards a deeper understanding of others and themselves, more aware of how we form a common humanity connected through our emotional journeys such as of loss, loneliness, sorrow.

Are you responding as...

a celebrant
a private individual
a poet
How would you characterise your views on the Bill in general?
In support
I'm only disappointed that it's taken the Scottish government so long to legislate in this area of equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Opposition to this measure re-inforced it's importance as a means of asserting the equal value of gay and straight people and their relationships.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
I think it should have been up to the conscious of the individual religious celebrant - if religious bodies are given permission to stand-in for the state then they should accept the same standards of equal treatment as the state.

How would you characterise your views on civil partnerships changing to marriages?
Neither
I support as long as it's a choice and not automatic - I think everyone should have the choice of civil partnership, marriage or remaining single, regardless of sexual orientation.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
If permission is given to use the religious premises and all sides wish it, why should this be denied?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

I would prefer all marriages to be legalised in a secular ceremony, followed by a religious ceremony for those who wish it, again regardless of orientation.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Nobody needs 'protection' from equality and there should be no right to discriminate. People are entitled to believe and think whatever they want, but shouldn't be allowed to discriminate on the basis of gender, race, religion or sexual orientation.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They should grow up and get over themselves and stop screwing with the happiness of others.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

In my opinion marriage is for heterosexual monogamous couples - same sex unions may be partnerships but that does not equate to marriage

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

what do you mean by 'belief' celebrants? I do not understand this term

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I am concerned about teachers who may be opposed to same sex marriage on religious grounds being forced to teach same sex is ok, or lose their jobs and/or face discrimination

Would you like to comment on the wider issue of freedom of speech?

should freedom of speech take higher priority than freedom of conscience?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support
It is important every human right to be legalised and write on paper

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Making further submission and legislation it's respect to the existence.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Faith and religion are always part of people's life and should be respected

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

When individual's opinions infringe on the human rights and personhood of others, they forfeit their right to have these opinions protected.
Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is important, but freedom of action is an entirely different issue.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Go ahead with the changes, don't let the dinosaurs stop you. They will die off and you will offer a better future for everyone in the future.
Would you like to comment on the wider issue of freedom of speech?

the anti-lgbt lobby have no place in a modern society with their rants

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
This doesn't fit in with God's creation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition
I don't consider it 'right' that the Scottish Parliament should in any way redefine marriage... it doesn't fit with God's creation.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
...in opposition to civil marriages

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
When deviating from God's purposes... it causes huge unnecessary repercussions.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Christian school teachers would have a problem in my opinion in promoting - or even mentioning - same sex marriage on the same basis as man/woman in marriage.

Would you like to comment on the wider issue of freedom of speech?

people have a fear - concern - about speaking out against same sex marriages as they will be seen to be intolerant and prejudiced.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support
Equality matters

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Couples should be free to make a commitment to each other and celebrate their love regardless of whether they are same sex or not.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither
People should be given the choice.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
The decision to stay married should be made by the couple.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

People are entitled to their beliefs, but same sex marriage is about the couple getting married and not about anyone else. I fail to understand exactly what people who may have concerns would feel they need protection from. I also have a concern that any protection for society could be used as a means to discriminate against same sex couples.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is important, but it doesn't give people justification for discrimination and it shouldn't be used as a reason to deny people the right to celebrate their love and commitment to each other.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

This bill is a big step for equality in Scotland; currently same sex couples cannot get married, suggesting they are unequal in society. It's time this changed.

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

There is no logical reason to restrict access to belief ceremonies if traditional religious and non-religious ceremonies are on equal footing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

I think it is important to recognise that civil partnerships were/are not equal to marriages, hence the importance of this bill. So I believe some sort of active "conversion" is appropriate.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

People should be allowed to get married wherever is important to them.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

It is wholly unfair to force a transgender person to get divorced if neither party wants to.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think there is adequate protection. Same sex marriage affects those who want to get married, and others' opinions are peripheral to that.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In opposition
I do not agree with the definition of marriage as put forward by the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
I believe that opening up marriage to same sex couples removes it from its inherent link with the biological family in a way that will be damaging for society as a whole and for children in particular.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
It seems an adequate solution.

How would you characterise your views on civil partnerships changing to marriages?
Neither
Civil partnerships were introduced as something fundamentally different to marriage; changing civil partnerships to marriages implies that this was not the case and turns civil partnerships into something they were not meant to be.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
The dignity and integrity of the ceremony suggests that it should take place within the restrictions currently placed on it.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

It is no longer a “civil partnership™” if taking place within a religious or belief context.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The protections foreseen by the Bill only seem to cover religious organisations and individual religious ministers. Even if the protections are adequate in these cases, which is far from certain, they certainly would not provide any protection for other citizens who do not wish to take any part in same sex marriage. For example, they would provide no protection to a wedding photographer who could not in good conscience photograph a same sex ceremony, or a baker who could not provide a cake for such a ceremony, or any other of the many individual citizens whose work is connected in some way with the vast wedding industry. The religious freedom of institutions and ministers might be safeguarded but the religious freedom of individual believers would not.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

This was not in the SNP mandate. It is not a democratic action. As a lawyer specialising in family law, I do not understand that this Bill accords same sex couples any new legal rights not already given to them via civil partnerships. It seems instead to be about enforcing a new moral order, rather than giving legal rights - I would question whether that should be the purpose of legislation, particularly in difficult economic times when there are so many other pressing matters for the government to deal with. I also do not consider that the definition of marriage is something which the government can, or should, tamper with. I think that doing so risks undermining one of the building blocks of our society, and I am concerned particularly for the generation who will grow up with this new definition.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
If there are churches or religions who wish to do so, that is up to them - I am concerned that sufficient protection be put in place for any institutions or individuals who do not wish to do so. Given the overreaching powers of the ECHR, is this something that the Scottish Government is really able to do?

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I have real concerns about this. Particularly, I do not think that this is something that the Scottish Government can control, given the uncertainty of future legal challenges (e.g. by gay rights campaign groups) and the overriding powers of the ECHR. There is a prevailing attitude by a (vocal) minority that anyone who thinks marriage should remain between a man and a woman is a bigot. The stifling of free speech which this produces is already frightening, and reminiscent of McCarthyism. Will this extend to it being seen as entirely right for such "bigots" to be publicly shamed, to lose their jobs etc just for expressing or holding such a view? In particular, the areas of concern are: - teachers who do not want to teach that same sex marriage is of equal moral validity to heterosexual marriage: - anyone employed by a public sector body who is seen not to adhere to their equality and diversity policy (and such people have, I understand, already lost jobs). - adopters and foster carers; - charities and religious bodies who hold charitable status; - religious groups who wish to use council or other premises;

**Would you like to comment on the wider issue of freedom of speech?**

See my answer to previous question. I have huge concern about this - the prevailing climate which labels anyone a bigot just for disagreeing with same sex marriage is simply horrible. It stifles any respectful or rational debate. It risks that those who believe that marriage should be between a man and a woman will be held guilty of discrimination, simply for having that belief. The current clause in the Bill is inadequate to provide protection. I am not sure that anything that Government puts in can provide sufficient protection, given potential human rights challenges once the definition is revised.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

I believe that marriage is the lifelong union between a man and a woman for life for the intention of raising a family.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I remember hearing that same sex partnerships have given same sex couples protection under the law as in line with people who are married so there is no need to be redefining marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil partnerships are not the same as marriage and therefore cannot be changed to try to make them the same. Marriage is a specific relationship for raising children who have been conceived within the marriage. Children have a right to a mother and a father of opposite sexes and as previously stated neither can marriage cannot be changed into something that it is not.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I do not think that civil marriage ceremonies should take place.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Civil partnerships are contrary to biblical religious teaching on marriage and therefore cannot be registered authentically.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I was shocked to see in the news that a police chaplain was told he could no longer continue as a Strathclyde Police Chaplain because his comments in support of traditional marriage on his blog was in contravention of the police equality and diversity policy. What is absolutely bewildering is that same sex marriage is not legal and this man's views were reflecting the law but nevertheless he was being removed from his post. Utterly astonishing! There have also been lots of other cases reported in the news over recent times. Guest House owners, Housing Managers, Adoption Agencies all linked to the expression of support for traditional marriage. People in the public sector who believe in traditional marriage must have their rights protected so that they are not liable to be penalised in any way for expressing their views in public as long as their views are properly expressed.

Would you like to comment on the wider issue of freedom of speech?

Freedom of Speech must not only be protected but must be seen and understood to be protected. In my opinion it is being undermined on a weekly basis by the faceless 'politically correct' agenda. Who are these anonymous people who seek to undermine the moral majority and so damage the very foundations of society.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

What about focusing on the needs of children instead of always focusing on the needs of adults. With rights come responsibilities but there are often times when responsibilities come first as where and when children are concerned. Put the needs of children front and centre.

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I don't think this is clear at all - because of the way the government is going there will be no choice anyway. The Government have no conscience and do not really care what Christians think.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Very opposed - marriage is only between a man and a woman.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

Just now many marriages between a man and a woman are outwith religious premises anyway.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

for reasons stated before, they would then be classified as same sex, so how can they remain married

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As stated before, marriage is only between a man and a woman. Am extremely disappointed in our Government for not standing up to Christian standards in a Christian country. They are certainly showing themselves to be weak and scared of what their voters will think of them, if they don't bow to this demand, but instead look to be inadequate and wimpish. So therefore if they cannot stand up to the status of a Christian country and let people down, how can we expect to believe that Christians will be able to uphold their consciences re employment etc - we just can't believe in our Government.

Would you like to comment on the wider issue of freedom of speech?

what freedom of speech?! With this Government, there is no freedom of speech! For airing views and standing up for personal Christian beliefs, people are accused of discrimination, removed from posts, demoted, intimidated. What an example this Government set - talk about being two-faced!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

We need to have specific issues listened to and amendments made to enable those who believe and uphold a biblical view of marriage to be able to speak as freely in private about their views, instead of feeling we are in a 'big brother' state. The Government should be listening, not ignoring and going their own way without caring.

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

It appears to be a needless change with a minority of public support supporting it. People can already have civil partnerships which can confer all the legal benefits of married couples, so it is not really about equality. It is like trying to abolish the terms men and women in the name of equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

It is a contradiction in terms. People of any sex can have relationships, either sexual or platonic. They can enter into civil partnerships to celebrate that and declare it to the world, or they can just live together for the short term or permanently, showing their care and love for one another. The difference in marriage is in its primary purpose, it is for the procreation and nurture of children, in an environment that has been proven to be the best for children. In turn as these children mature, this will prove to be best for society. I believe that this proposal will devalue my marriage. In any forms etc that I have to fill in I would want to be able say that I have a heterosexual marriage, to distinguish my position from a system which will damage society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I think it is a bad idea unless civil partnerships were being abolished or heterosexual couples could enter into civil partnerships, and adultery was recognized in same sex marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think the protections may be inadequate, or may be ineffective because of European legislation. Already there are legal challenges in England. I have concerns about my grandchildren being protected from teaching that promotes this against their parents beliefs. I have concerns about teachers being forced to teach things against their beliefs. I have concerns about faith groups being denied public funding or denied the use of public buildings because they do not support this legislation.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is already restricted for some faith groups, being arrested for speaking in public about their beliefs. I think that this legislation will just increase this restriction.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Nicola Sturgeon said at the beginning of this process that it was the "Right thing to do". The question is who decides what is right and wrong, and what factors are taken into account. It seems that today we have as a supreme being, not the God who has been our God for centuries, but a god of equality, subject only to the fashions of today's society, where there is no ultimate truth that can be known. I strongly prefer the God of the Judeo - Christian tradition who has served our nation well.

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

23 August 2013
How would you characterise your views on the Bill in general?

In support

Human rights for ALL people

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Human rights for ALL people

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Human rights for ALL people

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Human rights for ALL people

How would you characterise your views on civil partnerships changing to marriages?

In support

Human rights for ALL people

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Human rights for ALL people

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual  a gay woman

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

The section in Chapter 4 on Freedom Of expression is only limited to persons asked to Solemnise the proceedings and leaves those members of the general public who are in opposition to this bill unprotected by the convention right of freedom of expression. In essence what this bill seems to achieve is the alienation members of society along religious lines which is very wrong.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The Bill as it stands is badly worded it seeks to override aspects of faith and faith or belief are not the prerogative of the state in so far as the state can seek to amend religious doctrine which is what this bill seeks to do in proposing marriage be solemnised by amongst others religious or belief persons. It would be better if the bill had been presented in a way that simply stated that marriage could be solemnised by approved persons and then a section on who could be an approved person. In its current form it gives the impression that all religious or belief communities are in full support of this bill. The bill also does not provide for premises to be withheld from usage by same sex ceremonies. If a church, mosque or synagogue does not support same sex marriage there is no provision in the bill for those premises to be withheld.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

The bill in its current form does not appear to take into account faith or religious beliefs and as such puts people who hold religious views that do not support same sex marriage at logger heads with the law. The Bill does not provide of freedom of expression to the general public and has wider implications for schools, church after school care clubs and holiday clubs for example, as well as Mosques and Synagogues who provide teaching of their faiths most of which is at odds with this bill. The bill in its current form is therefore bad for society.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This would be the best compromise in it would allow for the respect of religious and belief objectors not to be, potentially taken to court on their opposition on religious grounds for refusing the solemnisation on their premises.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

August 2013
How would you characterise your views on the Bill in general?

In opposition

I find it difficult to understand why given the current social and economic climate when there are so very many other issues needing to be addressed that politicians have decided to spend so much time and money on this matter given that no party has a mandate from the electorate on this matter. Very undemocratic.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

From time immemorial marriage has always been the union of one man and one woman for the purpose of having children, raising children and protecting and nurturing family life. It is the very foundation of society. Children are deserving of a mother and a father. Any attempts to redefine marriage will have serious implications for the rights of children, parents and those holding to traditional marriage values.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

I do not feel that any marriage celebrants should be forced against their conscience to authorise same sex unions. I feel that public sector employees should have their rights respected and enshrined in law to afford them protection.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

It is my understanding that when civil partnerships were introduced that they were afforded the same legal rights as married people. Why is it therefore now necessary to seek to redefine the law? How much is this going to cost the tax payer? I would be especially interested in why the government is pressing ahead despite the outcome of the public consultation on this issue.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

Since I believe in traditional marriage and feel that family life and children need to be protected I would be opposed to civil marriages taking place in public outdoor areas where children may be.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Same sex unions do not adhere to Christian teaching on marriage and so I fail to see how same sex unions can be authentically registered.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a former public sector employee I am extremely concerned at the pressure faced by those in the public sector to conform to so called 'politically correct' indoctrination with particular reference to the promotion of Lesbian Gay Bi Sexual and Transgender issues. As a Christian I worked in a public sector office with approximately 400 staff. There were five floors in our office. I came into my office one day to be confronted with A3 size Stonewall Posters in the workspace, on all floors, corridors, meetings rooms etc saying 'Some people are gay , get over it'. This was despite regular equality and diversity staff training sessions saying that tolerance and respect for others should be practised. During a discussion in one of the regular equality and training sessions on the matter of LGBT issues I raised the subject of the poster message. I explained that I had no problem with the statement 'Some people are gay' but that I felt that the phrase 'get over it' was disrespectful of my views on the matter as a Christian.I explained that as a Christian I believed that the practice of homosexuality was a sin but that this did not mean that I hated anyone, however,I objected to the fact that I would be characterised as 'homophobic' for airing my Christian views. I said that as a Christian I felt that I was being targeted by Stonewall propaganda. Nothing was done about the Stonewall posters which seemed to demonstrate to me that there is a hierarchy of rights and that Sexual Orientation rights are more highly favoured in the public sector.On more than one occasion LGBT issues were the subject of equality and diversity training. I know from being a parent that the same pressure is being faced by friends teaching in schools. What about protecting the rights of those who hold traditional views on marriage and family life and who are opposed to the redefinition of marriage. Many people are deeply concerned at the insidious influence of 'political correctness' not least because it is all pervasive and deeply damaging

Would you like to comment on the wider issue of freedom of speech?

There have been numerous cases reported in the media that cause me great concern, particularly, where they involve people being afraid of losing their jobs,or
indeed having their chances of employment or promotion or indeed pay adversely affected. One young friend in teaching has told me that before the summer her school had inserted LGBT Helpline posters in all of the teachers' staff room mailboxes and that they were expected to put these up in class. As a Christian she did not feel that she could do this as she had pastoral concern for her pupils. It transpired that the posters were removed and nothing more was heard about them, but had she raised her viewpoint how would that have impacted upon her employment. We have already heard about the housing manager at Trafford Housing Trust, which is apparently not even a public sector authority, who was demoted and suffered financially by having 40% of his salary cut for remarks stating his belief that same sex marriage in a church was 'an equality too far'. These remarks were made in his own time on his own Facebook. A shocking disregard of freedom of speech. There are many other such incidences. Sadly they are becoming too numerous to mention but they have affected people in many workplace professions. Freedom of speech must be protected but it is being eroded daily by political correctness which has a cancerous effect on our society. Increasingly people are feeling that they are being coerced into declaring support for matters/issues which they cannot in conscience support. Such people must know that they can talk about their views on marriage without fear of discrimination.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

If freedom of speech is not protected then persecution is what follows. We need to ensure that society does not crumble into factions for the sake of children and families. Indeed we need to focus more on the rights of children to a mother and a father.

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

I am unclear as to whether there would be a delay in issuing a full Gender Recognition Certificate to those transitioning whose spouse / partner refused to sign the decree agreeing to the marriage / partnership continuing afterwards. I am concerned that t

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I think there are enough protections currently in place for those that have "concerns" about same sex marriage and that more should be done to protect those actually engaging in same sex marriage. More education on the fact that those people of the LGBTQ community are just exactly the same as those in the heterosexual community needs to take place especially in schools as there is a high suicide rate among young LGBTQ identifying people.

**Would you like to comment on the wider issue of freedom of speech?**

While Freedom of Speech is a much needed part of society it must be respected that if your opinions and views, once aired, encourage people to act in an offensive or unlawful manner then they will be held accountable in some shape or form.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a hopefully decent member of the human race.

21 August 2013
How would you characterise your views on the Bill in general?

In opposition

It is legislation being pushed. Through without an electoral mandate and no conscience clauses included similar to those in other legislation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It is a distraction from more important matters in the country, eg jobs, nhs funding, education, etc. Same sex couples already have legal rights under civil partnership. The vast majority of Scotland are opposed to this legislation which redefines marriage in a radical and unprecedented manner. As a Minister of Religion, the Bible has been our Nation's moral co pass for generations, underpinning all past legislation as the base line and states quite categorically that marriage is a life long commitment between one man and one woman. To alter this is completely contrary to God's Word in Scripture. Traditional marriage is more than about individual rights, because it expands to include responsibilities and care of children from the marriage union. Once one aspect of traditional marriage is changed, it will start to unravel a host of other difficulties, such as polygamy, multiple partner relationships and will leave society with no moral benchmarks.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

By asking this question You have already started to unravel our country's moral base line, provided by traditional marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

the proposed legislation offers little protection for individuals who believe marriage is between one man and one woman. Given the lack of clarity from the Scottish Government on how this legislation will affect individuals who believe marriage is only between a man and a woman, we suggest the legislation is amended and adopts a conscientious objection clause similar to that of the 1967 Abortion Act with regards to the celebration of same-sex marriages. This would provide indisputable guidance which would be hugely helpful, rather than having to establish precedents through the courts. The legislation has worked well for abortion, another deeply contentious moral issue, and it would make sense to have similar provision for same-sex marriage. as Ministers of Religion, we would like some reassurance that in the eyes of the state it will still be legal to believe that marriage is between a man and a woman, that those who hold to this traditional view will not be subject to prosecution and that they will be free to express their opinions. Given what has already happened in England â€“ where a court case has been brought against the Church of England with the ink barely dry on the Royal Assent â€“ there is no doubt that we will see similar instances north of the border. The issue is simply not going away, and I urge the Scottish Government to think again about embarking on this major social experiment before it further unravels the fabric of society. the Equality Act should be amended to include a specific reference to protect workers opposed to same sex marriage on the grounds of religious conviction â€“ it is inconsistent for the Scottish Government to protect choirmasters and organists against discrimination, whilst leaving registrars, teachers and other public sector workers in I have a deep concern about the teaching of same-sex marriage in schools. It was â€œunacceptableâ€ that parents did not have the option to remove their children from all classes where gay marriage will be taught.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

a faith/belief local group or congregation

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
People should be able to perform them if they want, and not perform them if they don't.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

If we are including in freedom of speech freedom of expression, people should be able to say they disagree with same sex marriage without fearing prosecution. That is not to say hate crimes should stop being hate crimes, or aggravations of assault ignored. But particularly when a debate like this is happening publicly, the ability to comment freely is crucial. I disagree with those who oppose same sex marriage, but I want them to be able to express it, if for no other reason than knowing who the bigots are.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
i think it should be the same for the lgbt community as it is for the others and allow us to marry the one we love in the church's
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

It's just a different name for the same thing.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

I think it should be at the discretion of each individual religious premises whether a same sex couple can be married there. I think same sex couples should have the right to get married where they want.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Same sex couples should have the same rights as opposite sex couples.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

They will still be a couple in love, does anything else matter?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Nobody is going to force them to go to a same sex marriage I'm sure.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

If the couple wished this to happen

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I think the Bill covers protections for persons with concerns over same sex marriage. No individual or organisation is being compelled or forced into providing marriage for same sex couples, indeed unfortunately many individuals ministering within some religious organisations cannot provide this service even if they would like to

**Would you like to comment on the wider issue of freedom of speech?**

It is my belief that all opinions should be heard and protected within a democracy but not to the detriment of a specific group of people or individuals.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

It is immensely important for equality in Scotland, also freedom of religion in Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

All marriages should be treated the same whether they are between a mixed sex or same sex couple there should be no discrimination or discriminatory language.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Religious and belief organisations should be free to decide for themselves.

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

There is absolutely no need for this Bill as civil partnership give the same legal rights to same sex couples and redefining marriage does not bring civil partners any more rights. So why is this all happening when there are so many other things needing to be sorted out. Also no political party has a mandate to change marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex couples can never be married as they cannot consummate their relationship and conceive children. Marriage is about more than two adults. Children deserve to have their own mother and father. Also recent polls have shown that the majority of people in Scotland do not want marriage to be redefined. To fly in the face of the majority will of the people is utterly undemocratic.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Celebrants should have their conscientious/religious rights respected where same sex relationships are concerned. No one working in the public or private sector should be forced to act against their beliefs in support of same sex marriages

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Since marriage is the lifelong union of one man to one woman for the upbringing of children then clearly civil partnerships can never be 'changed' into a marriage any more than an apple can be changed into an orange. This is not and can never be an equality issue.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

True biblical teaching does not recognise civil partnerships and so from a faith perspective civil partnerships can never be recognised/registered

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People who believe in marriage should not suffer any discrimination for holding their views or for expressing their views neither should they be afraid to speak freely. There is a very real culture of fear in the public sector workplace and indeed now in society at large. It is outrageous when people are accused of being homophobic just for expressing their religious belief. It is scandalous when they experience loss of pay or indeed loss of position or career advancement. Sadly there has been a lot of evidence reporting such cases in the media over the past year.

Would you like to comment on the wider issue of freedom of speech?

Political Correctness is killing off Freedom of Speech we do not live in a democratic society any more. We need to do more to be seen to be protecting freedom of speech. Sadly the ECHR is undermining our laws and traditions where the subject of Marriage is concerned. I believe that there is a great danger that anyone refusing to marry same sex couples will face litigation in the courts. I understand that currently in England a same sex couple are already planning to go to court to force churches to hold gay weddings.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

In protecting traditional marriage we recognise the importance of marriage for children. Children have rights too. The right to a mother and a father not to a genderless concept. I am also deeply concerned about the effects upon the education of children if marriage is redefined. Since the teaching of marriage is mandatory within the curriculum it would mean that very young children would be exposed to teaching that is not in accordance with their parents wishes and teachers who would not wish to teach same sex marriage would potentially face disciplinary procedures. I have seen some of the proposed Stonewall education resources for Primary Children and it is very concerning.
Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Its 2013!!

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am very disappointed that the Bill has been published, as there was no electoral mandate for the Scottish government to do so. The SNP's manifesto clearly stated that it would consult on the issue of redefining marriage and, having done so, it has ignored the 64% of responses that indicated that there was no wish for any change and proceeded with the draft Bill. Such a decision shows that the government is not in fact prepared to listen to the people of Scotland as a whole, which it so often likes to claim that it does. More worryingly, it also shows that the government is prepared to reject all the compelling arguments against redefining marriage and impose a radical and highly divisive ideology on the whole of society, against the wishes of the majority. This is clear in Alex Neil's statement that the government does not accept the view that marriage can only ever be between a man and a woman, the view that was pretty well held by everyone - including homosexual activists - until about twenty years ago. It is still the dominant view in society. The stance taken by the government is not to be expected in a free and democratic country. Serious questions need to be asked about the role and purpose of government in relation to this matter and other legislation currently being proposed (eg the "named person" legislation). The Bill has next to no protections for those who would oppose same-sex marriage, which is evidence that the rationale behind the Bill is to impose an ideology on society that cannot be criticised without consequences. That is a chilling state of affairs.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The Bill starts by amending a forbidden degree in the Marriage (Scotland) Act 1977. The question has to be asked why this degree was forbidden in the first place? If the answer is that society was unenlightened about same-sex relationships at that stage and has now "moved forward", what is to stop future governments from abolishing other forbidden degrees, such as under-age marriage (could the age of consent not be lowered to 15, if there was enough campaigning for it? And then 14?), bigamy (for bisexuals), multi-partner marriage (as advocated by Laurie Penny in The Guardian on 20 August 2013) and even incest (which Switzerland has recently considered decriminalising)? I believe that the reason why same-sex marriage was forbidden in the 1977 Act was because, like all the other forbidden degrees, it was seen as harmful and contrary to the historic, universal and societal understanding of marriage. The government has shown no compelling reason to abolish the forbidden degree of same-sex marriage for at least the following reasons: (1) there is no overwhelming demand for it either from society in general or from the homosexual community in particular, only 3% of whom have indicated that they wish to get married - these statistics are reflected in the low take-up of same-sex marriage
among the homosexual community in countries where it is already legal; (2) same-sex marriage confers no new legal rights on same-sex couples that are not already available through civil partnerships, so there is no discrimination and no necessity for legal change; (3) the government’s role in conferring the legal status of marriage on a married couple is to recognise and regulate marriage in society, so if a society does not overwhelmingly recognise that marriage can be between same sexes, no government has any mandate to tell its citizens what marriage is - accordingly, a referendum on the issue is absolutely essential; (3) conferring the SOCIAL status of marriage on couples is not the purpose of government and never has been - redefining marriage to include same-sex couples is blatantly imposing gender theory ideology on society, with the clear warning to all dissenterers that, because the law says same-sex marriage is OK, if you disagree, you find yourself on the wrong side of the law and must take the consequences if you continue to oppose what government says is "the right thing to do" (ie declare same-sex marriages lawful and therefore good and legitimate). No nation in human history had legalised same-sex marriage until 2001 - do the politicians of this generation really believe that none of their predecessors has been as wise, as enlightened, as fair, as just, as progressive as them? If the answer is "yes", then a study of the history of world civilizations is needed to show what happened to every civilization that thought that way. Both the Universal Declaration of Human Rights and the European Convention on Human Rights make it clear that marriage is between a man and a woman. In the case of Schalk and Kopf v Austria, this was made clear and led to the court confirming that same-sex marriage was not a human right under the convention. The Equal Opportunities Committee needs to take time to ask itself what marriage is - its nature, its purpose, its boundaries, its benefits for society - these have not been addressed thus far and I would urge the EOC to recommend to Parliament that no further steps be taken in relation to the legislation until there has been a thorough consideration of all these matters. The whole process has been far too rushed, including the selection of groups to give oral evidence BEFORE written evidence was heard - why the great rush?

**How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?**

Neither

I'm not sure what the thinking behind this move is, as I believe it is more than just removing the inconvenience for couples who have eg a humanist wedding from having to have two ceremonies. I fear that religious celebrants will become fewer and fewer and that there may ultimately be a choice between a civil wedding and a belief wedding, of whatever shape or form. I'm not sure whether that is a good thing or not, but I am concerned that for those who wish a religious wedding ceremony, this may be increasingly hard to obtain.

**How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?**

In opposition
While I can see the attempt being made here to accommodate celebrants who oppose same-sex marriage, my concern is that this could be challenged legally and struck down by Strasbourg, who have indicated in other cases that, if a member state passes same-sex marriage into law, it must be available to all and there must be no discrimination. The only option for a celebrant in those circumstances would be to cease to be a celebrant, which would mean ultimately that the only marriage celebrants would be those who were happy to conduct same-sex marriages. This fact alone should lead the EOC to recommend that further study be carried out into this issue before Parliament proceeds with any legislation.

**How would you characterise your views on civil partnerships changing to marriages?**

In opposition

I do not believe that same-sex relationships can ever be marriages, because of the nature of marriage, historically and universally until this century, as being the union between people of opposite sexes. I also understand the majority of people in civil partnerships would not want to change their status automatically, as they are happy with having a different relationship - as Stonewall indicated they wanted when civil partnerships were being proposed (they only changed their policy in 2010).

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

No comment.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

This would cause huge difficulties for the many religious bodies who oppose civil partnerships and would make them all subject to litigation. On balance, their rights to freedom of religion should be favoured over the wish (not right) for people to have their civil partnership ceremony in a religious setting.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

No comment.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Yes. The EOC will no doubt be hearing from many individuals about freedom of conscience in public life in general, eg in the public sector, especially teaching, social work and the police, but I would like to refer to two matters in particular which I think the EOC needs to consider very carefully: first, if prospective employees for the NHS are asked at interview, or (if successful) during diversity training, about their views on
same-sex marriage and are either turned down from getting a job or dismissed for expressing their views, what will happen to the NHS, if huge numbers of evangelical Christians, Roman Catholics and Muslims are unable to work within it? Already there are shortages of consultants in many hospitals, so that many are being recruited from Western Europe, where one of the aforesaid religious positions is held by most people in these countries - such an approach under the Public Sector Equality Duty would potentially be catastrophic to the NHS - and the public sector generally. The second point I wish to make relates to the freedom of parents not only to withdraw their children from ALL classes where same-sex marriage is taught (in particular where it is actively promoted, which seems likely to avoid accusation of discrimination), but to have their children educated in line with their religious or philosophical or pedagogical views. This is enshrined in Article 14 of the ECHR and in Article 2 of Protocol 1 to the Human Rights Act 1998 and is an absolute human right. At the very least, the EOC must recommend that same-sex marriage be taught as a controversial subject where people hold strong views in both sides and that is is OK in a free society for that to happen. Not to include clear direction in the legislation could well leave the legislation open to legal challenge for being incompatible with the Human Rights Act. Article 17 of the ECHR lays down that one human right cannot be used to restrict another - here, it would be the right not to be discriminated against versus the right to education in line with parental views. I believe the recent ECHR decision in the Ladele case makes it entirely possible for Holyrood to include a wide range of protections under the margin of appreciation principle - surely the margin is wide in both directions? This should not be challengeable in the Strasbourg.

Would you like to comment on the wider issue of freedom of speech?

Yes. It seems to be entirely possible that expressing disagreement with same-sex marriage could be viewed in law as tantamount to racism and could lead to litigation and, if a broadly worded incitement to homophobic hatred offence is created, prosecution. The existence of Article 9 human rights is NOT adequate (as recent ECHR cases have shown) to protect people from litigation and prosecution and the only way for this to happen is either for robust protections to be included in the legislation or for the EOC to recommend a postponement of the legislation until further research is carried out into the possibility of amending equality, education and employment legislation.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Yes. Scotland has been a free and democratic nation for centuries. It is CURRENTLY one of the most tolerant nations on Earth, where homosexual people are already accepted and approved of in society and hold some of the highest positions in business and public life. Indeed, I firmly believe there is positive discrimination in favour of homosexuals in many areas of life, in particular careers in the public sector. At present, people who believe in traditional marriage are still accepted in society, but only just - and their acceptance and their freedom and ability to live freely are under enormous threat from this legislation. Introducing same-sex marriage will not improve the lot of homosexuals in Scotland in general, if only 3% take it up, and equality will not be achieved with heterosexual couples (because the two relationships can never be the same, one having the potential for procreation,
the other not, and adultery provisions are different for both). However, a whole raft of new inequalities will be created if the Bill goes ahead in its current form. The EOC should respectfully recommend to Parliament that the legislation be put on hold until further research and study is carried out into the inevitable negative ramifications and consequences of introducing same-sex marriage. Scotland deserves nothing less. It's time - to think again....

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In support

I am in support of the bill fully as it is representable of all members of the LGBT community and is fully complacent to full equal marriage rather than just same-sex marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I support same-sex marriage in full but feel that the bill going forward is more than just same sex marriage and includes the protections and introductions to equality for all of the LGBT community and will allow Scotland to stand forward more.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I'm a great believer in people of faith having their views in society and those views being protected for them but when it comes to inflicting religious views onto the political needs of equality I truly believe that religious beliefs have no place in soc

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I don't feel any institution has the right to solemnise marriage of any sort. Marriage is a social exchange of union, I feel same-sex or opposite sex marriage should be open for all members of society without barriers or exclusions.

How would you characterise your views on civil partnerships changing to marriages?

In support

I feel that civil partnerships should be open to be exchanged in marriage if the said couple wish that to happen. There should be no separate ceremominal if the couple do not wish to be, it should be an easy exchange of paperwork.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Absolutely, as long as the party involved are happy to celebrate there union then there should be no barriers towards this!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

There are many members of the LGBT community that find grace and compassion in belief and I feel that if the religious leader is happy to bless a marriage of union of same-sex couples then it should be up to the individual rather than the institution to which they belong.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Absolutely! If a family unit and both parties love each other then there should be no barriers to this.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Social diversity is a movement that will come and we the LGBT community only wish to be treated as an equal to every other member of society. We are all born into this world equal, so why can't we all live the same way. With deep sincerity that is all we wish.

Would you like to comment on the wider issue of freedom of speech?

I'm a great believer in having the right to speak out without being silenced as long as my words do not offend, hurt or discriminate. There should be restraints when insighting hate and I feel this should be publishable fully to the law, this would also include defamatory or false proclamations.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I feel the bill is right and represents those who most need it.

Are you responding as...

a private individual
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I strongly support equal marriage for all couples, gender is irrelevant.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Religious institutions who oppose equal marriage should have the right to opt out of performing a religious ceremony if doing so would violate their religious beliefs. Civil registrars should have no such right, they are employed by the state to perform a civic duty, not to impose their beliefs upon others. To grant such a right would set a dangerous precedent which could lead to civil registrars seeking the right to deny marriages on the basis of faith, race, or any other aspect of a couple.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly approve of this bill because it makes it possible for same-sex couples to enter into marriage, including religious marriage, while protecting the right of religious bodies which oppose same-sex marriage to decline to conduct such ceremonies.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I strongly support the introduction of same sex marriage on the grounds of justice, equality and basic human decency.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

This is a difficult area in which to make clear distinctions. In some cases - Christians, Jews, Hindus, Muslims, Pagans, Sikh's, Buddhists and Baha'is - we are clearly dealing with religious celebrants. However, with Humanists, while they will deny that

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The right to refuse to conduct religious, same sex, marriages provides sufficient protection for those who have concerns about same sex marriage. Anything further would infringe the rights of those who wish to conduct, or enter into, same sex marriages.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
Neither

Civil partnerships should be extended to heterosexual couples as well.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
21st century society should have no place for such views. They should be subject to the same treatment as racists.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

If parties consent to a legal act, there should be no impediment.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

I am a gay man and I would love to be able to marry my partner in a church.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

There are greater and more pressing need in our society than seeing that those few who can have civil partnerships and 'want' same sex marriage in a religious setting. This is a terrible distraction from the needs of the poor, the elderly, the infirm, the protection of the innocent, the education of young, the advancement of laws which make the whole of society a better place to live.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It is unnecessary. People can choose who they want to live with. They can press the government for tax breaks as a couple in the laws eyes. Marriage is to bring together opposite sex couples for the security that can be found in married life. To force redefinition of marriage to allow same sex couples to marry in buildings to do with religion (when such an act is a sin in that religion) does not make sense. It is asking religious bodies to accept something which is against their very existence.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

They already are on the same footing. In the matter of redefining marriage however, this can not be a sound criteria for decision making. Many people have aspirations/feelings/beliefs, but not all these can be said to stand the test of time, whereas rel

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

This will come down to personal opinion, and that will fracture and split religious groups.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I would be much happier if this did not happen.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

Not my business.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am a secondary school teacher in a Roman Catholic School. I am not RC, but hold to the Christian values upon which many of our societies virtues were built upon. I fear that if in some way I uphold these values, as I am asked to do in my job, -and wish to do- , then I will become a target for individuals who feel that their quest for widespread equality is of greater importance than the views of those who hold fast to the ideal of traditional marriage. For example, it can put individual pupils or staff in a difficult position when the question asked is, "Sir! sure it's ok for a man to marry a man!" New law might say yes. My position rightly encourages me to respond no. Teachers will be asked by Government to be all inclusive. By definition, in my job, I can not always do that.

Would you like to comment on the wider issue of freedom of speech?

I would like the freedom of speech to include that of the parent for their wishes for their child's education, in so far as; if I do not want my children taught that same-sex marriage is a good thing, or something that is to be accepted, then my wishes for them to opt out of such classes must be upheld.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Those who do not agree with same sex marriage for personal reasons, should be protected against legal challenges should they feel it necessary to withhold or refuse services or products which they are in the business of supplying.

Are you responding as...

an academica celebrant
a private individual
School Teacher & Parent.
How would you characterise your views on the Bill in general?

In opposition

I feel that those who are gay already have all the rights that they require to live in harmony in Scotland. I believe it is not the job of any government to redefine marriage, marriage was here long before governments. I also feel that the minority 1% of all of Scotland should never have the right to redefine anything for the other 99% of us.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I believe all men and women are created equal, but that does not mean anyone can have what he or she wants just because it suits them. Every decision made in the public arena effects the rest of our country. This is a massive step in the wrong direction. The gay community does not have the trump card over everyone else and especially over the rights of children to have a mum and a dad. If a gay couple wish to live together, that is fine, but the rest of the country should not have to accept their world-view.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

We are all entitled to our believes, religious or otherwise. No one should be forced to accept someone else's view on beliefs. I would fear though that non religious celebrants may conduct weddings for the wrong reasons.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

At present as a celebrant, I would not conduct a same sex wedding and I should be entitled not to do so. There should be a level playing field; I'm happy to let the gay community live as they see fit, but I should not be punished in anyway just because I hold that the traditional marriage of one man and one women (that has served the nations for centuries) is the best for the country. The government may promise to guard celebrants from any discrimination, but they do not have the authority to provide this, because the European human rights people can overturn our well intentioned wee meaningless laws!
How would you characterise your views on civil partnerships changing to marriages?

In opposition

As already stated, there is absolutely no need to change this. The gay couple already has all the rights and privileges that they require to live their lives here in Scotland. This is a nightmare; the family unit will not recognised if this is allowed. Already the gay lobby is seeking to abolish words like; mum, dad! Again, if someone wishes to life with someone of the same sex that is non of my business, but they should not be allowed to "force" the nation to agree with their view of sexuality.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Never!! Is the government not listening! Why should a gay couple be allowed to marry in a religious building when they know that those who worship thier disagree with their views. Churches, mosques, synagogues etc must never be held to ransom by this mino

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

If a religious body holds to the traditional view of marriage, they ought to be allowed to practice that without the fear of reprisals. Each religious body must be allowed to practice their centuries long beliefs in the way they have always done. Some groups may choose to register civil partnerships and others will not wish to do so. Both should be free to do this and no group should be felt that the country is against them for living according to their faith and conscience.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

I'm not fully educated on this issue and would not wnat to say the wrong thing.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This is the biggest issue over the same- sex debate in my opinion. We have already seen in both England and Scotland how people have been discriminated against over this problem. The Scottish government has no real authority to promise protection for the majority of the nation who still support traditional marriage. People have lost their jobs over this issue and the gay community could not care less about this, as long as they get what they want. We need to be realistic, many do not
support same-sex marriage and they must like the gay couple be allowed to express that without the fear of discrimination. If I refuse to marry a gay couple or refuse to make their wedding cake(former baker) will I go to jail? Most faith based adoption agencies in the UK have closed over this issue. It is massive!!

Would you like to comment on the wider issue of freedom of speech?

I love Scotland! I love living here, I love being Scottish, I love the people of Scotland. I love the FREEDOM of speech we enjoy together. I love the diversity of Scotland. We must never lose this. We are free to support any football team we like, eat any style of food we like, go anywhere we like in our beautiful country. I love all that! I love folk being able to give their opinions on every and all subjects, even although we know their talking mince! It's great! No one is discriminated against because they like Hamilton Accies and Chinese food and love to tell their workmates about it. So why on such an important issue as this should the nation not be free to air their views with respect without being afraid of the gay protection police!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Only to say, I pray for our nation, for our children and for our government that they will do what is best for the country. For those already here and for those yet to be born. This is such a massive issue. Redefining marriage is not our right. This looks like progress but in fact it is the opposite. What will be next; a three way marriage (like Holland), Brothers and Sisters wanting their rights to marry each other. The paedophile wanting his rights to marry a 11 year old child. Extreme I know, but tampering with this beautiful gift of marriage will leave us all in a pit we may never get out of. THINK PLEASE! Have courage to do the RIGHT thing.

Are you responding as...

- a celebrant
- a faith/belief-based organisation

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

For over a decade I have felt very strongly about this issue. I believe that separating marriage for heterosexual couples and civil partnerships for same sex couples is discriminatory. As a gay youth I particularly felt excluded and "not good enough" for marriage. Marriage is a normal milestone in our society and I believe that all adults who love each other should have the same opportunity to express their views through marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I believe religious organisations should have the right to choose.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Not allowing this is extremely limiting and unnecessary.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support this as I believe that transgender persons face an enormous amount of discrimination.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I feel that because religious bodies will have the opportunity to opt out, that this bill serves our wider population well.

Would you like to comment on the wider issue of freedom of speech?

I do not feel that this bill will negatively affect freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The introduction of mixed-sex civil partnerships is missing from this Bill. I believe that the same choices - marriage or civil partnership - should be open to all couples regardless of their gender.

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

While I have many friends who are openly homosexual, I am opposed to the change in the definition of marriage. Such a change would, in my view, be a breach of my rights. Among my homosexual friends, I have yet to find a single one who wants this legislation. All appear to feel that it will do more harm than good.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I believe that the definition of marriage, the union of one man with one woman, should stay as it is. A large majority of my friends, both gay and not, hold the same view.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

All individuals must be given the opportunity to express their conscience and be protected, not forced to undertake acts that would be genuinely unacceptable. The rights of these individuals must be protected.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I do not believe that this legislation is necessary, nor that it should go ahead.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

From my discussions with a range of gay and non-gay friends, I see no demand for this. I conclude that the issue is being pressed by a small, unrepresentative minority. The introduction of this change would, I believe, be an infringement of my rights.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

From my discussions with a wide range of gay and non-gay friends, I see no demand for this and I believe the change should not go ahead.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

This would clearly be an infringement of the rights of many thousands who are opposed to such a change and goes against the views of the vast majority of Christian leaders.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Such individuals require considerable compassion and understanding. Over the years I have known several such individuals. However, I cannot accept that such a definition of marriage is acceptable, to my conscience, therefore, if this change was forced through, I would see it as an infringement of my rights.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It is absolutely vital that the rights of this majority group are protected. I believe that the large majority do not want this change and they should not be compelled to accept it. Religious leaders have clearly expressed their grave concern over these proposals.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

someone who want equil right for every one

23 August 2013
How would you characterise your views on the Bill in general?

In support

This Bill is a huge step forward, but it contains some significant problem areas and areas of discrimination.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I support this fully and welcome it.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise same-sex marriages, mixed-sex marriages, or both. However, groups and celebrants should not have to take an additional step to treat people equally: if they do not wish to celebrate same-sex marriages, they should have to opt out. I support opt-out procedures rather than opt-in procedures. Celebrants, belief and religious groups, and couples should also have the option of using gender-free language for mixed-sex marriages.

How would you characterise your views on civil partnerships changing to marriages?

In support

In the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. There is no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. The current draft of the bill would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. This requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country...
does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. There is no reason why this should not also apply to couples who are already in a civil partnership, and the bill should be amended to allow this.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

*In support*

Marriages (and civil partnerships) should be able to take place anywhere the registrar and couple wish and agree to have it. This is a matter of religious liberty.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

*In support*

I fully support the religious and belief registration of civil partnerships.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

*In support*

I support the right of transgender persons to stay married when obtaining a full, legal Gender Recognition Certificate. However, there are some serious problems with the proposed wording in the draft bill, which need amendment. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively veto the trans person’s gender recognition, or at least to delay it while the transgender person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the transgender person is unable to access their human right to legal recognition in their true gender. When a transgender person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the transgender person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the transgender person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the transgender person’s spouse would be appropriate. Spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the
issue of a new marriage certificate. As at present, the non-transgender spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. Therefore, a provision for simpler medical evidence for long-term transitioned people should be added to the bill: this would assist the Gender Recognition Panel as well as applicants. It would also be good for the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The bill provides strong protections for those who may have concerns about same-sex marriage. I strongly oppose the proposal to give civil registrars a right to opt out of performing same-sex marriages. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and the registering of same-sex marriages can be expected to work equally well in a similar way. I also strongly oppose the proposal to allow teachers to opt out of mentioning same-sex marriage if a student asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people. Opt-outs should not be allowed in this case, either.

Would you like to comment on the wider issue of freedom of speech?

There are strong protections for freedom of speech within the bill.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

It is deeply disappointing that this bill, while it represents progress in so many ways, fall so short of equal marriage. I have discussed this in my responses to questions 7, 8, and 11. In addition, the bill falls short of equal marriage in its failure to
introduce mixed-sex civil partnerships. I welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnership. This review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. In addition, the regulation of private sector pension schemes is reserved to Westminster, and under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete.

**Are you responding as...**

- a celebrant
- a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Bill is unnecessary and a distraction from matters which are of importance to the general population. All the legal rights of marriage are already available to same-sex couples through civil partnerships. There is no great demand for same-sex marriage and the other measures contained in the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is a relationship between a man and a woman for the purpose of companionship and the procreation of children. It is based upon the objective reality of the complementarity of two created genders (male and female). The procreative potential of the institution of marriage is intrinsic to its nature and role in society. This is the reason the state recognises marriage in law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I believe it is wrong to put belief celebrants on the same footing as religious celebrants. One does not BELIEVE in God and the other DOES.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It seems that there is less and less determination amongst politicians to build in protections for those in society who have concerns about same-sex marriage as has been seen by the bill passed recently in England and Wales. Why, when the word 'equality' is bandied about in relation to same-sex marriage, is the same word so sadly lacking when those who do not, within their own conscience, subscribe to the trend and are termed 'homophobic' or 'bigots'? Would the Scottish Government put in place protections for heterosexuals to protect them from unfounded charges of 'homophobia' made by homosexual people i.e. 'heterophobia'?

Would you like to comment on the wider issue of freedom of speech?

I have witnessed television programmes where people who do not subscribe to same-sex marriage have been bullied, ridiculed, accused of being homophobic and verbally attacked. People are now becoming frightened of expressing their views for fear of retribution from the homosexual community. Will the Scottish Government give a categoric guarantee that it will never become illegal to speak openly in support of the role of traditional heterosexual marriage?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

This question needs to be simplified. Plain, simplified English, layman's terms must be used.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Agreed between the couple and the registrar being key. This is a private agreement, not subject to the whims of the irrelevant public.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
If the other party to the marriage wishes to dissolve the marriage on this basis, they should have available. Private agreement is key, not procedural whims of irrelevant parties.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Same sex marriage must have the same consequences as traditional marriages - it must have the same inheritance, tax, savings, married persons allowances, consideration, fees, rights, responsibilities, liabilities and treatment etc. in all ways.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

- an academic
- an LGBT group
- a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It should not be a concern, it is a basic right - time for Scotland to be civilised on that issue.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

I am strongly in support of this Bill. It is important for the state to recognise the relationships of gay and lesbian people equally with those of heterosexuals.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Same sex couples should be able to marry just as opposite-sex couples do. Passage of the Bill would mean that, for the first time, my relationship with my same-sex partner will be treated equally with heterosexual marriages. Please pass the Bill!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I am in support. I am a Quaker, and it is important to me that Quakers be allowed to celebrate same-sex marriages, as we want to do.

How would you characterise your views on civil partnerships changing to marriages?
In support

People in civil partnerships who wish to change their partnership to a marriage should be able to do so. For example, my partner and I are in a civil partnership (which was established in the USA). We consider ourselves married and would like to have state recognition of this. It is important to us that we be able to change our relationship status to "married". My understanding is that the current language of the Bill would require us to dissolve our civil partnership (with great difficulty) and then remarry. This is effectively unworkable and is unfair. I don't think the Scottish government should compound previous discrimination (not allowing us to marry in the past) by effectively barring us from marrying in the future. I hope that this language can be rewritten before passage of the Bill.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe there is a significant danger that churches and ministers who refuse to marry same sex couples will be subject to litigation. Although Scottish law may seek
to defend those who do not wish to conduct same sex marriages, ultimately such matters would be decided by the European Court of Human Rights.

**Would you like to comment on the wider issue of freedom of speech?**

I believe freedom of speech and freedom of conscience to be fundamental in a civilised, tolerant society.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

- a celebrant
- a faith/belief-based organisation
- a faith/belief local group or congregation

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Nobody should have to do it who objects. I’m sure nobody would want to be married by somebody who didn’t want to do so.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition
I think civil partnerships should still be available for same sex couples and for opposite sex couples also.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
I think the recognition of someone’s gender should not affect the status of a marriage or civil partnership
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

I think that people should be entitled to freedom of speech but in the same way that racism is a crime so should homophobia and should be treated the same. Although it is often hard to categorise which terms are homophobic, there should definitely be some official guidelines, like with discrimination, to which phrases are not acceptable for those who don't fully understand the nature of the LGBTQ community.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I think that in terms of gender recognition there should be something relating to the recognition of not only people who are transgender and identify as a man or a woman but of people who are genderqueer. So genders which fall into this category; gender non-binary, bi-gender, the third gender, gender fluid, agender to name a few.

Are you responding as...

a private individual

23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

We are making a fundamental change to the fabric of our society to accommodate a tiny group of people who will gain no further legal or other rights no enhanced status, in short no material benefit. The bill is not only unwelcome but unnecessary.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

See my answer to Question 4.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Great care needs to be taken to safeguard people from possible prosecution arising from some feeling free to marry same-sex couples whereas others do not. The case of registrars or ministers of religion spring to mind.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

See my answer to Question 4. The change is unwelcome and unnecessary.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This whole area is a minefield. It is not clear that the Scottish Parliament can provide any adequate protection given that the European Court of Human Rights can always trump our legislation (it would seem). Many are going to be vulnerable. Are we really comfortable with the prospect of teachers, ministers, social workers and others being taken to court for alleged discrimination, arising from the simple fact that they cannot in good conscience accept or promote same-sex marriage? Or are we prepared to countenance good, hard-working capable employees losing their job or be denied promotion over this issue? Once this legislation is passed a can of worms will be opened and it is difficult to foresee all the consequences.

Would you like to comment on the wider issue of freedom of speech?

This a huge area of concern for many people as there seems to have been a marked erosion of freedom of speech in recent years. To say in public "The Bible clearly teaches that homosexual practice is wrong" invites arrest (and people have been arrested!) Of course that is a statement of opinion that should be challenged not by arrest but by a request for it to be justified. But there are many, many examples where a statement of opinion results in a court case when there was no intention to offend or discriminate. If someone were to say to me that Mathematics as taught in university is useless for society I could take offence or I could argue the opposite. The police seem to be applying the law in a thoughtless way (to put the best construction on things). Whatever happens in the rest of the UK, at least in Scotland let us promote free speech realising that strong opinions will cause offence.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

23 August 2013
How would you characterise your views on the Bill in general?
In opposition
Disastrous for Scotland and the UK.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
The thin end of the wedge.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
If it ain't broke don't fix it.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We are now seeing Christians being sacked and denied jobs because of their beliefs. This is all wrong. In Tower Hamlets they even investigated a woman teacher because she went to church. Incredible!

Would you like to comment on the wider issue of freedom of speech?

I am in favour of freedom of speech but it must be responsible and not bigoted. For example, in my opinion, Stonewall is the most bigoted organisation I know because they accuse all opponents of being homophobic which is quite untrue.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The UK and Western World in general is in grave danger of disintegrating. Not enough indigenous children are being born to balance the workplace which means future pensioners will not have enough people in work to support them. I wonder what the Muslim population of the UK think about same sex marriage and what will happen when they become a majority? Food for thought!

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

In support

This will be a big step forward for same sex couples and the SNP government should be congratulated for taking this bold step.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Strongly in support but there should be two versions of marriage (for same sex and mixed sex couples). I welcome that the Bill puts forward a single version of marriage for all.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I welcome this proposal as there are many same sex couples in Scotland who would like to move to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Bill strikes the right balance and offers protection to those people who have concerns about same sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to this.

Would you like to comment on the wider issue of freedom of speech?

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

1. Marriage is a reflection of the Divine Trinity and the Saviour's relationship with His church. Same-sex unions cannot reflect this 2. Children develop emotionally best with both sexes as parents. 3. The man is the head and primary authority in the ho

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

1. The legal union of two persons of the same sex can never be marriage therefore it cannot be treated in the same way. It cannot be the same because marriage is basically legitimising the union of two person to give the offspring of that union a legal st

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It seems that those whose consciences cannot allow them to approve of S-S Marriage will face hostility and a programme of aggression from those who insist that their S-S Status is fully equal to Marriage. This will create a divided and self destructive society.  

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

23 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage is between a man and a woman. If a homosexual couple want a civil partnership in law then I have no problem with that but marriage is between a man and a woman. Traditional Religious belief on this should be protected. It is a human right to have freedom of belief and conscience and the right to freedom of speech. That is what made Scotland great in the past in that our country was one where you could debate and have different views on subjects.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

See above.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

But what beliefs exactly!? People can belief in whatever - will they be able to celebrate or conduct a marriage a marriage under their beliefs. I think marriage would be undermined if this were to happen.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

As said previously, only one man and one woman should be married. Once you redefine marriage, all sorts of options are available - see Holland (who I believe are debating this and Brazil I believe where there has been a three way union legalised.) Also, Calvin Klein has said if he could marry his cat, he would! Where does it end? Marry your brother, sister, child etc. How would celebrants feel about having to conduct same sex marriages when they themselves might be against it? You could be causing them to go against their own beliefs. Their human rights must be protected.

How would you characterise your views on civil partnerships changing to marriages?

In opposition
Normal to be honest. Most people, in their hearts, do 'feel' that society is based on the union of a man and woman - how else are we to survive? and that it is best for children.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In opposition

No, if they are going to take place, it must just be in the registrar's office.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

I would be against religious belief registration. As said before, traditional religious belief supports the idea of one man and one woman.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

That would be unacceptable because then it would be two women or two men married, which is the same a same sex marriage.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

People who disagree, or say or even think, that same sex marriage is unacceptable or even wrong, must have their right to do so upheld and protected. Yes, it might be 'offensive' to some but then again another's views might be 'offensive' to someone else? Are everyone's rights going to be upheld? Whose rights are more worthy of being upheld or protected? The Scottish Govt.in its 'egalitarian' approach must ensure, that all its citizens rights and views have to be protected. Also, teacher's, who are supposed to give all sides of the argument, are they going to be prosecuted (of perhaps be disciplined or even lose their jobs) for even giving a viewpoint to the kids that is not what 'the Govt. want'. I hope not!

**Would you like to comment on the wider issue of freedom of speech?**

Yes, it is a human night and yes, sometimes views are different and offensive (depending on your viewpoint of what is offensive of course - the adage -one man's meat is another man's poison comes to mind) but all of us must be able to express what we believe/ think whether others like it or not. Surely, that is what democracy is about.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**
Society is going to be radically altered. Once marriage is redefined, society will be weakened. Look at the state of society at the moment where there is a lack of respect for it - social problems, high teenage pregnancies, children not seeing their fathers or grandparents, high suicide rates among young men (lack of knowing what it is to be man?), when you change this to accommodate a few, what other consequences are going to follow? Can the Govt ensure that all sections of society will be protected in they disagree with this bill? They have to otherwise you have exchanged one 'inequality' with another.

**Are you responding as...**

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
It is as fair and honest as is probably possible.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
It is essentially about allowing people to exercise their human rights.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Their views should be respected; however, their views are not superior to those who wish for equal marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage is not a religious ceremony and has never been. What's more, homosexuality has always been part of society and should not be stigmatised or legally banned from full civil participation.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Religious organisations and their officials should not be compelled to offer same sex marriages or civil partnerships. Registrars, as public sector workers, should not be able to opt out of offering this service to same-sex couples. Same sex marriages
will affect same sex couples who choose to get married. People who are against same sex marriage on religious grounds will not be affected, and will not lose anything, should a same sex couple marry. Schools should not be able to teach that same sex relationships or marriages are morally wrong but offer unbiased information.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The issue of same sex marriage is one of equality. With this bill we reflect within the country’s laws, the intention to create equality. There is no rational opposition to the demand for equality.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There is a wider debate to be had on the nature of marriage as a historically problematic institution, but it cannot be had while access to the institution is denied to, or in its nature denies the experiences of, any number of our citizens.

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

"Concerns" are already fully protected by civil rights; we all have the right the right to think whatever we like. There is no warrant to protect acted-out anti-gay bigotry.
Would you like to comment on the wider issue of freedom of speech?

There is not nearly enough protection for freedom of speech. In particular, such freedoms should not be curtailed by the claim of having been 'offended'.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

It is taking far to long to enact this legislation. I am 66. I would like the opportunity to marry before I die.

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support
strongly supports and welcomes the bill. It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
The opt in system is the best way to allow those who do want to solemnise same sex ceremonies to be able to do so whilst respecting those faiths/denominations and belief communities that would rather not solemnise same sex marriage.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections - I would however object to allowing a registrar to opt out of registering a same sex marriage as it is part of their actual job.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I understand and accept the right of people to oppose same sex marriage. They are entitled to that view. I don't think, however, that they are entitled to impose that view on the whole of Scotland. I don't think the impact on them of two same sex people
marrying is sufficient to outweigh the significant impact on the same sex people of the current law which prevents them marrying. It is about balancing interests and the current situation impacts disproportionately on same sex couples who want to marry.

**Would you like to comment on the wider issue of freedom of speech?**

I don't think freedom of speech is relevant here.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In opposition

It is unnecessary. It has nothing to do with equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It is a contradiction in terms. Marriage can not be redefined by statute.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Se a danderous precedent

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a teacher I do not believe there is protection for those who believe in traditional marriage. As a church leader I must have the freedom to express clear Christian teaching.

Would you like to comment on the wider issue of freedom of speech?

It is a mark of a democracy and must never be impinged

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Elder and teacher

21 August 2013
How would you characterise your views on the Bill in general?

In support

The Bill is extremely important. I am proud that Scotland was among the first countries to seriously consider and begin this process. I am disappointed that we are now falling behind. This Bill makes me proud and hopeful for Scotland's future.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As a gay or queer-identifying woman, it makes me feel like I will have a home here in Scotland, like I am valued here. Scotland is one of the world leaders when it comes to the equality of lesbian, gay, bisexual and transgender people - particularly when it came to protecting the rights of transgender individuals. I think it is vital to protect the rights of all people, both here in Scotland and internationally. Marriage is valued so highly and holds such meaning to many, there is no reason why it should not be introduced in Scotland. This marriage should be the SAME for all couples, regardless of gender.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I am in support of this absolutely.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

I am in support of this, but agree with the Equality Network's call for a small amendment here to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex.

How would you characterise your views on civil partnerships changing to marriages?

In support

I agree that those who wish to change their civil partnership to a marriage should indeed be able to do so, and that those who wish to remain in a civil partnership
should not be forced to change to a marriage. However, I don't understand or agree why this option will not be available to couples outwith Scotland, given the huge negative ramifications of this for those couples - it is not their fault that they didn't have the option to marry, and I don't think they should be penalised for this.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

I think this flexibility is important to enable all people who wish to be married to do so in a way that is meaningful and significant for them.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I believe that it is worth providing this as an option, yes.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I support the proposition to allow transgender people to stay married when obtaining a full gender recognition certificate and believe this will benefit many many couples - forcing them to dissolve their marriage is needlessly cruel and can provide further distress at what may well be a stressful time already. I disagree that an individual will need their spouse's permission to transition. This seems completely unnecessary and opens up the possibility for abusive spouses to refuse consent and then potentially delay any divorce procedures. I don't see how this can be in line with an individual's human rights. There is no way that an individual's application for a GR Certificate will suddenly impact on a marriage, as part of the requirement is that this individual has lived in their gender for at least two years. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person's spouse would be appropriate. The English legislation contains different requirements for those who have been transitioned for over 6 years which ought to be introduced here. It is practically extremely difficult for such individuals to obtain all of the required evidence and so this should be simplified in line with English legislation. The minimum age for requesting a GRC should be in line with Scotland's minimum age for marrying, 16.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

This bill provides protection for those who disagree. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. We would strongly oppose that. Unlike religious
celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It is extremely important that teachers should not be allowed to opt out of discussing same-sex marriage. This then becomes an issue of the pupil experiencing discrimination under the equality act - refusing to inform students of LGBT issues serves to further marginalise LGBT young people.

**Would you like to comment on the wider issue of freedom of speech?**

This bill will protect the rights of same sex couples and LGBT people more widely.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I wish to echo the Equality Network’s sentiments on the issue of private pensions, detailed here: Finally, we note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete.

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I do not believe any protection is required.

Would you like to comment on the wider issue of freedom of speech?
No

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Two people who love each other should have the right to get married, irrelevant of their sex. The same sex marriage bill will allow equality so that two people, no matter what gender, will be able to get married if they so wish. I also feel that it is app

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I agree that religious body's and belief organisations should have the option to choose not to perform same sex marriages should they not wish.

How would you characterise your views on civil partnerships changing to marriages?
In support

This allows for equality, as well as this marriages should not be seen as 'same-sex marriages' and 'mixed-sex marriages' but simply all should be seen as marriages in a continuing effort towards equality.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
To not allow same sex couples to marry is discrimination

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
There should be no segregation just because its same sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Poorly worded question
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In opposition

While I appreciate the importance of protecting people’s rights and upholding the principle of equality, it appears to me that this bill goes beyond any proper understanding of equality. I believe that everything that can possibly be done in this respect has already been achieved in Civil Partnership legislation. What is being sought here (in the same-sex marriage bill) is something that denies the reality of biological difference; it debases the complementarity of the two sexes i.e., the fact that we were created male and female. It is a bill that most certainly impinges on the rights of those whose consciences direct them to maintain that same-sex marriage (not homosexuality per se) is wrong. It is important to be clear about this latter distinction, because a true understanding of equality hinges upon it e.g., there are many areas of conduct in heterosexual relations that, equally, are morally wrong.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I cannot see what purpose is served by expending so much time, energy and other resources in promoting something that is unnecessary. I say unnecessary, because I simply cannot see what vitally important new legal rights are being obtained for same-sex co

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I imagine that there are many grey areas when it comes to distinguishing belief celebrants from religious celebrants, but on my own understanding I would say that a key difference is that all religious celebrants look to God, the Supreme Being, as the pro

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I’m not sure that it’s clear either from the Bill or from the explanatory notes what the position is with regard to the opt-in procedures, but if the Bill sets the default position to be that religious or belief bodies have to opt in to be abl
How would you characterise your views on civil partnerships changing to marriages?

In opposition

As I hope I’ve made clear in my response to questions 4 and 5, I see no grounds for civil partnerships changing to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

I have no objection to allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I do not believe that religious registration of civil partnerships should be allowed (for reasons given in my answer to Question 6). With regard to belief registration, I feel that the decision on whether or not to register civil partnerships should refl

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Transgender issues are, for me at least, too complex to be treated in a clear, straightforward manner that would be required for this Call for Evidence. I do not feel competent, therefore, to answer this particular question.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The matter of protections for those who have serious concerns about same-sex marriage is probably where my greatest anxiety lies, for I have not been persuaded that any “right to freedom of thought, conscience and religion” will stand up when brought into conflict with other rights. All too often, I feel, conscience and religion are viewed as nebulous, easily dispensable aspects of human rights, and are all-too-readily overridden by the more immediately practicable/definable areas of human rights. For those who exercise a living religious faith, conscience is a matter of the first importance. The reason this is so, is that, central to the beliefs of many religions, is the sense of accountability before God for our conduct while here on earth; the way we act on earth — our motives, our thoughts, words and deeds — affects our destiny in eternity. For those who have a clear grasp of this perspective, it governs our whole way of life in the present world.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A private individual licensed for lay ministry in the Church, i.e. not ordained.

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support
A huge and necessary step in the process of achieving an equal and discrimination free society

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
marriage is to be completely equal and available to all people

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
religious freedom is important

How would you characterise your views on civil partnerships changing to marriages?
In support
an easy administrative process should be made automatically available

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
People can't help who they fall in love with. If two people want to make a commitment to each other they should be able to
Would you like to comment on the wider issue of freedom of speech?

No

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Everyone should be equal

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

This Bill is long overdue and equality should be commonplace in today's society. I would like to be able to tell my children they can grow up and love who they wish, and be able to show that love equally.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Love is love.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

Marriage is between two people who love each other. Gender should not be the deciding factor.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It truly worries me that we would have to protect people who simply wish to marry the one they love.

Would you like to comment on the wider issue of freedom of speech?

It is never black and white - I think there are situations where you should exercise this right, and others when you should consider what you should say more carefully.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
As the Lord said: "Judge not, lest ye be judged." And as Ricky Gervais said: "Freedom of speech is a right. Being listened to, being taken seriously or being respected for what you say, is not. Get over it."

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

I strongly oppose the introduction of the same sex marriage into the Scottish Bill on Marriage and Civil Partnership. Marriage is an institution which lies at the very foundations of our society and has been defined in our culture over centuries. This bill

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Being in opposition to same-sex marriage I feel that the government is persistently ignoring the views of those who oppose the Bill. Such a drastic change which strikes at the core of the definition of marriage should never be introduced with such a great opposition to it and with all the concerns of the people arguing against it.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Once marriage has been redefined many aspects, not at present under consideration, may well be given recognition in the future. e.g. the legalization of polygamy, three-way relationships etc. Such has, in fact, been the case in the Netherlands. By intr

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

In England at present, a homosexual couple are planning to go to court in an attempt to force churches to host gay weddings. (Essex Chronicle 1st August 2012) Should this come before the European Court of Human Rights it is quite possible that any protections in Scottish Law could be overturned. As the law provides for doctors to opt-out of performing abortions if they conscientiously object to abortion, registrars, religious and belief celebrants should be afforded the same protection. Those holding to traditional views about marriage should not be prevented from fostering or adopting. After all same-sex couples are given the right to foster and adopt and they hold strong views about same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The issue of freedom of speech in this context is vital because people get into difficulties through expressing their beliefs about marriage. Apart from a declaratory clause which has no practical impact (Clause 14) the Government's Bill doesn't address th

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support
It's a good bill and must be passed.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Nobody should be discriminated against because of who they love and love isn't about discrimination. The only people it affects are gay people so I reject the nonsense why two people of the same gender shouldn't be allowed to be married based on one's religious beliefs since religion is already protected from participating.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Not all religious celebrants are against equal marriage and neither are those of beliefs or no beliefs. I strongly believe people of any belief should be allowed to celebrate same-sex marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Strongly support that. Those who do not wish to should be protected from doing so. Freedom of religion is also about those denominations who wish to celebrate same-sex marriages too. No religious denomination should be able to dictate what others should and should not do in this respect.

How would you characterise your views on civil partnerships changing to marriages?
In support
I think those who wish to retain civil partnerships should be able to. I also think heterosexuals should have access to them. I support upgrading civil partnerships to marriages for those who want it and at no additional cost.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Strongly support that

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I support it.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

As long as both parties are in agreement, I have no problem with it.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It cannot be said enough but people of faith and those of no faith who are opposed to same-sex marriage should be re-assured that this will not affect them in any way. It does not impact their marriages, doesn't prevent them from getting married and having their own beliefs about it. As I said in another comment, the only people this law will affect are gay couples, nobody else.

Would you like to comment on the wider issue of freedom of speech?

Opponents should be allowed to voice their opposition as long as its purpose is not to incite hatred or foment homophobia. It should be done in a polite manner with respect for all.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Nothing I can think of.

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Gender recognition is unnecessary for the marriage process.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

21 August 2013
How would you characterise your views on the Bill in general?

In support

The bill does have some issues with how trans people could be treated, but it is otherwise a very good opportunity for Scotland and equality as a whole in Europe.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am in support of same sex marriage, and feel that it should be granted on the same level as heterosexual marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

Civil partnerships should still exist, but there should be a procedure to change those to marriages - civil partnerships can hold more worth to those opposed to the religious aspect of marriage - even if the marriage procedure does not exist within a religious institution's building or by their ceremonies.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This should be allowed not just for comfort but also for what it can mean between a couple - a place that isn't religious can potentially be worth more to the couple.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

There should also be provisions to allow a transgender person to divorce should the other person in the couple not agree - denying such can be seen as abuse, and transgender persons are one of the most abused groups in all of society.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A person who is transgender should not be denied their gender change if one in the couple does not agree to this - a divorce should be permissible for this reason, to avoid abuse of the transgender person by the partner of the trans person, due to the common abuse of trans people in general, seen as weak and vulnerable.

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The sign of a civilised society is how it treats minorities as well as the majority of people who exist in it and, by passing this bill the Scottish Government will send a
strong signal that it upholds equality for all of its citizens irrespective of their gender or sexuality

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

I am in support of the right to equal equality and availability of marriage and civil partnerships to all citizens regardless of sexual orientation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Such as important an institution as marriage should be available to all citizens regardless of gender or orientation. Sexual orientation is not chosen, so to deny the availability of marriage equally to all constitutes discrimination and this piece of legislation attempts to remedy that. An equal society is a fair society and will eventually lead to a society more at ease with itself and less divisive.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I would welcome this as I consider that belief or a lack thereof nor religion should entitle or deprive anyone from an equal footing in society. Those who do not have a religion will no doubt wish to benefit from the same advantages that opposite gender marriage currently offers to groups such as humanists.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think that religions and belief organisations should be able to determine their own choices in whether or not to celebrate same gender marriage whether by opt-in or opt-out. The legislation has chosen opting in and I support the right for religious groups to determine how they celebrate marriage and whether they offer same gender marriage either now or in the future.

How would you characterise your views on civil partnerships changing to marriages?

In support
I would support this. Many couples may wish to further validate their partnership as a marriage without having to participate in a new ceremony. It makes sense to include this in the bill.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

**In support**

I would welcome this as many couples already choose locations for marriage that are a mixture of religious or non-religious venues. With many in society choosing a belief structure that is not always strictly aligned with an existing religious doctrine, a range of venues allows them to choose a venue according to their conscience.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**In support**

Many LGBT individuals have strong religious convictions and would welcome the choice to celebrate their marriage with a religious ceremony where the religion chooses to accept same gender marriage. This would be a welcome benefit for all.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**In support**

I would welcome this. Where an individual opts for a gender recognition change and where their existing partner wishes to stay with them, it would be an unnecessary encumbrance to expect a couple to divorce and remarry where there is agreement within the existing marriage.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Whilst I find that I cannot accept many of the arguments proposed for refusing to accept same sex marriage, I respect that in a free and fair democratic society that those with differing views to my own must be free to express them provided that expressing those views does not cause harm or discriminate anothers freedom. Teachers should not be forced to teach only a single view as long as their own views do not harm LGBT children in their care by teaching discriminatory views. Religious organisations should be free to express their religious doctrines as long as they do not use this as a weapon to discriminate in the services that they offer to society.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is crucial to a fair society. Even those who teach hateful or harmful things are better held to account by free and frank discussion than by suppression. That said, there is a point at which we should not allow all speech
regardless of how much hate it may contain as a great deal of damage can be done to the human spirit by discrimination/oppression. It is right, therefore, that legislation permits free speech whilst protecting vulnerable individuals from hate speech. It is a difficult balancing act but one where we should always be looking to ensure that all legislation balances the rights and responsibilities of everyone in society.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?
In support
I would like my friends to have the choice of marriage in the same sense that I have it

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Very welcome the idea and our society should embrace this

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
Not sure what qualifications a belief celebrant has

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
People should have the choice of a non-religious wedding

How would you characterise your views on civil partnerships changing to marriages?
In support
Very supportive - I have a few friends who would love to marry their partners

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Same for all

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
Some of my gay friends are members of church groups and I want them to have their beliefs recognised.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I have no specific comments.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

It's a progression of society.

**Would you like to comment on the wider issue of freedom of speech?**

This is an issue that I support, but not when it's for intolerance or abuse of others.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

No comments.

**Are you responding as...**

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Long overdue equality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Bill brings clarity.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
As much as I disagree with the religious views held which say same sex relationships are against the teaching of the bible I do believe everyone has a right to their beliefs - the bill gives lot out options and I agree with that.

How would you characterise your views on civil partnerships changing to marriages?
In support
Both should be options so civil partners shouldn't be forced to marry. I think the bill achieves this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
I actually thought this was already possible.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Don't know enough on this to offer opinion.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a Christian in a same sex relationship I know how strongly held some opinions are. But I also know that those true believers also recognise that God loves us all. I would not want the law to force anyone’s hand. Eventually God will lead all true believers to see the light and understand that love is love, no matter the sex of the individuals.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
My opinion should not matter. It is a private matter between consenting adults, in which equality should be axiomatic.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
Neither
As long as those who's status changes are the ones who have made the decision.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Religion should be a non-factor unless those getting married choose for it to be

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Requiring that someone halt a marriage to change gender when all parties involved want to remain married is nonsensical, this should again be an individual choice.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protected from what. I'm concerned about different sex marriage, where's my protection?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The only people who will be affected by the introduction of same sex marriage are those couples who are denied equality and choice at the moment. No other
disenfranchised group are denied rights in society like this and it is time that the government pushes society to treat people equally!!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No, I wouldn't.

Would you like to comment on the wider issue of freedom of speech?
No.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I'm worried about teenagers and how stressful it can be when you are that age and know that you are gay but know that family and possibly friends too will not accept this. The more things that we can make "equal" for heterosexual and gay lifestyles, the

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Very much in support, this is something that needs to be changed and is ridiculous that it hasn't already. It is horribly unfair to expect trans* people to separate from their partners while they obtain the certificate, this should be a bigger priority, a

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support
Equality matters.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
Should person wish it.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Equality for all matters.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is different from hate speech. Speech which uses homophobic transphobic language should not be tolerated.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Civil partnerships for different gender couples should be available.

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I want to be treated and viewed as equal to my friends and family, somehow civil partnership is still viewed as not quick as committed as marriage

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

Strongly agree to this as a route to equality

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

A is currently with heterosexual marriage

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Tis is a matter for the couple not the state

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think that the wider society requires educated in respect to equality there is protection needed to same sex couples not society

**Would you like to comment on the wider issue of freedom of speech?**

Only in so much as it falls within the bounds of other laws such as not being able to have freedom to be homophobic

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I am proud to live in a country where the powers at be and laws support my right to equality and where I now have a right to be equal and feel equal what a long way we have travelled since I was a teenager.

**Are you responding as...**

a private individual

23 August 2013
How would you characterise your views on the Bill in general? 

In support

The Humanist Society Scotland (HSS) heartily endorse the thrust of the Bill and the intention behind it, to create a more equal Scotland. As the fundamental principle behind Humanism is that every human deserves equal rights, the HSS fully supports both allowing same sex couples to marry and equalising the status of Belief celebrants. As believers in a secular state where all are treated equally, the HSS regrets that within this Bill heterosexual couples will not have a right to form civil partnership but welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law and promptly enact legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally the HSS would like to see the criteria on which organisations are judged as suitable to conduct marriage being applied equally. In chapter 3, section 2 of the Bill this would require an amendment to the Bill which would remove the privileged status of The Church of Scotland currently enshrined in section 8 (1) (a) (i) of the Marriage (Scotland) Act 1977. For clarity and to reflect their equal status in law, where previously some titles of Christian Celebrants eg, minister, priest or pastor have been specifically included, these specifics in the Bill are replaced throughout by the phrase Celebrant of a Religious or Belief body.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other? 

In support

This bill removes discrimination

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants? 

In support

I strongly support this, I see no need for privilege given to Church personnel.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)? 

In support

The HSS supports the right of celebrants of all beliefs and religions to opt out. We appreciate the care that has been taken to allow a conscience opt-out for individual celebrants where their organisation has opted in to conducting same sex marriages.
We are therefore disappointed that the reciprocal freedom of conscience has not been granted to allow individual celebrants within opted-out organisations from individually choosing to conduct same sex marriages and civil partnerships. A small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious or belief bodies that wish to, should be permitted to continue to use the “husband and wifeâ€” gendered form of the marriage ceremony, and same sex couples should be also be given the choice of wording within a civil marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

There should be no costs involved in changing a civil partnership to a marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I agree with this.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

I believe that it should be up to the couple to choose the type of legal recognition they want for their relationship.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

All discrimination should be illegal.

Would you like to comment on the wider issue of freedom of speech?

When considering calls for conscience clauses or protection of freedom of speech on this issue, I would ask for equal marriage to be treated in the same way as equality law on race, gender or disability and those with other protected characteristics.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
The HSS agree with politicians and the Registrar General that conducting marriages should not be a business. As a charity, the ceremonies carried out by our celebrants are only part of our work but we are concerned that some charities have been set up which appear to be operating as marriage businesses. We therefor we welcome the modification to Section 12: Temporary Authorisation and, for clarification, that the criteria for suitable organisation should be defined as in section 10 (4) (a), and we request that if no other criteria for temporary authorisation should be permitted.

**Are you responding as...**

a celebrant

Humanist Society Scotland Celebrant

23 August 2013
How would you characterise your views on the Bill in general?

In opposition

I think that the Bill is gratuitous - it arises neither from a manifesto commitment nor from any widespread public concern. It may be that there is no great public opposition to it, but I believe that if enacted it will have a corrosive effect on the institution of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It is unnecessary from a statutory point of view - as I understand it, all the legal protections associated with marriage are already afforded to same-sex couples through the civil partnership legislation. It is an affront to the dictionary definition of marriage, which is a sexual union between a man and a woman - for the purpose of mutual support and the rearing of children. I understand that what is proposed is not even "equal" marriage, in that in heterosexual marriage unfaithfulness will remain a ground for divorce, but not in same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Churches - I understand that cases against churches unwilling to celebrate same-sex marriage may end up in the European Court of Human Rights, with the risk that the protection afforded by the Bill could be overruled. Officials - in particular chaplains, teachers and registrars, but possibly going wider - who have scruples about same-sex marriage could be dismissed. Even ordinary employees expressing views on the matter could be at risk, if their management has adopted an "equality" policy. Parents may well be concerned about the teaching given to children in sex education lessons, and about their ability to withdraw them if same-sex marriage is being assumed or approved of.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

19 August 2013
How would you characterise your views on the Bill in general?

In support

I believe that the Bill will benefit the entire LGBT community. It means that all members of the community will feel they are being properly represented in law.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The introduction of the Bill will mean that LGBT relationships and families are recognised by law and in religion, as well as showing that the government is in support of said relationships and families. I believe that this will lead to a lowered intolerance towards the LGBT community.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I believe that a third way of marriage should be equally recognised in law as religious and civil services are.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I support the idea of celebrants being authorised to solemnise both opposite and same sex marriage’s, as long as the celebrant is willing to and is not forced to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

I believe the option to enter into marriage should be given to those already in a civil partnership, as a marriage may have been what they wanted when they instead had to settle for a civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I support this as long as all parties are in agreement.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I believe that if those within civil partnerships wish to have their relationship recognised by a religious/belief organisation, then they should be allowed to do so.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I am in full support of this decision and actually find it rather shocking that transgendered individuals have no choice but to divorce their partner or spend their life trapped in what they deem to be the wrong body.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't believe that those in society who have concerns require protection. Their issues are fueled by their own ignorance. It may benefit to provide better education on the LGBT community and LGBT relationships in schools to aid in filtering out ignorance and prevent homophobic/transphobic bullying.

Would you like to comment on the wider issue of freedom of speech?

I believe that everyone is entitled to share their opinion on any given subject. However, they must be aware that this doesn't mean their opinion is correct.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

If this bill comes into law, I believe it would be beneficial to include same-sex relationships, transgender individuals and the LGBT community in general in education. I believe this would help nurture tolerance towards the LGBT community, make adolescents more comfortable being open and honest about who they are knowing they are accepted and protected and it would reduce homophobic/transphobic bullying within schools/education if adolescents are taught that these individuals do not threaten the way they wish to live their lives.

Are you responding as...

an academic
a private individual

21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

The gay community has not called for this legislation and as they already have all the legal rights of marriage in civil partnerships it is unnecessary. Redefining marriage as proposed will undermine the stability of the family which is the cornerstone of any organised society. Traditional marriage where a family has both mother and father in a stable relationship has been shown by research to be the best environment for raising children. Instead of pursuing this unnecessary legislation it would be more helpful to spend resources on supporting families to provide that stable environment.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Since it has been lawful for a very long time for same sex couples to cohabit without restriction or without any expressed desire for marriage by them one can only draw the conclusion that this is a political football being used by anti religious bodies to remove any influence of religion from public life. It seems that Christianity in particular is coming under pressure from these secular and atheistic bodies who are very quick to bring legal challenges using human rights and equality legislation as a lever. This is not an outcome which in any way will promote equality. People of all religions /faith groups are members of the public and have a legitimate right to be represented within all aspects of public life and to have their views and lifestyle openly respected and not sidelined or misrepresented as it is at the moment. Legal provision should be made to prevent people of all faiths from losing their jobs because of their beliefs and employers both in the public and private sectors should be legally bound to make provision for them to opt out of situation which go against their religious beliefs and conscience. Speaking as a nurse where it has long been the case that you could refuse, without recriminations, to assist in abortions there is always someone who can fill in without serious disruption of services.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Isn't it ironic that they wish to ape the religious ceremonies they so despise?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Having taken note of what has been happening in England I oppose this as in spite of so called strong legal protection there is already a legal challenge by a same sex couple to the Church of England to try and force them to perform same sex marriages. The law hasn't even come into force yet! Even if the law is upheld in the UK this will inevitably end up in the European Court of Human Rights where our laws can be overturned. There is no sure way of protecting the rights of religious bodies to opt out of same sex marriages so the only way is not to introduce the law in the first place. Same sex couples will gain nothing by these ceremonies that they do not already have. Those who are aggresively forcing this legislation through will obviously stop at nothing to achieve their goals and have no real interest in true equality and respecting the rights of all.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

See previous argumants

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There have been many cases where people have lost their jobs because of their beliefs and unwillingness to participate in activites related to same sex issues. This is a violation of their human rights. People should not be disadvantaged in life because of what they believe. People have also been discriminated against and arrested because they have voiced their opinions on the whole issue of homosexuality at work or in public and even their personal e-mails to friends have been used against them. This is not creating equality in society. It is creating oppression and destroying freedom of speech which is a fundamental principle on which any civilised democratic society is founded. I have no faith in the Westminster government as they have consistently lied to the public on the issue of same sex marriage. They said after civil partnerships were introduced that they would never legalise same sex marriage, They said politicians would have a free vote on the issue but still used the whip to bring dissenters into line. They have targeted companies telling them to sack
employees who refuse to assist same sex marriages. They changed the time of the vote to disadvantage opposition and the equality committee who scrutinised the legislation was unequally weighted with an over representation of pro same sex marriage supporters. This hardly gives us, the public, any confidence in the integrity of government. I would like to think that in Scotland we have a more balanced approach but can only wait and see.

Would you like to comment on the wider issue of freedom of speech?

Everyone is entitled to hold their personal views on same sex relationships and should be free to speak in open debate. I do not think that teachers should be forced to teach about same sex marriage if it is against their beliefs and preachers, chaplains and counsellors should be able to represent their views publicly and be able to give counsel to those who seek advice on sexual matters where they request such help. There should be protection from complaints from people who have misled them by agreeing to accept counsel then reporting them afterwards. People may not always agree with their counsellor but they do not have to accept it anyway.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Parents should be able to withdraw their children from lessons on sexual issues especially where same sex relationships are concerned. They should be given timely warning by the school that these will be taking place so other arrangements can be made. I think children are taught about specific sexual issues far too early. They should be allowed to get on with their basic education and enjoy their childhood without the pressure of issues beyond their ability to understand. Questions can be dealt with by the parents at home as they know their child best and what they are mature enough to handle. One size does not fill all! Finally, can I remind one and all that every species on the planet mates male/female and the human body is designed for heterosexual relationships not same sex ones. Whether you believe in a Creator God or one of the many theories of evolution these are biological realities and should be remembered when considering how we handle these issues.

Are you responding as...

a private individual

14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In opposition

The United Nations Declaration of Human Rights defines marriage as a union between a man and a woman. The Oxford English Dictionary defines it as “the formal union of a man and a woman, typically as recognized by law, by which they become husband and wife”. It would be a presumption on the part of the Scottish Parliament or any other body to seek to alter the realities of biology and claim to make such a union between two people of the same sex. The public meaning and expectation of marriage could be altered from a defined and integral part of the fabric of society to a mere right to express subjective personal preference.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The relationship between two people of the same sex, however loving and affirming this may be, cannot be equated with marriage which carries with it the concept of kinship and the continuance of human relationship beyond the personal arrangement and preference of one generation. It is not possible to ‘divorce’ procreation from marriage and procreation is not a physiological option for same sex couples without going outside the relationship. Same sex couples can co-habit, just as opposite sex couples can (and do) but to alter the definition of marriage to accommodate even strongly held views is to diminish the relationship of marriage. This is not a matter of fairness, it is a matter of moral relativism where “what may be right for you may not be right for me”. This leads society away from a definition of a ‘one flesh’ union between a man and a woman towards personal choice determined by preference.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

The difference between religious celebrants and belief celebrants is not at all clear. All would define their position by their beliefs.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

We do not believe that same sex marriage is a valid concept and therefore arrangements to solemnise same sex marriage would be, by definition, invalid.
How would you characterise your views on civil partnerships changing to marriages?

In opposition

We do not believe that same sex marriage should be introduced for the reasons given above. Civil partnerships and marriage are different in essence and the two concepts should remain separate. The pressure to equate same sex relationships with marriage is clearly political rather than moral and the Scottish Parliament would be giving consent to this if they became interchangeable. We do not believe this would be in the best interests of our Nation.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

This sounds very like a 'fudge' to make Civil Partnership into a form of marriage. The religious and belief element is a matter of conscience and a measure of flexibility on the part of religious and 'belief' bodies may well be appropriate, but this should not be a matter of law. It is recognised that Civil Partnership confers upon the participants all the legal and financial provisions available to a married couple and the re-definition of marriage would confer no substantial advantage.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The re-definition of marriage has implications for many different areas of society, not least, the place of conscience and deeply held beliefs and principles. The militancy of the 'Gay' lobby makes it inevitable that any perceived infraction of equality whether by individuals or groups will be pounced upon with the result that anyone who disagrees is likely to be subject to attack. Discrimination is not a one-way issue. The individual's position on the validity of same-sex marriage has the potential to become a tool of discrimination, even to the point of loss or refusal of employment. The most obvious instance, already apparent in relation to Civil Partnership, is the position of Civil Registrars. Some who may accept Civil Partnership as granting appropriate legal and civil rights would object strongly to same-sex 'marriage'. Would it not be discrimination to deny them a conscience clause? Article 9 of the Declaration of Human Rights gives a right to 'freedom of thought, conscience and religion.'and, since the Scottish Government has subscribed to that Declaration, it
has an obligation to fulfill this provision. There has been a succession of cases brought before the European Court of Human Rights in which conscience and belief have been the issue. In some of these only lip-service has been given. The Public Sector Equality Duty requires public authorities to "have due regard to the need to remove disadvantages suffered by persons who share a relevant protected characteristic (e.g. sexual orientation) that are connected to that characteristic" and there is considerable concern to maintain that duty, but it must be recognised that the needs of one group do not cancel out the needs, or indeed the rights of another. People who, on the basis of belief and conscience cannot accept any new definition of marriage must not be allowed to be treated less favourably in decisions regarding employment, contracts, grants or use of public facilities. It is entirely possible that those holding to a traditional view of marriage might be be directly disadvantaged in relation to fostering, adoption, housing, employment, charitable status, use of premises and other areas of public responsibility. Of particular concern is the area of education. Article 14 of The European Charter of Human Rights recognises "the right of parents to ensure the education and teaching of their children in conformity with their religious, philosophical, and pedagogical convictions shall be respected." While open discussion of marriage, sexuality and personal orientation should not be discouraged in schools, where parents are concerned that a particular line of teaching is taking precedence over their own convictions, they should have the right to withdraw their children from such teaching. It is also of concern that children who have been withdrawn from classes might, themselves face discrimination. Parents and children do need reassurance and protection. The current emphasis by 'Stonewall' and other similar organisations to promote same sex 'marriage' and homosexual practice in schools is a matter of deep concern. Legislation to redefine marriage is being blatantly used to promote this emphasis.

Would you like to comment on the wider issue of freedom of speech?

With freedom comes responsibility; with rights come obligations. Freedom of speech is crucial in this context. In many areas at the present time the expression of well established and deeply held views is dismissed as bigotry, prejudice or dogma. Robust safeguard to ensure that no-one should be compelled to express agreement with same-sex marriage and that no-one should face sanctions for expressing disagreement with it. Bizarrely, those who stand clearly in support of a traditional view of marriage are now being held to be guilty of discrimination. The removal of Rev. Brian Ross from his post as Chaplain to Strathclyde Police because of his expression of disagreement with gay marriage in his internet blog, is a case in point. He was told that he 'could hold his beliefs in private but to publicly express them was a breach of the equality and diversity policy'. What is a Chaplain for, if not to express the beliefs of his Faith? Specific protection of the right to free speech and debate is necessary in any such legislation as this. Protection must be applicable across the areas of public order and equality, employment issues, and public order situations. Discussion or even criticism of same-sex marriage must not, on its own, constitute a breach of public order or equality law. Those who believe in traditional marriage and relationships must not be prevented, or even inhibited from discussing the issues with colleagues, employers, employees, customers or anyone else.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
The introduction of “Same-sex marriage” would lead to a significant blurring of the concept of marriage. This can only undermine the stability of family life in a society in which this essential component of human life and happiness is already under threat. It is no part of Government’s responsibility to interfere to this extent in the area of personal human relationships. It is one thing to give civil rights to a minority group which has perceived itself to have been marginalised but it is quite another to attack the concept of marriage by equating it with something to which can never be equivalent. The effect is likely to be a further trivialisation of marriage in our Society. We should recognise that same sex marriage cannot be anything but a “sham marriage” since it cannot fulfil the deepest elements of that relationship. It should not matter what is being done elsewhere. If we perceive ourselves as being an autonomous people we should stand up for our rights and our traditions.

Are you responding as...

a faith/belief local group or congregation

22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

In support, should the couples involved prefer this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a heterosexual man, I have no concerns whatever and I'm afraid I have little sympathy for those who claim to have concerns. I believe these 'concerns' are, more often than not, based on prejudice. Consequently, I am of the view that there is no
need for such 'protections.' However, I do believe that the bill, even with such 'protections', is a significant step forward.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

21 August 2013
How would you characterise your views on the Bill in general?

In support

I care passionately about Scotland’s future, and hope that it will not allow itself to be left behind as the world modernises.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I was forced to go to Sweden to marry my partner, when I would have loved to marry her in my own country. Instead, I feel like a second-class citizen with a second-class relationship in Scotland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Marriage is not the property of religious institutions.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I think people in civil partnerships should have the option to remain in them rather than be converted to marriage. Equally, I believe that heterosexual couples should have the right to civil partnerships. Marriage isn’t for everyone, but many people want legal security.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

But I believe they should also be allowed to take place on religious premises.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Religious organisations have been allowed to broadly discriminate unjustly for too long and no longer have the standing in society they once enjoyed. They should not be exempt from equality laws.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Why would this even be an issue?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They are not in danger. Their concerns are based on fear and hatred, and pandering to those fears will not allow society to progress.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech does not extend to hate speech, and too many times during this debate 'freedom of speech' has become a 'acceptable' cover for homophobic and damaging opinions to be publicly aired. I speak of course, of comparisons to bestiality or peadophilia that are apparently acceptable to declare in parliament or in public address as though they are facts. There comments are deeply damaging to the LGBT community, who have not in the least been protected from them. In fact, we have been told instead that the legislating of our equal rights in a 'moral' issue. I cannot express how deeply offensive this is.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Stop allowing legislation to be altered or lobbied by the religious right. They have no investment in the future of this country, only their own bigoted goals.

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In opposition

This proposed Bill creates more equality than it solves. Adultery law and principle is inseparable from the current concept of marriage and will remain for heterosexual couples and cannot be applied to same sex partnerships. Creating a new inequality. The redefinition of marriage will therefore be in name only because the concept can only apply to heterosexual couples. The same concepts of a consummated relationship and infidelity are not being applied to same sex relationships and therefore show that the Bill is not offering marriage even by refining the term. If the Government are serious about equality they will have to change legislation to offer civil partnerships for heterosexual couples. Again without this a new inequality in society is being created and will end up being very expensive as I believe, there will be in the not too distant future, many cases of inequality taken to the European courts. The Civil partnership law already established gives the necessary legal framework to protect same sex partnerships, giving same sex partners all the legal rights of heterosexual couples. The new Bill will not as far as I can see offer any new legal benefits to same sex couples. It is my view that the concept of civil partnership already legally protects same sex couples and that the new Bill as it stand will not achieve what its supporters think it will. It will create new challenges in society that the general public will not be willing to endorse. For it to work, terms such as husband and wife, mother and father will have to be removed from so much established legislation. Supporters Gay and straight do not in my opinion understand the long term effect of redefinition and once redefined the gateway that opens for more redefinition in society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The marriage ceremony is a public declaration of commitment and responsibility with promises made that are dissolved by death or adultery. The new Bill does not draw same sex relationships into the same substantive legal frame work and therefore is not the same thing and cannot be called the same thing. If the commitment obligations are different then surely the relationship is different and has to be categorized differently. Marriage as it has been known and practiced for centuries is a protective framework for the procreation and raising children. It spans culture language race and religious issues and gender issues - I don't see that we in the 21st century have the right to redefine it. Others have in the past only for it to be reestablished.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

It would depend on the governing structure established and potential training / monitoring. This carries a huge responsibility as you officiate at a ceremony where two people make a binding agreement with legal repercussions. This should not be opened up lightly. Even now under the current system, those linked to a denomination are internally trained and monitored and other church groups have to apply for renewed permissions. every three years

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

As I have already explained they cannot be defined the same. The Civil Partnership was necessary to protect, same sex couples in our society and has for them brilliant legal rights the same as marriage law. To be fair in society forever the government need to look more carefully at heterosexual couples who would rather have a civil partnership and cases such as two sisters sharing a home and their legal rights on the death of another etc etc

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

If the legislation went ahead you would have to allow the ceremonies to happen anywhere, the celebrant being solomised and not the building. As is the case now for marriage celebrants. Unlike the English system where the solomisation of a building is a factor

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

22 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am opposed to the Bill's proposals.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is not merely a tradition that is to be treated lightly. It is foundational to society. It predates law, nation and church. Over the years, the law has never fundamentally altered the essential make up of marriage: a lifelong commitment (crucially) between one man and one woman. The proposal to redefine marriage now is unconventional in the extreme and unprecedented.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Churches / celebrants who refuse to marry same-sex couples will be susceptible to litigation. There are insufficient safeguards in place. This is cause for concern. Endorsing the current definition of marriage must not be used by public sector employers to dispute / question the equality and diversity credentials of existing or prospective employees.

**Would you like to comment on the wider issue of freedom of speech?**

There are different views on this issue, and many hold to the historic, traditional and long-standing definition of marriage, which is a position / view worthy of respect in a democratic society. Those holding that view have a right to be able to express it without fear of intimidation.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

ANONYMOUS SUBMISSION

How would you characterise your views on the Bill in general?

In support

The bill is an exceptionally important step towards equality in Scotland. I strongly welcome this bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Having something separate i.e. civil partnerships does not equate equality. Even when they offer the same protections legally, using different language means that they're something 'other' and will be looked on as such. Having something 'other' puts people in same-sex relationships as second-class citizens and leads to continued discrimination. The law should treat all marriages equally regardless of gender. As a 25 year old gay woman, I hope that Scotland - the country that I have been born and raised in, and that I love - will support me in my love of another person and allow me to commit my life to her in marriage. Even if marriage isn't something I ever choose for myself and my own relationship, I hope that I will have the option like all other citizens of this country. It is essential to me that Scotland is a country where equality, fairness, tolerance, respect and diversity are our shared values and I think the introduction of same sex marriage is fundamental to this.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree that religious celebrants should have the freedom to decide for themselves and that opt-in procedures are the correct and respectful way of doing this.

How would you characterise your views on civil partnerships changing to marriages?

In support

I support this as an option for those who want to their change their CP to a marriage, however respect that some people may not in fact want this and it therefore should be an option for individual couples to decide.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support trans people who are married to get their gender recognition without having to divorce

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I think the introduction of mixed-sex civil partnership is an important addition. For full equality it is essential that marriage be available to mixed-sex and same-sex couples, as well as civil partnerships being available to mixed-sex and same-sex couples. Regardless of gender these options should be available. I think it also better supports trans people in achieving their gender recognition certificate without the need to change their CP to a marriage. If 2 people want to remain in a relationship then they should be able to do so, one person's gender reassignment should not mean that legal status be dissolved, offering CPs and marriages regardless of gender would support this.

Are you responding as...

a private individual

22 August 2013
How would you characterise your views on the Bill in general?

In support

I think the inequality here is vile and indefensible. I think that opposition should be called on the bigotry that it is - even if religious. Sanctioned discrimination is still discrimination.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I want to be free to get married in my homeland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is only fair.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree with the opt-in for practical reasons, thought I would prefer an opt-out system. As long as all couples have equality then I am happy.

How would you characterise your views on civil partnerships changing to marriages?

In support

I think all CPs should be upgraded but only because I disagree with the tiered system. I think that civil partners should be free to upgrade or keep their CP but I think that civil partnerships should be stopped and no more given out.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I don't see why religious premises can't be used with consent but I think this is a brilliant idea. Marriage should be a liberal and loving ceremony, not confined.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I think civil partnerships should be ended.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is absolutely necessary. There is no justifiable opposition.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Bigotry does not need to be protected. Though people can have their opinions against equality there is no need to enshrine them in legislation and no need for bigoted actions and statements to be protected. Disagreeing with equal marriage does not require we trip over ourselves not to be equal, it means that some people should get perspective and stop their hatred. We need more education on sexuality in general and ESPECIALLY on non-straight sexualities in schools to protect people from themselves as regards bigotry.

Would you like to comment on the wider issue of freedom of speech?

There has been no infringement on freedom of speech that I’ve seen. I think there should be louder condemnation of the opponents of equality - protecting your voterbase by failing to stand up for your marginalised constituents is deplorable. It's popular to stand up for women and racial minorities but still not cool to defend LGBT people and you all need to consider why you aren't tearing up headlines in condemning the bigotry of equal marriage opponents.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am exceptionally pleased by the provisions for Humanist ceremonies and the liberalisation of location if agreed with the registrar.

Are you responding as...

a private individual

Anonymous

30 July 2013
OTHER WRITTEN EVIDENCE: OTHER SUBMISSIONS

Abercrombie, David
Action for Children
Adam, Heather
Ainsworth, Mary
Aitken, Gordon
Aitken, Graeme
Alexander, Isla
Alexander, James
Allan, Andrew
Allan, Grant
Allen, Mrs K
Allison, Archie
Anderson, Peter
Anderson, Robert
Anstey, Christopher
Anthony, David
Anthony, Lily
Arnott, Andrew
Ashman, Alex
Atkinson, Michael
Avison, Amanda
Bain, Hugh
Bain, Peter
Baird, Prof. Alfred
Baird, William
Baker, Sally
Baptist Union of Scotland
Barker, Timothy
Barrie, Emma
Barringer, Brian
Bat Or, Clare
Beattie, Jennifer
Belcher, Helen
Bell, Gordon
Bender, Rev. Stephen
Bennet, Lorna
Bentley, Steven
Beresford, John
Bestwick, Christine and John
Bevington, Jim
Beyer, Erin
Bhatti, Lesley
Bi Community News
Black, David
Blackburn, Helen
Blance, Darren
Blench, Declan
Boden, Fergus
Bo'Ness Old Kirk (Church of Scotland)
Boyle, Anne-Marie
Bradley, Samuel
Braine, David
Braithwaite, Megan
Brash, Derek
Bray, Isobel
Brew, Marc
Brian, David
Brodie, Andrew
Brown, Allan
Brown, Ian
Brown, Lesley Anne
Brown, Talitha
Browne, Phil
Brownsey, Paul
Burn, Rowan
Bush, Alan Mark
Butterworth, Frances
Buxton, Anthony
Calder, Calum
Calder, Stephen
Calvary Carluke Christian Fellowship
Calwell, Michael
Cameron, Ross
Cammisar, Georjean
Campbell, Anna
Campbell, Craig
Campbell, Douglas
Care
Carlin, Eric
Carmichael, Alison
Carmichael, Helen
Carnall, Jane
Carroll, Sinead
Catholic Truth
Cavers, Shelia
Chandler, Fiona
Changing Attitude Scotland
Chapman, Vaila
Charlotte Baptist Chapel
Charleston, Taylor
Charlwood-Green, Lisa
Cheyne, Susan
Children in Scotland
Chmiel, Ross
The Christian Institute
Christy, Neil
Chryston Church of Scotland
Church of Scotland – Watt, Rev Dr Hugh
Clark, Jessica
Clark, Matthew
Clarkson, Jamie
Clayton, Kevin
Clement, Rebecca
Clinton, Michael
Cochrane, Audrey
Coleman, Emma
Collins, Owen
Community Church Edinburgh
Convery, Maeve
Cookson, Lucas Jaiden
Coroon, Rebecca
Cowie, Kevin Mark Stephen
Craig, Margaret
Cree, Lisa
Creechan, Henry
Creechan, Michael
Crockard, Deborah
Crown Office and Procurator Fiscal Service
Crozier, Caroline
Cruikshank, Paul
Cummings, Chelsea
Cunningham, Stephanie
Custodio-Forbes, Hugh
Dalrymple, Amy
Dalziel, Kirsty
Daniel, George and Linda
Davidson, Euan
Davies, Hugh
Davis, Laura-Jayne
Deeside Christian Fellowship Church
Denyer, Veronica
Diamond, Ian
Dian, Jenny
Dickie, Eileen
Dickson, Karen
Dietz, Karen
Digance, Claire
Dix, Fiona
Dodds, Dr Euan
Dolby, Douglas
Doran, David
Dorigo, Lewis
Douglas Renton Ministries
Downie, David Nathan
Dowsett, Rosemary
Ducker, Judi
Duffy, Chris
Eadie, Danielle
Earlie, Nancy
East Ayrshire Council
Edwards, Andrew
Edwards, Julie
Emily
Ewing, Mandy Evans
Faculty of Advocates
Farrell, Keith Francis
Faulds, Allan
Faulkner, Emma
Ferguson, Gavin
Fife Islamic Centre Glenrothes
Figures, Craig
Findlay, Alan
Finlayson, Connor SP
Fire Brigades Union LGBT National Committee
Fitzpatrick, Storm Potratz
Fleming, Donald
Forbes, James
Forde, Amanda
Fothergill, Rev Andrew
Fox, Richard
Fraser, Grant
Fraser-Granados, Tim
Free Church of Scotland - Dr John Morrison
Free Church of Scotland (Continuing) – Public Questions Religion and Morals Committee
Free Church of Scotland - Thomas Davis
Free Presbyterian Church of Scotland
French, Deborah
Frew, Iain
Fulton, Kirsty
Gallagher, Aodhan
Gallagher, Daniel Arthur
Gann, Roger
Garman, Chris
Gay, Charlene
Gibson, Alexander W
Gill, Catriona
Gilmour, Paul
Glasgow City Council
Glasgow Unitarian Church
Goodhall, Adam
Goodman, David
Gordon, Jimmy
Gorman, Caroline
Gosling, Sarah
Graham, Natalie
Granados, Michael
Green, Liz
Greig, Shaun
Gronowski, Dr Rebekah
GUSRC
Gusterson, Mary and John
Hadfield, M
Haga, Ismar
Haggerstone, Linda
Hall, Tim
Halliday, Amy Denise
Harkinson, Anthony
Harris, Jennifer
Harris, Paula
Hart, Eric
Hearty, David
Heggie, Louise
Henderson, Roisin
Hendry, Courtney
Henry, Lynne
Heppell, Pat
Heppenstall, Jane
Higgins, Sherrie
Holdsworth, Ashley
Holmes, Mark
Honhold, Nick
Hopkins, Al
Hothersall, Duncan
Howard, C B
Howie, Alexander G
Howitt, Jamie
Hoyda, Claire
Hughes, Helen
Hughes, Ian
Hughes, Laura
Humanist Fellowship of Scotland
Humanist Society Scotland
Humphrey, Rhianna
Hunter, Ciaran
Hunter, Dr Ross
Hunter, Glen
Hutchin-Bellur, Sunil
Hutchinson, Ellie
Hutchison, Craig
Hutchison, Kirsty
Hutchison, Maureen
Hyams, Cheryl
Hylands, Jamie
Inglis, Stewart
Inshes Church of Scotland
Jack, Gillian
Jack, Ross
Jackson, Fiona
Jackson, Marilyn
Jeffrey, Peter
Jewish Gay and Lesbian Group
Johnston, Fiona
Jones, Hefin
Jones, Ria Elaine
Jupp, Ed
Keilty, Ray
Kellner, Anna
Kellock, Andrew
Kelly, Blair
Kelly, Kathleen
Kennedy, Maureen
Kermode, Jennie
Kidd, Benjamin
King, Roslyn
King, Sam
Kingswood, Jane
Kinmond, James
Klip, Hugo
Laing, David
Law Society of Scotland
Lee-Chan, Bryan
Leinster, Paul
LGBT - Bristol
LGBT - Labour Scotland
LGBT - Youth Scotland further submission
LGBT+ Liberal Democrats
LGBTory
LGCM
Lindsay, Caron
Linton, Mary
Little, Eilidh
Little, Gordon
Livingstone, Marc
Lloyd, Beth
Lloyd, Raychel
Lockhart, Mary
Love, Edward
Mac An Tuairneir, Marcas
MacConnell, Mr FJ
MacConnell, Mrs Angela
MacDonald, Angus
Macdonald, Don
MacDonald, Sheila
MacGillivray, Moranne
MacGregor, Loran
Mackay, Raymond
MacKenzie, Bill
MacKenzie, Jennifer
MacKenzie, William
Maclean, Sarah
MacLeod, Fraser
Macleod, Murdina
Macleod, Alasdair BM
Macphail, Kevin
Macpherson, Catriona
MacRae, Jeanette
MacVicar, James
Madden, Niamh
Magee, Andrew Campbell
Manning, Mark
Mansfield, Nigel
Marshall, Heather
Marszalek, Agnes
Martens, Roushan
Martin, David
Martin, Iain
Martin, Lee
Mason, Jonathan
Mathers, Avery
Mathie, Hugh Alexander
Matthew, Laurie
Mauchline, Emma
McArthur-Worbey, Fiona
McBride, Kenneth Martin
McCabe, Liam
McCahill, Seanpaul
McClure, Anne
McCrone, Carolyn
McDonald, Eilidh
McDowell, Jacqueline
McFarlane, Fraser
McGarva, Michelle
McGread, Vincent
McGregor, David
Mcguire, Siobhan
McInally, Clarisse
McIntosh, Alex
McIntosh, Colin Stephen Anderson
McIntosh, Hugh
McKay, Gemma Caitlyn
McKenna, George
Mckenna, Revd Scott
McKiernan, Jennifer
McLay, Alan
McLean, Derek
McLean, Jackie
McLeod, Lindsey
McMahon, Alan
McMurtrie, David
McNicoll, Nik
Merican, Kat
Millar, Stephen
Miller, Marsali
Miller, Staci
Milner, Kerri
Mitchell, Gregory
Mitchell, Vivienne
Mitchison, Shirley
Monsma, Kylie
Moody, Maria
Mooney, Agnes
Moreland, Caroline
Morland, John-Ross
Morrison, Ian
Morrison, Katie
Morrison, Mrs Betty
Morrison, Murdo
Morrison, Peter and Marion
Morton, Craig
Mothers’ Union
Muir, Greig
Murray, Elizabeth
Muslim Council of Scotland
National Trans Police Association
National Union of Journalists
McCallum, John
Nelson, Sandy
Newth, Hilary
NHS Grampian
NHS Greater Glasgow and Clyde
NHS Highland
Nightshade, Cleodhna
Nobbs, Brian
Noble, Alastair
North Lanarkshire Muslim Women and Family Alliance
NUS Scotland
O’Docherty, Neil
O’Hara, Andrew
O’Hara-Thomas, Mark
One Spirit Interfaith Foundation
O’Neill, Jennifer
O’Neill, Joanne
O’Neill, Thom
Osborne, Nicola
Our Lady of Perpetual Succour Parish
Overton, Kim
Oxborrow, Trevor
Pagan Federation (Scotland)
Parish Church in the Church of Scotland
Paterson, Iain
Paton, Hugh
Pearce, Dr Augur
Pinkett, Blair
Plushkis, Ronald
Porter, E
Porter, Jemma
Pott, Jonny
Potter, Megan
Potter, Rosemary
Potter, Stella
Predota, Elinor
Preston, Susan
Price, Julie
Priest, Alex
Proctor, John
Puntis, Timothy
Qiu, Alexander
Quakers – Helen, Keating
Quinn, Robin
Randall, David
Rankin, Jason
Reilly, Joe
Religious Society of Friends (Quakers)
Reoch, Gillian
Reynolds, Michael
Rhatigan, Tara
Richards-Hill, Jaye
Richardson, Nathan
Richter, C
Rigg, Simon
Robertson, John
Robertson, Sabrina
Robertson, Tony
Robertson, Victoria
Robinson, Elaine
Rodgers, Sarah
Roper, Beverley
Rose, James
Ross, C Brian
Rowell, Karen
Russell, C
Ryan, Sylvia
Rychter, Tomas
The Salvation Army
Sarbat
Sayers, Samantha
Schmitz, Tony
Schofield, Freya
Welsh, Stephen
West Dunbartonshire Council
West of Scotland LGBT Forum
Westbury, Hannah
White, Nikki
White, Peter
Whyte, Ross
Wilcox, John
Wilkes, Daniel
Wilkinson, Sue
Williams, Anna
Williams, Derek
Wilson, David
Wilson, Fiona
Wilson, Hannah
Wilson, Hazel
Wilson, Patrick
Wilson, Sophie
Wilson, Stew
Wood, Andy
Woodsford-Dean, Mark
Wright, Ross
Wylie, Ralph
Wyllie, Callum
Young, Lynzi
Young, M C G
Zdravkov, Hristo
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
All people should be free to marry if they wish regardless of sexual orientation or gender status

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
All celebrants should have equal status and be able to marry any couple legally allowed to do so.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Any celebrant who can legally perform opposite sex marriage ceremonies should be allowed to perform legal same sex ceremonies.

How would you characterise your views on civil partnerships changing to marriages?
Neither
If a civil partnered couple wished to change the status of their relationship to that of marriage then there should be a mechanism in place to allow this to happen

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
I was under the impression that this was currently the case. I believe that as long as the celebrant is permitted to perform the ceremony and the couple are legally
permitted to marry then there should be no barriers to them carrying out the ceremony, including choice of location.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

David Abercrombie
23 August 2013
How would you characterise your views on the Bill in general?

In support

Action for Children supports the introduction of the Marriage and Civil Partnership (Scotland) Bill that will introduce same-sex marriage, put belief celebrants on the same footing as religious celebrants, allow civil marriage ceremonies to take place anywhere, other than religious premises, and allow transgender people to stay married when obtaining the full Gender Recognition Certificate.

Equality is one of Action for Children’s core values. We are a leading Stonewall Diversity Champion in the charity sector and the lead charity working with New Family Social to increase the numbers of lesbian, gay and bisexual foster carers and adoptive parents, as part of our work to find safe, loving home for vulnerable children and young people.

We believe that having a society that values and respects diversity provides a safer, healthier and inclusive environment for the vulnerable children and young people with whom we work. Equality for same-sex couples in marriage will contribute to building stronger families and communities and sends out a clear and positive message for children and young people with same-sex parents, and for young lesbian, gay or bisexual people themselves.

The proposal to allow transgender people to stay married when obtaining the full Gender Recognition Certificate will give an element of important continuity in families at a time of considerable change, and we welcome this.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Action for Children
23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Heather Adam
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM MARY AINSWORTH

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Mary Ainsworth
9 August 2013
How would you characterise your views on the Bill in general?
In support
This is a very positive and progressive step forward for Scotland. We are proud of our welcoming and caring national character and this Bill is a logical and progressive continuation of that. I personally welcome this Bill as it will level the playing field and publicly declare Scotland intentions to make everyone equal under the law.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
This is something I support very much as it is illogical & cruel that same sex couples can not marry the person they love. We can no claim to live in a fair & equal society until this Bill is passed.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
There should be no barrier to performing weddings, humanism, atheist, christian, muslim whatever it should all be equal under the law!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Churches and religious institutions should be able to opt in. However even if their own canon or law do not recognise a marriage between same sex couples then the law should.

How would you characterise your views on civil partnerships changing to marriages?
In support
People should be able to choose whatever is appropriate for them.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

The location should not matter!

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Many religious people are champing at the bit to perform same sex weddings. So allow them to legally do so with recognition under the law.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

The married the person, their soul if you will, not the genitals.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The only protection they would require is an opt in procedure. If they don't want to perform same sex marriages, then they don't have to.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

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**Are you responding as...**

a private individual

Gordon Aitken
14 August 2013
How would you characterise your views on the Bill in general?

I think this bill is along time coming. Everyone in Scotland should have the same opportunities as one another, and in marriage this should be no different. This bill should have been brought forward many years ago.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I think anyone living in Scotland should have the right to marry whoever they want to. Same sex or not.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

student

Graeme Aitken
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Isla Alexander
14 August 2013
How would you characterise your views on the Bill in general?

In support

Men and women of marriageable age have the right to marry and to start a family.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The European Court of Human Rights ruled in 2002 that this right extends to transsexual people who are now able to marry or enter civil partnerships in their acquired gender because of the Gender Recognition Act (2004).

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

It is time to disestablish the church in this country and put a stop to the unequal processes of giving moral authority to bodies that have proven their claims to guide us morally.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

It is important to give ALL people of ALL beliefs the right to self determination in the solemnising of their relationships and legally uphold partnerships.

How would you characterise your views on civil partnerships changing to marriages?

Neither

If anyone, or any couple wish to have a civil partnership they should be allowed this as their alternative choice to marriage. Equality!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

The European Court of Human Rights ruled in 2002 that this right extends to transsexual people who are now able to marry or enter civil partnerships in their acquired gender because of the Gender Recognition Act (2004).

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We are not all heterosexual and those that have concerns need to educate themselves and get over their incredulous prejudices which are based on ignorance and fear.

Would you like to comment on the wider issue of freedom of speech?

We are all entitled to free speech - and to express that speech without harm to others in appropriate forums. Your freedom stops when it impinges on someone else’s. You don't have to agree with another’s view but both sides merit hearing. Without freedom of speech, other fundamental rights, like the right to vote, would wither and die.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Bigotry and sectarianism are Scotland's not so secret shame, and the prizing in law or funding of any belief group over others is the root cause of many of Scotland's issues today.

Are you responding as...

a private individual

James Alexander
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

I believe Equality for LGBT people will only be successful for future generations if they can have the choice to be married in the same ceremonies as heterosexual couples, whether these ceremonies be civil, religious or other faith groups.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I believe allowing celebrants to opt-in allows the different faiths to retain their beliefs without forcing them and so if they opt-in the procedures will be in place to allow this.

How would you characterise your views on civil partnerships changing to marriages?
In support

I think it would make civil partnerships stronger to know that it has stepped up to a more equal footing with heterosexuals.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

It seems fair to have marriages anywhere.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition
I can understand having to adjust the fine print on civil partnerships however I believe firmly that the anti-gay marriage campaigners have used the idea of allowing heterosexual couples to opt for civil partnership as a means of setting back the campaign for Equal Marriage for all. To make changes to Civil Partnership may be a misdirected energy that should be going towards the Equality Campaign.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If couples are happy to stay married when one person changes gender then I see no reason to oppose that loving relationship to continue.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the concerns boil down to long seated prejudice and so the concerns, some of which will be heart felt, must be looked upon objectively and not be allowed to be clouded by intolerance and fear of difference.

Would you like to comment on the wider issue of freedom of speech?

Growing up in a small town, being gay was to be on the outside. Through time I have seen many changes in attitude amongst people which could be down simply to more positive portrayals of gay characters in film, television and in theatre. On Freedom of speech I would say only that, as long as protests are peaceful then, people should be allowed to speak their mind. Regarding a recent protest by the Anti-Gay Marriage Campaign in my own home town, I was disturbed however as there is a fine line between freedom of speech and a campaign of hatred and prejudice. Although it was an orderly and peaceful protest, I felt uncomfortable seeing this happen where I live.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Andrew Allan
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM GRANT ALLAN

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Grant Allan
20 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am for civil partnerships, not same sex marriage

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

If same-sex marriage advocates want equality, then the burden is on them to prove that a same-sex union is essentially the same as a heterosexual union in all regards. Otherwise, everyone knows that there is nothing "unequal" or "unfair" about treating two different things two different ways. Marriage has always been heterosexual. As same sex couples do not want to be heterosexual I wonder why they want a heterosexual ceremony?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

what is the difference? Some beliefs are religious some are not. They are still beliefs

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

As I am opposed to same sex marriage I am opposed to anyone performing such marriage.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

marriage means a heterosexual union If they want a specific name for a union then a word should be coined to mean a same sex union That would be equality, each type of union to have its own title

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither religious ceremonies should be where the religion specifies. Civil ceremonies could be anywhere.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support if a religion approves same sex union then it is up to them to allow such registration. If government departments wish to record all unions then it is up to them. Husband and wife should be terms still available for heterosexuals and not changed to suit any other unions.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition As I am opposed to same sex marriage I would also be opposed to this.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

You only have to look at what is happening in other countries besides our own, particularly America and Canada, to see what would happen if same sex marriages were permitted. Protected religious groups are being attacked in the courts and religious or non religious individuals or businesses are also under attack both in the courts and by aggressive action from vociferous same sex advocates. If examples are wanted I have links to sites where this has been reported.

**Would you like to comment on the wider issue of freedom of speech?**

Expressions of belief have become hate crimes. This is totally against personal freedom of belief and expression.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

All this has been pushed forward against the wishes and with no mandate from the general public simply because a very small minority have pushed hard. According to recent research, same sex attraction is social not genetic. Also, the majority of same sex couples do not stay together as many do not want permanent relationships. Already the ratio of 'divorces' for civil partnerships is higher than heterosexual marriages.

**Are you responding as...**

a private individual
How would you characterise your views on the Bill in general?

In support

I strongly support and welcome the bill. It will be a huge step forward for equality in Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe that Equality means making the same CHOICES available to all. Marriage is a legal contract and has status and value in our society. Same sex couples should not be denied this.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Generally I think that the opt-in procedures in the bill are fine. I would have preferred to see a complete change in the law so that ALL marriages are carried out in civil ceremonies only, leaving religious/belief ceremonies as 'added extras' by those who want them.

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
This is not something I had previously considered and I don't have strong views, other than to support anything that adds flexibility.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**In support**

I strongly support measures to allow transgender people who are married to obtain gender recognition without being required by the state to divorce. However, I'm not sure why a married person should need the consent of their spouse to obtain gender recognition. Perhaps it needs to be clarified that consent is only required when the couple seek to stay married. Presumably, without consent, the marriage will no longer be valid. Not sure about legal technicalities of this.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think that the bill has included more than enough protections for people with concerns about same-sex marriage. As previously mentioned, I would have preferred ALL marriages to be Civil contracts/ceremonies only, thereby removing the input of all religious/belief organisations, and the need to 'protect' them. I also support the Equality Network's views on any calls for civil registrars to have a right to opt out of conducting same-sex marriages. I also support the Equality Network's views on any calls for teachers to have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. Such measures would be the reverse of equality.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Archie Allison
2 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do not see how religious objections should be allowed to prevent gay people marrying since it does not make any obligations on them to participate
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Peter Anderson
23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is between a man and a woman.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

There is no authority in the Bible for anything other than marriage between a man and a woman

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Marriage is between a man and a woman, anything else is a perversion

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Marriage is not a civil partnership. This move would make me feel abused and defiles. My marriage would be dragged down to the same level of this evil act.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I feel as if I am repeating myself here. marriage is between a man and a woman
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

What sort of abomination will you think up next?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Yes, those of us in society who disagree should be protected and in a free society be allowed to disagree without fear or favour. there are signs that this is not happening as we speak and this awful law is not yet on the statute book. Disagreeing with homosexuals should be allowed. Plus why are you making provision for people outside of Scotland to speak and have influence on this matter?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Robert Anderson
11 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM CHRISTOPHER ANSTEY

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Christopher Anstey
13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I don't care about protection of bigots, to the same extent I wouldn't care about the protection of people who were against interracial marriage.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

David Anthony
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lily Anthony
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM ANDREW ARNOTT

How would you characterise your views on the Bill in general?

In support

i strongly support this bill, which is required to help Scotland move to a more equal society where the rights of all are protected.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

i strongly support same sex marriage, as it is important that the rights and opportunities of marriage are available to all across Scotland, and not just heterosexuals.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religions are just long-running, 'traditional' and well organised groups related to a belief. So, in keeping with the focus of this bill to equalise rights for those getting married, the rights of minority belief groups should be the same as the rights of

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

it should be an option for those currently in civil partnerships to change the official nature of their partnership to a marriage if they so wish.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

i agree that civil marriage ceremonies should be able to be conducted in any place agreed by the couple and the registrar
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

i fully support this. it is barbaric, cruel and humilliating to force a couple to divorce if one of them changes the physical nature of their body to achieve the gender they feel they are and always have been.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If someone doesn't like the idea of same sex marriage they don't need to enter into one! if the discussion was about allowing multi-racial marriage there would be no conceivable support for people in opposition to multi-race marriage, and yet somehow it seems to be acceptable when the issue is gender. It cannot be acceptable for people to use religion (or other personal beliefs) to inhibit/oppose the joining of two individuals who love each other on the grounds of their gender.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Andrew Arnott
14 August 2013
How would you characterise your views on the Bill in general?

In support
A human beings should be able to love and marry any other human being

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support
A human beings should be able to love and marry any other human being

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support
A human beings should be able to love and marry any other human being

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither
A human beings should be able to love and marry any other human being

How would you characterise your views on civil partnerships changing to marriages?

In support
A human beings should be able to love and marry any other human being

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
A human beings should be able to love and marry any other human being
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

A human beings should be able to love and marry any other human being

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

A human beings should be able to love and marry any other human being

Would you like to comment on the wider issue of freedom of speech?

A human beings should be able to love and marry any other human being

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A human beings should be able to love and marry any other human being

Are you responding as...

a private individual

alex ashman
illustrator (freelance)
21 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

In my view marriage is a reserved power, in that it pre-dates law and nation and has traditionally been accepted to be the life long union of one man and one woman.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
As a teacher, I am concerned that my freedom on religion is hampered and my conscientious objection to same-sex marriage would be trampled on if I refuse to endorse same-sex marriage in the class. A conscience clause should be introduced in employment and equality laws to allow employees who believe in traditional marriage not to be forced to express approval of marriage between two people of the same sex. The law currently protects atheist teacher from having to teach religious education and a similar allowance should be given to teachers who for religious convictions or otherwise, do not feel able to teach about same-sex marriage. As a church leader, charity law should be amended to ensure that disagreement with same-sex marriage is not used to remove charitable status from religious and other charities, so that e.g. religious groups will not lose their charitable status if they are unwilling to marry same-sex couples. As a parent with deeply-felt views about their children being taught about same-sex marriage in the classroom. The law should not undermine these views but should protect parents’ right to withdraw their children. Many will be unaware what their children are being taught so they should have a legal right to know when such lessons will take place.

Would you like to comment on the wider issue of freedom of speech?

More robust safeguards are needed to ensure that no person will be compelled to express agreement with a same-sex marriage or be punished for expressing their disagreement with it. People who express disagreement with same-sex marriage are already facing difficulties. There are clearly different views on this issue, and many people hold to the historic and long-standing definition of marriage, which is a belief worthy of respect in a democratic society. Those holding that view have a right to be able to express it freely. Amendments need to make clear that merely discussing or criticising same-sex marriage is not, on its own, a form of discrimination for the purpose of equality law or a breach of public order legislation. Such changes would help those who believe in traditional marriage to feel free to discuss the issue with their colleagues or customers, employees or employers. It would send an important message to those who are quick to label any disagreement with same-sex marriage as “bigoted”. I am concerned that even raising my religious disagreement with same-sex marriage with my public-sector line-manager would jeopardise my career.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Michael Atkinson
23 August 2013
How would you characterise your views on the Bill in general?
In support
More equality

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Should be on the same basis as mixed couples

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
If people choose to make the change

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Amanda Avison
22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Hugh Bain
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Peter Bain
21 August 2013
How would you characterise your views on the Bill in general?

In opposition

The majority of the people of Scotland are opposed to this. If MSP's consider this so important, they should move toward a referendum on the matter. It is not for MSP's to choose to redefine marriage, in response to a noisy, but relatively small lobby group.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

homosexuals can already marry, so there is no need for this legislation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

This question is unclear.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

These co-called protections will not be effective. The aggressive gay lobby will make sure of that.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

Prof. Alfred Baird
13 August 2013
How would you characterise your views on the Bill in general?

In opposition

I appreciate that the Scottish Government appears to have realised the contentious and divisive nature of their proposals to re-define the long-held traditional understanding of marriage. I believe that they have made attempts to listen to the range of viewpoints expressed and sought to provide some accommodation for those who do not agree with same-sex marriage. However, one has to question the need for this bill. Civil partnerships recognised the mutual commitment of a same-sex couple and sought to provide the legal context whereby there would be accommodation and protection for the financial and personal implications of that relationship. The promotion of same-sex marriage appears to be merely a symbolic demand for equality despite the fact that marriage and same-sex marriage can never be equivalent (see the argument presented in question 5). The other reason for questioning the need for same-sex marriage is the number of people involved. One can get some indication of the possible demand for same-sex marriage by considering the number of civil partnerships registered to date. Between 2005 and 2012 approximately 4500 civil partnerships were registered – representing 9000 individuals. The population of Scotland between the ages of 16 and 64 (giving an indication of those of marriageable age) was around 3.5 million in the 2011 census. Thus, in the name of equality, the most basic building block of our society is being re-defined and deconstructed – with all the implications this is likely to bring in its wake - to address a perceived injustice to 0.25% of the relevant Scottish population.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Throughout history, and across societies and cultures of all descriptions, the nature of marriage has been instinctively recognised as being between a man and a woman. It is only in recent years that attempts have been made to redefine and deconstruct marriage into something which it has never been. C S Lewis, the author of the Narnia novels has written about the importance of not being swept away by the ‘shallow complacency of chronological snobbery’, whereby we believe that we have nothing to learn from the past, and instead are ‘shaped by predominant cultural moods and intellectual conventions’. This seems to be what has happened with the current debate over marriage re-definition where a radical proposal has been taken up with alacrity with little consideration of the impact it might have on our society in the future, informed by our experience of the past. Lewis would argue that ‘we can learn from the past precisely because it liberates us from the tyranny of the contemporaneous’. Marriage is not only an indication of a personal commitment between a man and a woman. It is also sends a message to society at large that this couple intend to commit themselves to each other with, in most cases, the expectation that their mutual commitment will find new depth and expression if
children are born as a result of their union. Even although some couples may marry and choose not to have children, or be unable to have children, or be too old when they marry to have children does not invalidate the basic purpose of marriage – to provide social stability and to create a safe and loving environment in which children can be raised. Thus, marriage has high ideals which benefit not only the individuals involved but also society at large. Marriage is a vital social institution which requires a degree of self-sacrifice to make it work. Those advocating same-sex marriage are demanding a human right; this is misguided, as the personal, emotional and inwardly-focussed relationship which same-sex marriage is, in no way reflects the rich intentions of marriage and cannot create the same positive outcomes for society. The issue is not about equality of rights. The issue is that same-sex marriage can never be the equivalent of traditional marriage and so the demand for equality is in this regard is mis-placed. The lack of equivalence between real marriage and same-sex marriage is made obvious by the difficulty of deciding whether a same-sex marriage has been consummated or not and what would constitute adultery in a same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil Partnerships were introduced with a specific purpose and it would not be appropriate to now re-define that purpose.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It has become quite clear over recent years that acceptance of a homosexual lifestyle has become the vital benchmark as to whether or not one is suitable for employment in the public sector. I would like to share my personal experience with the Committee. My wife and I became foster carers around six years ago. The assessment process for being a foster carer is, rightly, rigorous and lengthy. During part of our assessment we were asked our views on how we might cope if we were caring for a young person who indicated that he or she might have same-sex attraction. As part of our response to this question we made clear some of our concerns about a homosexual lifestyle. This caused great concern with our interviewing social worker who had to bring in her manager to talk this issue over with us. We were in due course registered as foster carers and have had great satisfaction in taking on this role. However I have two concerns about the situation described above. Firstly, we were only going to be looking after babies under two years of age and so the issue of same-sex attraction was never going to be relevant. Nonetheless it was thought essential that we be asked our views. Secondly, the interviewing social worker made no attempt to assess our views on the other equality strands which might be relevant to our role as foster carers – eg gender, religion, disability; sexual orientation was the only strand about which she seemed to be concerned. My fear would be that should same-sex marriage become legal there would be increased pressure for foster carers and others in the employment of the public sector to have to conform to a certain code of beliefs. There needs to be a reasonable accommodation to allow a range of beliefs on this topic, especially in the public sector, so that committed and talented people will not be lost to important roles in public service.

Would you like to comment on the wider issue of freedom of speech?

There is every indication from other countries where same-sex marriage has been introduced that this results in a limitation on freedom of speech and in challenges to anyone unwilling to accept the new orthodoxy. Some of the most telling examples come from Canada where the re-definition of marriage took place 10 years ago. (see for example http://www.thepublicdiscourse.com/2012/11/6758/?utm_source=RTA+Miller+SSM+Canada&utm_campaign=winstorg&utm_medium=email ) For the health of our society it is vital that we retain our traditional acceptance of freedom of opinion and freedom of speech within a context of open debate and mutual respect. People must continue to have the right to express opinions which others may not agree with, even if it involves criticism of a lifestyle. Otherwise the likely prospect, based on the experience of other countries, is that this vital issue may be the catalyst for a restriction on the freedom of individuals to hold sincerely held and carefully thought-out beliefs.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No further comment
a private individual

William Baird
22 August 2013
How would you characterise your views on the Bill in general?

In support

It's about improving equality for all and allowing people who love each other to be able to celebrate their love like other people, if they choose to. It would bring Scotland to the forefront of equality and show the rest of the world that a famously traditional country can recognize when equality should be recognised.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I don't actually understand why this is being debated at all. We live in a time where discrimination against anyone for their gender, sexuality, religion, race or disability is unacceptable. to say that some people have a right to marriage and others do not is discriminatory, and should be left to each individual's choice, not law to decide how they celebrate their relationship. I also support the fact that the bill recognises that same sex intercourse outside of marriage is adultery, not currently enshrined in law, and therefore recognises infidelity in it's many forms as grounds for divorce. It seems preposterous to me that this was not all ready accepted as such.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. I welcome this

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Many religions and religious factions have strong beliefs about homosexuality and it would be unfair to expect all places of worship to welcome same-sex marriage. However, there are also a number of religious settings where homosexuality is accepted as well as many LGBT individuals who have personal beliefs and it would be especially meaningful for them to be able to get married in a place of worship according to their religion. The opt in procedure is appropriate for this and I would welcome it. We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex
couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the “husband and wife” gendered form of the marriage ceremony should be free to continue to do so.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

Many couples who have a Civil Partnership did so as it was the closest they were able to get to a legal marriage at the time. Most people I know consider the arrangement to be legally the same anyway and for those that have a Civil Partnership and want it to be recognised as a marriage, they should be able to sort this as soon as is practically possible.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

This should be available to all couples pursuing a marriage in general, whether LGBT or not. Still, for clarity's sake I am in favour of this regardless.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

If the individuals getting married should want a religious service, and can find an appropriate religious practitioner and site to do so it should certainly be allowed. There will be many religious factions and congregations who are not open to allowing same-sex marriages in their places of worship due to their religious beliefs. If this is the case, they should have every right to deny marriage in their settings.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

If they are living as a different gender and their partner accepts them as such, this should be allowed. If this bill goes through then this process would be a lot easier as it wouldn't matter if the couple was "traditional" or same sex.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The proposed bill provides a good balance between accepting equality for all as well as respecting the religious rights of others who may disapprove on religious grounds. Those who do oppose same-sex union have to accept that there are many
"traditional marriage" couples who live their lives outside of their religious ethics and they should consider this to be like that. They don't have to like it, but they do have to accept the right of others to have a loving relationship.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Sally Baker
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM BAPTIST UNION OF SCOTLAND

How would you characterise your views on the Bill in general?
In opposition

The Baptist Union of Scotland has made submissions at the earlier Public Consultation and Draft Bill stages. To avoid repetition, it is not intended to restate these submissions at this stage. However, for information and ease of reference, a note of the resolution passed by the assembly of the Baptist Union of Scotland, in October 2011, is inserted at Question 14. It relation to this stage, individual Baptist congregations may comment directly. However, we wish to note that the predominant view within the congregations which are members of the Baptist Union of Scotland is one of opposition to the introduction of this Bill on the basis of its redefinition of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

The predominant view within the congregations which are members of the Baptist Union of Scotland is that marriage can only be between one man and one woman. Any move to redefine marriage would not be consistent with that view. As a union of churches which has invested heavily in marriage, encouraging marriage over cohabitation, preparing many couples for marriage in carefully ordered programmes, supporting couples struggling to remain married, because we believe it to be the most stable basis for society and for the rearing of children, we would clearly state that the predominant view within our congregations is that we do not wish to see marriage redefined in our nation through this Bill.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Our commitment to religious freedom in this nation would extend to those of any faith or none. We have no objection to belief celebrants having the same status in law as religious celebrants.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

We find the opt-in procedures to be more appropriate than an opt-out option. We hope this will protect local religious celebrants and local churches from litigation.
However, there continues to be a fear among celebrants that refusal to conduct same sex marriages will quickly lead to persecution or prosecution.

**How would you characterise your views on civil partnerships changing to marriages?**

Neither

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

Civil partnerships are by definition a civil matter and we strongly believe that they should remain in that domain. We do not believe that bringing this civil institution into the religious sphere is at all helpful. We would fear that in years to come it could potentially harm the religious freedom of celebrants and religious bodies. We strongly affirm our belief in the separation of church and state and request that the government does not allow religious and belief bodies to have any legal part in civil partnerships.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

We appreciate the attempts of this Bill to protect the freedom of individual conscience of celebrants and to reassure our religious body that we will not be required to choose between conducting all forms of what will come to be known as marriage or no forms of what will become known as marriage. We believe that if this Bill is to become law, then changes to the Equality Act 2010 will be required. However, our concern is that these may prove to be insufficient and unsustainable, and in time churches, trustees and the clergy opposed to same sex marriage may all find themselves without robust legal protection. We would ask that full consideration be given to our earlier proposal outlined in the first consultation, and in all conversations with government ministers and civil servants, that the most inclusive and equitable approach for our society as a whole, including the protection of the religious freedom of celebrants and religious bodies, is for the state to withdraw from marriage and to seek civil registration of partnerships for all for the purposes of organising our society. As we stated in the earlier consultation, “The only way we can imagine this inequality being addressed, if the government is not convinced to maintain the present definition of marriage, is through the introduction of civil
partnership for all, with the option for religious organisations to bless that which their religious conscience allows. As the predominant opinion within our union of churches clearly is distinct from the view of the present government, we believe that a separation of church and state on this issue has now become necessary. Further to this, we believe that the EIA fails to recognise that Christian belief and other religious beliefs apply to the whole of life and not simply the formal structures of church and clergy. Baptist believers declare in their baptismal vows that Jesus Christ is their Lord and Saviour. The implication of Jesus™ lordship is intended to be expressed in every aspect of their lives. Many Baptist Christian believers have, in response to this lordship, sought the opportunity to serve our nation in the public sector. We believe that the EIA has failed to fully recognise the impact this proposed legislation may have on people of faith who oppose the concept of same sex marriage, who are currently working in the public sector, such as registrars and teachers. We believe that those with a conscientious objection may find themselves disciplined at work for refusing to conduct or endorse same sex marriage. Greater consideration needs to be given to the religious freedom of all rather than simply that of the clergy and religious bodies. Our fear is that those who oppose the concept of same sex marriage and will neither endorse, participate in or teach it as equal marriage, will be discriminated against in our nation.

Would you like to comment on the wider issue of freedom of speech?

We affirm Article 19 of the Universal Declaration of Human Rights. Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers. The crunch issue is whether a state can affirm and accommodate contradictory views being held, expressed, and lived out by its citizens. A mature democracy should be able to answer™yes™ to that. But it must apply to all. We accept that the views and voices of many groups in society have been discriminated against in the past and have been marginalised. We accept that it is right to correct this discrimination and marginalisation. We submit that it is also important that the correcting of that discrimination must not lead to a new discrimination where other views and voices are not accepted as valid, and are therefore disregarded or actively undermined.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Our Assembly passed the following resolution in October 2011: The Baptist Union of Scotland adopts the EBF resolution on marriage dated 22-25 September 2010. In doing so, and with reference to the consultation asked of us by the government, 1. Believe the current proposal from the government is unwise, and ask that before they seek to introduce legislation for same sex marriage, they commit to a further conversation with Christians in Scotland for us to discuss our serious concerns. 2. Affirm the authority and beauty of Scripture as it points toward true and wholesome human sexuality, expressed in the words of Genesis 2:24. 3. Accept the testimony of Scripture that our relationship with God, our Creator, is broken and is expressed in rejection of His ways and pursuit of our own. 4. Resolve to be, as the EBF resolution invites us to be, pro-active for the wellbeing and good of all in our society. European Baptist Federation Council Mondo Migliore, Rome, Italy 22â€“25 September 2010 The European Baptist Federation Council: Rejoices in
the mutually loving and selfless relationship of God the Father, Son and Holy Spirit and the demonstration of this through the life, death and resurrection of Jesus Christ. Gives thanks to God for creating man and woman in his image and seeks to follow the witness and teaching of Scripture for any expression of human sexuality. Urges Baptists to model, value and teach that marriage is the creational and biblical setting of any sexual relationship between a man and a woman, as expressed in Genesis 2:24: “Therefore a man leaves his father and his mother and clings to his wife, and they become one flesh.” Shares in the brokenness of human relationships and acknowledges the pain and difficulties this brokenness causes for people in our churches and society. Affirms our responsibility to share the Good News of Jesus Christ in word and deed with all people, irrespective of their way of life or convictions. Recognises the need to encourage, support and pray for married people, offering pastoral and spiritual care for the strengthening of healthy and vibrant Christian communities in relationship with Jesus Christ and each other.

Are you responding as...

a faith/belief-based organisation

Alan Donaldson
Baptist Union of Scotland
23 August 2013
How would you characterise your views on the Bill in general?

In opposition

I feel very strongly that marriage is between one man and one woman only. It is ordained by God and no-one has the right to change its definition.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

This focuses on the rights of adults and fails to understand that marriage is much more than simply love. It provides the vital service of producing children in some but not all cases. Marriage therefore involves commitment to each other and to any subsequent children. It is unclear as to what rights same gender marriage would provide in addition to that already available under civil partnership agreements.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

As a Christian marriage is ordained by God and in a religious ceremony it is God who joins the two people together not the celebrant.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

If a civil ceremony then I do not have a comment, but in a religious ceremony then I support the traditional view of marriage.

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am VERY concerned about the lack of protection for those who support the traditional view of marriage. We are promised protection but it is absent in the proposed legislation, and already in England there is a court case to seek to force a church to hold a same gender marriage service. Currently legislation has seen the demise of all faith-based adoption agencies including here in Scotland. There is no protection for those working in the public sector who support traditional marriage, and some have already lost their employment because of their belief. That is simply not equality but seeking to 'shut up' those who disagree with the re-defining of marriage. Many traditional marriage organisations will probably lose their charitable status and therefore have to close. How is this providing a broad view across the nation. It is simply seeking to force people to agree with the current political ideologies which may be 'here today and gone tomorrow', and ignore the basis on which much of our culture, institutions and society is built.

Would you like to comment on the wider issue of freedom of speech?

Governments speak of freedom of speech but only if it concurs with their views. Politicians need to remember that whilst they have a vote, it is the people who vote them in and out of office. People who support the long-standing law of marriage are now accused of discrimination by objecting to the re-defining of marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There is a total lack of understanding that our belief is not one we can switch on and off. The view that we can be Christians in our homes but not outside is naïve and shows a complete lack of understanding of what our faith is about. Specific amendme

Are you responding as...

a private individual

Timothy Barker
20 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Emma Barrie
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage is if for a man & a woman. Quite apart from any religious beliefs this is plain common sense.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

Definitely against. Christianity is based entirely on the message of the Bible. The Bible makes it clear that homosexuality is a sin and therefore also a lifestyle choice (a bad one).

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

Call a spade a spade. Two men in a sexual relationship or 2 women in a sexual relationship is fundamentally different from 2 people of the same sex being in a sexual relationship. Why try to pretend they are the same? It will fool no one and have no beneficial effects on society, in fact all the evidence from other Countries suggests it will have a detrimental effect.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

Not sure what the ramifications of this are?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Again I am not sure what the implications are

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

I am not sure what the implications are

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We still live in a democracy and I would like it to stay that way. People have a right to speak their mind and be guided by their conscience. The proposed legislation is likely to have a gagging effect on people so that they no longer feel able to express their views without fear of civil action. This is wrong and a step towards a police state. The Bill will serve to encourage homosexuality and lesbianism in society. Is this what the Scottish Parliament want?

Would you like to comment on the wider issue of freedom of speech?

Covered earlier

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The Scottish Parliament would do well to learn from the experiences after introducing same sex marriage in Canada for example: http://www.thepublicdiscourse.com/2012/11/6758/ Governments should protect the public at large and not continually pander to the demands of minority groups. It is short sited to think that this Bill will increase the popularity of the Scottish Parliament or help its drive for independence. In England the Bill has seriously damaged David Cameron's chances of re-election.

Are you responding as...

an academic
a faith/belief local group or congregation
a private individual

Brian Barringer
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Clare Bat Or
20 August 2013
How would you characterise your views on the Bill in general?
In support
It means that trans people can stay married, if they transition while married.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Everyone is entitled to be married. If that makes them happy. Also they would still have a home if the partner dies. They would have more legal rights married.

**Would you like to comment on the wider issue of freedom of speech?**

Everyone should be free. Love is the most important.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Jennifer Beattie
15 August 2013
I am a woman with a transsexual history. I was married almost 20 years ago while living in Scotland, and would very much like to return to live there some day. I am still living with my wife and teenage children, and have foregone gender recognition (available to me since 2006) because my wife and I did not want to dissolve a loving and stable marriage.

I welcome the principles behind the Bill.

When people say that marriage is between a man and a woman, I usually want to ask how they define those terms. While it is true that the vast majority of people identify as one or the other, and their bodies are congruent with their identity, there are a small number of people (including trans and intersex people) who do not fit easily into this binary model of gender. Therefore opening up marriage to all regardless of their gender is a huge step forwards, and removes unfairness and some idiosyncrasies.

In my own situation, my wife and I have lived in a practically same-sex marriage since 2004, even though it may not yet legally be recognised as such. The Bill would allow me to seek gender recognition without the requirement to dissolve or annul my marriage – something that is greatly welcomed.

However there remain some issues with the Bill as currently worded. They are similar to the issues that I engaged with many politicians in Westminster about – including Government Ministers and opposition spokespeople.

The first is the requirement for spousal consent should someone in my situation seek gender recognition.

The law has, over many years, removed the idea that wives are their husband’s property, and has relied on the principle that parties to a marriage are responsible within it. If one party to a marriage undertakes an action, the other party is assumed to consent. If the other party does not consent, and the disagreement is fundamental, then the established route to resolve the situation is to dissolve the marriage through the divorce courts.

By requiring the spouse of a trans person to provide formal consent as part of the trans person’s gender recognition process, this Bill reverses that process. It is saying that, uniquely, trans people cannot be trusted within their marriage, and that this course of action must be confirmed independently with their spouses. As such it probably breaches Article 8 of the Human Rights Act – as the state is interfering in the private and family life of the trans person.

Marriages that do survive gender transition are relatively rare. While no formal statistics exist, I estimate that around 10% of marriages survive, meaning that
around 90% fail. Over recent years I have noticed that more marriages do appear to survive, but they are still very much the minority. A recent study indicated that, in a majority of marriages, the spouse attempts to obstruct the gender transition process, and that around a third of spouses actively obstruct the divorce process. The Bill makes no distinction between couples that wish to stay together and those who are currently divorcing. The Bill, as currently worded, may well place the fundamental right of gender recognition into the hands of a hostile spouse. If a spouse does not give formal consent then the trans person’s gender recognition is vetoed until the marriage ends. This is fundamentally wrong.

Additionally it is important to clarify that the trans person must be able to provide proof of living in their “acquired” gender for a minimum of two years before commencing the gender recognition process. As in my case, the marriage will have functionally been a same-sex marriage for most, if not all, of that time. Spousal consent is not required for name change (which is one of the key determinants of proof for gender recognition), nor for any gender-related surgery. Indeed, to require spousal consent for any medical practice is regarded as ethically unsound. Yet the proposal is to single out gender recognition, well after all practical aspects of a gender transition may have been completed, as the sole step requiring spousal consent.

Because of these three reasons, the message that trans people cannot be trusted, handing the right of recognition to someone else who may well be hostile and obstructive, and the ethical problems, the requirement for spousal consent should be removed.

The Westminster government’s defence was that marriage had been contracted between a man and a woman, and that the change in gender status created a fundamental change to the marriage. This view appeared to be based upon the wording of the marriage vows. Yet marriage vows also include the names of the individuals consenting to the marriage, yet spousal consent is not required for one of those parties to change their name. And we return to the ethical problems outlined above should we wish to say that a medical procedure creates a fundamental change.

My wife has the view that she married a person, not a role or a label. We have taken the “till death do us part” wording seriously. She has recognised that, while certain of my biological aspects might have changed through medication and surgery, I am still fundamentally the person she married. I am more than my genitals. To reduce someone to the status of their genitalia is both inaccurate and demeaning, and actually not compliant with the Gender Recognition Act 2004.

In Scotland the mechanism exists for re-registering a marriage. If this is done post-gender recognition, it is only fair that both parties must give consent for the marriage to be re-registered, but that should be argued as a point separate from gender recognition. If any marriage is to be re-registered in Scotland, both parties should give consent.
A second concern is the omission of any fast-track gender recognition procedure.

When the Gender Recognition Act was passed in 2004, it was recognised that some trans people would have difficulties in providing the medical evidence required, due to the retirements or deaths of doctors, or the general passage of time. Section 27 of the Act allowed for a fast-track gender recognition procedure, whereby people who had lived in their “acquired” gender for six years or more, and could provide proof of that, needed to supply less formal medical evidence. This section was “sunsetted” in 2007.

The Marriage (Same Sex Couples) Act 2013, recently passed in Westminster, reintroduces the fast-track gender recognition process for a similar group of people. It was accepted that the arguments about providing historic medical evidence were as valid now as they were in 2004, and also that many trans people (such as myself) would have been eligible for gender recognition for many years but chose to remain married instead.

A fast-track gender recognition procedure should be added to the Bill. The Westminster Act includes the requirement that the trans person is in a marriage at the time that they apply for gender recognition, which leads to the possibility that a trans person may get married in order to apply for gender recognition. This requirement is unnecessary, and also discriminates against those who were married but are no longer for whatever reason, including recent death of their spouse. The fast-track procedure should simply be open to all people who have lived in their “acquired” gender for a minimum period of 6 years.

Trans people may already be in civil partnerships. As the Bill stands, they would be required to convert these civil partnerships into marriages before they could apply for gender recognition, or dissolve their civil partnership. The introduction of mixed-sex civil partnerships would remove this requirement. Civil partnerships, as with marriages, should be made available to all regardless of gender.

If a trans person is in a civil partnership to someone they were previously married to, the marriage having ended because of the gender recognition requirement, they should not have to pay to have their civil partnership converted back into a marriage.

Turning to the marriage ceremony, it is also important that marriages can be conducted in non-gendered terms if the parties so wish. Again this protects those who do not identify as either male or female, but also marriages involving trans people, where one party may not view the other as their husband or wife.

Helen Belcher
19 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Scottish Government has rushed through this major change to Scottish society at break-neck speed without considering the wider societal implications (marriage and family unit). The protections offered to those holding to the traditional view of marriage are virtually meaningless or completely ambiguous - meaning they are likely to be challenged and defeated in court. It also remains deeply unpopular, as demonstrated by the first consultation (where two-thirds of respondents opposed this controversial change).

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The definition of marriage is the union of one man with one woman should not be changed. The proposed new definition is completely open to interpretation and could pave the way for a further redefinition of marriage in the future. Although polygamy is billed as a straw man arguments, there is increasing evidence of this behaviour on Scottish shores - particularly on social media. Again, this shows the lack of proper scrutiny and rationale thinking applied to this bill. The bill does not follow logic either. For example, adultery does not apply to proposed same-sex marriages. Commitment and responsibility are important parts of the legal framework of marriage, yet they only apply in practice to heterosexual couples. Surely this shows that relationships between same-sex and opposite-sex couples are completely different and should continue to be classified in different categories accordingly.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

The definition of belief in the Bill is so wide ranging that associated celebrants may have little or no training or qualifications (ministers of religion generally train for at least three years). This could lead to a further dissolution of the meaning and integrity of marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I have no wish to see the introduction of same-sex marriage and oppose this proposal. Given that the Scottish Government is steamrolling ahead regardless,
there must be protections enshrined in legislation to protect those celebrants, churches and religious bodies that are opposed to same sex marriage. The UK Equality Act must be amended to include these protections.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil partnerships are not marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

For the avoidance of doubt I do not wish to see these same-sex marriage ceremonies held in a place of worship.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

There is no need or demand for this to happen. Civil partnerships have managed perfectly fine up until this point.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Bill is lacking in protections for many individuals opposed to the redefinition of marriage, e.g. local authority workers, teachers, civil registrars and chaplains. Existing procedures and UK Employment Law do not offer enough protection for these workers and recent decisions in the European Court show this to be the case. The Equality Act needs to include a specific reference to protect those workers opposed to same sex marriage on the grounds of religious conviction. It is inconsistent for the Scottish Government to propose changes to the Equality Act to protect choirmasters, choirs and organists against discrimination but yet registrars, teachers and other workers are afforded no such protection.

Would you like to comment on the wider issue of freedom of speech?

The guidance from the Lord Advocate is totally ambiguous and needs to spell out the details. For example, will a church be able to broadcast a sermon online opposing same-sex marriage?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

It is unacceptable that parents will not be allowed to remove their children from all same-sex marriage related lessons. This should be amended, so that the subject is in line with provision offered to sex education (where opt-outs are available and advance warning given to parents). It is also puzzling why atheist teachers are not obliged to teach religious education on the grounds of belief, and again, supporters of traditional marriage are being made to promote this new definition by the state. This, again, is unacceptable - if not blatant discrimination. Surely this inconsistency should be resolved? Or perhaps reasonable accommodation should be the principle applied?

Additionally, given the complete lack of clarity from the Scottish Government on how this legislation will affect individuals who believe marriage is only between a man and a woman, I suggest the legislation is amended and adopts a conscientious objection clause similar to that of the 1967 Abortion Act (section four) with regards to the celebration of same-sex marriages. This would provide indisputable guidance which would be hugely helpful, rather than having to establish precedents through the courts. Given that the legislation has worked well for abortion, another deeply contentious moral issue, it would make sense to make similar provision for same-sex marriage.

Are you responding as...

a private individual

Gordon Bell
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM REV. STEPHEN BENDER

How would you characterise your views on the Bill in general?

In opposition

Marriage between a man and a woman is universal to the human experience no matter what culture, religion, geographic location, or historical era. Biologically, it will always take a sperm and an egg to produce children. Nature itself dictates what marriage is. To change the definition of marriage is to create a legal fiction.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex couples already enjoy all the economic and social rights of a married couple through civil partnerships. There is NO compelling need to redefine something as universal to the human experience as marriage itself. Redefining marriage will, however, have profound implications far beyond allowing same-sex couples to call each "Mr." & Mrs." which in itself is rather ridiculous. These implications will have profound affects in the workplace (e.g. civil servants, teachers, social workers, etc.), upon education, religious freedoms, and individual liberties.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As the law stands at the moment, homosexuals enjoy all the legal and economic rights and benefits of marriage through their civil partnerships. Nobody has to lose their job or run foul of the law. But redefine marriage, and suddenly the rights and freedoms of tens of thousands of employees all across the country will be profoundly affected. This is not scare-mongering, but fact! We have already seen that people of faith will lose their jobs over this issue! Not just religious workers, but also social care workers, teachers, public employees (e.g., registrars, counsellors), charities, volunteers, etc., who also happen to be people with religious conscience will suddenly be marginalised and left outside the protection of the law. Do we really want to do this? Does Parliament really consider the rights of one group less valid than those of another? If so, then we no longer have a democracy, but a tyranny by the few.

Would you like to comment on the wider issue of freedom of speech?

The government cannot in good faith guarantee that religious freedoms will not be eroded in the future if Parliament votes to redefine marriage. We have already seen the freedom of religion (e.g., religious thought, religious conscience, religious expression, etc.) under attack over these very issues, and the law has not even been changed yet! Regardless of the safe-guards that Parliament thinks it can put in place, it cannot offer any fail-safe guarantees that individuals of faith will not find themselves on the wrong side of the law if this measure is passed. The assurances that no minister of religion will be forced to conduct same-sex marriages against his conscience shows an appalling lack of appreciation as to whose freedoms will actually be diminished. The threat to religious freedom does not just affect ministers of religion, but any individual with religious faith. The religious freedom of every individual in society will potentially be compromised. We have already seen some highly disturbing examples of individuals who have lost jobs, been harassed and suffered abuse because they stood for the deeply held values of their religious faith. This is not liberal democracy. Again, do we really want to go down this road? By the way, why does it not count that every single major religious denomination in the country has spoken out against the redefinition of marriage? Do you have any idea as to why this is so? Perhaps, it is because they see more clearly than others (since it most directly affects them) that religious freedoms are actually at stake! It is quite simply arrogant and short-sighted of any politician to suggest that these religious denominations do not know what they are talking about and to ignore their united protest! Redefining marriage not only affects ministers of religion and religious adherents, but it affects those individuals in society with no particular religious affinity who also feel strongly about traditional marriage. What possible guarantees will be put in place to protect their consciences? In other words, by redefining marriage to satisfy the protests of what is in reality an extraordinarily tiny minority of the population (which, by the way, already enjoys all the rights of marriage through the legal framework of civil partnerships already in place), the rights and freedoms of a great many more in society will be compromised.

Contrary to the vociferous protestations of a hysterical few, redefining marriage has little to do with promoting social equality. If one is truly interested in social equality,
there are other issues of far greater significance than this one (e.g., economic, educational, social mobility, etc.). In fact, if marriage were redefined, it would most certainly have the negative effect of increasing inequality within our society.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

By redefining marriage, Parliament is unwittingly opening up the possibility that any sort of human relationship can be legally challenged as a “marriage.” This debate will not end with calls for same-sex marriage. What about polygamous relationship?

**Are you responding as...**

a faith/belief local group or congregation

Rev. Stephen Bender
20 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM LORNA BENNET

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
All people are different, but people are still people and true love (not lust) is precious no matter who is involved. People should be able to make their own choices about how they want to express their love to the world. I know straight couples who do not
believe in marriage and gay couple who are desperate to get married. Who has the right to tell people that if they do not conform to the conventional man/woman pairing that they are really so horrifically different?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lorna Bennet
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Steven Bentley
23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

John Beresford
15 August 2013
At a recent conference the Lewis Christian conference – I was given from the Christian Institute person – a note to ask us to write our comments to the various questions. I have written countless letters and said countless things and the paper said try not to exceed 6 sides of A4. I should think that only one side of A4 would be too much to be read from each person who writes in.

I therefore prayed about in view of all the countless letters and petitions that I have signed as well and it came to me that the final word should be God Almighty – Father Son and Holy Spirit – One God, Almighty God, Everlasting Father, Prince of Peace, Saviour, Lord and so now I quote what God's word says about the question.

From King James version it says – Leviticus chapter 18 verse 22 – YOU SHALL NOT LIE WITH A MALE AS WITH A WOMAN, IT IS AN ABOMINATION.

And from Living Bible it says – Leviticus chapter 18 verse 22 – HOMOSEXUALITY IS ABSOLUTELY FORBIDDEN FOR IT IS AN ENORMOUS SIN

AND FROM Romans chapter 1 verse 27 – Likewise also the men leaving the natural use of the woman burned in their lust for one another, men with men committing what is shameful and receiving in themselves the penalty of their error which was due and from the Living Bible in Romans chapter 2 verse 27 – AND THE MEN INSTEAD OF HAVING A NORMAL SEX RELATIONSHIP WITH WOMEN BURNED WITH LUST FOR EACH OTHER, MEN DOING SHAMEFUL THINGS WITH OTHER MEN AND AS A RESULT GETTING PAID WITHIN THEIR OWN SOULS WITH THE PENALTY THEY SO RICHLY DESERVED.

Christine and John Bestwick
16 and 29 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jim Bevington
21 August 2013
How would you characterise your views on the Bill in general?

In support

I support the Bill first and foremost because I am a lesbian woman who wishes to marry the love of my life in the country which I love living. Secondly, I support the bill because the 'separate but equal' way in which we are living now is no different to the segregation experienced in the United States between people of Black and White Skin Colour. Inequality is not a solid or positive foundation upon which to raise our children or future generations and surely will keep us farther from our universal goal of peace.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Marriage’ is just a word to explain the union between two people living as a couple and representing each other in matters of life and death. Of course it is also an expression of the feelings two people have for one another. Although religion would have us focus on the definition of marriage being the union between one man and one woman, that is a very old way of seeing things. And now that Christianity is itself a minority, I think the laws should be updated to reflect the new true separation of church and state. For, how can you use religious laws to govern a people, the majority of which are non-religious? That creates a brand new imbalance and inequality all together. Therefore, the name we give the union between same-sex couples is really the least of our problems. Having said that, I believe that if two people, gay, straight or otherwise wish to be married they should have the right to do so. And on the same token, if they choose to be civil partners, they should also have that right. True equality will breed a more civilized society and give a great example for other countries and societies.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Equal Equal Equal. Although I don’t believe that religions should be forced to take part, I believe they should have the right to do so if they choose.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support
How would you characterise your views on civil partnerships changing to marriages?

In support

If people wish for their civil partnerships to change to marriages then I think they should have that option. However people should still have the option to keep their civil partnerships if they prefer it that way.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

I don't think religion should really have anything to do with it. Speaking from experience I can say that there were places I would have wanted to have my civil partnership ceremony but couldn't because it was 'religious premises'. I think it should come down to the venue agreeing with the ceremony and going from there.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I understand that some people are not comfortable with the idea of same-sex marriage and a lot of those issues are spawned from either religious views on same-sex relations or a lack of understanding. Some people think that homosexuality is a choice, which has clearly been proven to be a false. So it is important for us not to just change the laws for Equality but to also help educate those who don't understand. I do not believe that religion or ideas of religions should be taken into account when law making across the board. Not just in the matters of same-sex couples. After all, governments don't really take pagan beliefs into consideration when law making, so why should Christianity be extended a courtesy like that? It creates more inequality.

Would you like to comment on the wider issue of freedom of speech?

People should be allowed to speak their minds without fear of prosecution for their honesty. We should not be afraid to tell our governments where/when we think they are in error or how we think they could make things better for everyone. After all, we vote for our MPs and shouldn't let that be the only way in which voices are heard.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Erin Beyer
18 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM LESLEY BHATTI

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lesley Bhatti
19 August 2013
How would you characterise your views on the Bill in general?

In support

We welcome the introduction of same-sex marriage. Our reader survey last year showed great support for this. We echo concern about the amendments to the 2004 Gender Recognition Act to have the "spousal veto". Legislation like this should be gender-free, not discriminatory against trans and other minority gender people. It is a shame, despite initial indications, the Scottish Govt is not planning to introduce mixed-sex Civil Partnerships too - our reader survey showed clear support for opening up both marriage and civil partnership regardless of gender.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

A positive step. We believe that the current segregation encourages biphobia and homophobia, and especially highlights to bisexual people that their relationships are treated differently and with differing amounts of respect in law according to the gender of their partner. We further believe that there is no good reason to restrict willing religious and faith organisations and their willing celebrants from conducting religious and faith-based marriage ceremonies for same-sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

One system for all, all treated with equal respect and no special privilege.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

We are troubled by the lack of symmetry between authorising bodies. If a religious or belief celebrant does not wish to solemnise a same-sex marriage, even when their religious or belief body permits this, then they are not compelled to do so; we support this. However, if a celebrant wishes to solemnise a same-sex marriage when their religious or faith body does not, then they are not permitted to do so, and this seems unfair. In one case, the wishes of the celebrant are allowed to override the position of the body; in the other they are not.

How would you characterise your views on civil partnerships changing to marriages?
In support

We think it should be possible to convert for the longest possible period of time. Many people may have accepted Civil Partnership as the Best Option Available rather than their preferred arrangement, and there may be a host of reasons why people cannot make a speedy switchover from one to the other.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

Let marriages reflect the lives of those being married.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

It should be allowed and regardless of the genders of the couple.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Support and without 'spousal veto', this is a matter for the trans person themselves and noone else. "Fast track" procedures for people who have been transitioned for a long time should be permitted.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The Bill provides protections for people who due to personal bias do not wish to perform religious same-sex marriages. We believe that people carrying out civil same-sex marriages are not taking part in a faith or belief ceremony and therefore should not be allowed to refuse on the grounds of religious conviction - it is a matter of "goods and services" provision.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

10 years ago, how a bisexual person’s relationships were seen in law varied hugely dependent upon the gender of their partner. After the Civil Partnership Act, this remained the case still. This is a first step in the law starting to respect bi people's loves and choices, but it will not complete that process.
Are you responding as...

an LGBT group
Community Press publication

Jen Yockney
Bi Community News
23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

I think the definitions of words like "marry" and "marriage" need to be reworked and rewritten for the modern day. Too many arguments are being based on these 'dictionary' definitions. To marry something is to combine two different things to create a new one. Two men or two women are as different as a hetero couple... no two humans are the same. There should be no difference made between one loving couple and the next wanting to form a union and spend their life together.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Why should civil ceremonies or same sex partnerships NOT have their ceremonies performed in religious premises? There are hundreds of religious believers from many faiths who are gay/lesbian/trans. They should be given the choice of being able to marry where they preach. It is simply a form of racism to forbid this! civil marriages already happen in parks, beaches, hotels, registry offices, civic halls.... but I believe the point here is to put ALL marriages under one umbrella and give EVERY single person an EQUAL opportunity to marriage in any way they choose.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think they should be re-educated and have their eyes open. Society needs to be taught that being gay/lesbain/bi is as incontrollable as choosing the colour of your eyes. It should be widely taught and understood that people do not choose to be LGBT as a way of life... it is about accepting and embracing that it IS a way of life and that it is unavoidable. The sooner this is made aware in society... the easier life will become for everyone. I always ask bigoted straight people "when did you choose to be straight?"

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is fine if it is from an educated point of view... what gets me mad is people telling me that I chose to be gay and am going to hell for it, I don't care to hear from people who tell me that I am an 'abomination of nature' as has been done in the past. Some may see this as freedom of speech... I see it as abuse! So unless the Freedom of Speech comes from an educated substantiated source in an intelligent manner...I have no time for it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

David Black
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM HELEN BLACKBURN

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
I don't know that there's much difference between the two. Religious celebrants also believe.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
As a Christian I believe in monogamy in relationships and equal marriage for Christians will help to promote this.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
Churches and other places of worship need to be included first.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
As a Christian I believe this is the right thing to do. Lots of LGBT people have a deep faith and would want their union blessed by God.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

The marriage certificate would need to change.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There’s a lot of bigotry and homophobia out there and the more protection we give these people, the more they will oppose equality.

Would you like to comment on the wider issue of freedom of speech?

If I made racist or sexist comments I would be hauled over the coals for it, so why do we allow so much hate speech against LGBT people?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Helen Blackburn
20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A private individual

Darren Blance
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition
There should be the option to have your civil partnership converted into a marriage but civil partnerships should remain as an option and also be opened up to opposite-sex couples

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Declan Blench
23 August 2013
How would you characterise your views on the Bill in general?
In support
It's one of the most basic human rights, Scotland cannot be seen to be a diverse nation that supports equality without it.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Fergus Boden
15 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The institution of marriage predates the establishment of any human law, nation and church and although the law relating to marriage has been modified over the centuries it has never fundamentally altered the essential nature of marriage as given by God: that is marriage is a lifelong commitment between one man and one woman. The plan to redefine marriage is therefore a radical departure from God’s loving purpose for humanity and it is unprecedented in the course of human history. To change marriage in this way opens the door to other forms of legalised sexual relationships. For example in Canada and the USA, where marriage has been already been redefined, there have been attempts made to legalise polygamy. Also in Brazil and the Netherlands a three-way relationship was given legal recognition making it comparable with marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

My fear is that despite any safeguards put in place churches and ministers who refuse to marry same-sex couples will be susceptible to legal action. Recently a homosexual couple in England have made it known they are already planning to go to court to force churches to host gay weddings. The European Court of Human Rights could overturn and protections put in place and we have no guarantee that this court will not rule that Christian ministers must either solemnise all marriages or cease to be permitted to marry people altogether. It was recently reported that Sikh temples have been advised to halt all civil marriage ceremonies on their premises to protect them from possible legal challenges for refusing to conduct same-sex weddings. Believing in the traditional, biblical definition of marriage must not be used by public sector employers to dispute or question the equality and diversity credentials of existing or prospective employees.

Would you like to comment on the wider issue of freedom of speech?

The issue of freedom of speech is essential to this issue because it is the expression of beliefs about marriage that tends to get people into trouble. People who express disagreement with same-sex marriage are already facing difficulties. For example Adrian Smith, a housing manager in Trafford, was demoted for gross misconduct after a colleague complained when he described same-sex marriage in church as an equality too far. In Scotland, the Rev Brian Ross was removed from his post as a police chaplain because he disagreed with gay marriage on his personal internet blog. Apparently this breached Strathclyde Police’s policy of equality and diversity! Specific amendments are necessary to protect the right to free speech and debate. They need to apply across public order and equality laws, including employment and goods and services. As a bare minimum amendments need to make clear that merely discussing or criticising same-sex marriage is not, on its own, a form of discrimination for the purpose of equality law or a breach of public order legislation. Such changes would help those who believe in traditional marriage to feel free to discuss the issue with their colleagues or customers, employees or employers. It would send an important message to those who are quick to label any disagreement with same-sex marriage as homophobic or bigoted.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

As a Christian minister I believe the Word of God (i.e. the Bible) to be supreme rule of faith and life and it is perfectly clear that marriage is only for one man and one woman. Any other sexual union is sinful and separates us from God. To celebrate sin (which is what a religious celebrant who marries a same-sex couple would in fact
do) is abhorrent to God who loves all people and calls them to repent and believe in His Son, the Lord Jesus.

Are you responding as...

a celebrant

Rev Douglas Campbell
Bo'Ness Old Kirk (Church of Scotland)
13 August 2013
How would you characterise your views on the Bill in general?

In opposition

I believe the bill has been ill-conceived and, despite warnings from a variety of experts and professionals, little thought has been given to the effects it may have on many aspects of people’s lives.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I have seen no specific definition of 'belief celebrant'; however, many Religious Celebrants have strong beliefs regarding marriage and this bill puts them in an untenable position. It may be that some belief celebrants are similarly affected, however, in my opinion, this question is simply leading to this government compelling Religious Celebrants to act against their conscience or fall foul of the law.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

The arrangements have failed to recognise that many Celebrants will, as a result of this bill, be put in the position where they are unable to express their beliefs without falling foul of discrimination legislation.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Can this government explain what benefits a so-called 'same-sex marriage' will provide to a couple which has already entered into a civil partnership?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition
While this matter is not of any great relevance, as far as I can see, I would repeat that I am not in favour of a government taking it upon itself to redefine marriage and so am 'in opposition' of the question. I understand that Registrars will have no right to exercise their conscience once this government has passed its bill and I find it deeply troubling that some people in this country are now to face discrimination for holding a view contrary to that of the government.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

It would appear paradoxical for someone to remain married in these circumstances. This defies common sense; sadly, common sense does not appear to figure in any of this.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

From published material by legal experts and from recent case law, it would appear that there is (or will be) no protection whatsoever from penalty as well as discrimination and persecution for people who dare to disagree with this government and the minority lobby which has dragged this country to the point where, despite all the economic and social problems resulting from recession requiring finance, vast amounts of parliamentary time and tax-payers' money is being spent on a piece of legislation which will benefit very few people but will criminalise many ordinary and decent people who never voted for a party which included this in its manifesto and yet will find themselves alienated and in breach of legislation which is flawed and unfair. No good legislation should create an atmosphere where the rights of one group come at the expense of those of another. Forcing Churches which, because of their faith cannot countenance same-sex 'marriage' to fall foul of the law, seems a brutal way to alter society, while the irony of doing so in the name of discrimination and inclusivity is typical of this government.

**Would you like to comment on the wider issue of freedom of speech?**

This government is well on its way already to repressing freedom of speech and thought for anyone who disagrees with its agenda. There is no obvious protection for Religious Celebrants, other Religious people, teachers and even parents who dare to express an opinion contrary to the ethos behind the bill.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

As far as the bill is concerned, the so-called 'protections' this government is putting in place are limited in their scope, as well as unsustainable in the face of European
Human Rights' legislation according to eminent Human Rights' lawyers. I must also express my distaste at the way this government invites comment from voters on this matter with scarcely-veiled threats about how opinions may be used.

**Are you responding as...**

a private individual

Anne-Marie Boyle
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Samuel Bradley
21 August 2013
I write both in my capacity as a long-time lecturer at the University of Aberdeen, still involved in counselling students, even though I am now retired, and in my capacity as a general and observant citizen.

I am willing that my evidence be public, and in my name. I am willing to be contacted in regard to it.

Since it concerns the matter of equality, and the prospect of unending litigation, public protest, and even continuing civil disobedience, my views on the questions about marriage and same-sex marriage are not the concern of this letter - they are quite complex and nuanced, whereas the issue of equality is quite straightforward.

My comments relate to two of the questions raised by the Committee.

Firstly, they relate to Question 12: Would you like to comment on the wider issue of protections for those in society who may have concerns about same-sex marriage?

Secondly, they relate to Question 13: Would you like to comment on the wider issue of freedom of speech?

Throughout the discussion both in public and in the two Parliaments, the Scottish and the United Kingdom Parliaments, two different issues have constantly got confused. The first is of the meaning of marriage and the legitimacy of same-sex marriage, and second is of Freedom of Speech and Expression of Opinion in regard to the issues concerned. This letter concerns the equal right to hold and express opinions in regards to the matters concerned.

Beliefs about the nature of marriage and legitimacy of same-sex marriage are plainly beliefs about a religious or serious life style matter, and could therefore plainly be protected under any Equality Acts whether in Scotland or the UK as a whole. There are plainly a great many people who hold opinions on these matters with the kind of seriousness that relatively orthodox Christians, Muslims, Jews, and Hindus hold it, even though they would not describe their belief as "religious".

The problem arises both in the sphere of Public Service, and in the sphere of private employment.

The first problem is that the Equality Act does not clearly distinguish when a public servant is speaking in a public capacity and when not.

There is also a problem when students and others begin to feel reserved in expressing their opinions in case what they say be taken into account in job applications, whether for public or private service.
It is also obscure when a person should be considered as acting in a public capacity and when not.

When I have given a class teaching philosophy on a disputed serious matter I have made it clear that there are two or more views and given reasons of either side. But outside the teaching context I have felt quite free.

I think it would be very bad if everybody who might in future apply for jobs should have to be worried in the years before they had even decided what they wanted to do.

This is a quite separate matter from principle of the acceptability of same-sex marriage itself, on which, judging there are plainly disagreements. The question is of the equality of treatment of those who hold opposite opinions on the questions concerned.

People have different opinions on the matter of same-sex marriage, and here Parliament may decide in accord with its conscientious view (it should be a matter of a free vote), taking account of desired liberties, and also of the majority opinion amongst the public.

The question of the Equality Act is quite different and affects freedom of speech in unforeseeable ways - the decisions of the European court have been quite surprising (it has nothing to do with the EU and its court at the Hague, but has to do with the quite separate European Convention on Human Rights originating with the council of Europe with its court sitting in Strasburg)

I predict that if the two matters are not separated there will be an unending series of legal cases and unending problems with civil disobedience involving Muslims and Hindus as well as Christians, going on for years.

There will also be a constant insecurity in making job applications and in giving response in interviews as to whether opinions in this area are going to be taken into account. The law ought to make it clear that they are not going to be taken into account, except in so far as they are relevant to limited areas of Public Service.

To avoid these evils what is required is a extension of the protected areas of belief indicated in the 2010 Equality Act, Chapter 10 - or other provisions in the law which have the effect of introducing such an extension in protection.

David Braine
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
There are 'belief' celebrants and organisations who actively support marriage for all, and who are denied the chance to practice this with the current set up. If the bill is supported it would given them the freedom to choose alongwith religious celebrants

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Everyone should have the right to choose, and not to be vilified for it. Which includes those who choose not to marry any couple, and those who choose to do so. There should be no punishment or penalties for anyone.

How would you characterise your views on civil partnerships changing to marriages?
In support
I believe everyone has the right to be married, and to use that word for their union.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
I married in a garden, in the summer last year and my marriage is no more legal or illegal than any others registered that year in registry offices, churches and other official buildings. I was lucky that my inter-faith minister agreed to perform this (and that the sun shone in Aberdeen!), but also that my country had the foresight to allow this. Everyone should be able to choose this option, should everyone connected to the ceremony agree.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Should both parties in the marriage be accepting of this then I see no reason why the state should force their relationship to change.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Anyone should be free to believe what they want, as long as they don't discriminate or abuse others because of it. My hope is that in generations to come the discrimination against homosexual people will be as abhorrant as racism is to the majority of the scottish population now.

Would you like to comment on the wider issue of freedom of speech?

Everyone should have a right to the freedom of speech, but not the freedom to abuse, frighten, threaten or mistreat in their words.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am so proud that Scotland is bringing forward this bill, thank-you.

Are you responding as...

a private individual

Megan Braithwaite
20 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Derek Brash
14 August 2013
I am writing in response to the Scottish Government's call for Evidence in relation to the Marriage and Civil Partnerships (Scotland) Bill.

I am concerned about the implication of doing so for civil and religious liberties. A poll conducted by Comres in 2012 showed the majority (55%) agree that "marriage should continue to be defined as a life-long exclusive commitment between a man and a woman.

I am very concerned about the subsequent results that are possible. If marriage is redefined, something that has never be done before, an important precedent is set, opening the door for further redefinition.

In Canada and in some US states, where same-sex marriage has been legalised, attempts are now being made to legalise polygamy. In the Netherlands, three-way relationships have been recognised in law, and there may well be demands for marriage to be redefined in this way in the future.

There is the danger that people working in the public sector will be penalised if they express views to the same-sex marriage views, even if and before they become law. I know of an example of an applicant for the police force: at an interview he was asked about his views on same-sex marriage. He expressed
his belief that marriage should be only between a man and a woman. He got no further in his application. There is also danger for religious liberties. Churches and ministers who refuse to marry same-sex couples will be subject to litigation. Although Scottish law may seek to defend those who do not wish to conduct same-sex marriages, ultimately such matters would be decided by the European Court of Human Rights. In England, a homosexual couple are planning to go to Court to force churches to host gay weddings.

But the European Court of Human Rights does not in some cases, provide protection, in the right of freedom of thought, conscience and religion, where there is conflict between it and other rights.illian haley, a registrar from lofbington, was forced out of her job because she felt unable, for faith reasons, to officiate at civil partnership ceremonies. She requested that other colleagues without a faith objection manage such cases. However, her employer was unwilling to accommodate her. In January 2013 the European Court said it could not help Miss haley.

In Education, there are concerns. Senior figures in the UK Department for Education have already expressed concerns that teachers could be sacked for opposing same-sex marriage. A senior source said that the UK was not "in control" and that the ultimate decision might "inevitably" be taken by the European Court of Human Rights.
Qu 4. In my view, the bill does not go far enough to place safeguards with respect to civil and religious liberties.

Qu 5. I am not in support of the introduction of same-sex marriage, for faith reasons.

Qu 8. In my view civil partnerships should remain as they are.

I am responding as a private individual.

Qu 6. I have reservations about allowing belief celebrants on the same footing as religious celebrants.

Isobel Bray
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM MARC BREW

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

**Are you responding as...**

a private individual

Marc Brew
21 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support and welcome the bill. Equality for all is essential and this bill will go a long way towards making this possible.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As a gay man, the introduction of same sex marriage is very important to me. I believe it is important that the bill does not create two different versions of marriage - same sex marriage and mixed sex marriage because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. Issues such as adultery should be treated the same for all types of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well.

How would you characterise your views on civil partnerships changing to marriages?

In support

I would very much like to consider changing my civil partnership to a marriage, although I would prefer this to be through a simple and inexpensive administrative procedure.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. Spousal consent should not be required for the granting of gender recognition but should instead be required for the subsequent re-registration of marriage and the issue of a new marriage certificate.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. I strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. I strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

David Brian
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM ANDREW BRODIE

How would you characterise your views on the Bill in general?

In support

I think this bill is a huge step forward for LGBT equality and signals an end to institutional discrimination on the part of the state. Some of the bill's finer points merit scrutiny but, on the whole, all parts of the bill exhibit common sense and a true commitment to equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Same sex marriage is a common sense policy that extends the right of marriage to all couples, regardless of sexual orientation. The current situation, where marriage is limited to heterosexual couples, is simply discriminatory. Marriage is a hugely important institution within society and denying marriage to same sex couples is to the detriment of the state as well as to LGBT people. Studies have already shown the same sex couples exhibit exactly the same love and commitment to one another as opposite sex couples, and are as capable as parents. So prohibiting same sex marriage is not only discriminatory, it doesn't make any sense.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I agree with this principle. All people should be equal before the law, regardless of what they believe.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No religious body will be forced to conduct same sex marriage, just as they are not forced to remarry divorced people. The legalisation of same sex marriage will not affect the nature of pre-existing heterosexual marriages. Opponents of same sex marriage have no reason to be concerned by its introduction.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Andrew Brodie
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Really, I fail to see any reason for debate here. If two people love each other then they should be free to marry and that's that. How anyone feels they have the right to dictate what is and isn't proper love worth celebrating is beyond me. It's sickening

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
To those who have concerns about gay marriage, get a grip. How two people chose to celebrate their love is nobody’s business but their own.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is important. And as such, people should be allowed to moan about this bill as much as they want. That does not mean they have the right to be listened to though. I think the majority of Scots in this day and age are very progressive, so

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Allan Brown
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Shut their mouths and keep them shut? You are not under threat and who are you to deny other people happiness
Would you like to comment on the wider issue of freedom of speech?

I'm not certain a lot of people know what that truly means. But a lot of people will still comment

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ian brown
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Miss Lesley Anne Brown
17 August 2013
How would you characterise your views on the Bill in general?

In support

With the exception of some parts of the bill, as will be detailed later.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is extremely important that the difference that has held through civil partnerships being the only option for same sex couples is removed. Same sex couples unfortunately still suffer from discrimination within our society and removing this difference.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Marriage is not about religion, but about love and commitment. It is only right that belief celebrants are on the same footing as religious celebrants in order to allow couples who have no religion to have an equality of ceremony to those who have religi

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

This allows for freedom of religions to do as they feel is right. However, 11(2)(g) should be amended to allow religious and belief celebrants to use the gender free form of the marriage ceremony for mixed sex couples if those couples want that.

This s

How would you characterise your views on civil partnerships changing to marriages?

In support

But feel that couples who have a civil partnership that was registered outside of Scotland should be enabled to change to a marriage through the options provided within the bill. It is unfair on those who have a civil partnership registered outside of Scotland, as if they wished to change their partnership to a marriage, they would have to show the dissolution of their civil partnership, which is categorically NOT
what they would be wanting, as that would need to be shown by a breakdown in their relationship. This prevents those who had a civil partnership registered outside of Scotland to be able to marry, which is discriminatory.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

However, the requirement of the consent of the transgenders spouse before a married transgender person can have their gender recognition is unacceptable. This could lead to cases where the spouse both refuses a divorce or causes problems so that the gain

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I feel that it is unacceptable for civil registrars to be able to opt out of performing same sex marriages. They are performing a civil duty on behalf of the state and as such they must not be able to opt out of the grounds of religion. If this was allowed it could set a dangerous precedent where other public service providers then refuse their duty when it comes to same sex couples, which is unacceptable and discriminatory. Also it has been suggested by some that teachers should be able to opt out of discussing same sex marriage if it should come up in class etc. This is extremely discriminatory and would seriously affect young people growing up within our tolerant society to give them the message that same sex marriage can be "hidden" away. What of the child in that class who has same sex married parents. This must not be allowed.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Civil partnerships should be extended to mixed-sex couples, by not doing so is discriminatory. It is particularly problematic to those who are in a civil partnership who change their gender. I also feel that the current situation with regards to pension
Are you responding as...

a private individual

Talitha Brown
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM PHIL BROWNE

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I have a family photo taken at my sister’s wedding. In the photo are myself, my Dad, my Mum, my sister and my brother-in-law. - All the people in the photo are hard working, law-abiding, upstanding citizens with good values, and they contribute to society. - All the people in the photo are celebrating the joy of two people in love having their relationship recognised both legally and by the extended family, friends and society. - Sadly not everyone in the photo has equal rights under law. - Despite being an upstanding citizen, I am denied the right to have my loving relationship recognised. - My relationship is denied the validity given to couples by marriage. - My relationship is denied the legal protections of marriage - e.g. hospital visitation rights if one partner is critically ill, legal certainty if a couple has any children, and legal/financial certainty if one partner dies. - Why? - all because I happen to love someone of the same sex. - My love for another man is identical to the love felt by opposite sex couples - so why the different treatment under law? Everyone in the photo should have the same right to marry the person they love. Love is love, regardless of who you love, it is all the same. - I have been in love and know how special the love between two people can be. My family value and respect my relationship with another man, and treat my same sex partner the same as they would if we were legally married. I want my country to allow me to marry the person I love. This is important because I should have the same rights, and have my country treat me with the same respect and dignity as all other citizens. I should be allowed to marry, and my relationship given identical standing to the relationships of my parents and my sister. My desire to have the choice to marry is supported by my entire community - my family, friends, work colleagues, and neighbours. I can go out, find a woman I barely know and who I do not love, get married and immediately have all the rights and recognition of marriage - despite this being a sham. However, if I cherish, adore, respect and love another man so much that I can not imagine a world without him - fulfill each other and love him so much that our love is greater than the sum of us - this is not recognised!! Society is ahead of the govt and the government needs to catch up by legalising marriage equality. Numerous other countries legalised same sex marriage when public support was less than it is in Scotland - the world has not ended and people live their lives normally in these countries. Inter-racial marriages, de-facto relationships (living in sin), inter-religious marriages, and divorce were all previously frowned upon and seen as a threat to society. Now these are all common place and accepted in society - just as same sex marriage will be. One day soon, society will look back and think what was all the fuss about with legalising same sex marriage. Two people who
love each other (regardless of their sex) and aspire to marry, being allowed to marry can only strengthen the institution of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
Phil Browne
15 August 2013
How would you characterise your views on the Bill in general?

In support

It is a very good Bill in that it represents something Scotland is likely to coalesce around, with the exception of a relatively few extremists on the edges.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It represents the removal of a major piece of discrimination, discrimination that is comparable to denying marriage members to a religious or racial group.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religious celebrants should have no special privileges in such matters.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

There should be a simple and cheap upgrade facility for those who were in civil partnerships before the introduction of same-sex marriage. To deny this would be to penalise those same-sex couples who took advantage of civil partnerships as representing the best public acknowledgement of their union that was available at the time.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I am in support of this provided the location in question allows a degree of seriousness to be maintained commensurate with the seriousness of the
commitment being entered into and of the legal and other public support that accrues to marriage. Marriage on the roller-coaster at a theme park, for instance, would not satisfy this condition.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

*If* civil partnerships are to continue (and there appears to be no present intention to abolish them for same-sex couples), then I would want to see religious and belief organizations allowed to register them. But my hope is that with the introduction

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Bill is more than generous in its protections for such people, who often seem to feel a peculiar animosity towards same-sex couples far more intense than they feel, if they feel it at all, towards, say, adulterous couples, divorced-and-remarried couples and unmarried mixed-sex couples. Neither public officials nor employees of privately-owned firms should be allowed to opt out of dealing with same-sex couples. To allow this would be comparable to allowing public officials or private employees to refuse to have dealings members with other groups. It would be outrageous for a planning official to be allowed to opt out of processing an application by the Roman Catholic Church on the grounds that "I believe the RC Church to be a bastion of idolatry hateful to the Lord and have a conscientious objection to processing its application for a new church building." In just the same way it would be outrageous for, e.g., a registrar to be allowed to say, "The civil marriage of this couple is an abomination to the Lord and I demand to be allowed to have nothing to do with it."

Would you like to comment on the wider issue of freedom of speech?

I have seen in the press frequent expressions of concern that schoolteachers should not have to 'teach' same-sex marriage and that this is a matter of freedom of speech. In general, teachers are required to teach a publicly-agreed syllabus, not to foist their private views on children. It would be outrageous for a teacher to claim on freedom-of-speech grounds to be allowed, for instance, to tell a child that his or her unmarried mother "is a whore" or that a child's divorcing parents "will go to hell", no matter how sincerely the teacher believes it. Things should be no different in regard to same-sex marriage. Children need to be educated about the sorts of relationships, and the institutional forms of those relationships, that are available to them and to their family members, and that includes mention of the option of same-sex marriage. Teachers should not be allowed to suggest to children that there is 'something wrong' with Uncle Ted's and Uncle John's marriage--or, indeed, with their own parents' same-sex marriage. Relatedly, teachers should not be allowed to refuse to deal with same-
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am entirely opposed to opening civil partnerships to mixed-sex couples. To allow this option would be to truckle to the common but false view that all marriage, even civil marriage, is essentially a religious institution, as though civil marriage were carried out by the state under a sort of franchise agreement with religious organizations. I know intelligent people who think like this. The tendency to think that all marriage, including civil marriage, is at bottom religious may in part be a consequence of the fact that religious leaders tend to speak as though they have a special claim to pronounce on all marriage, including civil marriage, not just marriage ceremonies as provided by religious organizations. This claim needs to be resisted, not pandered to by opening civil partnerships to mixed-sex couples. Relatedly, a lot of people seem to think that civil partnerships are *the same as* genuinely civil marriage, as though existing civil marriage (for mixed-sex couples) were still at heart a religious institution. The state should not be in the business of reinforcing such muddles. So far as concerns legal unions, there should only be civil marriage, available to same-sex couples and mixed-sex couples; with the option of appropriate religious ceremonies where religious organizations and celebrants can be found to provide them. Civil partnerships should be allowed to wither way as an anomaly, as an institution that at a historically specific time was a means of allowing same-sex couples some of the benefits and status of marriage. With the introduction of same-sex marriage, there is no need for them.

Are you responding as...

a private individual

Paul Brownsey
8 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Gay people getting married in Scotland will have no impact on opponents of gay marriage whose ‘against’ stance is based on religious beliefs. On the other hand, religious opponents want their opinions to have a direct impact on the lives of gay
people and are trying to impose their beliefs on everyone. This is unfair and should not be allowed to happen.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is one thing, allowing nonsense such as Section 28 back in schools to protect those wishing to vocalise religious beliefs is a potential danger. Look at what has happened in France!

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I am a Scot, living in England who would like to get married - however, the only place my partner and I wish to be married is in Scotland, where we met and lived together for 10 years. We have only been in England for a couple of years and as yet have nowhere as special as Scotland that we’d like to get married. Same-sex marriage is now legal where we live, so it seems ridiculous that less than 200 miles away I cannot be married in my home country.

**Are you responding as...**

a private individual

Rowan Burn
24 July 2013
How would you characterise your views on the Bill in general?

In opposition

I find that the attempt to redefine the characteristics of the institution of Marriage to be unnecessary as homosexuals can currently enter into civil partnerships which legally define their relationship as co-habitees. I feel that the extension of a family group to include two "parents" of the same sex to be morally reprehensible whether by adoption or by surrogacy.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is universally the forum for the binding of two heterosexuals for life with the primary purpose of conceiving and rearing children between them. Love per se is not an issue, but can generally be the foundation for a lifetime commitment between the couple publically expressed by the couple voluntarily entering into the institution of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

Spiritual leanings are irrelevant to the institution of Marriage one does not need to have religious beliefs or leanings to enter into the Institution of Marriage. Couples can enjoy a religious celebration of their union whether by Marriage or Civil Part

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

See my comments at 6

How would you characterise your views on civil partnerships changing to marriages?

In opposition

There can be no justification in law or based on so called human rights to entertain the concept.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

See my comments at 6

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

See my comments at 6

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Transgender deformities should annul a Marriage on discovery of same

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There has been no overwhelming public movement for the reconstitution of Marriage to enable homosexuals to enter that institution. This has been promoted by political party members with a specific agenda related to their own sexuality. Homosexual Marriage has not been put before the electorate in any specific Manifesto for express approval for such a fundamental reorganisation of Society's moral compass. Changing the constitution of marriage without the patent approval of the overwhelming majority of Society is a crass abuse of process by politicians applying their own agenda.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual and an elder emeritus of the Church of Scotland

Alan Mark Bush
13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Frances Butterworth
22 August 2013
How would you characterise your views on the Bill in general?

In support

It is about time that we removed all impediments to equal treatment for those that are different to us. This is about building peace in our communities.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Love is universal, we should stop saying one sort of love is better than another. Being judgmental causes conflict in communities.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Why not- humanists fall in love as well.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

If they wish, if they do not want to do this that is also fine.

How would you characterise your views on civil partnerships changing to marriages?

Neither

I think civil partnerships should be open to everyone including heterosexual couples. I am not in favour of civil partnerships becoming marriages they are not the same thing.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

We already have civil marriages between heterosexuals allowed anywhere so extending this to all relationships is rather obvious.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Part of the stigma attached to gay and lesbian relationships suggests that they have no spiritual soul. Allowing religious groups to celebrate and perform civil partnerships if they wish recognized the falseness of this statement.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I think these cases need to be considered on an individual basis and that there should be no legal impediment to either remaining married to the existing partner or of dissolving the marriage should that be the agreed course between the couple.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that religious congregations and individuals who have concerns about this should not have it imposed upon them. So existing registrars should be able to opt out of same sex marriages if they have a problem with it but they should not be able to propagate their ideas. I would see that any new registrar must be open minded enough to conduct all kinds of ceremony.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is fine providing it does not inflame division and is seen and taken as the view of the individual. Some of the media are about trying to provoke division and this should not be allowed.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Anthony Buxton
30 June 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Marriage is simply a matter of two people, joining themselves by law in recognition of their love. There is debate as to whether same sex marriage demeans the institution of marriage. I am of the opinion that any degradation to the institution of marriage suffered thus far, could only logically have happened between partners of an opposite sex. United Kingdom law is set on precedent and not on constitution. We learn from history, and allow it to form our laws of today. I simply don't see how the impact of gay marriage could be determined as positive or negative, without having any precedent. There is a matter concerning gay marriage that I would like to draw attention to. Many view Gay Marriage as potentially ruining families; breaking down a structure that apparently the modern world has not already eroded with countless "nuclear families" developing every day. On this, however, there is precedent. There have been children, nurtured and cared for by gay parents who have grown to lead very successful lives. There are studies which even suggest that same sex parents provide a better environment for children. I believe there may be some store in that, owing to the fact that same sex parents would only ever be able to have a child through a mutual decision to care for one.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I believe that gender should be of no significance in anyone's eligibility to marry another person, and that of course any transgender person's marriage should be made no less valid by their change of gender. It is a physical change, having no effect upon their heart or soul in regards to whomever they love.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I find the idea that anyone who is not involved in a same sex union, or relationship, should have any need of protection from one to be ludicrous. It is a matter of equal treatment, that I think should work both ways. It is my view that unions should be equal amongst sexual orientations. If Civil Partnerships are to be kept in existence then I would support legislation allowing opposite sex couples to become Civil Partners, too. Every couple should have a choice as to how they are joined, supported in law.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Calum Calder
16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No

Would you like to comment on the wider issue of freedom of speech?
No

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

Stephen Calder
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM CALVARY CARLUKE..CHRISTIAN FELLOWSHIP

How would you characterise your views on the Bill in general?

In opposition

This Bill is in real danger of destroying the timeless fabric of society..Marriage between a man and a women has been a bedrock of society since time began..and there is no real reason to change...the gay community(small as it is ) seems to punch way above it's weight to the point where people like me who disagree are labelled "bigots"...A number of public officials have already lost jobs or been demoted because of their opposition.. How much worse will this become if this bad law is passed.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

As a marriage celebrant it disturbs me that at some point in the future I will be challenged to perform a homosexual marriage..On Christian grounds I could not do this..as although I have no underlying issues with homosexuals...I consider homosexuality wrong in The Lord's eyes.....just as every sexual sin outside of a heterosexual marriage is wrong...I rent a public building for our services and I can see the day coming when I will be stopped from rentals because I do not comply with a bad law..!!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I don't understand the question? Many faith and religious groups celebrate marriage..and none of the major religions in the world would proclaim homosexuality to be right in their eyes...I am not a religious person..I have a simple faith in Jesus Christ..

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Homosexual practice is wrong and should not be part of marriage...Why is it that Homosexuals are alraedy allowed civil partnerships, and now possibly marriage..When hetrosexual couples will not be allowed civil partnerships if they wish.....

How would you characterise your views on civil partnerships changing to marriages?
In opposition

For all of the above reasons..given previously

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

There are two sides to marriage..the civil side which involves compliance with the law of the land..and there is the religious side which means that a couple take their vows before God...It is not where a marriage takes place but to whom you make your vow

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

for all of the previous reasons..64% of the people who responded to your survey did not want marriage redefined..but this government has chosen to ignore it!!

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

If a law in this country requires that our people need protection from the law ..then surely this is a divisive and bad law...People have already lost their jobs or have been demoted..and this before the law is passed...If we redefine marriage now what's to stop the polygamists from demanding a further redefinition at some future date...

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

an academic
a celebrant
a faith/belief local group or congregation
a private individual

james tatton
calvary carluke..christian fellowship
23 August 2013
I am writing in response to the call for evidence for the committee stage of the Marriage and Civil Partnership (Scotland) Bill. I intend to respond first as a parent with children in the state education system, and then to some of the general questions about the proposed legislation.

Response as a parent

I am the father of three children under the age of six. My children are currently in the state education system, or are shortly due to be. I am concerned about the impact of this legislation on my natural rights to educate my children, and on the welfare of the society in which they will have to live.

As my children grow, I intend to teach them about marriage. I will explain to them the important nature and purpose of marriage, how authentic marriage is not an arbitrary and subjective legal, religious or political construct, but rather an objective anthropological reality, rooted in the human person. I will explain how male and female are human realities and that gender is not a construct (two facts this legislation wilfully obscures). I will explain that marriage is the sexual union of a man and a woman: that its purpose is to join a man and a woman to one another and any children they may have and to provide those children with a ordered upbringing with mother and a father united for life.

I will explain why human societies have evolved marriage to provide an ordered context for procreation and sexual activity, and that sexual activity belongs between a husband and wife within marriage. I will explain to them that sex outside marriage, including homosexual activity, is potentially harmful: socially, physically, emotionally and psychologically. I will also explain to them how the state has no purview over the substance of marriage, and that its only licit relationship to marriage is to legally recognise and protect it, because physical marriage produces mothers, fathers and children, all of whom have rights and responsibilities. Consequently, I will teach them that same-sex "marriage" is a legal fiction because it is a physical and logical impossibility, and that it is impossible to understand anything about marriage if it is confused with same-sex relationships, romantic or otherwise.

My concern is that this legislation will undermine my rights to explain these facts to my children. I am concerned that agents of the state will interpose themselves between myself and my children against my will to contradict me. I am concerned that this legislation, in conflating physical, factual marriage with same-sex relationships in a single law called "marriage", will make it very difficult for teachers, parents and others to explain what actual marriage is to children, and to give them an ordered view of human society and sexuality.

In truth, I think that this legislation will cause a great deal of conflict in schools, because the demographic that has children tends to be very different from the demographic that created this legislation and supports it. That is to say that people who have children tend to be more pro-marriage, pro-family, socially conservative, respectful of the sexual difference enshrined in authentic marriage, more religious
and often from immigrant backgrounds. For many of them, the proposed legislation is anathema, and brings the state and the democratic process into disrepute.

**Question 8 - How would you characterise your views on civil partnerships changing to marriage?**

It's physically impossible.

**Question 12 – Would you like to comment on the wider issue of protections for those in society who may have concerns about same-sex marriage?**

If the state transgresses onto civil society by creating a legal definition of marriage that conflicts with and obscures its vital pre-political, extra-legal nature and purpose, the state will enter into a state of conflict with the society it is supposed to serve. It will therefore become necessary for civil society itself to take on the responsibility of promulgating the facts about marriage, to explain how it works, what it does and why we have it. It is therefore vital that there is no legal impediment to this happening, that any legislation specifically protects the right of people in all areas of civil society; in the workplace, in schools and in other institutions, to uphold and explain what authentic marriage is and how the proposed legislation confuses, obscures and denies it, and to be able to do so without fear of prosecution or any other penalty. This is vital for society itself and for the future of the nation, as authentic marriage is essential to the health and functioning of society.

**Question 14 - Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

If legal marriage is separated from physical marriage, then the state will have no rational and objective criteria to assert what is and what is not "marriage". In truth, the "marriage" of two men makes no more or less sense than then "marriage" of ten men. Divorced from physical marriage and sexual complementarity, the "twoism" of marriage becomes arbitrary and baseless. Some critics claim that this debasing of legal marriage will lead to legal recognition of polygamy and "polyamory". However it is more likely that it will lead to the abandonment of legal marriage entirely, as it will become indefensible to "deny marriage" to one arbitrary group but not another. Given that legal marriage only actually exists to protect and uphold the rights of mothers and children within physical marriage, this will cause damage to the most vulnerable people in society, and will act as a disincentive to start a family in the first place.

If this legislation is well intentioned, then it is short sighted and irrational: its likely consequences have not been thought through. If, on the other hand, it has been thought through, then it is really an act of violence against the whole of society, the weak and the vulnerable especially, and it will cause enormous problems for people who seek to defend the common good by upholding marriage, the family and the rights of children. It should be stopped at committee stage - indeed it should not have been proposed at all.

It is very unclear where this legislation came from. Nobody has ever really demanded it, certainly not homosexuals, only 4% of whom have entered into Civil Partnerships. It seems probable that is it really part of a much bigger "gender
agenda”, an agenda which seeks to undermine and challenge our identity as men and women, and whose influence to this end can be seen in many other areas of life and legislation. It is therefore dishonestly motivated.

Michael Calwell
23 August 2013
How would you characterise your views on the Bill in general?

In support

I can think of no reason why recognition of a couple's commitment to each other should viewed differently based on the gender of the couple in question.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Having legal and societal recognition should be the choice of the couple. If they wish to make that commitment to each other then that should be their right.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
So long as both partners in the relationship are in support I see no legal or moral reason why this shouldn't be allowed.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Ross Cameron
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I strongly support this Bill as all people, irrespective of their sexuality, should have the right to marry.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I think the Bill adequately protects those faiths that are against same sex marriage.

How would you characterise your views on civil partnerships changing to marriages?
In support

I am in a Civil Partnership and I would rather have married my partner but that was our only option to show how committed we are to each other. To me a Civil Partnership is second best and when I tell people I feel slightly ashamed. A Civil Partnership does not have the same gravitas and recognition as a marriage does. Everyone should have an equal right to get married.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As stated previously I think this Bill contains enough protections for those who do have concerns.

Would you like to comment on the wider issue of freedom of speech?

I think freedom of speech is very important for all individuals but if people want to air their opinions then they should be sensible and intelligent and definitely not hate speeches.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The only comment I would like to make is that I thought this Bill was to change the legal definition of civil marriage to incorporate all people irrespective of their sexuality. I totally abhor the spurious arguments from Scotland's three main faith groups. Their campaign against this Bill has been outright hypocritical and downright nasty. Jesus taught love, tolerance and inclusion and we have seen none of that from any of these faiths. I consider myself a Christian and I am fed up hearing if I'm gay I cannot be Christian or if you are a Christian then you cannot be gay. Do they realise how hurtful that is? I am a law abiding citizen and I live my life the best I can using the moral foundations I received as a child. I am a mother, a grandmother and I want to be able to legally call my partner my wife. Is that too much to ask??????

Are you responding as...

a private individual

Georjean Cammisar
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM ANNA CAMPBELL

To enable you to have a true picture of the feeling of the people of Scotland regarding this bill, I wish you to record that I am not in favour of same sex marriage – in other words redefining the meaning of the word marriage. As far as I am concerned Civil Partnership already gives same sex couples equality with male/female couples. For those insisting on church ‘marriage’ for same sex couples, this merely takes away the freedom of ordained clergy to practice their religious beliefs, so where is their equal rights!

I would therefore request that same sex marriage should not be permitted.

Anna Campbell
16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

craig campbell
21 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support this bill as a step towards equality of civil rights irrespective of sexuality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is essential in a society that basic civil rights such as marriage should not be denied to people on the basis of their sexuality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is a very welcome proposal. It cannot be right that only Registrars can officiate at civil partnerships.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I fully support the proposal to permit civil partners to change their partnership to a marriage by means of a low-cost administrative arrangement. I commend to you the comments of the Equality Network in respect of couples now living in Scotland but whose civil partnerships were registered abroad.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This provides a very welcome flexibility.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If a religious body wishes to provide this service then it should be made possible for them to do so.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am more inclined to be concerned about protections for LGBT people who for years have suffered discrimination and abuse. It would be intolerable to allow those who may have concerns about equal marriage a means of continuing such discrimination. I believe the bill has struck the correct balance. Those in civil employment such as registrars and teachers who might have concerns about same sex marriage are not being asked, of course, to change their personal views. However, in the conduct of their professional duties it would be intolerable if such personal views were allowed to intrude.

Would you like to comment on the wider issue of freedom of speech?

I cannot see how the bill will have any negative effect on freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I continue to believe that civil partnerships should be open to mixed sex couple and am disappointed that the bill does not include this provision. Notwithstanding this concern I very much welcome this bill and thank all whose work has brought it to fruition.

Are you responding as...

a private individual

Douglas Campbell
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM CARE

Introduction

CARE is a Christian charity which provides resources and helps to bring Christian insight and experience to matters of public policy. CARE has been working to influence the Scottish Parliament on matters relating to education, marriage, family life, sexual health and bioethics since 1999. We have about 3000 supporters in Scotland which are drawn from all the major Christian denominations. We welcome the opportunity to submit written evidence to the Equal Opportunities Committee and would be pleased to give oral evidence.

Question 4 – How would you characterise your views on the Bill in general?

The Bill is unnecessary and a distraction from matters which are of importance to the general population. All the legal rights of marriage are already available to same-sex couples through civil partnerships. There is no great demand for the same-sex marriage and the other measures contained in the Bill. The disproportionate impact of the Bill in terms of potential infringement of civil liberties (particularly freedom of conscience and freedom of speech) outweighs any benefits which might be accrued by those who wish to see the law changed in the manner proposed. Moreover, the Bill may be in contravention of the European Convention of Human Rights. If this is so, the Bill is in danger of being struck down in the Court of Session.

Question 5 – How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

The Nature of Marriage

Marriage is an institution which was ordained by God at the dawn of human history. It is given for the good of individuals and human societies. It benefits humanity in three ways. First marriage provides life-long companionship for adults, within the context of the complementarity and distinctiveness of male and female. Second marriage provides the appropriate context for procreation and the raising of children. Third, marriage is sacred in nature in that it is prophetic of Christ’s eternal relationship with the Church and reveals the nature and purpose of God to humanity.

In the Christian tradition, procreation has been viewed as the primary good of marriage since at least the fourth century. The procreative potential of the institution of marriage is intrinsic to its nature and role in society. This is the key factor which gives the state an interest in recognising marriage within the framework of civil law. The introduction of so called ‘same-sex marriage’ reduces the institution of marriage to a subjective expression of affection between two individuals. Its objective purpose, the procreation of children within a stable and secure environment consisting of the complementarity of male and female parents, is removed.

By redefining marriage in this way, the state assumes a power which is beyond its legitimate authority. The authority to define marriage rests with God alone. In seeking to acquire this power, the state exceeds the bounds of its limited authority. It become tyrannous and government assumes that it has absolute authority over all of human life. However, the Christian understanding is that the civil authorities have a limited mandate to govern under the authority of
Christ. It is this principle which has underpinned the governance of Western societies since the time of Constantine and which is now being placed under threat by legislative measures such as those proposed in this Bill.

The institution of marriage is of fundamental importance of the cohesion and stability of society. The declining rate of marriage and increasing relationship breakdown within the UK has had adverse consequences for society in terms of an increase in dysfunctional families, poverty, welfare dependency, crime, costs of elderly care and housing supply. The negative consequences for society of rejecting the Christian model as a context within which to raise children are only likely to increase by redefining ‘marriage’ in the way proposed in the Bill.

Equality

This Bill does not advance equality for those in same-sex relationships as all the legal rights of marriage have already been given to those in same-sex relationships through civil partnerships. Moreover, the Bill proposes to continue to allow same-sex couples the opportunity to register for a civil partnership whilst denying this status to heterosexual couples. CARE is of the view that extending civil partnerships to heterosexual couples would further undermine marriage and, therefore, we do not support this proposal. However, we note that the proposal in the Bill to allow same-sex couples access to a legal status which is not available to heterosexual couples is discriminatory and most likely in breach of Article 14 of the ECHR.

Whilst claiming to be legislating in order to ensure equality, the Bill proposes a two tier system of marriage. For those in a heterosexual marriage the concept of adultery will remain in law as evidence of the grounds for a divorce. For those entering same-sex ‘marriages’, this will not apply. If the Scottish Government is committed to bringing same-sex relationships into the definition of marriage, its failure to draw such relationships into the same legal framework as marriage means that the entire project breaks down. It has not created same-sex marriage. The failure to require same-sex couples to meet the demands of marriage in terms of the same basic faithfulness-adultery obligations is not equality. If the relationship obligations are different then the relationship is different and must logically be categorised differently. We suggest that the status quo whereby marriage is only available to heterosexual couples and same-sex couples can receive legal rights by registering a civil partnership is preferable to the proposals contained in the Bill. This does not detract from the principle of equality.

Question 12- Would you like to comment on the wider issue of protections for those in society who may have concerns about same-sex marriage?

Religious Celebrants, Churches and other Faith-based Organisations

The Committee will be aware of the duty placed on public authorities by the Equality Act 2010 to counter discrimination, promote equality and foster good relations. We consider that it is important when public bodies seek to do so that they maintain a proportionate approach which recognises not only individual rights, but also the rights of association of religious groups, faith-based welfare providers and charities which have trust deed reflecting a religious ethos. The Equality Act contains exemptions allowing such groups to protect their ethos by restricting services to specific communities. The importance of this principle cannot be underestimated. Otherwise the danger remains that religious communities will come under pressure to secularise their ethos and

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operations. Whilst in some cases it would be appropriate for churches and religious organisations to provide services without regard to the religious affiliation or lifestyle choices of their beneficiaries, there may be occasions when such restrictions are necessary in order to protect the ethos of the organisation or to comply with doctrine. The solemnising of marriages is one such occasion.

An important principle which should be prioritised in assessing how to fulfil the public sector equality duty is that of reasonable accommodation. Public bodies should seek to make reasonable accommodation for religious groups in order to facilitate those organisations to maintain their religious ethos. Sadly this principle has not been implemented to date. For example, in the case of faith-based adoption agencies public bodies should not seek to impose a uniform policy on all adoption agencies. If there is more than one provider of a service in a locality, then it is unnecessary to require all providers to provide the service to all of the community. By seeking to do so, public bodies are not promoting genuine equality and diversity, but rather promoting uniformity and denying the rights of association of religious groups.

We are concerned that churches and other faith groups may come under pressure to marry same-sex couples. The danger of churches and/or religious celebrants which refuse to ‘marry’ same-sex couples being subject to litigation. Although the Scottish Government has given assurances that no religious celebrant or faith group will be forced to marry same-sex couples, ultimately this matter may be decided by the European Court of Human Rights. Although the Court has made it clear that there is currently no automatic right to same-sex marriage throughout the Council of Europe area, if a country makes it available in some contexts it must be made available on an equal basis. Discrimination in the provision of same-sex ‘marriage’ could be ruled to contravene the Convention. There is no guarantee, therefore, that at some future date the court will not rule that religion and belief celebrants must either solemnise all ‘marriages’ or cease to marry people altogether. The civil legal aspects of a marriage ceremony remain the same regardless of whether it is conducted within a religious or civil setting. Moreover, the Scottish Government is unclear as to whether the term ‘public function’ will apply to religious celebrants when solemnising marriages. There is a danger, therefore, that religious celebrants will be considered to be a ‘public authority’ and, therefore, they could be sued under Article 14 of the Convention or under the Equality Act either for discrimination on grounds of sexual orientation or of sex.

The Scottish Government has negotiated (with the UK Government) some protections in the Equality Act for church trustees who refuse to let premises for the purpose of a same-sex marriage and for chaplains working in the public sector who preach against same-sex marriage. CARE welcomes these protections. However, we remain concerned that churches which do not ‘marry’ same-sex couples may be targeted by over-zealous officials in public bodies. In particular, we are concerned that the Office of the Scottish Charity Regulator (OSCR) may seek to remove charitable status from, or local authorities and other public bodies may refuse to partner with, churches and other faith groups which are unwilling to marry same-sex couples. For example, a local authority may claim that it would be in breach of the Public Sector Equality Duty if it were to give a grant towards the cost of a community project to, or to enter into a contractual relationship with, a local church if the church concerned is unwilling to marry same-sex couples.

Religious charities which provide welfare services or engage in political lobbying may be subject attempts by OSCR to remove their charitable status. The Scottish Government’s view is that as long as a social service is available to all people regardless of their sexuality then there should be
no problem, but whether the Equality Act supports this view is unclear. Despite previous Ministerial assurances regarding the future of the Catholic adoption agencies, OSCR is in the process of removing charitable status from St Margaret’s Children and Family Care Society because St Margaret’s gives preference to married couples. That which is politicians currently find unacceptable, may very quickly become normal practice if there are not robust legal protections in place. A court would need to balance freedom of religion against the requirements of the Equality Act and it is to be hoped that the judges would prioritise religious liberty. However, the balance which is struck between competing rights may depend upon the nature of the case and the charity concerned. Over time the view of the courts as to what is a proportionate balance between competing legal rights could change. In the future, a court could determine that equality of opportunity is not promoted by giving charitable status to a church which refuses to marry a same-sex couple. Similarly a court might rule that good relations are not fostered by giving charitable status to religious organisations which are involved in political campaigning in support of marriage or to churches which preach that homosexual behaviour is a sin.

Individuals Working in Public Life

The main concern remains, however, that people who have a conscientious objection and who work throughout the public sector in roles which are not specifically religious may lose their jobs (or be unable to find employment in certain professions) if they refuse to endorse same-sex marriage. For example, the Bill does not protect civil registrars who do not wish to officiate at ‘same-sex marriages’. The Scottish Government claims that as registrars conduct a civil function it is not appropriate to allow them an opt-out on conscience grounds. This position wholly ignores the fact that the Christian faith affects the whole of life and is not limited to activity within church buildings. Christianity is a public faith rather than a purely private matter. It is misleading to suggest that a distinction can be made between the activities of civil registrars and religious celebrants in relation to the civil aspects of marriage. In Scotland, the legal aspects of a marriage ceremony (signing the register) are civil in nature whether they are conducted by a registrar or by a minister of religion. The issues of conscience which apply are the same for both groups. The Abortion Act 1967 allows doctors and other health professionals to have an opt-out if they have a conscientious objection to participating in abortions. The same principle should apply with regard to same-sex ‘marriage’.

In the case of Lillian Ladele, a civil registrar was forced out of her job because she was unwilling to register civil partnerships. This case was taken to an Employment Tribunal which Ms Ladele won. However, her employer appealed and the initial ruling was overturned. In January 2013, the European Court of Human Rights ruled against Ms Ladele. Two of the judges strongly dissented from this judgement arguing that Ms Ladele’s freedom of conscience should be respected. This case highlights that if ‘same-sex marriage’ is introduced, civil registrars may well be subject to disciplinary or legal action if they refuse to solemnise such relationships. Conscientious objection will not be respected unless the Bill contains a specific conscience clause requiring local authorities to do so. In addition, the Bill should include a clause which requires individual civil registrars to opt-in along the lines of that proposed for religion and belief celebrants.

Teachers should not be forced to conduct ‘same-sex marriage’ lessons if they have a conscientious objection to doing so. However, there is a real danger that a teacher who refuses to teach that marriage can be between two people of the same sex will face disciplinary action and
may lose his/her job.\textsuperscript{2} Despite assurances from the Scottish Government that this is not their intention, such a case may need to be referred to the European Court of Human Rights for resolution.

The Scottish Parliament’s Equal Opportunities Committee should ask the Westminster Government to amend the Equality Act 2010 in order to incorporate the principle that an employer must make reasonable accommodation of the manifestation of religious belief by employees. It is essential that this protection is provided. Until a commitment is obtained from the UK Government, the Scottish Parliament should refrain from pursuing the introduction of ‘same-sex marriage’.

Other Concerns

Concerns have been expressed that should so called ‘same-sex marriage’ be introduced it is likely that children will be taught in school sexual health education that marriage can be between two people of the same sex. CARE believes that children should be taught about the benefits of marriage (defined as being between one man and one woman with the intent for life) for society and for families in sexual health and religious and moral education. In relation to these two areas of the curriculum, it is the Scottish Government’s intention to continue to allow parents the right to withdraw their children from classes. However, the strength of this right may be called into question as it is contained only in non-statutory guidance rather then in primary legislation. CARE is of the view that such a right of withdrawal should be given legal weight by an amendment to the Standards in Scotland’s Schools Act 2000 which puts this right on statutory footing.

The parental right of withdrawal is directly proportional to the age of the child and the quality of information provided by the school to parents. It may be difficult, therefore, for a parent to exercise their right of opt-out if the child is of secondary school age and the subject of same-sex relationships is being taught in sexual health education or if they are not consulted by the school (at primary or secondary level) with regard to the timing and content of their child’s sexual health education. Moreover, with regard to other areas of the curriculum, the Scottish Government has no intention to allow parents the right of opt-out for their children if the subject of same-sex marriage is discussed. For example, in Modern Studies, History and English it is possible that ‘same-sex marriage’ may be discussed. Indeed it is likely that attempts will be made to mainstream ‘same-sex marriage’ by groups such as Stonewall in the guise of tackling alleged homophobic bullying by seeking to have it discussed across the curriculum. A range of books which discuss same-sex relationships is being promoted by Stonewall for use at the early stages of primary school. If ‘same-sex marriage’ is legalised, schools will come under huge pressure to use these resources. Even denominational schools may not be exempt from such pressures as only the ‘faith aspects’ of the curriculum require approval by the Scottish Catholic Education Service.

The ideology which lies behind the promotion of Stonewall’s resources in schools is fundamentally contrary to a Christian understanding of human sexuality. Included in this ideology is the view that the heterosexual norm in society is responsible for ‘homophobia’ and that gender is a subjective construct. It is argued that in order to combat ‘homophobia’, it is necessary to eliminate the heterosexual norm within the public consciousness, legislation and policy making.\textsuperscript{3} Moreover, the complementarity of male and female is denied and it is claimed that there are more than two


\textsuperscript{3} See the reference to heterosexism on Wikipedia for more information on this ideology.
genders. Education is at the forefront of this battle. It is unclear the extent to which parents will have the right to opt-out their children from lessons which are based on this ideology. Yet failure to allow parents to opt their children out of lessons which the advance this ideology is likely to contravene Article 2 for the First Protocol of the ECHR which states:

"the State shall respect the right of parents to ensure that ... education and teaching is in conformity with their own religious and philosophical convictions."

Clearly the teaching and promotion of same-sex marriage will conflict directly with the religious and philosophical convictions of many parents. It contradicts the rights of Christians and others to have their children educated in accordance with their religious and philosophical beliefs. Same-sex marriage is not only a civil matter; it impinges directly upon the religious beliefs of many parents and the wider population. Parents have the right to withdraw their children from religious observance, as well as from sex education. Many parents have deeply held views about their children being taught about same-sex marriage in the classroom. The law should not undermine these views, but rather it should protect parents’ right to withdraw their children. Parents should have a legal right also to know what will be taught to their children in sexual health or sex education and when such lessons will occur.

Concerns remain that those who disagree with same-sex marriage will be excluded from fostering or adopting children. Although the Scottish Government has promised guidelines in this area, these may not be sufficient to prevent those who have a religious faith being excluded as foster or adoptive parents. The legislation should include a clause which says that views on the nature of marriage cannot be taken into consideration during the process of approving prospective foster or adoptive parents.

The Lord Advocate’s new prosecutorial guidelines with regard to hate crimes are inadequate. Although expressing opposition to same-sex marriage would not be the sole grounds for prosecution, it may be a factor used to justify the prosecution of street preachers, football fans and, should and incitement to homophobic hatred offence be introduced at a later date, academics, ministers of religion or those in churches who record sermons for distribution via the internet or other means. As such, it represents a significant threat to freedom of speech and religious liberty.

Dr Gordon Macdonald
Parliamentary Officer
CARE for Scotland
23 August 2013
How would you characterise your views on the Bill in general?

In support

It's vital and should happen as quickly as possible.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
What does "concerns" mean? Strange question. If two people wish to get married, they should be able to do so. No one else should have any say in that. Nobody needs protection from people choosing to get married. More often, same sex people need protection from the prejudice, bigotry and stigma of other people.

Would you like to comment on the wider issue of freedom of speech?

If two people wish to get married, they should be able to do so. No one else should have any say in that. Nobody needs protection from people choosing to get married. More often, same sex people need protection from the prejudice, bigotry and stigma of other people. And too often excused under the banner of "religion". God is Love.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

If two people wish to get married, they should be able to do so. No one else should have any say in that. Nobody needs protection from people choosing to get married. More often, same sex people need protection from the prejudice, bigotry and stigma of other people. And too often excused under the banner of "religion". God is Love.

Are you responding as...

an academic
a private individual

Eric Carlin
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Alison Carmichael
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

In general I support the Bill in that those in existing CPs can either have a marriage ceremony or change their CP to a marriage through an administrative process. However, it leaves those who have registered their CP elsewhere in the world unable to marry in Scotland as they would first have to dissolve their CP, a lengthy and costly procedure which no one is going to choose to do as it will often require partners to prove their relationship has broken down and that they are living apart. They would also need to dissolve their partnership in the country their CP was registered in, not feasible if they now live in Scotland. Can ALL Civil Partnerships be able to either marry through the normal process or via an administrative one?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively “veto” the trans person’s gender recognition, or at least to delay it while the trans person applies for it.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am aware that it has been proposed that civil registrars should be granted an opt-out of conducting same-sex civil marriages. They are public servants and should not be allowed to pick and choose who they serve based on personal opinion. The same applies to teachers. They should not have an opt-out of teaching about same-sex marriage, they have a duty to teach the facts not their personal feelings.

Would you like to comment on the wider issue of freedom of speech?

I cannot see how this Bill affects freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Is there any work to be done on opening up Civil Partnerships to mixed-sex couples? Also under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in

Are you responding as...

a private individual

Helen Carmichael
21 August 2013
How would you characterise your views on the Bill in general?

In support

The bill is mostly good, lifting a ban on marriage for which there is no reason or purpose. But it isn't perfect and could be improved in places.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

There is no reason to ban marriage between same-sex couples. Marriage is a human right. Where there is no reason for banning access to a human right, the ban should be lifted.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants can already marry mixed-sex couples and register civil partnerships for same-sex couples. This is a sound, popular option: people without religious beliefs should be able to have a celebrant and a ceremony. There seems no reason to ban

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Every religious body and each of their celebrants should have the right to decide for themselves whether their religion and their faith celebrates same-sex marriage. Some religious bodies believe LGBT people are equally included in their faith, and some do not: whether or not a religion celebrates equal marriage is a matter of religious freedom, and just as religions that include LGBT people should be free to celebrate same-sex marriage, religions that only include heterosexual people should be free to refuse. The bill's opt-in provisions and the change to the Equality Act 2010 will allow this to happen: it's a fair balance.

How would you characterise your views on civil partnerships changing to marriages?

In support
Same-sex couples who want to stay in a civil partnership should be able to do so. Same-sex couples who registered a civil partnership should be able to simply change it to a marriage by a quick (and cheap) procedure if they wish, at any point in their lives together. Same-sex couples who registered a civil partnership and now want to marry each other should be able to do so. The bill suggests restricting this only to couples who registered a civil partnership in Scotland, and that seems like a strange restriction: providing a couple can show they are in a civil partnership together, why should it have to have been registered in Scotland?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Why not? If the couple want to marry, and they've got a suitable location, why should the location have to be specially approved for that purpose? The registrar should have a veto on what constitutes a suitable location, but why shouldn't couples be a

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

If a religious body wishes to allow their celebrants to offer a civil partnership in religion, there seems no reason to ban them from doing so. It would be wrong to permit civil registrars to do so, because no civil registrar should ever be asked to perform a religious service which may not be according to their conscience or their faith. Civil registrars are bound to carry out all civil ceremonies regardless of the faiths or genders of the couple: but they are protected and should continue to be from ever carrying out a religious service.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Very strongly in support. It is very wrong to force a couple to divorce in order for the trans partner to obtain a gender recognition certificate. The ban on same-sex marriage should be lifted for this reason alone, and the forced divorce legislation in the Gender Recognition Act should be changed. If one of a couple is transitioning and they feel the marriage has come to an end because of this, then either spouse can obtain a divorce if they need to using ordinary divorce law. But no couple who wish to stay married should ever be forced to divorce unwilling.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Where these concerns are religious, they are rightly protected as a matter of freedom of religion. No religious body will be forced to opt-in: individual celebrants
within a religious body can refuse to opt-in. And as a general rule, all religious celebrants have a right of conscience already to refuse to wed any couple they decide against. Those protections are sound and just and should stand. Other concerns have been aired - claims that same-sex couples make bad parents and so shouldn't be allowed to marry, arguments that marriage is only for interfertile couples who'll have children together; claims that if same-sex couples get married mixed-sex couples won't want to. None of these concerns seem sound or just and appear to be based primarily in ignorance. While people are allowed to express their views freely, ignorant bigotries should not be allowed to ban couples from accessing a basic human right. It's also been suggested, during the debate on the Westminster legislation, that anyone providing a service to a couple who wish to or who are married, should have a protected right to discriminate against same-sex couples if they "don't believe in gay marriage" - for example, a baker who makes wedding cakes should have a protected legal right to refuse a cake to a lesbian couple, a chauffeur who works for a wedding car company should have a protected legal right to tell his employer he won't drive a gay couple. This is an absurd and unworkable approach. Businesses that provide services to the general public do not have the right to pick and choose who can pay their services based on their own personal prejudices. We don't allow this kind of discrimination for race, religion, or disability: why should anyone expect to have a right of discrimination based on sexual orientation or gender identity? Finally, concerns have been expressed that teachers will be "forced" to promote same-sex marriage, and parents will not have the right to withdraw their children from classes "teaching" gay marriage. Teachers have a professional obligation to treat all their students with kindness and respect: no teacher should feel it an imposition to be required to teach the facts of the law, or to treat their students and their students' families, with equal respect regardless of their students' sexual orientation, or whether their families include same-sex relationships. A demand that teachers should be allowed to denigrate some parents by arguing that same-sex marriage is inferior or that same-sex relationships are wrong, is unprofessional and unkind. Parents obviously have the right to express their own views to their children. But they don't have the right to expect that the school will cover their children's ears or send them out of class whenever the children might hear something from the teacher that contradicts parental prejudices. Not all LGBT children have sympathetic/supportive parents: an LGBT child with parents who don't like or approve of LGBT people needs to know they have somewhere to turn for help and support and information, and where better than their school? Civil registrars are obliged as part of their job to conduct a civil marriage ceremony for any couple legally entitled to marry. Any private/religious concerns a civil registrar feels about any of the couples they wed should not be allowed to affect their work. This applies to same-sex couples as well as mixed-sex couples.

Would you like to comment on the wider issue of freedom of speech?

The bill has no affect on freedom of speech. Everyone has the right to speak their mind.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Pensions equality. Private sector pensions are entitled to discriminate against the survivor of a same-sex couple, paying them fewer benefits than they would have to
for the survivor of a mixed-sex couple. This is wrong, and should be amended: at the very least, the surviving spouse of a same-sex marriage deserves equal treatment to the widower in a mixed-sex marriage. Once the ban on same-sex marriage is lifted, there will be no reason to keep the ban on mixed-sex civil partnership. Mixed-sex couples who had rather register a civil partnership should be able to do so.

Are you responding as...

a private individual

Jane Carnall
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM SINEAD CARROLL

How would you characterise your views on the Bill in general?

In support

I fully support this bill and would like to see it passed.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is a human rights issue, and I believe that same sex couples should be afforded the exact same rights as couples of the opposite sex. The bill should not create two separate definitions of marriage, and all marriage between two consenting adults should be treated equally.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I am fully in support of this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I believe that people should be allowed religious freedom, and agree with what the Equality Network have written here: We agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Liberal Jews and others. Other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. We think that the opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the husband and wife gendered form of the marriage ceremony should be free to continue to do so. For more details, see our more detailed briefing.
How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sinead Carroll
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

Catholic Truth is totally opposed to the interference with traditional marriage by politicians. The ramifications are very serious indeed and can only worsen the current decadent state of Scottish society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It is nothing short of ridiculous to allow two men or two women to marry each other. This will lead to teachers and parents feeling constrained in how children are taught about marriage and family life. I am already hearing of parents who are planning to home-school their children to remove them from the immoral influence of state education.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I believe this move is indicative of the way our society is now dominated by a ruthless secular totalitarianism.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I am completely opposed to the whole idea of the Government - any Government - interfering in traditional marriage. It is a temerity too far.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Marriage is between one man and one woman for life. Calling a partnership between two people of the same gender, or a person and an animal, "marriage" doesn't make it so. It is NOT the business of Government to be redefining marriage in this way.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I am completely opposed to the whole idea of the Government - any Government - interfering in traditional marriage. No Government has the right to meddle with a basic building block of society in this way.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

The Government should not be supporting, in any way, the unnatural unions of homosexual couplings.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

That the question should even be raised, is evidence of the decadent state of the political class. Ridiculous. Enabling people to "acquire" a "gender" is not the business of Government any more than redefining marriage is the business of Government. Utterly ludicrous.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Yes I most certainly would. How long will it be before people with the "views" published by me in this submission, will be an imprisoned or sent to be "re-educated" into the new morality? There is a real danger that the totalitarianism already at work in our society will worsen if this Bill goes through. Teachers, parents and priests who teach and preach that marriage is only morally correct between one man and one woman for life, will be regarded as oddballs and we will be at risk of losing jobs, having children removed from the family home and even at risk of losing their liberty. As G.K. Chesterton said: "there is no-one so intolerant as a full blown liberal" and we are already seeing that in our society today, through the dominance of the homosexual/transgender lobby. Homosexuality has gone from being illegal to being almost a state religion. And I do not believe for a second that it is possible to put in place protections for those of us who will never conform to this evil legislation and its offshoots. Already, in England, one homosexual couple have instigated legal action against the Church of England, because of the "protection" put in place by the Westminster Government to prevent Anglican clergy being forced to perform same sex marriages. We all know perfectly well, including the hypocritical politicians who pretend that this sort of thing won't happen, that it WILL happen. There can be no protection against the tiny but powerful homosexual community. They have politicians in their pockets.
Would you like to comment on the wider issue of freedom of speech?

I believe that there will be little or no freedom of speech on the issue of homosexuality and related issues, if this bill goes through.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The fact that the homosexual community is at greater risk of contracting sexually transmitted diseases, including AIDS, and that the statistics are a matter of the gravest concern is something that is being swept aside. Encouraging homosexual couplings i

Are you responding as...

a faith/belief-based organisation

Patricia McKeever
Catholic Truth
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A socially just Scotland should not discriminate against anyone on the grounds of their gender or sexual orientation.

Are you responding as...

a private individual

Sheila Cavers
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Fiona Chandler
21 August 2013
How would you characterise your views on the Bill in general?

In support

There are some specific points to the Bill which we would seek to amend, but Changing Attitude Scotland, which is a group existing within the Scottish Episcopal Church, is in general very supportive of the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

It is the view of Changing Attitude Scotland that the requirement for a whole denomination to opt in in order for an individual religious celebrant to solemnise same-sex marriage denies religious freedom to individual celebrants. Our group includes a number of Episcopalian clergy who are already authorised celebrants of opposite-sex marriage and would be eager to celebrate same-sex marriage, but under the proposed legislation will be unable to do so at present.

How would you characterise your views on civil partnerships changing to marriages?

In support

We do not believe that there should be a requirement for individuals who have gone through civil partnership ceremonies to go through a second ceremony in order to be married.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

We believe that religious bodies should not be involved in a civil contract. We note that religious bodies have never been able to register civil marriages.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

We welcome this proposed change.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We believe that the protections laid out in the proposed legislation are more than sufficient. As we have already mentioned, we believe that the opt in proposals for whole religious denominations actually take these protections too far as they infringe on the religious freedoms of individual celebrants.

Would you like to comment on the wider issue of freedom of speech?

We believe that children from all family backgrounds have the right to an education in which their family background is recognised positively.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation

Beth Routledge
Changing Attitude Scotland
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Discrimination in the work place regarding being married to a person of the same sex

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a public body

Vaila Chapman
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage has always been more than marking love between two people, but the foundational unit of society that provides a loving and secure environment for the raising of children that come from that union. This legislation fundamentally redefines the nature of marriage to focus simply on the rights of individuals and undermines this societal unit that will further bring harm to our society. There is no need to legislate for how people love each other and there is no increased benefit legally to introduce same sex marriage on top of current civil partnership arrangements.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There will be many people who will not be able to accept the whole idea of same sex marriage. My fear is that those who hold to traditional marriage by conscience will be discriminated against within society. I fear as a pastor of a church that the day will come when people will seek to take legal action against us a church that will only conduct marriages between people of the opposite sex. I fear that many of my church members will find it increasingly difficult to be considered as suitable foster carers and adopters of children. Thus those who could do much good to some of the most disadvantaged in society could be prevented from doing so. I fear that people who hold to traditional marriage will find it increasingly difficult to be accepted as social workers and teachers because they cannot accept this redefinition. During the introduction of abortion, conscience clauses were added for those who ethically could not participate in such procedures. Could such conscience clauses not be introduced into this bill if it should go ahead?

Would you like to comment on the wider issue of freedom of speech?

As a minister of a large evangelical congregation in the city centre I am concerned that courteous disagreement to the acceptance of same sex marriage will one day face legal challenge. I am bound to preach the ethics of the bible that calls all sexual activity outside traditional marriage, of whatever type, as sinful. The bible says that we are all sinners and yet there is the offer of forgiveness in the gospel of Jesus Christ for all who repent and believe. I am concerned that my freedom of speech, as a preacher of the Bible will be under attack by this legislation and that in addition the charitable status of our congregation would be put under threat for not toeing the political line of this proposed change to Scottish life.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation

Paul Rees
Charlotte Baptist Chapel
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Taylor Charleston
16 August 2013
How would you characterise your views on the Bill in general?
In support
All people should have the right to choose full marriage or civil partnership.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Same sex couples should not be treated any differently than mixed sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Beliefs and Faiths are in my mind one and the same.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
I believe that people should have the right to opt-in. I would not want someone to marry me if they disapproved as it would feel like the union was not fully supported by the celebrant.

How would you characterise your views on civil partnerships changing to marriages?
Neither
I feel that both Civil Partnerships and Marriages should be available to all.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
This should be a personal decision.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

In many religions eg. Jewish same sex celebrations are welcomed and supported.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If that person wishes to stay married then the marriage should not be revoked. That is a nasty and unnecessary thing to do.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

These people need to understand that times are changing and Equality for all does not mean they will be worse off, moreso those who have not had the same privileges will be on a similar footing. They do not need protection - they are not the minority and this will not affect them, they are free to live their lives.

Would you like to comment on the wider issue of freedom of speech?

I look forward to a day when I can truly speak my mind!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lisa Charlwood-Green
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM SUSAN CHEYNE

How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The ability to form a lasting and legal relationship between 2 people who want to commit to each other should not be dictated by sexual orientation in the same way that race is not an issue in marriage. Gay couples should not be forced to have a second cl

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. I welcome this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitaria

How would you characterise your views on civil partnerships changing to marriages?

In support

I agree that conversion of a CP to marriage can be done by either an administrative procedure or by the couple having an official marriage ceremony in Scotland.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
I agree that this should be an option for all people. Heterosexual couples can marry in religious ceremonies so providing the religious organisation/premise agrees this should be an option.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I agree that this should be an option for all people. Heterosexual couples can marry in religious ceremonies so providing the religious organisation/premise agrees this should be an option.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Equality is a human right. Non-heterosexual people are functioning and contributing members of society and are therefore entitled to full recognition as such and to be able to live without prejudice. No one will be forced to attend a same-sex marriage.

**Would you like to comment on the wider issue of freedom of speech?**

There is no impact on freedom of speech.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That

**Are you responding as...**

- an academic
- a private individual

Susan Cheyne
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM CHILDREN IN SCOTLAND

Views from across the children’s sector on the Marriage and Civil Partnership (Scotland) Bill are varied, therefore as an organisation with a vast and diverse membership we cannot offer a representative view on behalf of our members on the general issue of same sex marriage.

However, Children in Scotland and our members are committed to equality and human rights and are concerned with any legislation that may impact upon the lives and wellbeing of children in Scotland. We are not aware of any evidence that suggests children brought up within same sex relationships may achieve outcomes any different to children who are not. Moreover, there is no evidence to suggest that same sex partners have any different or poorer parenting ability.

In this sense, we see no problem with references to same sex relationships being included within the curriculum where marriages and relationships are discussed, and would urge the Equal Opportunities Committee to oppose any amendments suggesting otherwise.

Finally, bullying in any form can impact significantly on the life chances of children and young people, and equality for LGBT people in law could help to prevent homophobic bullying in schools. Children in Scotland strongly support any proposals that could aid in the prevention of bullying.

Sara Collier
Policy Officer
Children in Scotland
23 August 2013
Children in Scotland receives funding from the Third Sector Early Intervention Fund

Children in Scotland is the national umbrella agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents more than 400 members, including most of Scottish local authorities, all major voluntary, statutory and private children’s agencies, professional organisations, as well as many other smaller community groups and children’s services. It is linked with similar agencies in other parts of the UK and Europe.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It also services groups such as the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland). In addition, Children in Scotland hosts Enquire - the national advice service for additional support for learning, and Resolve: ASL, Scotland’s largest independent education mediation service.
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ROSS CHMIEL

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

There should be no automatic changing of CPs to marriage, but those who wish to do so should be allowed to

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Teachers should teach the facts about the law, not state their own opinions on it. This will allow students to form their own opinions. Registrars employed by the state/local councils should be required to provide full access to services to all people regardless of sexuality. There should be no opt out for them.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I support the right for mixed sex couples to have civil partnerships

Are you responding as...

a private individual

Ross Chmiel
15 July 2013
4. How would you characterise your views on the Bill in general?

The Christian Institute is opposed to the Bill in principle, including the introduction of same-sex marriage (qu. 5) and issues relating to civil partnerships (qu. 8 and 10). Marriage has served Scotland well for centuries. The potential consequences of redefining it surely warrant greater consideration by the Scottish Government, and require far more significant protection than is currently proposed in this Bill.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

Redefining marriage for the whole of society

Protecting marriage has always been vital to Christians given its important place in the Bible and Christian theology. It is natural, therefore, that Christians will want to oppose any redefinition of marriage such as that contained in this Bill. Across the world and throughout history marriage, the union of a man and a woman, has been the bedrock of society and enabled communities to prosper. Marriage benefits society as a whole. Abandoning the true meaning of marriage will have damaging consequences for generations to come.

Marriage was not created by government, and it is wrong for government to redefine it. If politicians are considering redefining something as fundamental as marriage, the public must be given an opportunity to vote directly on the matter. The question of redefining marriage should be the subject of a referendum, as also advocated by the Roman Catholic Church and former SNP leader Gordon Wilson.¹

Procreation

One of the key purposes of marriage is the procreation of children. This is not the only purpose, but it is an important one. If marriage is redefined so that it is detached from this purpose, then marriage can become all about the demands of adults rather than the best interests of children.

Evidence shows that children do best when raised by their married mother and father, but same-sex marriage denies children either a mother or father.² If the Scottish Government is going to base its conclusions on the evidence from social science, it needs to ensure that it has conducted a thorough survey of all the available literature, and we do not believe this is the case. The Scottish Government therefore risks taking a decision based on an incomplete understanding of the issues involved.

¹ The Scotsman, 12 October 2011
Polygamy
Once marriage becomes detached from nature and becomes all about the rights of adults, then what assurance can there be that it will not be redefined further? If marriage can be defined by a Parliamentary vote, then there is nothing to say that the redefinition will stop at removing the requirement for it to be between a man and a woman. In Canada and in some US states where marriage has been redefined, attempts have been made to legalise polygamy. In Brazil and the Netherlands, three-way relationships have been given marriage-like recognition.

Liberty of conscience
Christians tell us they simply do not find Government promises to protect their religious liberty believable. Disagreement is not hatred, but if same-sex marriage is legalised those who disagree with it will be labelled as intolerant – particularly in the public sector. This issue is addressed in more detail in question 13.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

The key concern is to ensure that sham and forced marriages are guarded against so that the integrity of marriage ceremonies in Scotland is preserved. It will be crucial that those holding frivolous ‘belief systems’ (e.g. Jedi) are not permitted to solemnise marriages.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

We do not support any proposals to redefine marriage. The question of religious bodies or celebrants being required to solemnise same-sex marriage would therefore not arise.

If same-sex marriage was to be introduced, it should be self-evident that no religious body or celebrant should be required to solemnise such ‘marriages’. In any civilised and democratic society, religious bodies and individuals cannot be required to act against their religious beliefs.

The Scottish Government would have to ensure first that amendments are made to the Equality Act 2010 and other statutes to guarantee robust protections for religious freedom. A gay couple in England claim to have already launched a legal action to challenge the Westminster Government’s ‘quadlocks’ which are designed to prevent

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3 PinkNews.co.uk, 4 February 2009, see http://www.pinknews.co.uk/2009/02/04/mormon-accused-of-polygamy-to-use-gay-marriage-as-defence/ as at 22 August 2013
4 The Daily Telegraph, 28 August 2012: The Brussels Journal, 26 September 2005, see http://www.brusselsjournal.com/node/301 as at 22 August 2013 – This was an example of a cohabitation agreement [Government of the Netherlands, Marriage, Registered Partnership and Cohabitation Agreements, see http://tinyurl.com/bdykz59]
churches from being forced to conduct same-sex weddings. Should a case be brought against the Scottish Government’s opt-in system, as we believe is inevitable, it could well end up at Strasbourg. Given the Court’s evolving case law, the safeguards for celebrants and religious organisations could well prove worthless.

It will be essential that religious organisations and celebrants are given clear guidance on the operation of whatever system is introduced, including a thorough briefing on the safeguards.

8. How would you characterise your views on civil partnerships changing to marriage?

As our response to question 4 says, we do not support the redefinition of marriage to allow same-sex couples to get married. The question of a same-sex couple seeking to change their civil partnership to a marriage would therefore not arise.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

No comment.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Threat to religious liberty

By changing the law to allow civil partnerships to be registered through religious ceremonies the Scottish Government would be opening up religious groups and individuals to the possibility of legal action. There are extremely complex issues surrounding both the organisation of religious groups and the ownership of religious premises. We do not believe that any scheme can adequately account for this reality.

There are two main areas of concern in response to any scheme:

can it prevent litigation against religious celebrants or groups who don’t agree with civil partnerships, and

can it prevent religious celebrants who do agree with civil partnerships going ahead in defiance of their religious group?

The Scottish Government has acknowledged that ensuring that religious bodies and religious celebrants do not have to carry out civil partnerships against their will “may

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require an amendment of the Equality Act 2010, which is generally reserved”. Religious civil partnerships must not be introduced unless the Scottish Government can guarantee religious freedom. It clearly cannot make this guarantee if, on its own admission, some of the necessary legislative changes are outside its powers.

**Little demand for the change**

As well as the threat to religious liberty, we question the demand for this change. There were only 554 civil partnerships registered in Scotland in 2011, and only 3,861 between the introduction of civil partnerships in 2005 and 2011. The number of religious civil partnership ceremonies each year is likely to be very small. The risk to religious liberty posed by introducing religious civil partnership ceremonies greatly outweighs this small demand.

**The secular nature of civil partnerships**

By their very nature, civil partnerships were always intended to be a civil, not a religious matter.

The civil partnership scheme was designed and introduced on the basis that it would be “purely secular”. The then UK Government gave repeated assurances on this point during the passage of the Civil Partnership Act in 2004. Permitting civil partnerships to be registered through religious ceremonies is a radical departure from this clear undertaking, and represents a fundamental change in the nature of civil partnerships.

The Scottish Government admitted in its own consultation paper that “the proposed religious registration service outlined here would be very similar to a religious service for the solemnisation of marriage”. Here we see a clear statement of the blurring effect that would be caused by introducing religious civil partnerships.

**Religious blessings for civil partnerships are already possible**

Same-sex couples wishing to have a religious blessing prior to or after their civil partnership registration are entitled to do so. This separation of the religious element from the registration is entirely appropriate given the secular nature of civil partnerships. It is also entirely consistent with civil marriage registration.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

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6 *The Registration of Civil Partnerships – Same Sex Marriage: A Consultation*, The Scottish Government, September 2011, para. 2.35
8 House of Lords, Hansard, 12 May 2004, col. 139GC; House of Commons, Hansard, Public Bill Committee, 21 October 2004, col. 101
9 *The Registration of Civil Partnerships – Same Sex Marriage: A Consultation*, The Scottish Government, September 2011, para. 2.25
No comment.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Although Section 14 of the Bill attempts to address protections for freedom of expression, it remains narrow in its focus and fails to fulfil the Scottish Government’s promise that the “legislation will be accompanied by important protections for freedom of speech”.¹⁰

- A key area of concern relates to the multiple implications of redefining marriage in the sphere of education. Some teachers will inevitably be asked their personal views about same-sex marriage. They should be protected from being forced to actively endorse it, and protected when expressing any deeply-felt objections they may have. Under proposals for England and Wales, the UK Government said that “no teacher is under any obligation to endorse a particular view of marriage...Teachers are and will continue to be free to express their personal views or those of their faith about marriage or any other matter, provided they do so in a balanced and sensitive way.”¹¹ But already here in Scotland, a secondary school teacher was required by his school to teach a relationships course promoting same-sex marriage “without exemptions or safeguards” in a way which he could not in good conscience do.¹² The Government should also make positive steps to protect, and not undermine, the rights of parents who may wish to withdraw their children from any lesson that includes teaching about same-sex marriage.

- Our legal system’s well-established provision for conscientious objection should be applied to registrars who may wish to object to solemnising same-sex marriages. Article 9 of the European Convention on Human Rights makes it clear that religious freedom includes freedom of conscience and the right to manifest beliefs. In a recent case against the UK in the European Court of Human Rights involving a registrar who was forced out of her job for refusing to conduct same-sex civil partnerships, dissenting judges asserted that the State is obliged to respect an individual’s freedom of conscience by taking measures to protect the right of the conscientious objector. According to the judges, such a right is one of the most fundamental rights inherent in the human person.¹³ Although the registrar did not succeed in her claim, this was down to the majority of judges holding that the actions of the UK were within the margin of appreciation afforded to member states.

- The Scottish Government must broaden its understanding of religious freedom and recognise that religious liberty means more than freedom to believe things

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¹⁰ Scottish Government Press Release, Same sex marriage to be legalised, 25 July 2012
¹¹ House of Lords, Hansard, 19 June 2013, col. 351
¹² Memoranda submitted by Samuel Webster (MB 97) and Ralph Manning (MB 122), House of Commons, Public Bill Committee on the Marriage (Same Sex Couples) Bill, Session 2012-13
¹³ Eweida & Others v. The United Kingdom [2013] ECHR 37 (15 January 2013), see Joint Partly Dissenting Opinion of Judges Vucinic and De Gaetano
inside your church and inside your head, but living and working in line with those beliefs in everyday life.

- The Public Sector Equality Duty (PSED) in section 149 of the Equality Act 2010 places public authorities under a duty to have regard to the need to “eliminate discrimination”, “advance equality of opportunity” and “foster good relations”, including the need to “tackle prejudice”. The effect of this sweeping Duty could mean that actions of public bodies undermine the robustness of protections provided in the Bill.

- Chaplains work in a variety of spheres in the public sector, often on a voluntary basis. Volunteers would have no statutory employment rights, so it is imperative that serious thought is given to such situations.

- We welcome the Scottish Government’s readiness to look at changing current fostering guidance “to make it clear that a would-be fosterer should not be rejected just because of his or her views on same sex marriage”.14 A case in Derby saw a Christian couple unable to become foster carers apparently on the basis of their religious views on homosexuality. The High Court ruled that in placing children with foster carers who object to homosexuality and same-sex relationships “there may well be a conflict with the local authority’s duty to ‘safeguard and promote the welfare’ of looked-after children”.15 Aidan O’Neill QC has affirmed that there “is no doubt that similar considerations would apply in Scotland” and is of the view that it would be lawful for a local authority to refuse a couple’s application to be foster carers on this basis.16

- The Policy Memorandum states that: “Many people and organisations hold the view that marriage can only ever be between a man and a woman. The Government has made clear its respect for this view…” [para. 97]. It is crucial that this notion is enshrined on the face of the Bill.

13. Would you like to comment on the wider issue of freedom of speech?

The potential impact of the redefinition of marriage on religious individuals can be seen from the cases that have arisen since civil partnerships were introduced. Registrars who were not willing to conduct civil partnership registrations have been forced out of their jobs. Expressing a view in a private capacity that civil partnerships in churches would be “an equality too far” has led to the demotion of an employee.17 Guesthouse

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14 Policy Memorandum to the Marriage and Civil Partnership (Scotland) Bill, 27 June 2013, page 22
15 BBC News Online, 28 February 2011, see http://www.bbc.co.uk/news/uk-england-derbyshire-12598896 as at 22 August 2013
16 Re: The Implications for Freedom of Conscience and Religious Liberty Arising from Redefining Marriage in Scotland – Advice, Aidan O’Neill QC. June 2012, para. 11
17 The Times, 17 November 2012. Although Mr Smith won his case for breach of contract, he did not regain his previous job.
owners in both Cornwall and Berkshire have been fined for upholding a married-couples-only policy for double rooms.18

When Rev Brian Ross expressed his traditional view of marriage on his personal blog, this was deemed to be incompatible with his position as a chaplain to Strathclyde Police.19 Gordon Wilson was removed from his role with Dundee Citizens Advice Bureau, because of his views on marriage.20 Scottish Borders Council deputy leader, Catriona Bhatia, has made it clear that the traditional view of marriage should not be introduced by school chaplains.21 Shortly after homosexual adoption was legalised there were calls to close religious adoption agencies which disagreed. There have been other similar examples.

The sheer quantity of these cases, even before marriage has been redefined, surely warrants greater consideration by the Scottish Government, and requires far more significant protection than is currently proposed. Especially in light of the frequent, categorical statements Alex Salmond made just last summer about protecting freedom of speech and religion, such as to “entrench” and “make sure” the rights of “freedom of speech, the freedom of articulating, the freedom of practice and process of religion” are “inviolate, as they should be”.22

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The Scottish Government has announced plans to review the Civil Partnership Act 2004 to “consider the position on opposite sex civil partnership”. Proposals to extend civil partnerships to heterosexual couples would only serve to undermine the institution of marriage. It would introduce a marriage-lite alternative for opposite-sex couples by enshrining in law the possibility of obtaining all of the rights and privileges of marriage without the responsibilities.

The Westminster pensions minister said that in England, allowing heterosexuals to have a civil partnership instead of a marriage would cost the country up to £4 billion in public service pension rights alone.

The Scottish Government’s review of civil partnerships should also include consideration of the case for extending civil partnerships to house-sharing family members or those in a non-commercial relationship of care where the carer lives with the person being cared for.

23 August 2013

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19 The Scotsman, 1 March 2013
20 The Scotsman, 29 October 2011
21 Southern Reporter, 16 March 2013
22 Alex Salmond, First Minister, speaking at a Scottish Cabinet public meeting in Renfrew, 23 August 2012, see [http://soundcloud.com/scotgov/the-scottish-cabinet-in](http://soundcloud.com/scotgov/the-scottish-cabinet-in) as at 11 October 2012
How would you characterise your views on the Bill in general?

In support

This Bill is the way we need to move forward. We are ensuring our future as secure and equal country.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In support

We cannot claim equality while we still discriminate.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

All people should be treated as equal. If a person is removed from a job on the basis they were gay it is called homophobia and is criminalised. If the same person is removed from a church for being gay it is called religion. Why is religion exempt from the law? Surely no-one is above the law of the country, that's why it is the law.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There are always people who will oppose the decisions of government whether out loud or in private. We need to look at what is best for the majority of people. When same-sex marriage is legalized the opponents will have to live with it. Why should they be exempt? If I am opposed to interracial does that mean I am allowed to discriminate against it. No, of course not. Allowing some people to be homophobic is not a way to provide equality.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am deeply saddened today by how far the Scottish Parliament seems to have failed in its promises. We used to be a nation on the fore front of the world, making new dynamic decisions quickly and leading our allies in the rest of the world. Today the other constituent countries of our country passed an equivalent bill, showing that they are making changes to make the country better for their citizens. Up here all I here is endless campaigning about Independence. When I look at these two issues I see a major decision which will change the our country for the better and allow us to have more respect and national pride. The other is taking time and effort away from my government making important and life changing decisions across a whole host of areas. The Scottish Parliament have chosen to spend untold amounts of money on the second, Scottish Independence. I wish the vote for Independence was sooner only so that we could vote No and remove this ulcer from the political agenda. When Scotland can start making great decisions for its people instead of chasing an unnecessary future maybe then I will regain my national pride.

Are you responding as...

a private individual

Neil Christy
17 July 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Brian Elder
Chrstyon Church of Scotland
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

no teacher, minister, lawyer, registrar or any other person should be prejudiced against because of their views on same-sex marriage
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

REV DR HUGH WATT
CHURCH OF SCOTLAND
15 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

It is for no other person to decide who can and can not love one another enough to spend their lives together, or, realistically, however much time they would like, to spend time together. The case goes for heterosexual couples and homosexual couples alik

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Religion should not be imposed upon those who do not wish to receive it. In this day and age, in the western world where we call ourselves civilised and educated, we should treat each other and our opinions with respect without a government jerking around

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

Fully in support. This isn't and shouldn't be an era run by religion and its limitations.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Heterosexual couples can get married anywhere. Whats the difference?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

The government cannot categorise a relationship based on sex if it is to open the way to same sex marriage. This age old system must be done away with to pave the way for a more open and accepting society.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't think those not in favour of same sex marriage are the ones that need protecting. They need to accept that their limitations on what love is and who can love are narrow minded and belittling, causing social rifts. Times have changed and for the better if propositions such as same sex marriage are carried out.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jessica Clark
21 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Matthew Clark
21 August 2013
How would you characterise your views on the Bill in general?

In support

I'm very pleased the Scottish government has brought forward this Bill. If the Bill passes it will be a great step forward for our country.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Strongly in support of this Bill. It will correct an inequality that has existed for too long.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I think this is the right step. With the introduction of marriages available for all, there is little need for a separate civil partnership option, so I think it should be phased out/abolished, with all those currently within a civil partnership becoming married.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I think a couple should be able to get married in the location if their choice.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I think it is very important this is included in the Bill.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the opt-in system for churches to carry out same sex marriages satisfies everyone's needs surrounding this Bill.

Would you like to comment on the wider issue of freedom of speech?

Even though I am for equal marriage, I think it's very important that people on both sides of the debate are able to speak freely over this issue.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

Jamie Clarkson
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

Not needed as I think Civil Partnership is sufficient in Law

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Why? Civil Partners we were once told was all people wanted

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

What is a belief celebrant? Marriage is a religious ceremony.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I would question the integrity of people who did this.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

This would be a waste of time. Can an apple change into a pear?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Does this question mean a civil marriage between a man and a woman? This already happens. Or has someone jumped the gun?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

This is a contradiction in terms.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

How many people in the UK have these problems I would like to know.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

A marriage has to consummated and we all know what that means. Who decides what the same sex couples have to do? This is why the whole idea of same sex marriages is a current day fashion.

**Would you like to comment on the wider issue of freedom of speech?**

No

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

no

**Are you responding as...**

a private individual

Kevin Clayton

14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Rebecca Clement
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM MICHAEL CLINTON

How would you characterise your views on the Bill in general?

In support

I grew up when it was frowned upon to be "different", when coloured children could not go to a white children school, where coloured men and women could not date or marry a white man or woman and if you were thought to be gay you were beaten up just for walking along the road. If we can change the law based on the colour of ones skin then why cant we change the law based on someones sexuality and who they wish to be with and to marry ?????????

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am 100% gay, I met my partner over 12 years ago,( we cant pick and choose who we fall in love with) we fell in love and we were the 1st non-Spanish gay couple to marry in the history of Spain in 2005, we have been together now for over 12 years and happily "married" under Spanish Law for the past 8 years. Being in a "marriage" no matter what the combination of sex is, is important as it gives you real commitment, stability and legal status.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

love and marriage is a human thing and should not be down to specific religions as to who has or has not the right to marry or be married

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

this bill is all about peoples rights and if someone wants the right to marry then they should have that right as a basic human right, but if someone has strong feelings about conducting "ANY" marriage between any two people then it has to be questioned as to why such a person is in that particular job, descrimination is, the last time I checked anyway "illegal"

How would you characterise your views on civil partnerships changing to marriages?

In support
I am already in a gay legal marriage under Spanish law but here in the UK it is only "recognized" as a Civil partnership. If a mixed sex couple can have full rights why cant a same sex couple be treated the same

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

Same sex marriages can be performed anywhere that is agreeable between the couple and the registrar, priest, minister etc, so why should it be treated as different for same sex couples, at the end of the day it is just as special a day for the couple being married regardless of what the sex combination is

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

EVERY living human being has the right to marry, we dont choose our sexuality, we are born to be who and what we are, also we cant choose our friends etc, but we cant choose to be born, what our sex will be and who we will fall in love with

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Nature doesn't always get it right, and sometimes people can be born with the wrong sex and its up to that individual as to how they live their own lives, no one should have the right to determine anyone elses sexuality or life

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

DISCRIMINATION is a terrible thing and sometimes this can be based on jealousy, the colour of your skin, your ethnicity, your sexuality, your job etc etc. EVERYONE has the same rights or should have the same rights to make society a more balanced place to live in

**Would you like to comment on the wider issue of freedom of speech?**

everyone has the right to "freedom of Speech" as long as they are stating an opinion but when someone wants to "exercise " that right this should NOT then allow them to do so in a discriminative manner

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**
slavery was once legal, not having mixed white/colour marriages was not accepted, foreigners living here were once frowned upon, the mentally ill and disabled were once shunned from society and the gay and lesbians were once locked up for their sexuality as well as beaten up with no one being charged. IF WE CAN CHANGE ALL THESE OTHER THINGS AND OPENLY ACCEPT THEN IN TODAY’S SOCIETY THEN WHY CAN WE TAKE THE LAST STEP AND MAKE EVERYONE EQUAL????????

Are you responding as...

a private individual

Michael Clinton
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Audrey Cochrane
18 July 2013
How would you characterise your views on the Bill in general?
In support
Flawed but basically promising

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
There should also be an option for gender free marriage ceremonies for all.

How would you characterise your views on civil partnerships changing to marriages?
In support

Should be optional but uncomplicated for any who wish including those already in civil partnerships whether registered in Scotland or otherwise.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
I don't honestly see how anyone can object to this.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As long as no one is actually forcing them to marry a person of the same sex, I don't see why it's any of their business.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Emma Coleman
23 August 2013
How would you characterise your views on the Bill in general?
In opposition
If marriage is redefined, then we can redefine, right and wrong.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
Same sex marriage does not and cannot exist.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition
Nobody has the right.

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
Call them civil (whatever you like) BUT NOT marriage.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill belittles my being married for 50 years and insults the memory of the millions like me, before me in a similar position.

Are you responding as...

a private individual
A real married person

Owen Collins
13 August 2013
How would you characterise your views on the Bill in general?
In opposition

The Scottish government is trespassing on faith communities' ground by seeking to unilaterally the definition of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

In common with a great number of Scottish people, I recognise marriage to be restricted to a man and a woman. This is the definition used by, and which will continue to be used by the overwhelming of faith celebrants in Scotland. The move to redefine marriage is a divisive and unnecessary one.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

The overall effect of this legislation will be to cause many religious celebrants to deregister from officiating for state marriage. This is already happening with the Sikh community in England and as a celebrant myself I am considering this course of action, in common with a number of others who do not trust the promises of government. Already in England moves are under way to legally challenge the churches who dissent from the government's attempt at redefinition of marriage.

How would you characterise your views on civil partnerships changing to marriages?
In opposition

Civil partnerships already affords full protection under the law.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
I am generally in favour of marriage generally being permitted where the couple wish

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

My own tradition does not have any practice of a man and woman coming together other than as husband and wife in marriage.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

In common with a large number of other celebrants in Scotland, I do not believe there is protection offered in this legislation for those who dissent from the government's view. Already in England the legal protection is being challenged, and much costly wrangling will no doubt go on in the process. I would see the only way forward to be for faith communities to uncouple from registration of marriage on the state's behalf, so that they may pursue faith marriage away from the patronage and vicissitudes of the political system. I would welcome separation of the state's role in registration, to prevent any coercion of conscience.

**Would you like to comment on the wider issue of freedom of speech?**

I do not believe there will be freedom of speech guaranteed by this law. There is a growing sense that to voice dissent is to court angry opposition, which would go as far as to silence any expression of disagreement with the prevailing orthodoxy.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a celebrant

Colin Symes  
Community Church Edinburgh  
9 August 2013
How would you characterise your views on the Bill in general?

In support

Having separate unions in the eyes of the law, purely dependent on the sexes of the two people that make a couple, has an obvious degree of segregation and thus only goes part-way in giving equal rights to opposite-sex and same-sex couples. This is the 21st Century - we can no longer allow religious beliefs to dictate our societies, which can be seen by the approval of Humanist opposite-sex marriages yet not same-sex ones, despite both being performed outside of any religious body. Love is love.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It's about time!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Despite being pro-gay marriage, I also believe people nor the state have the moral right to force someone to conduct a ceremony they are against.

How would you characterise your views on civil partnerships changing to marriages?

Neither

The option of civil partnership should still exist for those who may be against being married because, for example, they may see marriage as a religious ritual that has been set mostly for opposite-sex couples, and so they may feel they don't want to be part of a (religious) ceremony that has discriminated against same-sex couples (rather than feeling that gays shouldn't be married purely because most - if not all - religions say that people of the same sex should not be allowed to do so). However, I think civil partnership should only exist if it is available to same-sex and opposite-sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Couples' preference of location for marriage can reflect their personalities, for better or worse.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Variety can be a good thing. It may turn the religious world on its head a bit, but it can cope, and not every sect of every religion has an outright obligation/duty to change (although some should...)

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Think of the mental effects that not allowing this would have on someone - if it were me, I'd feel angry and maybe even undervalued.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

To those who may be concerned (above): just because some people of the same sex want to marry each other, it doesn't mean you have to marry someone who is the same sex as you. You have your lives, others have theirs.

**Would you like to comment on the wider issue of freedom of speech?**

People are always entitled to their opinions, yet some views are hugely dangerous and shouldn't be voiced, eg plans of terrorism. I believe people have moral obligations to keep certain beliefs they have to themselves, eg racist/sexist ones.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

A humanist.

Maeve Convery
23 August 2013
How would you characterise your views on the Bill in general?

In support

Marriage shouldn't be about gender. If two people love each other and are committed to each it should be a sign of that commitment that heterosexual couples get the pleasure of doing.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

In full support, I don't see why LGBT couples can't marry each other!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

I believe it should be a marriage because it isn't any different to heterosexual marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I believe they should be entitled to get married wherever they wish.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Gender doesn't define sexuality. It should be perfectly okay.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Think about more about your own lives than worrying about other people's! We need more love and acceptance in the world regardless of gender or sex!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lucas Jaiden Cookson
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM REBECCA COROON

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Rebecca Coroon
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

I am in support of the motion but I am in opposition of the spousal's approval before the said transgender person, who has obtained full gender recognition, can remain marry. If the spouse felt strongly against their partner's transition then they could apply for divorce, not give their approval.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Everyone has the right to freedom of speech until what they say targets an individual or a minority

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a celebrant
an LGBT group

Kevin Mark Stephen Cowie
22 August 2013
How would you characterise your views on the Bill in general?

In opposition

I object to the amount of money being spent on this for the sake of gaining popularity with a small but very vocal group who have all the rights of married people, when there are so many needs in N.H.S., Education etc.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

If we begin to redefine marriage where will it stop? Will it eventually call incestuous or bestial behaviour marriage? What about the confusion and insecurities caused to young children who will be trained to accept this as the norm and what about the long term health effects on a huge number if all restraint of behaviour is cast off?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Celebrants ought to have the freedom to refuse without being penalised. We hear much of the rights of LGBT etc but I have never known a time when now so many who have strong beliefs are no longer being free to express them or are now beginning to be penalised at job interviews and in the workplace. What of their rights?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Totally unnecessary --- all this will lead to is confusion in many areas of society. After all, if I want to buy a bungalow I'm not going to want to buy a shop just because someone has redefined it and called all buildings bungalows!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

Unsure what is meant by this but if it means that religious establishments would be forced to permit these ceremonies to take place in their premises, then I would oppose this.----- Those responsible for the care of a golf-course presumably have the right to refuse permission to those who would want to play football or rugby on the course. This issue seems to have thrown common-sense out the window!!!!!!!

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

This is an example of how, having thrown out the basic standards of acceptable behavoiour we are now tying ourselves in knots!

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Deeply concerned! I was shocked at the short-sightedness that resulted in adoption agencies etc being forced to close because they had a pro-marriage policy. I spent many years working with youngsters many of whom came from confused or needy situations----- would I have been prevented from doing so if I had expressed my belief in traditional marriage? If I had a spare room and decided to do B&B would I not have the right to say what kind of behaviour was acceptable in my home? Should people be penalised in job interviews etc. because of their beliefs -- after all if I was going through an operation I'd want to have a good surgeon regardless of personal living rather than one who shared my faith or lack of it but who was incompetent in their work.

**Would you like to comment on the wider issue of freedom of speech?**

Far greater protection is needed for those who express concerns or disagree about this issue. We no longer have freedom of speech in our land when people particularly those in contact with the public through their work are fearful of expressing their opinions about this area. People should not be removed from their posts for expressing personal viewpoints ---- this is not discrimination, it is just healthy debate.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
If two people love each other they should be able to marry....thats it nothing to do with god etc love is love.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lisa Cree
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

I'm confused as to how such a Bill has evolved since there has been no need of it and certainly prior to it's inception there was no talk or wish for it from the main homosexual lobby groups. Regardless of this I'm more confused as to how the government can decide after thousands of years that 'marriage' can actually encompass other lifestyles other than that of men and women marrying and having children.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It's not possible for same two people of the same sex to 'marry'. It's basic common sense and the natural law dictates that it takes two members of the opposite to sex to marry and bring forth children, hence replenishing the population. A homosexual relationship is already sterile.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

What is a belief celebrant? I don't understand the question.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I'm really worried that we are entering the preliminary phase of that which was tantamount to socialist Germany, where any dissent is ridiculed and those opposed are 'brought into line'. Over and over again I'm seeing what happens when people oppose the 'gay rights' agenda. The force of the law is being brought down upon them. The fact that the majority of the population oppose this is even more akin to a totalitarian government hell-bent on pushing one particular agenda.

Would you like to comment on the wider issue of freedom of speech?

What freedom of speech? I meet many young people nowadays intent on leaving Scotland because they see a country where the right to disagree is being quickly discarded.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I don't see a bright future for Scotland if this is the value we place on Marriage. What next, marry your sister, your auntie, your pet animal ........

Are you responding as...

a private individual

Henry Creechan
22 August 2013
How would you characterise your views on the Bill in general?

In opposition

No Bill was mentioned in the SNP Manifesto, the weighted Consultation Question10 "Do you agree the law should be changed to allow same-sex marriage" was rejected by a number equivalent to the combined total of all Scottish political party memberships, no referendum has been held to seek the view of the electorate and the Bill has, therefore, no electoral validity.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The Universal Declaration of Human Rights declares the Family to be 'the natural and fundamental building block of society'. Families can only naturally consist of two parents with offspring. Homosexual activity precludes offspring. Same-sex marriage, consequently, precludes family and therefore militates against the development of society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I don't understand the question.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Unnecessary and vexatious.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

A police chaplain in the now defunct Strathclyde Police was displaced for stating, in a personal capacity, his belief that marriage should take place only between a man and a woman. Strathclyde Police stated that they respected the religious and political beliefs of all employees, but they could not be publicly stated as representing the Police, an apolitical body. Strathclyde Police, however, allowed homosexual police officers to, off duty, in uniform, participate in homosexual parades known as Gay Pride. No such suppression of one viewpoint while advertising another should be permitted in any public service.

Would you like to comment on the wider issue of freedom of speech?

There is a prevalent attitude in much of the media and in politics where a person prepared to demand or even request freedom of speech for those not in favour of all and every demand of homosexual lobbies are bigoted homophobes. ('a person' should read 'persons' or 'people'.)

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

As previously stated, I believe the Bill to have no democratic legitimacy unless backed by an election or a referendum.

Are you responding as...

a private individual

Michael Creechan
August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support the bill and think that Scotland is leading in equality by proposing it.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. We welcome that the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is appropriate. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.PzyS6wFb.dpuf

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. We welcome this. - See more at: http://

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

We agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Liberal Jews and others. Other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. We think that the opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK.
Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the husband and wife gendered form of the marriage ceremony should be free to continue to do so. For more details, see our more detailed briefing here. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.PzyS6wFb.dpuf

How would you characterise your views on civil partnerships changing to marriages?

In support

From consulting with many people in civil partnerships, we know that at least half are likely to want to change their civil partnership to a marriage. Some couples who want to change would like to do so by marrying in the usual way, in a civil ceremony or a religious or belief ceremony conducted by an organisation that chooses to conduct same-sex marriages. However, many couples in civil partnerships would prefer to change their civil partnership to a marriage via a simple and inexpensive administrative procedure they have already had their big ceremony when they had their civil partnership. The bill provides both those ways of changing a civil partnership to a marriage, which we welcome. However, in the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but we see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. We see no reason why this should not also apply to couples who are already in a civil partnership, and we believe that the bill should be amended to allow this. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.PzyS6wFb.dpuf

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

We believe that most same-sex couples will prefer a civil marriage, a religious or belief marriage, or a civil partnership conducted by a registrar. However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In our view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively "veto" the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate. We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. We therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill - this would assist the Gender Recognition Panel as well as applicants. We would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16. - See more at: http://www.equality-
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (e.g., the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. We would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc.) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race.

The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. We would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.PzyS6wFb.dpuf

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices - marriage or civil partnership - should be open to all couples regardless of their gender. We therefore welcome the Scottish
Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnership. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, we note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.PzyS6wFb.dpuf

Are you responding as...

a private individual

Deborah Crockard
14 August 2013
PROSECUTION GUIDANCE IN RELATION TO SAME SEX MARRIAGE

Criticism of same sex marriage or homosexuality is not in itself an offence nor is the expression of religious views or the display of religious symbols. The European Convention on Human Rights and the Charter of Fundamental Rights of the European Union state that all people are guaranteed the right to freedom of thought, conscience and religion along with the freedom of expression. These freedoms include the freedom to hold opinions and to receive and impart information and ideas without interference by public authority. It is important that those wishing to debate the issue of same sex marriage are able to express views and opinions which may be disagreed with and which may cause concern.

Crown Office and the Procurator Fiscal’s Service recognise the sensitivity of the issues and the strength of opinion surrounding same sex marriage. COPFS will consider any incident reported to it involving criticism of or support for same sex marriage on its facts and circumstances. Views expressed or comments made in relation to same sex marriage in ways which do not incite hatred or violence towards a particular person or group of people and which do not cause or intend to cause public disorder will not be the subject of criminal prosecution.

In considering whether a prosecution is appropriate, consideration will be given to the facts of the case, the context in which any statements are made or actions taken and wider issues in relation to public safety, the protection of public order and the protection of the rights and freedoms of any victims. Any decision to take proceedings in relation to cases of this nature will be approved by Crown Counsel.

Version 11 June 2013.
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I think that same sex marriages should be allowed for mixed sex couples

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Caroline Crozier
5 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
It is a step in treating heterosexuals and homosexuals equally. Additionally, it will help 'normalise' homosexuality within society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
The overall legal effect is the same regardless of the nature of the marriage - and the belief organisations operate similarly to religious ones - so there should be an equal footing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
The opt-in procedure is probably the best way to allow some religious/belief celebrants to celebrate same-sex marriage, while will allowing others not to. The same procedure, however, should not be available to Civil Registrars, since they are servants of the state, not an private organisation.

How would you characterise your views on civil partnerships changing to marriages?
In support
I think it is the best and simplest idea - but it must be uniform. Either Civil Partnerships must be abolished, or they must be available to all people. The objective of the Bill is to promote Marriage equality.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
If it is possible and costed, it should be an option.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

If Civil partnerships must continue, R&B Orgs should be allowed to register them as well as Civil Registrars.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

**Would you like to comment on the wider issue of freedom of speech?**

People should still be allowed to say what they feel (i.e Same-Sex marriage is right.wrong/and abomination etc.). However, as part of that, they must allow opposition to their stance. If that opposition heavily outweighs their proponents (as it often does

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

A private individual
4th year law Student

Paul Cruikshahnk
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that whilst people may have concerns, they should recognise that same sex couples are currently being treated like second-class citizens as their right to marry is being denied; a right which every citizen should be able to enjoy. Same sex
marriages would make many same sex couples and their families and friends happy and I think it is selfish if people want to take this opportunity away from them. It would be hypocritical to criticise Russia’s treatment of the LGBT community when Scotland is also currently treating same sex couples as if they are not full citizens. I hope that Scotland becomes more liberal and same sex marriage is legalised, and hopefully other countries will follow suit.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Chelsea Cummings
8 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Stephanie Cunningham
14 August 2013
How would you characterise your views on the Bill in general?

In support

I believe that Scotland, and the United Kingdom have, since its inception, been at the forefront of progress in the concept of the 'Night watchman government', and that any step we, as a nation, are able to make that grants, and encourages our people to decide for themselves what is right (In this case, whether they wish to marry or not) is a step in the right direction.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe that marriage is a union of two people. Gender should not play a role in marriage, as gender is not supposed to play a role in business, education, or any other areas of life without very strong and understandable reasons, such as why treatment f

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

As I believe that people being asked to preform a marriage ceremony should always have the right to refuse on any grounds, and many religious institutions are unlikely to be supportive of marriage out-with their antiquated moral code, I believe that there needs to be a system which would allow for marriage without a religious approval, similar to present humanist marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The system described in the bill allows all participants in a same sex marriage the right to decide if they wish to participate or not, protecting people from a situation where they would be forced to take part in something that they do not agree with.

How would you characterise your views on civil partnerships changing to marriages?

In support
I am entirely in support of breaking the chains that bind people, and therefore I believe that anyone wishing to change their civil partnership to a marriage should have that right. As it stands the current proposal seems to be leaving a rather large hole

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

Again, providing a greater degree of freedom, without infringing upon the rights of others can (in my opinion) only be a step in the right direction.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Again, as ever, I am in support of allowing a greater freedom of choice.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Define gender. Or rather define feminine and masculine, and without referring to a persons actual sex (ie, what type of 'plumbing' they have installed 'downstairs') but rather the roles that the two genders play within society, and how they need be a conc

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

There is still one major flaw in this bill, in my personal opinion. The state is an institution built by the people of the nation, for the people of the nation, paid for by the taxes collected from the people of the nation. As such, allowing any public service to have to option to opt-out of serving any member of the nation, based upon the beliefs of the individual civil servant/ state school teacher or an other person employed by the government is a gross failure of the government. If a business was to allow someone to pay for their services, and then were to refuse to provide said services, it would be a breech of contract, likewise, the Scottish parliament, and all public services in Scotland exist to serve all the Scottish people, not to pick and choose who is allowed access to public services and who isn't. Private schools, and religious institutions are separate from the state and as such may be free to have their own policy, but if I should have a child who is gay, I would expect my nation to provide him/her with a full education, and with access to the same services as any other citizen. People who do not feel comfortable working for the government have the right to quit their job for personal reasons, just as I have to right to quit my job in the private sector for personal reasons (a right which I recently exercised, and will exercise again if I feel that I cannot in good conscience work for my employer) and seek work elsewhere.
Would you like to comment on the wider issue of freedom of speech?

I do not believe that this bill has any affect on freedom of speech, though the success of what was only 20 years ago a minor organisation shall hopefully embolden people to speak out for other causes that we may be ignorant of today.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Whilst the bill is very successful in aiming to liberate same sex couples, outside of the point I have already mentioned, I believe that mixed gender couples should have the right to be joined in a civil partnership if that is their choice. As it stands I believe that the current proposal is lacking in this regard.

Are you responding as...

a private individual

Hugh Custodio-Forbes
14 August 2013
How would you characterise your views on the Bill in general?

In support

The state should not discriminate on the grounds of sexuality - so marriage should be open to all couples, gay or straight - this is a long overdue step towards equality; we will never get cultural equality if we don't have institutional equality as a basis.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
All state employees should be required to carry out their job role in a non discriminatory way, so if that role requires them to conduct or register marriages, then they should do so for both same sex and opposite sex couples. For other organisations, they should be subject to the same non discrimination obligations and exemptions for services related to same sex marriage as they are for opposite sex marriage. A religious institution can deny the right to be married within it on various grounds, such as not adhering evidently enough to that faith; this Bill does nothing to undermine that. Support, witness or conducting a same sex marriage should not be permitted grounds for disciplinary action by any employer, including, for example, a religious institution, as this contradicts the spirit of the Equalities Act and its permitted exemptions.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Amy Dalrymple
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM KIRSTY DALZIEL

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Kirsty Dalziel
11 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM GEORGE AND LINDA DANIEL

I understand that the Equal Opportunities Committee is considering same sex marriage and I have some views on the subject. I understand that this legislation is driven by a desire for equality and human rights, but marriage is not about rights or equality it is about responsibility for the children of that marriage. It is for a man and a woman to commit to each other for life so that they do not have children by other partners to the detriment of their legitimate children. As same sex couples cannot have children naturally same sex marriage is pointless, they can of course adopt but in that case we must consider the rights of the child, surely a child has a right to a normal upbringing with a father and mother. In this hedonistic society where everyone is concerned about their rights who stands up for the rights of the unborn child? Surely that is the responsibility of parliament. Do children not deserve equality?

George and Linda Daniel
19 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM EUAN DAVIDSON

How would you characterise your views on the Bill in general?
In support
This bill is vital to creating a more equal society, it is a travesty that this has not happened a long time before now. My relationships shouldn't be treated differently to straight ones!!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
As a campaigner for equality I welcome this wholeheartedly. It is crucial that the state does not treat relationships differently, this includes implementing the adultery principle to same sex marriages.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Humanists can already conduct legal marriages so it is only correct that this right is expanded to other non religious belief systems. It is time to end religious privilege.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Choice has to be crucial, organisations can decide for themselves. The vast majority of same sex couples would not want to be married in a body which does not respect them. This choice should include allowing bodies to use non gender specific language, this makes it easier for intersex and transgender people to solemnise their relationships.

How would you characterise your views on civil partnerships changing to marriages?
Neither
Again choice is crucial those wanting to change their partnership into a marriage must have the choice of either a full blown ceremony or a simply filling out a form, there should be no cost to changing this as it is the government's fault that marriage was not in place for these couples at the time of solemnisation. The bill currently does not allow those with civil partnerships elsewhere to marry in Scotland, there is
no reason for this. In fact this results in a cruel situation where those who have moved to Scotland have to prove their civil partnership has broken down in order to dissolve it. There is no logical reason to put couples in that situation.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I see no reason why this would present a problem if the premises and couple are happy why should the state interfer.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

At the core of this bill, is enshrining choice, if couples want civil partnerships conducted by religious bodies I see no reason to prevent them having them.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

The idea that Trans people would be forced to divorce to change their gender identity is an absolute disgrace. This is discrimination of the highest order and causes unnecessary heartbreak. The practical nature of the marriage does not change as a trans person has to have been living as their preferred gender for two years before transition occurs. There should be no spousal veto on transition as this is a personal matter for the trans person alone. It is also crucial that the minimum age for gender recognition is brought into line with the age for marriage, i.e 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The bill strikes the right balance, there should be no opt out for registrars they are there to serve the public not trumpet their own belief’s if they have an issue they can easily find another job more suited. This should also apply to teachers.

Would you like to comment on the wider issue of freedom of speech?

The bill has no effect on freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The only addition I would make to the bill, as well as some concerns raised above, is that mixed sex couples should also be able to enter into civil partnerships further enshrining choice at the heart of the bill.
Are you responding as...

a private individual

Euan Davidson
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

there should be no fee, as fee already paid when civil union was performed

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I don't believe they should receive special protection. They are cherry picking which parts of their religion they wish to follow, and ignoring those that are too inconvenient. This makes them bigots hiding behind a false premise. Racists shouldn't be and aren't given special protections, so religious bigots should either

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech should apply to everyone. Religious organisations and their members should not be given protected status, or special rights.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Hugh Davies
26 July 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage stems from the Bible, therefore is a Christian, solemn event which should be taken before God and shouldn’t be taken lightly as the next step for same sex marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

As above.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I do not fully understand this question.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Again, as above, I am in opposition of same sex marriage and in opposition of civil ceremonies. The Government are now trying to change one of the most solemn Christian practices, which has been in place since Biblical days. As Romans says “man shall not lie with man”, this still stands, it is an unnatural relationship and as a Christian country we should embrace our religion rather than standing back to accept the changes which the minority want.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that ministers should not be expected to carry out such ceremonies. I also think that anyone, whether they are florists, hoteliers or any role, should be able to exercise their beliefs and if they do not wish to aid in a civil partnership / same sex marriage due to this religious beliefs then this should be accepted rather than fought in Court, as many cases are. Just as the Government are trying to increase the voice of those who are gay, the voice of the Christian is being slowly but surely quietened to allow way for a minority to stand tall. In my opinion and with Christianity at my core I believe this is not acceptable. One group is being marginalised so another group can flourish. A the heart of the Christian faith is love, God loves you, me and anyone who is willing to come to Him. As a country we need to understand that God loves us despite ourselves, once we embrace this the country will and can begin to flourish again.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Laura-Jayne Davis
10 July 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
While the law requires schools to provide religious education, it also protects atheist teachers from being compelled to teach it. Similar space should be given to
teachers who, for religious convictions or otherwise, do not feel able to teach about same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The issue of freedom of speech in this context is crucial because it is the expression of beliefs about marriage that tends to get people into trouble. Aside from a declaratory clause which has no practical impact (Clause 14), the Government’s Bill does not address this issue. More robust safeguards are needed to ensure that no person will be compelled to express agreement with a same-sex marriage or be punished for expressing their disagreement with it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant
a faith/belief-based organisation
a faith/belief local group or congregation

Robert Hamilton
Deeside Christian Fellowship Church
20 August 2013
How would you characterise your views on the Bill in general?

In support

Like the majority of reasonable people - I understand that a majority hold these views - I am in favour of marriage equality regardless of gender orientation. At this point in our developed society, it is far past time that such gender marriage prejudice be put behind us and full equality be adopted by the parliament and the populace.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I have been in favour of marriage equality since I became aware of the irrational opposition to such a concept. Such irrational opposition has tried to put forward spurious and bigoted views that serve to divide the community. There is no danger in marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Marriage celebrants need to be registered within the legal system regardless of their beliefs or the beliefs of the organisations they belong to. It is the constant need to divide and categorise these non-issues (in my mind) that delay and obfuscate legislation.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

No celebrant can be forced to conduct ceremonies that he/she does not wish to conduct. There can never be any coercion. Celebrants (and their organisations) that wish to exclude one group or another should be free to do so. So, of course, opting in is far

How would you characterise your views on civil partnerships changing to marriages?

In support

If the term marriage is to remain the chosen form of union then all civil partnerships should be able to convert their legal relationship to that of marriage should they so desire. It should consist of bureaucratic paperwork only. Those who prefer a totally
non-religious or belief ceremony should always be able to access a civil marriage registration for their purpose. It is the false differentiation of partnership unions that needs to be eradicated.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Of course the participating couple should be able to choose the venue in which they and their celebrant conduct such ceremonies. All marriages have (by law) to be registered under Births, Deaths and Marriages. It is of no consequence, nor should it be,

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

There should be no difference between marriages and civil partnerships regardless of the celebrant (or organisation). If the participants want a civil partnership they should be free to seek a celebrant to conduct such a ceremony. It would, however, be

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I haven’t had much thought about this but understand that, at present, the Gender Recognition Certificate can only be issued with the consent of the other partner. I seriously think that anyone who takes the step of trans gender assignment needs to be

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There has been some issue with Registrars possibly objecting to conducting same sex marriages. I do not think that public servants have the right to dictate their personal preferences within the confines of their employment. They can, of course, resign their employment should the requirements of their work be at odds with their personal preferences. Or they can organise another person to undertake their role. There are numerous other societal, educational and health issues that can and, of course, will arise. They will have to be addressed as and when they arise, however, the guiding principle needs to be based on equality, compassion and honesty.

Would you like to comment on the wider issue of freedom of speech?

Gosh - where to start. Freedom of speech is a right that carries responsibilities. As does membership to any society in which one lives.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Veronica Denyer
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition

Civil partnerships should remain as they are and eventually be opened up to opposite sex partners. Those in a civil partnership should not be forced to change their legal arrangement against their wishes.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ian Diamond
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

The law should treat all marriages the same, regardless of the genders of the spouses. - See more at: http://www.equality-network.org/our-work/equal-marriage/our-views-on-the-equal-opportunities-committees-questions/#sthash.kPnmkLFc.dpuf

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the bill strikes the right balance and provides good protections for people with concerns about same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The bill will have no negative effect on freedom of speech as section 14 of the bill confirms.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill is a huge step forward for equality, but it does not introduce full equal marriage. The main thing missing from the bill is the introduction of mixed-sex civil partnerships.

Are you responding as...

a private individual

Jenny Dian
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

more work needed on this section; civil partnerships registered outwith Scotland should have the same rights as those registered in Scotland

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I think the bill has it about right; schools must be allowed to answer any questions re same-sex marriages in the same way they answer other questions - factually and without personal bias

**Would you like to comment on the wider issue of freedom of speech?**

Is there a problem here? Of course people will be able to disagree with same-sex marriage and say so.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

big step towards equality but more is needed in the spirit of fairness. For instance - why not have civil partnerships for same sex couples?

**Are you responding as...**

a private individual

Mrs Eileen Dickie
16 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If we are all created equal under God, then surely all people should all have equal rights. Not allowing LGBT people the same right to marriage is a violation of there rights and shows clear discrimination.
Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is important, as is the need to communicate with all sides to work out a solution.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Karen Dickson
22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is a human rights issue.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I am not certain I understand this question.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

If it is optional, then I am in favour.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
What protection is necessary? Substitute the words 'mixed race' for 'same sex' - the question becomes irrelevant. This is a rights issue; sexual orientation, like race, is not a choice. The prejudices of those 'who may have concerns' are irrelevant.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Karen Dietz
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

Claire Digance
Humanist Society Scotland
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Fiona Dix
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM DR EUAN DODDS

How would you characterise your views on the Bill in general?

In opposition

I think the bill is unnecessary. I believe it’s aim is to further the normalisation and full acceptance of homosexual practice. One Danish church minister wrote: “But now that we have given them the opportunity to get married, we have lifted the level of equality to a whole new level compared to 1989. Couples of the same sex will be put on the same footing as couples of different sex and that is a huge change.”

http://cphpost.dk/news/national/gay-marriage-legalised This would the true in the UK as well; marriage is society's 'crown' upon a relationship. Consequently, this bill will further normalise homosexual practice, and further demonise any who may, for whatever reason, not condone such behaviour. Secondly, I question whether the full ramifications have been thought through. Writing about the Argentinian experience Dr Ursula Basset for the Pontificia Universidad Católica Argentina wrote: “It quickly became clear that legalising same-sex marriage required a revolution to our internal law. It impacted laws regulating public order, identity, gender, rules of kinship, filiation, marriage, names, marital property arrangements, divorce, alimony, parental rights, succession, domestic violence, adoption, artificial reproductive techniques, surrogate motherhood, liberty of conscience, criminal law, tax law and employment law, among other topics. All of these subjects would need to be attuned to the gender-neutral paradigm … same sex marriage law in Argentina has turned the law upside down - no stone has remained unturned.”

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The Scottish Government is either knowingly or unknowingly being led down a radical, social path. Legalising same-sex marriage will be a fundamental change in the fabric of society and, as has been the experience elsewhere, will lead to marriage itself being devalued. Speaking of this agenda, Peter Tatchell (a prominent voice in the debate said): “Whereas mainstream society saw homosexuality as a problem, we said the problem was homophobia. Straight supremacism was, to us, the equivalent of white supremacism. Our vision was a new sexual democracy, without homophobia and misogyny. Erotic shame and guilt would be banished, together with socially enforced monogamy and male and female gender roles. There would be sexual freedom and human rights for everyone” queer and straight. Our message was "innovate, don't assimilate". GLF never called for equality. The demand was liberation. We wanted to change society, not conform to it.

http://www.guardian.co.uk/commentisfree/2009/jun/26/gay-lgbt-victimhood-stonewall Those pushing for SSM want to do away with the definition of a ‘normal, nuclear family’ and pave the way towards a brave new world. The Scottish Government appears to be quite comfortable with this radical social engineering (and that at a
time when almost half of marriages breakdown with untold of emotional and psychological damage)

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

I notice the Supreme Court in the U.S. consider Humanism a religion, does this mean that they would not be considered a 'belief' celebrant? Secondly, where will the lines be drawn. In the 2001 census, almost 400 000 British citizens described their religion as Jedi; will it be long before we have Jedi weddings on the shore of Loch Lomond?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

Neither

Although one wonders how many would change. Since their introduction, the number of civil partnerships in Scotland has been steadily falling each year (1047 in 2006 to 465 in 2010).

https://docs.google.com/spreadsheet/ccc?key=0AonYZs4MzlZbdG1CZnVlc2lVbElVbXZ3eFJwc19tZEE&hl=en#gid=0 According to Stonewall estimates, â€”no-one knows how many gay people there are in Britainâ€™
http://www.stonewall.org.uk/what_we_do/research_and_policy/2880.asp Based on their estimates, they approximate 3.04 million, meaning just over 3% have had a civil partnership. The ONS Integrated household survey (2010) suggests 0.9% were homosexual, suggesting 19% had a civil partnership. The â€˜take-upâ€™ rate has been modest. Recent surveys have suggested that the uptake for same-sex marriage would be about the same.
http://www.rnw.nl/english/bulletin/dutch-gay-couples-marry-far-less

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Once again, this would simply highlight the failure of the bill to deliver 'equal marriage'. At the Pride rally in Edinburgh last Saturday (29/06), Tom French of the
Equality Network said, “We want to send a clear message to the Scottish Government; LGBT people deserve equal rights and will settle for nothing less.”

If SSM can take place anywhere EXCEPT in religious premises, will the ‘inequality’ not be even more stark and will it be only a matter of time before the pressure mounts to allow these weddings to take place in churches etc?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Writing in the National Review, Michael Coren studied the Canadian experience. He argued, “Once gay marriage becomes law, critics are often silenced by the force of the law. It’s estimated that, in less than five years, there have been between 200 and 300 proceedings in courts, human-rights commissions, and employment boards against critics and opponents of same-sex marriage.”

The Mayor of Arcangues faced a five year prison sentence and a colossal fine if he refused to marry a same sex couple:

Would you like to comment on the wider issue of freedom of speech?

It is fair to say that those who have opposed legislation have face a lot of abuse. “Out of touch,” “intolerant,” “bigots,” “no better than racists,” “homophobes,” “stuck in the dark ages” are just some of the terms being slung. Moreover, those who uphold traditional marriage have suffered in their workplaces. Gordon Wilson was voted off Dundee City Council for holding certain opinions.

Would you like to comment on the wider issue of freedom of speech?

David Burrowes, a London MP received death threats.
A Newly-wed couple who delivered a petition supporting traditional marriage to Downing street were bombarded with hate mail. http://www.telegraph.co.uk/news/politics/9349353/Gay-marriage-newlywed-couple-bombarded-with-internet-hate-mail.html


Others have suffered loss of their earnings: The Bulls in Cornwall, the registrar Lillian Ladele, the housing officer Adrian Smith (who had a 40% payout after employers objected to comments on his personal facebook page). All of this creates a frightening Orwellian picture of a society where one cannot challenge (for whatever reason) the dogma that homosexual relationships are entirely natural and equally valid as heterosexual marriage. It seems that liberals become illiberal in this issue and anyone who speaks out is demonised. We fear that, should the government lean toward legalising same-sex marriage, those who uphold traditional marriage will not only be demonised, but even potentially criminalised for homophobic speech (so called). It is interesting to notice that the Gay Policeman's Association complained (with the support of UNISON) about Bibles being given to officers. They believed the force should not ‘endorse a book containing text which condemns homosexuality’. The Book which all those in our courts must swear upon is now beginning to be considered, by some within the police, as 'condemning homosexuality'. Anyone, therefore, who reads or speaks about such things may be accused of homophobia, or worse a hate-crime.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

This bill is being touted as an example of how 'progressive' Scotland is in the eyes of the world. It is, in fact, regressive - taking us back to the classical world where all sorts of marriages were permitted. The grassroots desire for this is small, the public opposition is large; it will lead to all sorts of legal gymnastics and no shortage of litigation. Might we not be better off dealing with the other inequalities in society; the difference in lifespan between the East and West of Glasgow, the rich-poor divide-than playing to the gallery and trying to present ourselves as 'tolerant and enlightened'.

Are you responding as...

a private individual

Dr Euan Dodds
16 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM DOUGLAS DOLBY

How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I think it is only right in a fair society that we all have rights and therefore it equal rights to marry should apply to everyone regardless of their sexuality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

In both parties are in agreement this seems obvious to me.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Douglas Dolby
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Provided no religious organisation is required by law to carry out same sex marriage, I see no valid reason why those opposed to same sex marriage have the right to deny religious bodies who would marry same sex couples the right to do so.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

David Doran
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

**Are you responding as...**

Lewis Dorigo
21 August 2013
How would you characterise your views on the Bill in general?

In opposition

Couples would have no more rights than they already receive in civil partnerships. The Biblical basis of marriage is for heterosexual union of a man and a woman primarily, to give each companionship and to create children. Same sex unions cannot create children!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Religious celebrants who refuse to marry same sex couples may be liable to prosecution Adoption by same sex couples is not, in my opinion, in the interests of children Some employees would run into legal penalties if they refuse to endorse same sex marriage Prospective employees, who believe in the current definition of marriage, could face discrimination at job interviews Teachers who believe in the present definition of marriage could be forced to teach same sex marriage even if they find it abhorrent Charity Law would have to be amended to allow charities to disagree with same sex marriage The vast majority of parents would disagree with their children being taught that same sex marriage is "normal"

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Heterosexual Marriage is an institution started by God (of the Christian Bible) and as such has a supernatural dimension - it comes with the blessing of God. All other forms of marriage do not have this same dimension

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

The vast majority of celebrants would only officiate at heterosexual marriage The Church of Scotland is right now risking total breakdown on this same sex issue

How would you characterise your views on civil partnerships changing to marriages?

In opposition
Different dynamics are involved in each of these relationships and they would not be compatible or interchangeable.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

No firm views

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

I personally do not recognise them as being worthy of registration

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

I do not believe in transgender change. I believe we remain as we are born - male or female

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

See my answers to questions 4 & 5

**Would you like to comment on the wider issue of freedom of speech?**

Specific amendments need to be made, if the bill is to become law, to protect the right of free speech; so that criticising same sex marriage is not rendered unlawful. I preach the Christian message on the streets and in secular venues, as well as churches, and I would want the Bible’s message to be free of any retribution. The Bible advocates heterosexual marriage. More robust safeguards are needed to ensure on-one is compelled to agree with same sex marriage or face legal penalties; people who support the present marriage laws must not be put in the position of facing potential legal penalties; religion and belief must be protected under any equality law.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Gay and lesbian websites comment on the increased violence between such couples as opposed to ‘straight’ couples, together with the increased incidence of sexually transmitted disease and suicide in gay and lesbian partnerships. It appears not to be a normal healthy form of partnership!
Are you responding as...

a faith/belief-based organisation
private individual

Douglas Renton
Douglas Renton Ministries
13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

There is no difference between heterosexual people and homosexual people except both are male or female. Its a bloody disgrace!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
The whole thing is an absolute farce. Two people in love should be able to marry without any of this crap going on because that is exactly what it is crap and nonsense just like all the stupid religion in the UK. We no longer are the UK were a place for anyone welcome rob benefits penalise BRITISH CITIZENS and robs us homosexuals of our right to get married

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

david nathan downie
23 August 2013
How would you characterise your views on the Bill in general?

In opposition

My opposition is one of principle - I do not believe that this or any government has the right to redefine marriage; and of practice - there is no protection that will hold for those who disagree with same-sex marriage, which is both a violation of free speech and also of freedom of conscience. I am not homophobic, and have relatives in same-sex relationships, which I accept. However, neither they nor I believe this should lead to a redefinition of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I do not believe this is a matter of equality and/or human rights; same-sex couples already have the option of civil partnerships (which could be strengthened if there are deemed to be necessary areas). Marriage since time immemorial, in almost every culture in the world with very few exceptions (e.g. polygamous societies), and in every world religion, has been understood and practised as between one man and one woman. This has underpinned social stability, the welfare of children, and human flourishing.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I am not sure what is meant by the term 'belief celebrants', unless that refers to humanists etc.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

None of the proposed safeguards for religious celebrants who wish to opt out of conducting same-sex marriages are adequate. Lawyers state clearly that none of the so-called safeguards will stand once they are challenged on the grounds of equality and/or human rights law, because these have come always to trump all other considerations, and are interpreted accordingly. So while I know that those who wish to conduct these celebrations will have the freedom to do so, those who do not wish to do so will be hounded and prosecuted. This shows how utterly inadequate the proposed legislation is.
How would you characterise your views on civil partnerships changing to marriages?

In opposition

I do not see any reason why such a change should be necessary.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I think this would be the least bad solution, and no doubt will happen, but I still believe it to be fundamentally wrong.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

If by 'belief registration' you mean for example by secular humanists, then we already have this, and I can accept the case for civil partnerships anyway. But I do not think this should be conducted in Christian churches.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

I recognise that there are a small number of cases where after marriage one partner acquires the reverse gender, and that in an even smaller number of cases the two people concerned wish to remain married. However, this is a statistically very small group, and while I would be very sympathetic to protecting them, their case should be regarded as exceptional, not normative. Making exceptional cases the basis of changes in the law for everyone almost always leads to very bad law.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am very deeply concerned. There are already cases where people have lost their jobs and/or been harassed for merely expressing their belief that marriage is between a man and a woman, as it always has been. It is already clear that believing in traditional marriage and expressing that belief, however politely, and in personal as well as employment contexts, can lead to prosecution. I find that appalling, as a total violation of conscience and freedom of speech. I have three adult children, respectively a minister of religion, a doctor and a teacher, and all three of them risk losing their jobs if they so much as hint that they believe in traditional marriage. I have close friends who are social workers and teachers and civil servants, and they all feel threatened. I have grandchildren, and while they need to learn to respect homosexual relationships (which they do), I find it offensive that their schools are
increasingly under pressure actively to promote homosexuality and same-sex marriage, in preference to traditional marriage and male-female relationships. I also find it offensive that those who argue on the grounds of equality and human rights for same-sex marriage, apparently have no respect whatsoever for the human rights and equality of those who disagree with them. If this legislation goes through, it must be on genuinely equal grounds, with absolutely as much protection for those who disagree as for those who champion it.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Rosemary Dowsett
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Judi Ducker
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
concerns? protections? sheesh

Would you like to comment on the wider issue of freedom of speech?
I have nothing to say

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Chris Duffy
22 August 2013
How would you characterise your views on the Bill in general?
In support

I strongly support and welcome the bill. It is a huge step towards equality for a nation which prides itself on equality and fairness. Religious freedom is thoroughly protected which removes any legitimate opposition to the bill. However some improvements could still be made as outlined in later questions.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I fully support equal marriage. I find it genuinely baffling how people living in a country which promotes freedom and equality can even begin to try and justify structural inequality. LGBT citizens are full citizens and should therefore be afforded the s

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. This is extremely positive as it ensur

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

We agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitari

How would you characterise your views on civil partnerships changing to marriages?
In support

I think this is extremely important as it allows those who were previously subject to discrimination to enjoy full equality under the law and many people in civil
partnerships have been found to be keen to change this to marriage (please find this information on the equality network website if more details are needed). The bill provides both those ways of changing a civil partnership to a marriage, which we welcome. However, in the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but we see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. We see no reason why this should not also apply to couples who are already in a civil partnership, and we believe that the bill should be amended to allow this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This is not specifically an issue for LGBT people, but the additional flexibility that will be allowed in choosing the location of civil marriage ceremonies is welcome. Frankly, this should not be an issue in this day and age. Couples should be allowe

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

From a personal standpoint I think it is problematic to maintain separation of "civil partnership" and "marriage". I think this creates a divide where by one type of relationship or commitment can be deemed different or better than another and it would be

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly believe that transgender people who are married should be able to obtain gender recognition without being required by the state to divorce. Not allowing this
would be a clear case of discrimination. And forcing people to divorce to remarry would

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The bill strikes a good balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. We would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. Discrimination at a state level (or any level really but unfortunately people do have the right to behave like idiots if they so choose) is completely unacceptable and should not be institutionalised. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. We would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people. I feel that pandering to such beliefs creates a dangerous precedent. School as mentioned is about facts and learning. It is a fact that same sex couples exist and it is important we teach about this fairly. Ignorance is a key cause of discrimination and should not be encouraged. Furthermore this could be extremely damaging to children in the class who are LGBT who are then given the impression that they are somehow less than or to be avoided.

**Would you like to comment on the wider issue of freedom of speech?**

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. However as with any freedom of speech, hate speech can no

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**
The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, I note that the regulation of private sector pension schemes is reserved to Westminster, and th

Are you responding as...

an academic
a private individual

Danielle Eadie
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

There are some who commit murder and atrocities in the name of religion.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Yes,live and let live.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Nancy Earlie
16 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This makes sense to keep only two categories of marriage and grouping the religious and belief system together is less confusing for the public. It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In opposition

If a couple have already gone through a Civil Partnership and Civil Partnership is remaining then they should have to go through a Civil Marriage is they wish to be married, but there should be an inexpenisve, administrative, option for this. Furthermore, clarification is needed for those who have a Civil Partnership which was registered abroad.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This would put registrars on the same footing as humanists and ministers who are allowed to marry couples anywhere.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

It should be marriage for all. If same sex couples are to be allowed to have a marriage or a civil partnership, heterosexual couples should be allowed the same option.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

N/A

Would you like to comment on the wider issue of freedom of speech?

N/A

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

N/A

Are you responding as...

a public body

Sarah Collins
East Ayrshire Council
19 August 2013
How would you characterise your views on the Bill in general?
In support
Strongly in favour.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I see this as a fundamental human right.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
I agree with the equality network in that: “...a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would also like to see an introduction of mixed-sex civil partnerships.

Are you responding as...

a private individual

Andrew Edwards
22 August 2013
How would you characterise your views on the Bill in general?
In support

Myself and my partner are engaged and waiting to get married. It's ridiculous the bill isn't already passed. Seems Scotland is behind the times after all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Same sex couples are the same as every other couple. Marriage came before religion and it has no place here.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

I am not religious as such, but each to their own. I feel that every human being should have the right to marry religiously if they wish.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

I don't believe in hocus pocus, but if others wish to get married in a religious building to sign a LEGAL Contract, then so be it.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

This bill is about heterosexual and homosexual marriage becoming equal, no where has it stated anything about transgender. It has no place in this fight, that should be a separate issue.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

To put it politely. "Protection" Mind your own business I say, and let others have the equal right to do the same.

Would you like to comment on the wider issue of freedom of speech?

Scotland is a great place for freedom of speech, let it be an equal one too.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Julie Edwards
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM EMILY

How would you characterise your views on the Bill in general?

In support

Overwhelmingly in support.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Same sex couples should not be discriminated against for loving someone. To suggest that they have a civil partnership instead of a marriage is suggesting that their love and commitment for each other is less than an opposite sex couple.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is a secular society, so religion should have no part in government laws.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

Civil partnership' seems a ridiculous term - as if same sex relationships are any different to a marriage (Commitment, love and family)

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

If you treat people like they are different, they will act that they are different. Is it ok to put black people at the back of the bus and white people at the front, purely for being different and misunderstood?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Stop being concerned and allow people to love on another, regardless of your views. How can love go wrong?

**Would you like to comment on the wider issue of freedom of speech?**

Stop being concerned and allow people to love on another, regardless of your views. How can love go wrong?

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

an academic a faith/belief-based organisation a faith/belief local group or congregation an LGBT group

Emily
15 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
The issue is about about love and commitment, not gender, so I am fully in support of same sex couples being able to marry.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
I think this is a personal issue, there are some distinct differences between marriage and civil partnership, I believe both options should be available to opposite sex and same sex couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant
a private individual

Mandy Evans Ewing
Humanist Celebrant (HSS)
21 August 2013
The Faculty of Advocates is the independent bar in Scotland. The Faculty is committed to human rights and to equal opportunities for all. Its members include advocates with expertise in all fields of law, including family law. The Faculty welcomes the opportunity to offer evidence in relation to the Marriage and Civil Partnership (Scotland) Bill. The comments which follow are concerned with the legal effects of the Bill. The Faculty does not generally take a position on matters of social policy.

- The Faculty has identified a small number of technical matters – in relation to clauses 4 and 25 and Schedule 1 - upon which it offers comment.

- The Faculty has identified one respect in which the policy intention as regards the protection for freedom of conscience appears not to be reflected in the provisions of the Bill.

**Clause 4**

In responding to the Consultation on the draft Bill the Faculty drew attention, in particular, to the definition of “cohabitant” in section 25 of the Family Law (Scotland) Act 2006, where a cohabitant is defined to include “either member of a couple consisting of …two persons of the same sex who are (or were) living together as if they were civil partners”. It is assumed that clause 4(2) to (5) is intended to change this to refer to persons living together as if they were married. The drafting is awkward and does not clearly achieve this purpose. Clause 4(4) provides for cessation in effect of a provision such as that in section 25 of the 2006 Act, but sub-clauses 4(2) and (3) only apply to statutory provisions that refer to persons living together as if they were married. Added to that, clause 4(5) disapplies the new provision if there is a conflict with existing law. The result is at best confusing, and at worst ineffective to change the law. It would be useful to amend section 25 of the 2006 Act specifically and this could easily be done by substituting “two persons” for “a man and a woman” in section 25(1)(a), or by adding after the reference to civil partners the words “or married”.

**Clauses 10, 11 and 14**

These provisions seek to safeguard Article 9 rights (the rights to freedom of thought, conscience and religion). Annex A to the Scottish Government’s Consultation on the draft Bill contained the following statement: “The Scottish Government has made it clear throughout that no religious body and no religious celebrant should be required to solemnize same sex marriage or to register a civil partnership”.

"February 2013"
The Faculty is not convinced that this policy intention has been fully implemented in the Bill so far as individual religious celebrants are concerned. The Bill does not contain provisions equivalent to those which appear in section 2 of the Marriage (Same-Sex Couples) Act 2013 (which applies in England and Wales). Section 2 of the 2013 Act provides that a person may not be compelled by any means to undertake certain specified activities, including conducting a relevant same-sex marriage.

Religious celebrants who belong to a religious or belief body which is in favour of same-sex marriage, but who have a conscientious objection to same-sex marriage, might be open to pressure from their religious or belief body to solemnise such marriages. In effect, the pressures that have existed for civil registrars might come to be applied to such celebrants: in *Ladele v United Kingdom* (2013) 57 E.H.R.R. 8, the European Court of Human Rights held that the dismissal of a civil registrar who declined to solemnise civil partnerships was not incompatible with her Convention rights. Having regard to section 149 of the Equality Act 2010, there may be particular implications for persons employed in the public sphere, such as hospital, prison and army chaplains.

The Faculty notes the joint statement by the Scottish Government and UK Government on amendments to the UK Equality Act 2010. Paragraph 18 of the joint statement suggests that the proposed amendment to that Act will follow section 2(6) of the Marriage (Same-Sex Couples) Act 2013, to provide that a celebrant does not contravene section 29 of the 2010 Act by refusing to solemnise a same-sex marriage or register a civil partnership. It does not, however, appear to be envisaged that the legislation will replicate the other provisions of section 2 of the 2013 Act.

The Bill seeks to offer reassurance by re-iterating, in clause 14, the rights to freedom of thought, conscience and religion and to freedom of expression found in articles 9 and 10 of the European Convention on Human Rights. While the express acknowledgement of these rights may be useful, it is doubtful whether express reference to them adds anything of substance since these freedoms are already built into the law by the Human Rights Act 1998 and the Parliament does not have the power to pass a measure that conflicts with them (Scotland Act 1998, section 29).

**Clause 25**

The Faculty drew to the attention of the Scottish Government the problem which this Clause is intended to alleviate – namely the failure to appreciate that civil partnerships could not be dissolved on the basis of evidence solely from one of the partners. There are, however, objections in principle, to which the Faculty has drawn attention, to retrospective measures, such as the provision in the Bill. The Faculty suggested an alternative, and prospective measure, which would reduce the risks of future challenge.
Clause 26

The Faculty is pleased to note that its concerns about the serious and potentially damaging effect of bigamy have been recognised by an increase in the possible financial penalty from £1,000 to £10,000.

Schedule 1

The Faculty has concerns about the possible interaction of the exclusion of jurisdiction to entertain an application for financial orders (in paragraph 1) with the terms of regulations that are not yet available. There is potential for serious injustice if financial provision cannot be claimed. Further, if the sheriff at Edinburgh is to have extended jurisdiction to entertain proceedings for divorce pursuant to paragraph 3(3), there should be clarity that the sheriff can also deal with ancillary orders, including financial provision.

While it is a matter for the regulations, there is a difference in treatment between persons domiciled in the UK or Republic of Ireland where domicile is the test of jurisdiction and the rest of the EU where nationality is the test. This is recognised in paragraph 2(1)(a)(iii), but should perhaps be reflected in 2(1)(a)(ii).

Faculty of Advocates
26 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

This will work well for My husband and I, there are still lots of area’s that need sorting out. but hopefully this is the first step towards us being able to be a full time couple. We have been in a civil partnership for almost two years and at the moment

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

The celebrants are government employees employed to do a specific job. If they are not prepared to do their work then they must be either redeployed or find alternative employment. we are not talking about churches we are talking about ordinary people. it

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

no one wants a homophobe to be the celebrant in a same sex marriage, so no one will use their services, If a church does not approve of same sex marriage, again why would any one want to force them, It is a civil marriage, a civil servant does their job

How would you characterise your views on civil partnerships changing to marriages?
In support

I have been in a civil partnership for almost two years why should I change our marriage date. I know it is a civil partnership but to us it was the closest to marriage and that is our special day

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

As I said no one want to be married by someone who does not approve of your relationship, I feel the same way about churches, if they approve of us, that is fine. If not, I will find someone who does approve of us.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

civil partnerships have to be available to everyone, marriages have to be available to everyone. it should not matter if you are in a same sex relationship or a mixed relationship. relationships should be equal regardless of who the parties are.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I am against discrimination. many trans people need their support group and family, it is not up to the government to stop them enjoying full and equal protection.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Simply put, if you don't like same sex marriage, don't have one. There is no need for protection, being gay is not a virus, it is not learned, and no one can make you gay. You either are or not. No one chooses who they will fall in love with or why they fell for someone.

Would you like to comment on the wider issue of freedom of speech?

You are free to say what you want so long as you respect others. I feel some preachers stand on the street telling people what to do, save that for in your churches, if you cannot teach love and equality then you should not be allowed to teach hate.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The big problems I have are with regards to civil partnerships or marriages that would be between foreign nationals and citizens. My husband is Filipino I am British. after our first year together, I had health issues. in the end we could not live together.

Are you responding as...

a private individual

Keith Francis Farrell
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Allan Faulds
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Emma Faulkner
14 August
How would you characterise your views on the Bill in general?

In support

The right to freedom of choice is a fundamental pillar of my beliefs. I therefore support any bill that gives legal recognition to what is essentially a consensual and harmless activity. Furthermore, by legitimizing gay relationships within a legal framework, the Scottish government can take large strides towards ensuring further tolerance and acceptance of a historically persecuted group of individuals. It is my hope that bigotry towards the LGBT community will be largely reduced within the next generation as a result of this bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

A marriage which is based on love should always be supported by our government - regardless of the gender mix within the marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

If that is how the couple wish to define their relationship, they should be permitted to change from a civil partnership to a marriage. They should equally have the right to retain their civil partnership status if that is their wish.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
This links back to my belief about freedom of choice. If the couple have agreed a venue with the registrar and are happy with it, I see no reason why the government should feel any need to be involved.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Providing it has been agreed between the couple and the religious body, I have no problem. However, if the religious body does not wish to conduct the ceremony, it should be within their rights to refuse.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

A loving couple should have a right to marriage, irrespective of their gender - this includes those who have changed gender at any point in their life.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Gavin Ferguson
14 August 2013
How would you characterise your views on the Bill in general?
In opposition
it is against nature and is not allowed in Islam

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
they should not get marry each other at all

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
we strongly oppose this because this is a religious matter it can not be same

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition
It should not be allowed in the Mosque

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Saeed Ahmed
Fife Islamic Centre Glenrothes
29 June 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Craig Figures
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ALAN FINDLAY

How would you characterise your views on the Bill in general?

In support

If LGBT people are to be GENUINELY regarded as equal to other members of society, there is no justification for excluding their relationships from the union of marriage. Virtually all opposition to this step appears to be rooted in thinly-veiled homophobic prejudice.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Covered in 4 above

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I presume this relates to, for example, humanist celebrants, although humanism is not a 'belief'. However, I do not think that religious celebrants should be given special treatment.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I feel these are fully adequate to protect all points of view, including those individuals or faith groups who do not wish to be involved in same-sex marriage ceremonies.

How would you characterise your views on civil partnerships changing to marriages?

In support

Many couples who have entered Civil Partnerships did so as a 'second best' to marriage, because marriage was not open to them. Where marriage becomes available, these couples should be able to 'upgrade'.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I can see absolutely no objection to this in a modern, free society. Many couples will have venues which have great significance for them, and in which they'd like to get married.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

As with marriage, if all are in agreement, it should be possible to do this.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

This will be one of the major pluses of same-sex marriage legislation.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

This is, sadly, a divisive issue. I, and many others, see these concerns as rooted in prejudice. Prejudice CAN be backed up by one's interpretation of scripture. People are perfectly entitled to believe that same-sex marriage is wrong, but they do not need this belief backed up or protected by any legislation. No-one is going to threaten them because they believe this, unless they themselves cause hurt or offence by excessive public statement of their beliefs.

**Would you like to comment on the wider issue of freedom of speech?**

This should be common sense. Everyone should be free to state their views, but not deliberately to hurt or offend others. We have recently seen examples of suicides apparently caused by careless or malign use of social media, so, sadly, there needs to be some restraint on hate speech and bullying. The law should be used sparingly, but in a way which will encourage people to think before they speak.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are LGBT people 'as good as' others? If so, they should be treated no differently. When people say, "I just see LGBT people as different, not as second-class", this usually proves to be a veil for some degree of homophobia. Religious objections to LGBT people do not stand up to rational examination, based as they are on carefully selected scriptural texts.

**Are you responding as...**

a private individual
How would you characterise your views on the Bill in general?

In support

I wholeheartedly support the bill and I only recommend that it is finalised appropriately to ensure the full equality which it sets out to achieve without being discriminatory to the opposition.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

There is absolutely no reason why same sex couples should have to have their legal relationship represented in a way which is different to that of a heterosexual couple. It is the principle which is important. It is extremely important that the bill achieves same sex marriage without creating a separate form of marriage from the current definition of marriage which would of course continue the current issue of discrimination. As it is absolutely possible to recognise adultery in a same-sex relationship as is the case with heterosexual relationships, I welcome this inclusion and I also welcome the fact that consummation is not a requirement in same-sex marriages as is the case with all marriages because it is, quite frankly, ridiculous that such a thing even exists. Some people who marry are celibate.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I support the fact that belief celebrants and religious celebrants are treated the same in terms of their rights and responsibilities under the act however, I also feel it is important to recognise that they are different within that. It would also be interesting to see whether a philosophical objection (or philosophically motivated semi-discriminatory language) would be treated differently from a religious objection.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I believe that religious freedom should apply to both supporters and opposers of same-sex marriage and the opt-in process which the bill proposes gets that balance right. I believe that the amendments to the Equality Act 2010 adequately protect the religious freedom of both supports and crucially, opposers of same-sex marriage. And argument which suggests that those in opposition to same-sex marriage are being persecuted is simply untrue. I agree with the Equality Network who think that
a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the “husband and wife” gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

I support civil partnerships being transferrable into marriages - this is essential - particularly in the sense that a small administrative process can take place rather than a full ceremony if preferred. However, as the Equality Network highlights, in the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but we see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. We see no reason why this should not also apply to couples who are already in a civil partnership, and we believe that the bill should be amended to allow this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This is absolutely essential, often marriages do not take place on religious premises and this should be no different for same-sex marriages.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
I support the Equality Network’s opinion which is "We believe that most same-sex couples will prefer a civil marriage, a religious or belief marriage, or a civil partnership conducted by a registrar. However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief body that chooses to do so, adds a useful extra option. There may be some religious bodies that would not wish to conduct same-sex marriages, but would want to offer religious civil partnership ceremonies to same-sex couples who are their members. There may also be some couples with religious beliefs who would prefer a civil partnership to a marriage."

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I strongly support the entirety of the below quoted stance of the Equality Network which is: "We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In our view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively veto the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate. We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. We therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill this would assist the Gender Recognition Panel as well as applicants. We would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16."
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I strongly support the entirety of the below quoted stance of the Equality Network which is: “We think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. We would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. We would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people."

Would you like to comment on the wider issue of freedom of speech?

The bill does not affect freedom of speech; those who wish to publicly express their disagreement of same-sex marriage should be able to do so and not be discriminated against as a result in terms of the services they receive from the government. This is obviously different when somebody clearly uses hate speech against LGBT* people which would be wrong and should be dealt with - the offending party should not be able to hide behind the notion that they were expressing their opposition to same-sex marriage as this is different to using offensive language surrounding LGBT* people e.g. homophobic slurs.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The Bill does not yet provide full equality in the sense that it does not offer the opportunity for mixed-sex civil partnerships which results in continued discrimination. It still highlights that fact that everyone is entitled to marriage but, there's still that
other thing for those people. That is wrong. I fully support the Equality Network’s comments which are: "The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices – marriage or civil partnership - should be open to all couples regardless of their gender. We therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnership. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, we note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete."

Are you responding as...

a private individual

Connor SP Finlayson
14 August 2013
How would you characterise your views on the Bill in general?

In support

The Fire Brigades Union is committed to promoting equality and the members who identify as LGBT have made clear through the national LGBT Committee that they want marriage equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Civil Partnership may have been a step towards equality but there has still been elements that resulted in less favourable treatment to members of the Fire and Rescue Service. In terms of the Firefighters Pension Scheme (FPS) access to partner entitlement was previously exclusive to members who were married. With the enactment of the Civil Partnership Act in December of 2005 members of the scheme in same sex relationships could receive partner benefits in the event of death if in a Civil Partnership. However the accrued entitlement was only eligible from December 2005. This means for example a firefighter in the FPS with twenty years service who is married to someone of the opposite sex and who dies would leave partner benefits from the scheme reflective of 20 years of contribution but should the same firefighter be in a Civil Partnership the benefit entitlement would only be 8 years to there partner despite having made the exact same level of contribution to the scheme.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

Our LGBT members have indicated that the desire obtain same sex marriage is not about access to religious ceromonied but about the title and entitlesments associated with marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The LGBT Committee that those who wish to afford opportunity to perform same sex marriage should be given the right to opt to do so.

How would you characterise your views on civil partnerships changing to marriages?
In support

It is widely felt that Civil Partnership is an inferior form of marriage and we would welcome a single title.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

The FBU LGBT Committee supports the right for freedom of choice.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

The overwhelming desire of the LGBT Committee is to achieve a single title for legal recognition of union and that should be marriage.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This issue has been problematic for some members of the FBU. One member who was male and a watch manager with 24 years service and married to a woman transitioned in 2010 to a woman. The member was in a stable relationship and desired to remain married to their partner. However their membership of the Firefighters Pension Scheme did not allow for recognition of the relationship as in law they were now a woman and so in effect the relationship was classed as lesbian. This meant the marriage had to be dissolved and a civil partnership registered. This is a process that does not happen over night and the member was left without financial protection to death benefits to their partner during the time of transition from marriage to civil partnership. Again because the accrual of pension entitlement only started for those in civil partnership from December 2005 the contribution period of 24 years to the pension scheme has been reduced to 8 years for the purpose of benefits to their partner in the event of death again presenting less favourable treatment.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage is primarily about the two people who wish to engage in that legal union. We do not believe it impacts significantly on wider society.

Would you like to comment on the wider issue of freedom of speech?

The debate on same sex marriage has produced many views that are without foundation and are often homophobic and transphobic.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

As has been highlighted Civil Partnerships has not delivered equal benefits in terms of some public sector pension schemes. Same sex marriage must take account of this omission if equality is to be achieved.

Are you responding as...

an LGBT group
National Secretary FBU LGBT Committee

Pat Carberry
Fire Brigades Union LGBT National Committee
16 August 2013
How would you characterise your views on the Bill in general?

In support

Why should two people not be allowed to commit to each other if they so choose whether same sex or not

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

storm Potratz Fitzpatrick
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

There is no great demand for the same-sex marriage and the other measures contained in the Bill. A Poll conducted by ComRes in 2012 showed that the majority (55 per cent) of people in Scotland agree that "marriage should continue to be defined as a life-long exclusive commitment between a man and a woman.". Only 38 per cent disagreed. Once you have redefined something that has never before been redefined, an important precedent is set, opening the door for further redefinition. In Canada and in some US states, where same-sex marriage has been legalised, attempts are now being made to legalise polygamy. In the Netherlands, three-way relationships have been recognised in law and there may well be demands for marriage to be redefined in this way in the future.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The laws regulating marriage may have evolved and changed over the years but the fundamental terms of marriage—that marriage is the voluntary union of one man and one woman for life to the exclusion of all others—have never been altered. Marriage promotes a unique relationship within which children are conceived, born and reared. Further more, it recognises the objective complementarity of male and female. Such an institution benefits children. However, under the new proposals procreation and the rearing of children is no longer a fundamental purpose of marriage and male-female complementarity becomes irrelevant.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is a significant danger that churches and ministers who refuse to marry same-sex couples will be subject to litigation. Although Scottish law may seek to defend those who do not wish to conduct same sex marriages, ultimately such matters would be decided by the European Court of Human Rights. Interestingly, in England, a homosexual couple are planning to go to Court to force churches to host gay weddings. Certain cases in the European Court of Human Rights show that the right to freedom of thought, conscience and religion does not provide protection when there is conflict between it and other rights. Lillian Ladele, a registrar from Islington, was forced out of her job because she felt unable, for faith reasons, to officiate at civil partnership ceremonies. She requested that other colleagues without a faith objection manage such cases. However, her employer was not willing to accommodate her. In January 2013 the European Court said it could not help Miss Ladele. Aidan O’Neil QC has provided detailed legal advice as to how people working in the public sector could be affected should same-sex marriage be legalised. He advises that civil registrars’ as in the case of Miss Ladele—may be required by their employers to marry same-sex couples, and teachers may be forced to promote same sex marriage, even if this goes against their conscience or their strongly held religious views. The Abortion Act 1967 allows doctors and other health professionals to have an opt-out if they have a conscientious objection to participating in abortions. The same principle should apply to registrars who do not wish to conduct same sex marriage. In the Netherlands, for example, courts have ruled that registrars should not be compelled to solemnise same sex marriages against their consciences, if they were employed as registrars before the new law was introduced. Similarly, there should be a conscientious opt-out for all public sector employees for duties that can be interpreted as promoting same sex marriage. The principle of reasonable accommodation should be required of all public bodies in Scotland in their provision of public services. The Scottish Parliament’s Equal Opportunities Committee should ask the Westminster Government to amend the Equality Act 2010 in order to incorporate the principle that an employer must make reasonable accommodation of the manifestation of religious belief by employees. The Scottish Parliament should not pass the Marriage
and Civil Partnerships (Scotland) Bill until such an amendment has been obtained. 
The Public Sector Equality Duty requires public authorities, such as local authorities, 
to have due regard to the need to remove or minimise disadvantages 
suffered by persons who share a relevant protected characteristic (e.g. sexual 
orientation) that are connected to that characteristic. According to Aidan 
O’Neil QC those religious groups that oppose the new definition of marriage are 
likely to be treated less favourably by public authorities and may be refused 
contracts, grants or facilities. The Scottish Government claims that churches 
should be protected under human rights law from losing their charitable status for 
refusing to marry same-sex couples. But the Government cannot guarantee this, as 
the Office of the Scottish Charity Regulator has the ultimate say. Virtually all of 
Britain’s faith-based adoption agencies have been shut down, or have dropped 
their religious ethos, because of equality laws. Recently a Scottish adoption agency 
was told to end its pro-marriage policy by officials who say it discriminates against 
gay couples. This is despite the fact that numerous assurances were made by the 
Scottish Government that such groups would not be deprived of their charitable 
status.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that 
are not mentioned above?

Parents should have a right (protected in law) to remove their children from lessons 
where same-sex marriage is being taught. They should also have a legal right to be 
informed in advance of when such lessons are going to occur.

Are you responding as...

a private individual

Donald Fleming
23 August 2013
How would you characterise your views on the Bill in general?

In support

We must put the legislation in place first in order to work towards a truly equal society. Once the legislation is there, it will be easier to challenge inequality and change attitudes through true education, accepting the equal dignity of each person. This bill strikes the right balance through allowing those who do not wish to get involved in same-sex marriage ceremonies to walk quietly away.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

There is simply no doubt in my mind that same sex couples should enjoy all the same rights and status in society as mixed sex couples. Following from that point of view, I cannot accept that any hierarchy of marital unions would be just, nor that it would be just to term some unions as ‘marriage’ and other unions as anything else.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

It seems to me that the couple intending to wed should be in a position to decide whether they would like to have their union conducted by a Humanist celebrant or by a religious celebrant and that their union should enjoy the same status, however I can see a need for some form of regulation of celebrants so that people cannot be wed by just anybody on the spur of the moment.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree with the bill. No celebrant should be forced to conduct a wedding ceremony if he or she objects for any reason at all and, so far as I am aware, the bill does not expect any such restriction of choice. It is difficult to imagine anyway, why any couple would want to be wed by a reluctant celebrant. The bill strikes the right balance.

How would you characterise your views on civil partnerships changing to marriages?

In support
For those couples who wish to change their civil partnership into marriage, I recommend that administrative procedures be put in place to make this arrangement as quickly and cheaply as possible.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I take the view that it is for the couple to decide on where to hold their big occasion, with due regard for the health and safety of the couple, the registrar and any guests. I don't really hold any strong views here, but some regulation might be necessary.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

I'm not really in favour of civil partnerships in so far as that they allow a hierarchy of unions, as I stated earlier. If people want them, I have no desire to stop them and if religious celebrants want to offer civil partnerships short of marriage, it's

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support everything which promotes equality for the transgender community. Transgender person should be allowed to stay married when obtaining a Gender Recognition Certificate for so long as both parties of the marriage desire, but nothing should be allowed to impede the transgender person from recognition in their true gender.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It is difficult to see from what people need protection. I recommend that people who have concerns about same sex marriage decline to enter into such a relationship. No religious celebrant will be required to conduct a same sex ceremony against their will, nor should they have to. On the other hand, registrars are public servants, paid for by the public purse and any refusal to carry out the public function to which they have been appointed could be considered a breach of contract. Teachers, whether in the private sector or the public sector, should put the rights of their pupils first. All pupils, whether or not they are LGBT, should have the right to be aware of the laws of the country in which they live and should not be withdrawn from lessons in which same sex marriage discussion may arise, just as they are not withdrawn from lessons in which female celebrants are raised even though some denominations still find women priests unpalatable. Similarly, schools and teachers must not be permitted to discriminate against pupils who live in same sex households. There
must be no difference here for denomination or non-denominational schools, both of which are paid from the public purse.

**Would you like to comment on the wider issue of freedom of speech?**

I strongly support the principles of the bill. Others disagree and it is their right to do so. The bill will not restrict their right to object, and for so long as they do not use the public purse, e.g., as teachers or registrars, to promote their views, I shall support the principle of their right to hold a wrong opinion. However, for so long as some people oppose same sex marriage, they will find opposition and I shall be stand by that opposition for life.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

This bill is a marvellous step in our progress towards a modern and equal country. I have nothing but praise for the Government for bringing this forward and also for other politicians for their support. Well done Scotland!

**Are you responding as...**

a private individual

James Forbes
18 August 2013
How would you characterise your views on the Bill in general?

In support

I support the bill as it would be an important step towards equality for LGBT people in Scotland. However I have some concerns should bill go through in the same way as the one in England and Wales.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I would be very pleased to see this made law. There should be no legal distinction between 'same sex marriages' and 'opposite sex marriages'.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I personally am not interested in having a religious marriage. Many people are however and I do not see why they should be denied this. I do not want to force any individual person to conduct a marriage of any couple. However, it makes me uncomfortable that we are enshrining in law that religious bodies will be allowed to refuse to conduct 'same sex' marriages where secular bodies are not allowed to do this. In my view religious bodies who wish to conduct a legally recognised ceremony such as marriage should be treated the same as any secular body. I agree with the following statement from the Equality Network: We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the husband and wife gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

Neither
People should be able to do this easily if they so wish. However I would prefer if civil partnerships still existed and were not automatically converted to marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I would prefer civil partnerships to remain secular.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support this. The current situation where a couple are forced to divorce in order for one partner to obtain a GRC is cruel and unnecessary. However I disagree with the 'spousal veto'. As the partner of a trans person and having supported numerous other partners, I do not feel that it is right or necessary that a spouse should have that control over the legal recognition of their partner's gender. Cisgendered (non-trans) partners’ thoughts and feelings are often disregarded or minimised when it comes to transition. I believe much more support should be available. However this aspect of the bill will not resolve any of that. I agree with the Equality Network's suggestion: We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They should shut up and get on with their lives. They will not be required to be part of a same sex marriage. Their opinion is irrelevant.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Mixed-sex civil partnerships should be introduced. The system MUST be truly equal or what is the point of anything?

Are you responding as...
a private individual

Amanda Forde
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I am opposed to any discrimination or inequality in society against any individual, other than what occurs naturally by virtue of our biological differences. Since the beginning of Human existence, a man and a woman have through a natural sexual union, enjoyed the opportunity to produce children. Society has celebrated this sexual union in the act of Marriage, offering stability and structure for family, essential for any growing stable community. As I understand it, current legislation offers exactly the same legal rights and protections for Same Sex Civil Partnerships, as enjoyed by Married couples. The essential and important difference is Marriage is recognised as the human ideal for the producing and raising of children.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Marriage has it's roots in Religious tradition, many celebrants have studied and trained very carefully to fulfil this role as part of the Human narrative. People are of course free to choose a non religious ceremony (civil marriage). Belief without tradi

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

I am opposed to any discrimination or inequality in society against any individual, other that what occurs naturally by virtue of our biological differences. Since the beginning of Human existence, a man and a woman have through a natural sexual union, en

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
Marriage is a celebration and couples should be allowed the freedom to chose a mutually agreeable venue.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Whilst such issues require great sensitivity and compassion, I believe common sense indicates that with the change of gender comes the change in the sexual union and is therefore no longer marriage capable of procreation.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Scotland has a rich heritage of traditional beliefs and values, many people right across this nation hold these values and beliefs. I believe from Registrars to Teachers, if they experience a conflict in the exercising of their profession due to their beliefs or religious position, their should be an opt on the grounds of conscience. To penalise them would be unfair and cause unnecessary strife and anguish, resulting in potentially excellent people being barred from certain lines of employment on the grounds of their traditional religious beliefs etc. There should be an opt out without fear or favour clause.

Would you like to comment on the wider issue of freedom of speech?

Sadly some of the language surrounding this proposed bill on same sex marriage, has become very polarised and intolerant. Clearly the Bill's main objective is to ensure a more just society, where hatred and discrimination are positively addressed. Many people hold a traditional understanding of marriage (one man, one woman), but would be deeply offended as being described as being discriminatory, or Homophobic. People should always be free to discuss and debate political policy/proposed legislation without fear from opposing positions, or the state.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

Rev Andrew Fothergill
20 August 2013
How would you characterise your views on the Bill in general?

In opposition

I consider it would undermine core values in our society. Marriage does not need to be re-defined to provide equalities for all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage has been understood throughout history as between a man and a woman. The meaning of this has important Christian significance and should not be altered.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Marriage has significant religious meaning. The meaning is quite specific in the present definition and should not be tampered with.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

The word marriage should not be used for same sex relationships. I have no opposition to same sex persons entering into a legal partnership but the word marriage should not be used as it interferes with fundamental Christian values and traditions.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

The word marriage should remain as defined at present as the word has important Christian and religious meanings.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition
I object to the redefinition of the word marriage. I have no objection to civil partnerships.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I am in favour of this if does not mean changing the meaning of the word marriage.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

The word marriage should only apply to ceremonies between a man as a woman.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I fear interference with the freedoms of people who believe in the current definition of marriage. Already people who oppose this bill have been victimised. Same sex couples already have protections of their freedoms and the right to civil partnerships.

**Would you like to comment on the wider issue of freedom of speech?**

I am very concerned at people who oppose this bill will be victimised and potentially have their freedoms affected. They are already being victimised and are not being allowed the core freedom of freedom of speech.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Tis bill is an attack on fundamental family values and will lead to a further breakdown of core values in society. Same sex couples already have the same legal rights and should not be allowed to change the meaning of the word marriage.

**Are you responding as...**

a private individual am concerned that my views may in future prevent me form my children's panel work.

Richard Fox
18 August 2013
How would you characterise your views on the Bill in general?

In support

The Bill has undergone a great deal of work to get it to this point, ensuring that a range of views are considered.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is clearly the next step in terms of creating true equality for all of Scotland's people. Civil partnership was an important step forward at the time, but as society has evolved, it is only right that we move to allow marriage for all...after all, if it's called the same thing, it will not be seen as equal.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

All belief and religious celebrants should be entitled to perform or refuse to perform any form of marriage - be it same-sex or mixed-sex. As they are not state employees, they should not be compelled to perform a marriage ceremony.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Celebrants that work for a religious organisation should be entitled to choose. State employed registrars should perform any marriage ceremony requested.

How would you characterise your views on civil partnerships changing to marriages?

In support

It would feel odd to have another ceremony of 'marriage' when my family and friends have already celebrated our relationship. I would hope that it would be a simple administrative procedure to 'upgrade' and that the marriage would be back-dated to the date of our civil partnership ceremony.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Absolutely in favour.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

People should be able to have the kind of ceremony they wish.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

The trans community feels let down by the law in England & Wales requiring a spouse to give permission for gender re-assignment surgery. We must ensure that the law does not provide for a spousal veto, while at the same time allowing for the non-trans spouse to seek a solution which does not require them entering into a same-sex marriage against their will.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If people are against same-sex marriage, they shouldn't marry someone of the same sex. My relationship has no bearing on someone else's life.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

With regards to the continuation of civil partnership, we cannot move to a situation where we have extra rights for same-sex couples who would have the option of either marriage or CP. Civil Partnership should either be removed and all current CPs 'upgraded' or CP should be available to all couples. It would be absurd to have the LGBT community fighting for equality, and then to be afforded greater rights than mixed sex couples.

Are you responding as...

a private individual

Grant Fraser
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

An upgrade to marriages shouldn't be compulsory since some couples prefer civil partnerships to marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Tim Fraser-Granados  
27 June 2013
How would you characterise your views on the Bill in general?

In opposition

The Free Church of Scotland is opposed to the Bill. We believe the Scottish Government has pushed this Bill forward despite the views of the majority of people in the first consultation who were opposed to the redefinition of marriage and the introduction of same sex marriage. There is little, if any, evidence that sufficient protections are included in the Bill for those opposed to this legislation. The expression of faith of the LGBT community is used as a justification for introducing same sex marriage, yet the beliefs of those opposed to same sex marriage do not merit protection in the legislation as it stands. In our view this is unacceptable.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

We are completely opposed to the introduction of same sex marriage and the redefinition of marriage for everyone in Scotland. We believe that the traditional, historic definition of marriage as the union of one man with one woman should not be changed. The proposed new definition of marriage is open to interpretation and could pave the way for a further redefinition of marriage in the future. The government is embarking on a social experiment which we believe will cause untold damage to society in Scotland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Our concern with belief celebrants is that the definition of belief in the Bill is so wide ranging that associated celebrants may have little or no training or qualifications. This could lead to a further dissolution of the meaning and integrity of marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

We are opposed because we do not wish to see the introduction of same sex marriage. There must be protections enshrined in legislation to protect those celebrants, churches and religious bodies that are opposed to same sex marriage. The UK Equality Act needs to be amended to include these protections.
How would you characterise your views on civil partnerships changing to marriages?

In opposition

We do not wish to see civil partnerships changing to civil marriage. Though the rights afforded are very similar, civil partnerships are not marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

We would not want to see these ceremonies held in a place of worship.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

We are opposed to the religious and belief registration of civil partnerships and believe that there is no evidence of the demand for this.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

We have no views on this.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Bill is lacking in protections for local authority workers, teachers, civil registrars, chaplains and others opposed to same sex marriage on the grounds of religious belief. This has been raised with the Scottish Government on a number of occasions and it is disheartening that they are not listening. We do not believe that existing procedures and UK Employment Law offer enough protection for these workers and recent decisions in the European Court show this to be the case. The Equality Act needs to include a specific reference to protect those workers opposed to same sex marriage on the grounds of religious conviction. It does seem inconsistent that the government is proposing changes to the Equality Act to protect choirmasters, choirs and organists against discrimination but yet registrars, teachers and other workers are afforded no such protection.

Would you like to comment on the wider issue of freedom of speech?

Our concerns on the potential impact of the Bill on freedom of speech remain. We welcome that the Lord Advocate’s statement indicates that criticism of same sex marriage or homosexuality is not in itself an offence. However, there are many grey
areas e.g. will a church be able to broadcast online a sermon opposing same sex marriage? We believe further clarification is needed on issues surrounding freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

We have deep concerns about the teaching of same sex marriage in schools. The government has made it clear that while parents will still be able to remove their children from sex and religious education classes, if they so choose, they will not be able to remove their children from all classes where same sex marriage might be taught. In our view this is unacceptable and parents should be given this right. We are also concerned about the marginalisation of individual Christians, Christian churches and religious bodies opposed to same sex marriage in terms of, for example, the ability to hold public office and having access to public funds. Furthermore, we do not wish to see same-sex marriage being used as a barometer for a person’s moral outlook and values in job interviews and used subtly to discriminate against or weed out prospective candidates. Given the complete lack of clarity from the Scottish Government on how this legislation will affect individuals who believe marriage is only between a man and a woman, we suggest the legislation is amended and adopts a conscientious objection clause similar to that of the 1967 Abortion Act (section four) with regards to the celebration of same-sex marriages. This would provide indisputable guidance which would be hugely helpful, rather than having to establish precedents through the courts. Given that the legislation has worked well for abortion, another deeply contentious moral issue, it would make sense to make similar provision for same-sex marriage.

Are you responding as...

a faith/belief-based organisation

Dr John Morrison
Free Church of Scotland
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

It is a sad day for Scotland when the Scottish government is prepared to introduce a Bill which is in direct opposition to the teaching of the Bible and so obviously at variance with our Christian heritage. Same sex 'marriage' is contrary to nature, history and even reason. The average person will continue to regard marriage as between a man and a woman and will view same sex marriage as a sort of pretend marriage. The proposed legislation will have a demeaning and weakening effect upon an institution which contributes so much to society and is vital for its stability. Marriage is already under attack on many fronts and the last thing it needs is for government to deal it another blow by attempting to redefine it completely. The politicians who are behind this Bill or who give it their support will ultimately bear the main responsibility for the evil consequences which will undoubtedly follow if it is finally passed.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

On every moral issue we must be guided by the Bible for as the inspired and infallible Word of God it is the only rule to direct us in what we believe and how we behave. According to the Bible's teaching marriage is a divine institution and by definition is always and only between a man and a woman. Same sex marriage is a contradiction in terms. It is a transgression of the moral law and a sinful perversion of God's order for mankind.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Scotland, in common with the rest of the United Kingdom, is constitutionally a Christian country with the Protestant reformed religion being established by law. In the light of that fact we think it is wrong for the state to effectively countenance each a

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition
As same sex marriage is forbidden by God the state has no right to authorise anyone to conduct it. If the Bill is passed in its present form then the state will be authorising people to solemnise something which God has cursed.

**How would you characterise your views on civil partnerships changing to marriages?**

In opposition

According to the law of the land civil partnerships are only available for two people of the same sex. Therefore civil partnerships cannot be changed to marriages as marriage according to its divine author is always and only between two people of opposite sex.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In opposition

The Marriage (Scotland) Act 2002 requires that in ordinary circumstances civil marriages are to be performed in "approved places" and not simply anywhere that the couple may choose for whatever reason. When a couple marry they make serious promises to one

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

As noted in our response to Q.8, according to the law of the land civil partnerships are always between two people of the same sex. Same sex unions are contrary to the law of God and therefore they should not be registered by anyone.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Our sex is fixed from our conception to our death and cannot be changed by any means, least of all by obtaining a certificate. Rather than trying to alter their God-given gender people should live according to it. Those who are married should stay married to their wife or husband and continue to fulfil the role in that marriage which is appropriate to their sex.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Safeguards for those who object to same sex marriage are found in Section 14 of the Bill (‘Same sex marriage: protection of freedom of expression etc.’). They amount to just seven lines of text and contain nothing specific. The Policy
Memorandum in Section 93 refers to protection against discrimination claims generally for marriage celebrants, others who play an integral part in the religious or belief aspects of the marriage ceremony and persons controlling the use of religious or belief premises. The protection is dependent upon an amendment to the 2010 Equality Act relating to Scotland being passed in the UK Parliament. In no way is this protection to be regarded as an act of generosity or a ‘concession’. The Scottish government has no authorisation to interfere with the beliefs, practices, work and witness of the Christian church, especially given the fact that the Protestant reformed religion is established by law in our country: rather the government should recognise, support and nourish the Christian faith. Protection for other individuals is dealt with in Sections 119-126 of the Memorandum. Again there is little specific detail. The government plans no changes to section 9 of the Education (Scotland) Act 1980, which allows parents to withdraw any pupil from any instruction in religious subjects. The government is committed to maintaining the right of parents to withdraw children from specific programmes of sexual health education yet it does not consider that it would be appropriate to allow parents to withdraw children from any lesson where same sex marriage, civil partnerships or homosexuality might be mentioned. The inequity of the present state education system is evident when we read that the government is committed to maintaining the arrangement whereby the faith content of the curriculum in Roman Catholic state-funded schools is decided by the Roman Catholic Church. By contrast if the Bill is passed Protestants, who have no state-funded schools, will have to put up with a curriculum which will include an unbiblical and indeed antichristian approach to marriage. In one case the Memorandum actually specifies that there will be no protection for people opposed to same sex marriage. Section 125 informs us that the Bill contains no provision that civil registrars do not have to solemnise same sex marriage. The one (possible) exemption from the obligations of the new orthodoxy which is specified is fosterers, as seen in Section 126: the Government is considering if it would be helpful to amend existing guidance on fostering to make it clear that a would-be fosterer should not be rejected just because of his or her views on same sex marriage. We regard these safeguards as wholly insufficient and do not believe for a moment that they will be adequate to protect those who believe in real marriage from the efforts which the homosexual lobby will continue to make to suppress all opposition to the normalisation of their perverse and destructive lifestyle.

Would you like to comment on the wider issue of freedom of speech?

Going by past experience we have no confidence that those who oppose same sex ‘marriage’ out of their Christian or other convictions will escape penalties in the workplace or in wider society if this legislation is passed. We believe that it will be only a matter of time before such people find themselves charged with a ‘hate’ crime or something similar and brought before the courts when all they have sought to do is follow the teaching of the Bible, maintain the faith of their fathers and uphold the established religion of our land.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
The content of the Bill demonstrates our national descent into immorality and a government completely out of touch with reality. The government may think that it is creating a more 'tolerant' society but no government should tolerate a moral evil which God so clearly hates. God judges nations during time according to whether they have served and honoured Him or not. The Bible issues this plain warning: "the nation and kingdom that will not serve thee [i.e. God] shall perish; yea, those nations shall be utterly wasted" (Isaiah 60:12). We implore the government to take note and to abandon this wicked Bill.

Are you responding as...

a faith/belief-based organisation

Rev David M Blunt
Convener
Public Questions, Religion & Morals Committee
Free Church of Scotland (Continuing)
23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I strongly feel that the redefinition of marriage is unnecessary and damaging for our society. Marriage throughout history has been between one man and one woman, it seems ludicrous that our nation feels it has the right to redefine this. The proposals are radical, unprecedented and alarming. It is unclear what moral basis the government has for desiring such a change and it is equally unclear whether or not further changes may not arise in the future. What is to stop the introduction of polygamy or incest if certain people desire these things? No-one is stopping same-sex couples from having the right to be part of our society, but why are many in our nation being threatened with the denial of the right to maintain the long held definition of marriage?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am deeply concerned that my right to have freedom of thought, conscience and religion will be taken away by this bill. What will happen to me if I refuse to conduct the marriage of a same sex couple and I am taken to court by them? I am not at all convinced that this bill will protect my human rights, and I believe this bill should be abandoned until all uncertainty is removed. If someone has the right to say that same sex relationships should be called 'marriage' then someone else surely has the right to say that it is not a marriage. How is this bill going to protect the rights of all points of view?

Would you like to comment on the wider issue of freedom of speech?

Our democratically elected government has the duty and responsibility of protecting the rights of its citizens. If we are a democratic country then this bill must ensure that under no circumstances will any minister, or teacher, or any other individual be penalised or discriminated against for holding the traditional view of marriage and for acting according to that belief. To impose a new definition of marriage on people who are unable to accept it is nothing short of a dictatorship, and it makes a mockery of any notion of democracy in our nation.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation

Thomas Davis
Free Church of Scotland
22 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Free Presbyterian Church has previously submitted responses to the proposal of a Bill and to the consultation document issued by the Scottish Government outlining in detail its principled serious objections to the Bill and its complete rejection of the legitimacy of so-called same sex marriage. We refer the Committee to these responses and to all accompanying documents sent to the Scottish Government, including protestations and public statements of our opposition.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

We are strongly opposed to this measure as illegitimate and irresponsible. We can and will have nothing whatever to do with the legislation and protest that it is in contravention of our rights and privileges as celebrants who have vowed to carry out our functions with respect to marriage in accordance with the terms of the Westminster Confession of Faith (1647) and the Directory for the Public Worship of God, both of which are recognised and expressly identified in statute law and protected by the terms of the Act of Security in the Treaty of Union (1707) to which we appeal as our constitutional protection from any consequences that this proposed Bill may force upon us in our avowed adherence to our ordination vows.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

We do not recognise the legitimacy of what are called "belief celebrants" distinct from religious celebrants and consider the distinctions already created between civil and religious marriage to be illegitimate and erroneous. Marriage is an institution defined and regulated by the Word of God and the solemnisation of marriage implies a recognition of his authority. For those who do not believe in God there can be no true "solemnisation" of marriage, and the registration of marriage by the state is not equal to solemnisation. This applies to so-called "belief celebrants" who, by this proposed legislation wish to be treated distinctly from religion and civil registration. They ought not to be viewed as solemnising marriages as ministers of religion are recognised in law as doing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition
We oppose the measures proposed as an undue interference with an already suitable arrangement for the registration of marriages in Scotland. We do not believe that the "opt-in" procedures provide sufficient security to ministers of religion authorised under the present legislation and consider the details in the Bill to be utterly inadequate for us to be able to comment on what is eventually to be the new procedure. We respectfully urge the Scottish Parliament not to meddle any further with marriage legislation in Scotland and to recognise formally the security provided in the Treaty of Union for all ministers of religion who are committed to upholding the securities identified in the terms of that treaty in their ordination vows. We do not recognise the legitimacy of any permissive legislation which gives such ministers any right to perform marriages contrary to the terms of the Westminster Confession of Faith and do not consider the State to be empowered to give the ministers of any Church or none that right.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Marriage is the union of one man with one woman for life. Any definition or arrangement which contravenes this is not marriage and no legislation by any government can make it so. Therefore we are opposed to the concept of calling something constructed by the Scottish Government a marriage when it is self-evidently not a marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

We do not wish to take to do with civil registration of marriages and the regulations surrounding it, and do not consider that civil registration is equal to solemnisation of marriage. However if the civil registration of marriage requires a solemnisation ceremony we consider it unwise to propose that such a ceremony could take place anywhere at all. We do not consider the concept of religious premises suggested by the proposed legislation to have great significance in that the Church of God may meet in any place at any time without the prescription of laws and regulation sanctifying any particular building or place. However we would be very strongly opposed to any legislation which made any demands whatever on the ministers of religion or any Church court to permit or give access to any Church property for any purpose other than those for which these buildings are held in trust. We consider interference by the State in this matter to be dangerous and subversive of a very positive relationship hitherto between Church and State relative to property and the use of Church buildings.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition
We are opposed to the concept of civil partnership as presently defined and regulated. We therefore oppose any further extension of the regulations regarding this practice.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

We do not recognise or agree that there can be any legitimate recognition of what is called "transgender recognition" and view the whole issue with dismay and disgust. We consider legislation in this area to be deeply hurtful and offensive to God and to the souls of those who are tempted to think of themselves in any other way than in the gender they were born in. We consider legislation here to be a purely social construct without legitimacy. We are therefore opposed to any legislation which treats people as anything other than what they really are and do not consider a gender recognition certificate to have any substantial meaning in reality. However, if a man and a woman are married they ought to be married for life and so should not be parted by laws of men which are founded on what is a sin and temptation. In order to protect innocent parties in a case of so-called transgender recognition, we consider the law of divorce on the grounds of adultery or wilful and irremediable desertion to be sufficient.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We do not consider the proposed securities for ministers of religion, teachers or registrars to be anywhere near sufficient given the momentous nature of the proposed changes and their moral implications. We have no confidence in Acts of Parliament to secure rights and freedoms for the future as future Parliaments could easily overturn these. We are quite certain that the lobby groups responsible for pushing this proposed legislation on to the agenda of the political class will do their utmost to press for further impositions on all who oppose their life choices on moral grounds and that therefore present securities are extremely vulnerable. We have always asserted that the securities of the Act of Union which have served both Church and Society well for 300 years should be honoured and safe-guarded and that by following these carefully the Scottish Government will prevent a damaging and lasting clash between conscientious and committed Christians and the law of the land.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

a celebranta faith/belief-based organisation

David Campbell
Free Presbyterian Church of Scotland
12 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support and welcome the bill. It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech. We think that some parts of the bill could still be improved further - see questions 7, 8 and 11 below.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The Equality Network has campaigned for the introduction of same-sex marriage for many years, because LGBT people across Scotland have told them how important that is for them. It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. I welcome that the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is appropriate. I also note that the bill applies unchanged the existing meaning of adultery as evidence for divorce, to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery; other forms of sexual infidelity, with a person of the opposite sex or the same sex, do not fall within the existing legal definition of adultery but can form the basis of a divorce under the “unreasonable behaviour” rule. I agree with the approach taken in the bill, which applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages, and allows divorce on grounds of sexual infidelity for all marriages. In Scotland, there is no consummation requirement for marriage, and so there is no need for the bill to address this for same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. I welcome this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Liberal Jews and others. Other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. I think that the opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the "husband and wife" gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

From consulting with many people in civil partnerships, I know that at least half are likely to want to change their civil partnership to a marriage. Some couples who want to change would like to do so by marrying in the usual way, in a civil ceremony or a religious or belief ceremony conducted by an organisation that chooses to conduct same-sex marriages. However, many couples in civil partnerships would prefer to change their civil partnership to a marriage via a simple and inexpensive administrative procedure – they have already had their big ceremony when they had their civil partnership. The bill provides both those ways of changing a civil partnership to a marriage, which we welcome. However, in the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but I see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. I see no reason why this should not also apply to couples who are already in a civil partnership, and I believe that the bill should be amended to allow this.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This is not specifically an issue for LGBT people, but I welcome the additional flexibility that will be allowed in choosing the location of civil marriage ceremonies.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I believe that most same-sex couples will prefer a civil marriage, a religious or belief marriage, or a civil partnership conducted by a registrar. However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief body that chooses to do so, adds a useful extra option. There may be some religious bodies that would not wish to conduct same-sex marriages, but would want to offer religious civil partnership ceremonies to same-sex couples who are their members. There may also be some couples with religious beliefs who would prefer a civil partnership to a marriage.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In my view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively “veto” the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate. I therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the
marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. I therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill – this would assist the Gender Recognition Panel as well as applicants. I would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. I would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. I would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage. The case of Smith v. Trafford Housing Trust demonstrates clearly that it is against the law
for an employer to take action against an employee simply because they say publicly that they disagree with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. I believe that the same choices – marriage or civil partnership - should be open to all couples regardless of their gender. I therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, "driven by the need to consider the position on opposite sex civil partnership". I believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, I note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and I strongly believe that they should do that once the review is complete.

Are you responding as...

a private individual

DEBORAH FRENCH
22 August 2013
How would you characterise your views on the Bill in general?

In support

It is time that Scotland changed the existing laws to let same sex couples marry if the wish and if certain religions want to conduct these services they should not be stopped by law from doing so.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

See previous answers

How would you characterise your views on civil partnerships changing to marriages?

In support

I think for those who have already had civil partnerships they should have the option if they want to change these to marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I agree with this as some people want to marry in places which are special to them.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Again if this is what people wish they should not be barred by law from doing so
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If both parties still wish to remain married then this should be allowed as it would then be the same as a same sex marriage and should not automatically mean they are no longer married.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As mentioned before I would not like to see any backward looking/thinking religion from being 'forced' to perform these marriages against their wishes, peoples beliefs however warped should be respected even if they are out of tune with society. I do not believe however that they have the right to dictate to other religions on what is 'right' or 'wrong' and should not be able to lobby against the changes unless they directly affect them which these proposals do not.

Would you like to comment on the wider issue of freedom of speech?

I believe that everyone has the ability to speak out for or against these proposals as long as they accept the outcome of the majority with good 'faith'. Much as I disagree with the majority of the arguments against and some have been particularly vulgar to say the least, I would still fight for the right for them to be expressed. If anything it just shows these small minded people for what they are and is doing them more damage than good in the most part.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Iain Frew
14 August 2013
How would you characterise your views on the Bill in general?
In support
Everyone should have equal rights regardless of sexual orientation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
As above. I can't really understand why there is a debate. Love is a human right.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I had a civil ceremony when I got married and it is on the same footing as a religious ceremony so it should be the same for this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
I don't really understand this question - what is opt-in procedures?

How would you characterise your views on civil partnerships changing to marriages?
In support
Depending on the wishes of the individuals - if they prefer to be married they should be allowed to do so, but if they are happy with a civil partnership, they should be allowed to keep it that way too.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I am in support of anyone of any kind, be it transgender, gay or straight being allowed to be married if they want to be married. I dont think it should matter.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I dont think anyone needs any protection on this issue. At the end of the day, love is a human right and no one is going to be harmed in any way by two people of the same sex or otherwise saying 'I do' in a celebration of love. The government, media and education need to do a better job at educating people on equality and by passing this law, allowing same sex marriages, is one further step towards doing just that - showing that we stand up for equal rights and celebrate them.

Would you like to comment on the wider issue of freedom of speech?

Just that I believe its important.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Kirsty Fulton
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protections from?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Aodhan Gallagher
14 August 2013
How would you characterise your views on the Bill in general?

In support

I think the inequality here is vile and indefensible. I think that opposition should be called on the bigotry that it is - even if religious. Sanctioned discrimination is still discrimination.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I want to be free to get married in my homeland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is only fair.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree with the opt-in for practical reasons, thought I would prefer an opt-out system. As long as all couples have equality then I am happy.

How would you characterise your views on civil partnerships changing to marriages?

In support

I think all CPs should be upgraded but only because I disagree with the tiered system. I think that civil partners should be free to upgrade or keep their CP but I think that civil partnerships should be stopped and no more given out.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I don't see why religious premises can't be used with consent but I think this is a brilliant idea. Marriage should be a liberal and loving ceremony, not confined.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I think civil partnerships should be ended.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is absolutely necessary. There is no justifiable opposition.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Bigotry does not need to be protected. Though people can have their opinions against equality there is no need to enshrine them in legislation and no need for bigoted actions and statements to be protected. Disagreeing with equal marriage does not require we trip over ourselves not to be equal, it means that some people should get perspective and stop their hatred. We need more education on sexuality in general and ESPECIALLY on non-straight sexualities in schools to protect people from themselves as regards bigotry.

Would you like to comment on the wider issue of freedom of speech?

There has been no infringement on freedom of speech that I’ve seen. I think there should be louder condemnation of the opponents of equality - protecting your voterbase by failing to stand up for your marginalised constituents is deplorable. It's popular to stand up for women and racial minorities but still not cool to defend LGBT people and you all need to consider why you aren't tearing up headlines in condemning the bigotry of equal marriage opponents.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am exceptionally pleased by the provisions for Humanist ceremonies and the liberalisation of location if agreed with the registrar.

Are you responding as...

a private individual

Daniel Arthur Gallagher
30 July 2013
How would you characterise your views on the Bill in general?

In opposition

Re-defining marriage is not required. LGBT people already have equal rights through civil partnerships. Marriage is not possible between 2 people of the same sex as they cannot procreate.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex couples will not gain any more advantages than they already have through Civil Partnerships. If you start to alter the traditional view on marriage because of a vociferous minority, then that will not be the end of the matter. Other equally vociferous minority groups will appear a few years down the line trying to move the goalposts further. It could be polygamy, or sexual relations and marriage with under 16s or marriage for animals. Who knows. Traditional marriage between 1 man and 1 woman has stood the test of time down through the millennia. Why do you need to force this change through undemocratically? It has not been requested by the majority of subjects in this realm.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I'm not sure what you mean by this question. If you mean "Belief" celebrants are civil registrars and humanist society etc., then they should be able to opt out of performing same sex ceremonies if it is against their private and personal beliefs.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I'm against same sex marriage, therefore against Celebrants performing such ceremonies. If same sex marriage were to become legal, then celebrants must have an opt-out option on grounds of personal faith or belief (similar to abortion law within the medical profession).

How would you characterise your views on civil partnerships changing to marriages?

In opposition
I'm against same sex marriage, therefore no to civil partnerships becoming civil marriages.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

I am opposed to religious celebrants performing civil partnership ceremonies. Religious celebrants should be confined to performing existing religious ceremonies (i.e. marriage). Civil celebrants only, should be allowed to perform civil partnerships.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

If the result is 2 people of the same sex remaining married, then that is not acceptable and they should be divorced.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I do NOT believe under current legislation that any safeguards worthy of the name, can be given to anyone who opposes same sex relationships and same sex marriage. Various people have already lost their jobs through opposition, and it is becoming increasingly difficult to oppose the state in this matter. It smacks of King Henry VIII v Sit Thomas More. No freedom of conscience allowed. So I do not believe the state when it says there will be protection for all who oppose this matter and who openly state their opposition.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is in great danger. It's a bit ironic that an 18th century French Republican - Voltaire - said "I do not agree with what you have to say, but I'll defend to the death your right to say it." This Scottish government and this United Kingdom government are gradually removing freedoms of speech. It matters not if what I say is offensive to others. It's how it is said and arguing your case on your beliefs that is of vital importance.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Do NOT proceed with this bill.
Are you responding as...

a private individual

Roger Gann
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
an LGBT group
a private individual

Chris Garman
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Charlene Gay
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
yes their should no persicution or prosicution in there workplace or public life

Would you like to comment on the wider issue of freedom of speech?
yes this should be guarded

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Alexander W Gibson
4 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support this bill. I think it is an important step forward for our country and shows that we act on our belief in equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I think it is important that same sex couples be entitled in law to be married by the state in the same way that opposite sex couples can. I also think that the bill allows the many churches and religious bodies to choose to marry opposite sex couples if they wish whilst also respecting the wishes of those who do not wish to do so.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanists can already carry out marriages. I think the bill clarifies this and allows other belief celebrants the opportunity to do so.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree that religious and belief organisations should be free to decide for themselves. Some religious bodies want to conduct same-sex marriages and others do not. Religious freedom should apply to both groups, and I think the bill gets the balance right. I think that an amendment should be made to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the “husband and wife” gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support
I think that the bill should be amended so that people who have a civil partnership registered elsewhere, can convert it to a marriage. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

*In support*

This is a good thing which provides more flexibility for all who wish to marry.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

*In support*

This provides options and flexibility which is a good thing.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

*In support*

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. However, I believe that spousal consent should not be required for the granting of gender recognition, which is a personal matter, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. I believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill. I also believe that the minimum age for applying for gender recognition should be brought into line with the minimum age for marrying in Scotland, that is, 16.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I believe that the bill includes appropriate protections for religious bodies and celebrants who choose not to carry out same sex marriages. I strongly oppose allowing civil registrars the right to opt out of conducting same sex marriage. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. I also believe that teachers should not be allowed to opt out of mentioning same sex marriage. However I know that in Catholic schools this will be a controversial issue as is already the case when discussing contraception.
Teachers in Catholic schools already have a difficult time in teaching children the truth about sex and sexuality.

**Would you like to comment on the wider issue of freedom of speech?**

I don't think the bill will have any effect on freedom of speech.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I believe that mixed sex civil partnership should be introduced to allow complete equality. I also believe that private sector pensions should not be allowed to pay a smaller survivor pension to people in same-sex marriages than they pay to those in mixed-sex marriages. This is clear discrimination.

**Are you responding as...**

a private individual

Catriona Gill
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither
I think both should be available

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Paul Gilmour
14 August 2013
How would you characterise your views on the Bill in general?

Glasgow City Council welcomes the Bill. Public opinion increasingly supports equal marriage rights for same sex couples. We believe that the Bill as drafted strikes a careful balance in promoting equality for same sex couples whilst at the same time protecting freedom of religion, belief and expression.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

We welcome the introduction of equal marriage rights for same sex couples as an important step forward in promoting equality of opportunity for same sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Glasgow City Council supports these provisions in the Bill which respect people’s belief systems and the value and diversity of bodies authorised to solemnise marriage in Scotland. We would however wish to ensure that the processes which support the establishment of belief ceremonies are robust, well maintained and monitored and ensure a consistent approach. We understand that the qualifying requirements for religious and belief bodies who wish to solemnise marriage may be laid down in regulation and that the Scottish Government will consult separately on these regulations once available. We welcome this further stage of consultation.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

The proposed process is of relevance to the religious or belief bodies who will be directly affected. We have no comment to make.

How would you characterise your views on civil partnerships changing to marriage?

Glasgow City Council welcomes this practical proposal which allows people who have entered into a civil partnership to change their civil partnership into a marriage through an administrative process rather than requiring a marriage ceremony. This would require some changes to existing forms and the process should have a fee attached similar to the existing process for a civil partnership or marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Glasgow City Council recognises that there is a benefit in allowing ceremonies to take place in a wider range of locations. There may be a financial impact from carrying out additional health and safety assessments at additional locations, in order to ensure the safety of our staff. There may be a requirement to charge a fee to cover these costs although this could be included in the existing fee. We are currently looking at interim licensing costs for venues until the legislation is passed.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

We welcome the wider choice that this provides for those who wish to enter a civil partnership.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Glasgow City Council welcomes this positive step to increase equality for the transgender community.

**12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

**13. Would you like to comment on the wider issue of freedom of speech?**

In relation to 12 and 13, Glasgow City Council believes that the legislation as drafted provides an appropriate balance in respecting competing views and protecting freedom of speech.

**14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Given that civil partnerships are being retained alongside marriage, Glasgow City Council believes that the Scottish Government should consider the inequality of mixed sex couples not being allowed to enter into a civil partnership.

We consider that the existence of two very similar processes (civil partnership and marriage) may be confusing and clear public information will be needed. The uptake of civil partnerships may reduce as same sex marriage becomes established, in which case the continuing need for civil partnerships could be reviewed.

Glasgow City Council
22 August 2013
How would you characterise your views on the Bill in general?
In support
The Unitarian Church supports equal marriage and the need for other reforms.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Unitarian celebrants are willing to conduct same sex marriage ceremonies.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Generally supportive. Some form of accreditation of celebrants is required with a commitment to maintaining standards of practice.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
It is very important to us that our church can solemnise both opposite sex and same sex marriages. We accept that the liberty of conscience must be recognised and that opt-in procedures are necessary to fulfil reassurances given to the major faith communities.

How would you characterise your views on civil partnerships changing to marriages?
In support
In practice there is little observable difference between civil partnerships and civil marriages. It is important that those same sex couples who would choose a religious ceremony have that option.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

Our observation is that the opposition to marriage comes mainly from those who associate it with traditional religious and patriarchal connotations. In fact civil marriage is a contract between two people based on a public commitment. Those who seek a religious or belief ceremony are likely to be comfortable with being married rather than "civil partnered".

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

We welcome this change for the sake of those faced with the current dilemma.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As we stated at 7, we accept that the liberty of conscience must be recognised and that opt-in procedures are necessary to fulfil reassurances given to the major faith communities.

Would you like to comment on the wider issue of freedom of speech?

We support protection for freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

We observe a widespread confusion about the distinction between marriage and civil partnership. The origin of civil partnership was to provide for same-sex couples the same or similar rights and responsibilities as apply to those opposite sex couples who are married. We have observed no difference between a civil (non-religious) marriage ceremony and a civil partnership ceremony.

Are you responding as...

a celebrant
a faith/belief local group or congregation

Alastair Moodie
Glasgow Unitarian Church
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Not allowing two people the same rights as enjoyed by wider society is discriminatory. Bigotry wrapped up in religious myth is still bigotry and should therefore be fought.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Adam Goodhall
23 August 2013
How would you characterise your views on the Bill in general?

In support

I believe this is good and timely legislation that should be enacted as soon as possible.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe civil marriage should be offered to all citizens, regardless of gender, as it is a function of the state.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I think this is a good thing - citizens with non-religious beliefs or no beliefs at all should be treated no differently than those with religious beliefs.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I support both allowing celebrants to solemnise same sex and opposite sex marriages, and allowing religious celebrants to opt-in as dictated by their faith and their religious organisations. I strongly disagree that civil registrars should be allowed to opt-out, as they are delivering a state function and should not allow personal prejudices or beliefs to affect the delivery of their role.

How would you characterise your views on civil partnerships changing to marriages?

In support

I am in support, although I believe civil partnerships should also be open to opposite sex couples, so that all individuals can choose from all options.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

The tying of marriage ceremonies specifically to religious premises outside of civil registrar offices is outdated and unneeded in modern Scotland.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If a couple wishes to remain in or enter into a civil marriage, but have it registered under a particular belief system, I believe they should be allowed to.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Gender (or a change in gender) should have nothing to do with the legal status of a marriage or civil partnership between two people.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Individuals who have concerns about same sex marriage should not be allowed to dictate whether they are permitted for all citizens. However, they should also not be forced, if they are part of a particular church or religious order, to provide them, much as Catholics are not forced to marry divorcees. The topic of same sex marriage as a religious ceremony (as opposed to a civil, state function) should be left up to each religious group to decide for themselves over time, with much reflection. But as a state function, it must be accessible to all.

Would you like to comment on the wider issue of freedom of speech?

People should be free to speak their minds on any topic. However, they should not use their membership of a particular religious group or any factor about themselves as a foil to discussion - if someone says something that other people believe to be bigoted or homophobic, they should not be surprised when they are criticised. Freedom of speech does not equal freedom from consequence or criticism.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe this is good legislation, long overdue. I am heartened that the Scottish Government has taken a lead on this topic.

Are you responding as...

a private individual

David Goodman
14 August 2013
How would you characterise your views on the Bill in general?

In support

Supportive in general, but not also allowing opposite sex couples to have a civil partnership appears to be an oversight.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

To not be in support would be to instead support the continuing discrimination against the LGBT community.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

To not be in support would be to instead support the state continuing to favour some faiths and belief structures over others.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

I don't know what this means. Plain English should be applied here unless you are only looking for evidence from people from academic of legal backgrounds.

How would you characterise your views on civil partnerships changing to marriages?

Frankly, it is not clear what this question is asking.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

They should also be allowed in religious premises if approval is granted by the relevant religious institution and local clergy.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
To not support this would be to continue to support discrimination of those in the LGBT community, many of whom may wish for a religious or spiritual element to their acknowledging their union, whether this involves marriage per se.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

To not support this would be to continue to support discrimination against transgender people.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Religious institutions and individual clergy should be allowed to opt out of performing ceremonies. This choice should remain with those churches. They should not be legally obliged, not legally forbidden, from performing said ceremonies.

**Would you like to comment on the wider issue of freedom of speech?**

The relevant issue is not that of freedom of speech but of freedom of religion. While steps should be made to end discrimination against the LGBT community being sanctioned by the state, it is important that freedom of religion is protected. These are both human rights issues. Churches, meaning both institutions and individual clergy, should therefore have the choice to conduct same gender marriage ceremonies or not, and the general public will decide whether or not said churches should have their support. The state should not attempt to legislate on behalf of any churches. However, churches should be held to account to the same degree as private individuals in terms of human rights, hate crimes, etc.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

While I admire the Scottish Parliament's focus of consultation on this matter, particularly in comparison to the Westminster parliament rushing through legislation that has had adequate consultation attached, it seems that this consultation and the number of individual steps involved have been excessive and have caused unnecessary delay to this legislation being implemented. Until it is implemented, we in Scotland continue to discriminate in a way that other countries are no longer doing.

**Are you responding as...**

a private individual

Jimmy Gordon
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Caroline Gorman
14 August 2013
How would you characterise your views on the Bill in general?

In support

I am a transgendered person and total equality in everything is important.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Same sex couples can be far more loyal to their commitment to a partnership than those who marry opposite sex at a whim to then go through a chain of divorces.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I often hear religious leaders claiming that marriage is only something they can allow and carry out, and that their views and beliefs should be above any consideration. Well marriage isn't wholly owned by any religion, but by people who support that ideal of marriage commitment what ever the circumstances.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I have no issue with this. If people want a marriage that isn't backed by any religion that is fine with me, even no matter what genders make up that loving committed couple.

How would you characterise your views on civil partnerships changing to marriages?

In support

This should be down to the individuals concerned if they want to have their CP's turned into "same sex marriages". Some may still prefer to have a marriage with no religious solemnising element. You need to ask those involved at the time.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

You should be able to get married in any "public" building in my opinion .. I still have my doubts about it being done in private places and homes where one of the couple maybe under duress, as in arranged marriages.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

I would have thought those wanting to have a religious / belief based ceremony would want to have it in an arena where they would normally practice that religion or belief.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I fully support this. I am waiting for the UK law to kick in so that I can do that. My partner and I have been married for nearly 31 years and we are still together. I transitioned 8 years ago and had surgery 5 1/2 years ago. This has changed nothing for us. Sadly the British parliament has made that embarrassingly difficult by requiring the partner to supply written consent when I apply for a GRC. This is a nonsense, if the non trans partner in a relationship had any objections to being married to that trans person then she would have terminated that marriage, as about 92% ( from my experience in support groups ) still do.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Most of the objections are on purely religious grounds. If they don't want a same sex marriage, they don't have to have one. I am a Christian .. I have no objections to any one of another faith getting married across religious groups, or across religious groups and genders. People who have a belief that a certain books proclamations are the truth and not a work of fiction that people have started to believe is fact from a work of fiction are clearly mislead by their leaders or that possible work of fiction book. The Christian bible has only been in existence for a little over 2000 years, other religious books go back a lot further .. how ever none are supported by hard provable fact rather than and scientific evidence.

Would you like to comment on the wider issue of freedom of speech?

I am all for "freedom of speech" .. but with that freedom should come respect for each others views, especially if based on misguided, unprovable religious dogma.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
I would hope that the Scottish Parliament are at least as brave on the Bill as the British Parliament and House of Lords were, on the Trans issues they should be taking representation from organized bodies that truly support those people as to what would be right and wrong.

Are you responding as...

an LGBT group
a private individual
a Transsexual woman

Sarah Gosling
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

Belief in some imaginary being, force, or whatever should not be considered legitimate grounds for discrimination. Religious or other beliefs should not be considered reasons for exemption from equality legislation.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Regardless of equal marriage legislation it is appalling that married transexual people should have to choose between ending a marriage or giving up their right to
legal recognition of their true gender. On the same topic I find it very unsatisfactory that there should be a register of transexual people who have exercised their rights to amend their birth certificates.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

People who have 'concerns' about same sex marriage should be protected in the same way and to the same extent that we would regard it proper to protect those who believe wives should be the property of their husbands or that white people should not marry black people. If people want to discriminate against others because of what it says in some ancient book of creation myths or because of ignorance or prejudice then it is not the place of wider society to 'protect' them in this view. If two people want to get married then it their business and their's alone. What anyone else might think of it is irrelevant.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Natalie Graham
15 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I'm concerned about the nature of protections for those who have concerns about same sex marriage. While I do not wish to force my beliefs on them in the same way they have forced theirs on me, I would not expect the Catholic Church to be forced to
conduct same sex marriages. I would, however, expect to see a teacher who espoused the view in the classroom that same sex marriage was "evil" should be investigated under the usual disciplinary procedure and possibility terminated is that was considered the best course. Being Gay is neither criminal nor wrong so to with same sex marriage neither criminal nor wrong. If the issue were "Black" rather than "Gay" you wouldn't even be asking this question here. Substitute the word "Black or Muslim" in your deliberations and ask the same questions of yourselves how you would frame protections for racists. This is exactly the same.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Michael Granados
23 August 2013
How would you characterise your views on the Bill in general?
In support
This is a vital step towards Scotland becoming a more equal society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
It is embarrassing that for so long it has been acceptable to deny a significant proportion of Scottish citizens the right to marry if they choose. This is an important step forward and should not be blocked. This has been a long time coming and I will be proud to live somewhere that has same sex marriage if the bill is passed.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I think it is great that Humanist celebrants can legally conduct marriages in Scotland and that other groups should be welcomed if their beliefs do not incite hate or violence.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
It is a shame that there are celebrants who would not want to solemnise same sex marriages, but I respect their choice and it is good that the bill allows for this considering the controversy. I believe that civil registrars should not be given the option to opt in or out as their role is on behalf of the state.

How would you characterise your views on civil partnerships changing to marriages?
In support
This should be a straightforward and inexpensive process for couples that wish to convert their civil partnership to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I think this is nice. Why not allow people to marry in locations of their choice? It would also be a boost for the hospitality industry.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

There are a number of religious groups who wish to carry out same sex marriages and religious couples who wish to marry in a religious space. If all agree why should they be denied this right. Liberal Judaism has been in favour of this for a long time.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This should be up to the individual and going through this process is probably difficult enough without having to enter into a legal battle around their marriage status.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The bill seems to allow people to opt out and this offers enough protection. I don't feel that as a society we should go much further than this and condone the homophobia that is still rife in society. We should be looking at how to protect the rights of LGBT citizens who still face so much discrimination today. If this question was rephrased in terms of race or religion people would be up in arms.

Would you like to comment on the wider issue of freedom of speech?

Teachers should not have the right not to talk about same sex marriage if asked. This is perpetuating discrimination in an important role which is shaping the future of Scottish society.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Liz Green
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

if people in civil partnerships wish to make their union a marriage

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
you have the right of freedom of speech, but not the right to discriminate. No one should be forced to agree with it and no religious body should be made to agree with it or hold same sex marriages

Would you like to comment on the wider issue of freedom of speech?

already have

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

no

Are you responding as...

a private individual

Shaun Greig
14 August 2013
How would you characterise your views on the Bill in general?

In support

I fully support the Bill - it is the right time for it to be passed through the Scottish Parliament in the name of Equality For All. Firstly, I wonder why the Scottish Parliament has chosen to exclude mixed-sex Civil Partnerships with this Bill when this was one of the core statements at the outset. Is this being done because Westminster chose not to include it? If so, it is extremely disappointing for those couples who were expecting a part of the Bill to include same-sex Civil Partnerships as an outcome of one of the original core concepts of the Bill. What I am also very concerned about is the fact that, with the amendment in respect of Gender Recognition Act of 2004, where a couple is married and where one is seeking to be gender re-assigned and one of them objects to the granting of a Gender Recognition Certificate, the objecting spouse must not be allowed to hinder the progress of the other one in gaining a Gender Recognition Certificate [GRC]. If the gender change is likely to be the cause for divorce, the one seeking a GRC must not be prevented from doing so by their spouse. Let the one obtain a GRC first and then let the other seek a divorce on those grounds. It would be inconceivable that the introduction of the Bill should give rise to more problems for the person seeking a GRC - this safeguard needs to be built into the Bill firmly in the strongest terms and the text amended to give the trans-gender person rights over his or her own status without interference from the spouse in an effort to prevent this being granted. That is a provision which must be within the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I think that same-sex couples should have the same rights to Marriage or Civil Partnership those who are in different-sex relationships. If people have a religious objection to same-sex Marriage or to same-sex Civil Partnership they are free to choose not to do so. If a religious body or a belief body is willing to conduct same-sex marriages and if there are ministers of religion and of belief who are willing to conduct same sex marriages, the should be allowed to do so. They should not be prevented from doing so and more than they or we would force anyone to conduct such marriages against their conscience. This is a matter of equality for all people without exception and will end once and for all the discrimination which people are suffering at the moment.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support
It is my opinion that belief celebrants should be on the same footing as their counterparts in religious organisations. I would also add that, where there is a religious celebrant who is an Independent celebrant of a Faith tradition, but not of a particular

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

This is a key issue and one which must be considered most carefully and have the necessary safeguards enshrined in the language and provisions of the Bill. Celebrants who are willing to solemnise same-sex marriages should be authorised to do so in addition to solemnising opposite-sex marriage. If they are of a Faith tradition which does not endorse the solemnisation of same-sex marriages but feel personally that they would be willing to do so, then there is likely to be an issue between the celebrant concerned and his or her particular faith tradition. This may be decided by the Executive Body of the Faith tradition concerned. There needs to be a protection in law put into place for such celebrants who wish to perform same-sex Marriages so that they may "opt-in" without being subjected to any form of penalisation. Conversely, there should be protections built into the Bill for those celebrants and Faith communities who do NOT wish to solemnise same-sex Marriages or Civil Partnerships so that they are not censured or subjected to any form of persecution or coercion. In either case, the views of one group [pro Same-Sex Marriage] should not be allowed to override the views of others groups who are opposed to Same-Sex Marriage and to be imposed upon them against their wishes. This applies both ways - neither group must be allowed to dominate the debate and there should be a completely FREE CHOICE without prejudice for different communities and congregations to "Opt-In" or to "Opt-Out" according to their choices.

How would you characterise your views on civil partnerships changing to marriages?

In support

If couples who have previously had a Civil Partnership wish to convert this into a Marriage they should be allowed to do so. Conversely, the same should apply to couples who have had a Marriage previously to be able to convert this into a Civil Partnership if they so wish. Both states should carry equal standing both Lawfully and Socially as well as by convention or custom. In both instances, costs to make this conversion should be kept to a minimum and not seek to make a profit at the couples’ expense! I think that all Civil Partnership and/or Marriages wherever they have taken place [both within the UK and outwith the UK] and have been recognised should also be recognised and accepted in Scotland by Scottish Law.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
I believe that Civil Marriage ceremonies should be allowed to take place in any venue of the couples’ choice which has been approved and registered as a premises for such ceremonies. Where these premises may belong to a Church or other Faith community, th

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

If couples wish to have a religious or belief registration of Civil Partnerships they should be allowed to do so. I see no barrier to this to be implemented. Many people have a civil marriage followed by a religious or faith Blessing. To allow the religious and belief registration of Civil Partnerships would eliminate the need for two separate ceremonies.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I am very concerned about is the fact that, with the amendment in respect of Gender Recognition Act of 2004, where a couple is married and where one is seeking to be gender re-assigned and one of them objects to the granting of a Gender Recognition Certificate, the objecting spouse must not be allowed to hinder the progress of the other one in gaining a Gender Recognition Certificate [GRC]. If the gender change is likely to be the cause for divorce, the one seeking a GRC must not be prevented from doing so by their spouse. Let the one obtain a GRC first and then let the other seek a divorce on those grounds. It would be inconceivable that the introduction of the Bill should give rise to more problems for the person seeking a GRC - this safeguard needs to be built into the Bill firmly in the strongest terms and the text amended to give the trans-gender person rights over his or her own status without interference from the spouse in an effort to prevent this being granted. For those who wish to remain married after having obtained a full Gender Recognition Certificate it should be equally possible for this to be written into the Bill as Law which protects each of the parties who are in the marriage. In addition - there should be a "fast track" procedure put into place at the earliest possible time for those people who have already made the transition and are now gender re-assigned.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The Bill, as it has been formulated already, has been assiduous in providing the necessary protections for those in society who have concerns about Same-Sex Marriage. There should be no doubt about this nor should people who have concerns fear for themselves or for the future.

**Would you like to comment on the wider issue of freedom of speech?**
All members of society have the right to freedom of speech and this should continue, provided that what is said does NOT incite hatred or prejudice or provoke acts of violence against those of the opposite persuasion. We may not all agree but we will have to agree to disagree! The rights to freedom of speech must continue to be protected by Law as they are now.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

The introduction of this Bill will be a landmark in the history of Scotland. It will provide a better opportunity for a more equal society and will provide a means to put right the many wrongs which have been perpetrated in the past against people who have been persecuted for their gender status.

**Are you responding as...**

an academica private individual

Dr Rebekah Gronowski
23 August 2013
MARRIAGE & CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM GUSRC

How would you characterise your views on the Bill in general?
In support
We at the GUSRC are in support of the bill as it will be a step forward in promoting equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that the same sex couples can marry each other?
In support
The GUSRC fully support the introduction of same sex marriage as we believe that it is an important step in reducing discrimination.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
There ought to be nothing in law that sets religious belief as more valuable than other belief systems

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including opt-in procedures)?
In support
We support that religious organisations should opt in to same sex marriage and we believe that the bill gets the balance right.

Within this there are two issues: organisation and individual opt-in
We support the freedom of individuals within organisations to decide if they want to officiate same sex marriage. But understand that this may make individuals in an organisation feel uncomfortable and singled out for their decision either way. The long-term goal ought to compel through social change religious organisations to accept same-sex marriage. But for the mean time making opt in on an organisational basis in an acceptable concession in view of other gains.

Opt in is a sufficient way of protecting the religious freedom of organisations who don't want to officiate same sex marriage. But as above the goal ought to be to get them to change with this time.
We believe that there should be an amendment made to Section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony for mixed couples who would prefer that form. This is important for mixed-sex couples who are intersex or trans. Religious bodies that wish to always use the ‘husband and wife’ gendered form of the marriage ceremony should be free to continue to do so.

**How would you characterise your views on civil partnerships changing to marriages?**

**In support**

The GUSRC supports this however we see no reason why couples in a civil partnership registered elsewhere cannot get married in Scotland. Not allowing this could cause problems for couples who had moved abroad and then moved to Scotland who then would have to dissolve their civil partnership first before their marrying again in Scotland. Even if couples were in a civil partnership and returned to the country where they registered, if they did not allow same-sex marriage then they would need to dissolve their partnership before they were allowed to marry. In contrast, any couple from anywhere in the world would be allowed to marry in Scotland if they were not already in a civil partnership. It is unfair to discriminate against those who are already in a civil partnership.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar?**

We support the choice given for people to hold their civil marriage ceremony wherever they choose.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

We believe that this gives an appropriate extra option particularly for same-sex couples who are maybe members of catholic church which doesn’t support same sex marriage so would not opt in but may opt in to a religious civil ceremony.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

We support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**
We believe that the bill strikes the right balance. We however, don’t believe that civil registrars should be given an opportunity to opt-out as they are carrying out a civil function on behalf of the state.

For religious organisations they are currently given a lot of protection in terms of opting in as an organisation and then individuals opting out if they don’t agree with it.

We strongly oppose the proposal that teachers should be able to opt-out of mentioning same-sex marriage if a pupil were to ask about it. We believe this is not necessary as teachers are there to teach fact and not their personal opinion.

**Would you like to comment on the wider issue of freedom of speech**

We believe strongly in freedom of speech and welcome people criticising same-sex marriage if they want. Hate speech regarding LGBT people is already covered in law.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

GUSRC are fully supportive of the bill as we believe that it is a step in the right direction for equality. However, it does not introduce full equal marriage. The main thing missing from the bill is the mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices – marriage or civil partnership- should be open to all couples regardless of gender.

GUSRC
4 September 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM MARY AND JOHN GUSTERSON

As a Christian, I'm disappointed by the SNP, the only party we, my husband and family voted for, as showing our country. And I can't vote for you again, as your doing things against the Christian faith, by the same sex marriage in church's. I'm not hearing about you doing the same about other faith's. Look how many Christians do have gone to court and lost, because they're not going against there belief, you known about those case, and in year to come, there will be much more. God told us in this land, a marriage between a man and woman, was his way and thats the right way, and has been all that year, and look how well that worked.
Christian liberty in our country, stands for nothing with you. I never thought I'd live to see this happen. When I think of Donald's Christian stewardship, of our old soul, I would think of what is happening to his party.

You as a party have not kept your promises to defend civil liberty. This I believe will be one of the biggest threats to religious freedom in my lifetime.

I pray that your eyes will be open to what you are doing to the Christian faith, as a Christian, as a Christian. I'm heartened to what's happening.

Mary and John Gusterson
29 July 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Same sex marriage is undesirable. It gives no new rights to same sex couples, other than to call their relationship a marriage. However it will cause problems to the millions of people who consider marriage should only be between a man and a woman. These include people who hold such views for religious reasons as is the case for Christians and Muslims taking the traditional view as expressed in their scriptures. Such views are not going to go away. The numbers of such people far exceed the numbers of gay people who wish to be married. Everyone can live with the present system of Civil Partnerships. I know no one who objects to them. However I know many people who oppose gay marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a parent, I think parents should have a right to withdraw primary school children about lessons on marriage after the law is changed. They should also have a right to limit the books and other material that their children see. Teachers with conscientious objection should not be required to teach about gay marriage. As a Civil Servant I am concerned that holding traditional views on marriage will be a barrier to recruitment or promotion in the public service. It has been reported in the press that this has already occurred in some cases. As a trustee of a church I am concerned that charitable status should not be at risk for charities supporting the traditional view of marriage. The legislation should be amended to give freedom of conscience to individuals in employment and groups who are not in agreement with same sex marriage. This would be similar to the protection in the abortion legislation. I am also concerned that court cases under equality legislation may force churches and mosques against their will to either conduct same sex marriage or cease doing all marriages. I am concerned that holding the traditional view of marriage should not become a barrier to fostering or adopting children.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech will be at risk because people expressing opinions against same sex marriage may be at risk, or think themselves at risk, of prosecution under equality or anti hate legislation.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

M. Hadfield
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ismar Haga
16 August 2013
How would you characterise your views on the Bill in general?

In support

Although I feel that some parts of the bill could still be improved further, I strongly support and welcome the bill because it will be a major step forward for equality in Scotland - and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

To avoid continued discrimination, it is very important that the bill does NOT create two different versions of marriage: same-sex marriage and mixed-sex marriage. The law should treat all marriages the same, regardless of the genders of the spouses. I am pleased that the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is appropriate. I am also pleased that the bill applies, unchanged, the existing meaning of adultery as evidence for divorce to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery, while other forms of sexual infidelity, with a person of the opposite sex or the same sex, do not fall within the existing legal definition of adultery but can form the basis of a divorce under the property unreasonable behaviour rule. I agree with the approach taken in the bill, which 1) applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages and 2) allows divorce on grounds of sexual infidelity for all marriages. Because there is no consummation requirement for marriage in Scotland, there is no need for the bill to address this for same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. I am pleased that the bill clarifies that in the law and makes clear that other philosophical belief organisations can also apply to conduct marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support
I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Liberal Jews and others. Other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. I believe that the opt-in procedures in the bill are the appropriate way to do this. Together with the amendments to the Equality Act 2010, which have been agreed with the UK Government, they would protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. On the other hand, I would like to see a small amendment to section 11(2) of the bill in order to give those religious and belief bodies that want to the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is especially important for mixed-sex couples where one partner, or both, is transgender or intersex. Religious bodies that wish to always use the husband and wife-gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

From my discussions with many people in civil partnerships, I know that at least half are likely to want to change their civil partnership to a marriage. Some couples who want to change would like to do so by marrying in the usual way, in a civil ceremony or a religious or belief ceremony conducted by an organisation that chooses to conduct same-sex marriages. However, many couples in civil partnerships would prefer to change their civil partnership to a marriage via a simple and inexpensive administrative procedure (in many cases, they have already had their big ceremony when they had their civil partnership). I am pleased that the bill provides both those ways of changing a civil partnership to a marriage. However, in the bill, couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but I see no reason at all why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They would be unable to change to a marriage unless they first dissolve their civil partnership, which would require proving that the civil partnership has irretrievably broken down by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership would be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. I believe that this should also apply to couples who are already in a civil partnership, and the bill should be amended to allow this.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Although not specifically an issue for LGBT people, I would like to see additional flexibility allowed in choosing the location of civil marriage ceremonies.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I believe that most same-sex couples would prefer a civil marriage, a religious or belief marriage, or a civil partnership conducted by a registrar. However, allowing the registration of civil partnerships in a ceremony conducted by a religious or belief body that chooses to do so adds a useful extra option. There might be some religious bodies that would not wish to conduct same-sex marriages but would want to offer religious civil partnership ceremonies to same-sex couples who are their members. There may also be some couples with religious beliefs who would prefer a civil partnership to a marriage.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In my opinion, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person would be required to obtain the consent of their spouse to obtain gender recognition. This enables the spouse to effectively veto the trans person’s gender recognition or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person would be unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. However, it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available, with or without the spouse’s consent, because it is a matter personal to the trans person and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest and where a requirement for the consent of the trans person’s spouse would be appropriate. I therefore believe that spousal consent should not be required for the granting of gender recognition but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to...
be able to obtain a divorce in such circumstances if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, compared with people who have only been transitioned two years, it can be very difficult indeed to obtain all the medical evidence that is required. The doctors involved may have retired or even died. I would therefore like to see a provision for simpler medical evidence for long-term transitioned people added to the bill – this would assist the Gender Recognition Panel as well as applicants. I would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, which is 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I feel that the bill strikes the right balance and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to do so. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of conducting same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (e.g., the church organist). These are strong protections. I strongly oppose the proposal by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore, an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc.) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. Furthermore, the registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and I expect the registering of same-sex marriages to work equally well in a similar way. I also strongly oppose the proposal by some people that: 1) teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class and 2) parents should be able to remove their children from any class where same-sex marriage might be mentioned. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available for lessons where divorce is mentioned, something that is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

The bill is indeed a major step forward for equality, but it does not introduce FULL equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above,
the main feature missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. I wholeheartedly believe that the same choices – marriage or civil partnership - should be open to all couples, regardless of their gender. I am delighted with the Scottish Government’s public commitment on 27th June, 2013, to conduct a review of civil partnership law driven by the need to consider the position on opposite sex civil partnership. I believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples, regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, I wish to point out that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clearly discrimination, and the UK Government has agreed to set up a review of the situation to be reported by July, 2014. The UK Government have the power to change the rules on this by statutory instrument, and I strongly believe that they should do that once the review is complete.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage. The case of Smith v. Trafford Housing Trust demonstrates clearly that it is against the law for an employer to take action against an employee simply because they say publicly that they disagree with same-sex marriage.

Are you responding as...

a private individual, person of faith and member of the LGBT community

Linda Haggerstone
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am currently in a civil partnership, and when these were introduced in 2005 I felt that they would provide sufficient equality. However I now think that the "separate but equal" approach has not worked. There are still a large number of goods and service providers who do not acknowledge civil partnership - for example, on application forms, the question Marital Status often still only allows Single / Married / Divorced / Widowed, with no option for Civil Partner.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I welcome the "conversion" approach with the backdating of accrued rights to the date of the Civil Partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The whole point of equality legislation is undermined if individuals are allowed to pick and choose which bits they will abide by. For example, registrars have not needed "protection" from having to marry divorcees or mixed race couples, despite there being biblical grounds for objecting to these.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Tim Hall
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I am strongly for the introduction of same sex marriage. LGBT people in Scotland need to be stood up for by their own government before we can move forward when working towards equality. The law needs to put everyone on the same footing, how can discrimination in schools, workplaces, etc be ended if it exists within the Law?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Amy Denise Halliday
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I do not believe that those who have concerns have anything to worry about. Love is love and if two men or two women want to get married then they should be allowed to do so.
Would you like to comment on the wider issue of freedom of speech?

There is a fine line between freedom of speech and hate speech. I believe that everyone should be able to have the opportunity to say what they believe in, but not to drag it down to blaming a race or a sex or a sexuality for anything that appears to be wrong in society. That is when it becomes hate speech, and that's where I draw the line.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would just hope that rational minds are the ones deciding on this issue and not being dragged to the side of the loud religious right on the issue. It's going to affect all gay men and women no matter their own religion and I would hope that notion is taken into consideration.

Are you responding as...

a private individual

Anthony Harkinsson
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jennifer Harris
21 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support the bill, which I believe to be well overdue. It will be a significant step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Even though the legal rights and responsibilities of civil partnership and marriage are almost identical, the two are not perceived as of equal status and value. Civil partnership is seen as a legal contract, while marriage is seen by many as the gold standard for celebrating the joy of love and commitment. Marriage is very widely understood for its symbolism and its personal, community, and in some cases, religious significance. Very few people propose to their partner by asking “Will you civil partner me?” Civil partnership just does not have the same meaning.

The current ban on same-sex couples marrying is discriminatory and unacceptable. I personally am in a long-term, committed relationship with someone of the same-sex who I love very deeply, and whom I will spend the rest of my life. We should have the same rights as heterosexual couples to celebrate this commitment through marriage if we chose. That would be equality. Civil partnership was invented specifically to deny same-sex couples access to marriage, and is seen by many same-sex couples as a second-class status. Put simply, equality means making the same choices available to all. If mixed-race couples were denied the opportunity to marry, and instead offered civil partnership with the same legal effects, that would readily be seen as unacceptable racist discrimination. The ban on same-sex couples marrying is equally unacceptable. It is very important that the bill does not create two different versions of marriage, same-sex marriage and heterosexual marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I would like the opportunity for Humanist celebrants in Scotland to be given the same respect and legal footing as religious celebrants. As a modern, secular society Scotland to aim for this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. I think that the opt-in procedures in the bill are the appropriate way to do this.

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Paula Harris
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ERIC HART

How would you characterise your views on the Bill in general?

In support

As a gay man I know what it was to grow up as the focus of other people's and society's jokes. I was even against the law for many years when a young man. All for something that was no choice of mine. I didn't choose to be a man and I didn't choose to be gay. But I wouldn't change my life an iota. Granting equal marriage to all people is yet another major step in the process of redressing the balance of poor treatment from society for so many years.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Very strongly in favour of the ability for all people to be married or enter into civil partnerships.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I don't understand this question fully enough to answer. I firmly believe that churches should not have an opt-out clause under any circumstances. Granting such a thing is to grant one of the largest organisations in the country the right to discriminate.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

As per previous answer the Church should not be allowed to opt out. This is simply granting their right to discriminate.

How would you characterise your views on civil partnerships changing to marriages?

In support

One or the other for all people.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Of course. Marriage, Civil Partnership, Gay Marriage. All should be possible anywhere. Granting this will not make the sky fall in.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I need explanations on this - what are you asking? But I support all organisations being able to conduct marriages and civil partnerships with no opt outs.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Why not as long as it suit the parties involved.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People who oppose gays getting married say that letting gays get married will damage the institution. Well, the straight divorce rate is hardly a strength for straight marriage. So the institution is damaged by straights already. Gay couldn't make it any worse.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Eric Hart
21 August 2013
How would you characterise your views on the Bill in general?
In support

I'm glad that the current administration has brought forward this important legislation which will help take Scotland into the 21st century. I disagree with opponents who say they have no mandate for this. Any elected Government would have a blanket mandate to bring forward legislation that promotes fairness and equality for all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I prefer to call it "Equal Marriage" but otherwise I am just fine with it.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I understand there is a part of the bill that should be amended to allow those conducting the ceremony to use gendered or non gendered language. So that those who wish to conduct mixed sex ceremonies can continue to use 'Husband & Wife' etc. as laid out by the Equality Network.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I don't think a spouse should be allowed to 'Veto' the gender recognition of their partner, so this needs changed. It should be simpler for people who have been trans gendered for longer periods of time to gain legal recognition.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the bill provides adequate protection for those that wish to opt out of conducting same sex marriages, as well as protecting those that wish to conduct them.

Would you like to comment on the wider issue of freedom of speech?

I do believe it is right and fair to allow people the right to speak out against Same Sex Marriages, except where that person is employed by the people of Scotland. Teachers, for example, should not be allowed to criticise same sex couples to their classes, as this could lead to a child with same sex parents to be bullied. I don't think this should be legislated against, however guidance would have to be issued by the Education Minister that teachers should only refer to marriage as being between two consenting adults who love each other.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

David Hearty
16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a public body

Louise Heggie
14 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am 100% in support of same sex marriage, I have many friends who are either gay or bi, and I love them for who they are! I myself is straight, but what baffles me is why this has taken so long to be proposed and introduced. Love is love, what is the difference whether its a man who loves a man, or a women who loves a women or simply a man and a women. What's the difference, we are all human and we all deserve to be loved!! I was at a free comedy gig outside the Russian Consulate, to support our Russian friends over the issue of equality which occurred yesterday (22nd of August 2013) Love is Love!! As a 19yr old Catholic am glad the church is moving forward, as at the end of the day, we are just humans trying to be happy, where is the harm??

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I am a Catholic, but I don't believe this is a church issue, I support equal marriage and equality!!! If they don't like it, then what's the problem. The Church (i.e all religions) message is to love - well they aint be doing their job if they oppose

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

I support Equal Marriages - It's simple!!!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Their marriage and the church should respect that, if they are religious and want to get marry in their church then why stop this. WE are moving forward, for a long time mixed marriages such as the colour of your skin was frowned upon, that is just crazy!
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

I think in the end all religions will accept same sex marriages, and if they look in the bible, they will know that some of the stuff makes no sense in modern day society. The bible is mainly stories filled with Morales on how to lead a good life. I.e love everyone and help make this world a better peaceful place

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A student who believes in world peace and love for all

Roisin Henderson
23 August 2013
How would you characterise your views on the Bill in general?

In support

I think this bill is much better than any other bill I've seen regarding same sex marriage. Scotland is going for marriage equality for everyone LGBT and straight people. In my opinion, that is the most important fact here.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I honestly do not understand why people have a problem with this. I am a lesbian myself, and I can definitely it's not a choice. Personally, I am not religious, but just being able to say "we are married" when the right time comes would make me really del

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I don't really understand the question. Sorry :/

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

If a same sex couple wants to get married in a religious setting, then they should be allowed. Personally, I'm not religious, but other people have different beliefs.

How would you characterise your views on civil partnerships changing to marriages?

In support

I just want us all to have the same opportunities as human beings. Anyone should be able to choose a civil partnership, or a marriage. Some people prefer to call it marriage, some don't.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

If a religious premises does not want to conduct a same sex marriage, then there is no way they can be made to. After all, if they did conduct it, and weren't happy with it, then the service would not be great. Anywhere that allows it is absolutely brilli

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Same sex couples can still be religious. Why should they miss out on that opportunity? Some religious venues disagree, but some do not. If they can find a place, then there is no problem.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I do not see why there would be a problem. Transgender persons should have equal rights, like everyone else.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I personally think they have to get over it. They have to move with the times, some people are racist. Would they be issued protection for that? I certainly do not think so.

Would you like to comment on the wider issue of freedom of speech?

It is freedom of speech within reason. You can't use discriminative language, bully people etc. I have heard people such as the Archbishop of Glasgow use discriminatory language, comparing homosexuals to paedophiles. That is just disgusting.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I think everything has been mentioned so far.

Are you responding as...

a private individual

Courtney Hendry
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Non religious heterosexual couples can marry so I feel the option to get married should be available to everyone, no matter what gender. I do feel religious groups should be allowed to form ceremonies but should also be allowed to opt out if it goes against their beliefs.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think religious groups should be able to opt out of performing ceremonies but equally they shouldn't be prevented from carrying them out if they want to.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lynne Henry
14 August 2013
How would you characterise your views on the Bill in general?

In support

It is fair and right to give same sex couples the right to marry in the same manner as heterosexual couples, and to treat marriage celebrants with the same regard to equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As a humanist I would see it as fundamental to a society that respects equality to give same sex couples the right to marry each other. On a personal level I think that we should not regard the love between two people and their desire to marry as anyone’s

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

We live in a secular society and elevating one type of celebrant above another is just inconsistent and suggests that one is of lesser than another. There is no justification for making separate - and oftne preferential treatment to religious celebrants.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

It is the opt-in procedure I object to although I understand the consideration to allow for opting-out. This seems a mealy-mouthed approach to a very desirable change in the law.

How would you characterise your views on civil partnerships changing to marriages?

In support

If those in civil partnership wish to marry then I see no reason why they should not.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Currently humanists authorised by the General Registrar are able to conduct ceremonies in places that are safe and dignified and if the registrars and their employers wish to follow this pattern I see no reason why they shouldn't. Ceremonies which take

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Sorry, I didn't quite understand this question.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This seems an unacceptable and unprecedented concession. I am aware that this Bill is responding to changes that have taken place in society in the last 50 years and in time to come it will be just accepted. If we had taken a similar view of say anti-slavery, child labour laws, racial and sex discriminations and "protected' those in opposition we would have had a situation where those who opposed what is now regarded as unacceptable discrimination and unfair treatment would have been treated with a respect that is unwarranted. The opt-out arrangements are there for those who are against the arrangements in the Bill because of their religious beliefs.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

Pat Heppell
Humanist Society Scotland
21 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support and welcome the bill. It will be a huge step forward for equality in Scotland, at a time when we should be proud to promote the rights of all citizens to have their relationships recognised.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The law should treat all marriages the same, regardless of the genders of the spouses.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

All appropriate celebrants whatever their beliefs should be on an equal footing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think they are pragmatic

How would you characterise your views on civil partnerships changing to marriages?

In support

I am in support for those who wish this to happen

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
I think all options should be available

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I support the principle and would expect the law to ensure individuals are not discriminated against in its operation

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I do not understand what they need to be protected from.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is essential to a civilised society. It is not just saying what we think, it also encompasses ensuring that we listen to the disenfranchised and those who have historically been discriminated against.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

a private individual

Jane Heppenstall
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I don't see why they shouldn't. Why should there be any difference between same sex and opposite sex couples?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support
Those who want to be "married" should be allowed to, to be wholly equal.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Again, I don't see why that shouldn't be allowed.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Being married shouldn't have anything to do with gender
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sherrie Higgins
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I am in favour of gender-neutral marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Why does society need protection from same sex marriage? You're not making it compulsory!

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Religion and state should be completely separate. If people wish a religious ceremony, fine, let them have it but they should be obliged to register the marriage with the registrar too, just as they do in France or Italy.

Are you responding as...

a private individual

Ashley Holdsworth
14 August 2013
How would you characterise your views on the Bill in general?
In support

Love is love. In a secular state freedom of choice is important to all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mark Holmes
July 17 2013
How would you characterise your views on the Bill in general?

In support

I strongly support passage of legislation in Scotland for equal marriage regardless of the genders of those wishing to marry. This seems an obvious issue of fairness, or removing a discrimination. I applaud the faith bodies who have accepted the principal of equality of love and commitment; these are issues of the head and heart, not anatomy. I would also add that as someone who had a humanist wedding three years ago, their inclusion as celebrants of weddings is an extraordinary and wonderful thing that should be treasured and maintained. I would like to see civil partnership expanded to mixed gender couples. The word marriage carries too much baggage for some people to be happy with it and I can see why that might be. To summarise: Please vote in favour of same-sex marriage, and support considered steps to allow mixed-sex civil partnership in Scotland. Please support the clauses in the proposed bill that make marriage gender blind where gender reassignment takes place within a couple who wish to stay committed. But also don't allow the correct requirement for the other spouse to signal this agreement or not as a way for gender reassignment to be blocked or delayed. Thank you

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This seems an obvious issue of fairness, or removing a discrimination.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Strongly in favour so long as they meet the requirements. I am concerned that it may be difficult to get to that status if they do not already hold it but I think the Humanist option works for most people.

How would you characterise your views on civil partnerships changing to marriages?

In support
If that is what the partners wish, not mandatory.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

If the organisation supports it I guess why not? But then what is the difference between the two? On balance, I think keep civil partnership for civil ceremonies and possibly non-religious belief systems such as the Humanists.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I urge that the legislation allow willing partners to remain married if one partner obtains a gender recognition certificate that shows that they have changed their assigned gender to the gender that they identify with. At the same time, it should be made clear that the requirement for a spouse of someone undergoing gender reassignment cannot use the step of agreeing or not to remain married as a way of blocking the reassignment. There should be a limit on the time between requesting this agreement and receiving it.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I am sensitive to the objections of some of the faith bodies in Scotland to this legislation so it is important that no such body be required to carry out same sex weddings or any other wedding that contravenes their belief systems. That is an issue for their adherents and celebrants amongst themselves. They hold their beliefs sincerely but this cannot be used as a justification for preventing those who do not share their beliefs from enjoying a basic human freedom. They should accept that whilst their rights are protected, they cannot restrict those of others who do not share their beliefs. It has been said that if someone has a problem with same sex marriage, the solution is simple; don't marry someone of the same gender.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**
Are you responding as...

a private individual

Nick Honhold
17 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
This is an essential step towards true equality for all, and a truly important issue. I am delighted the Scottish Government has introduced this Bill. I would urge parliament to pursue the cause of equality to its fullest throughout the details of the Bill, and make sure not to create new inequalities by having any differences between same-sex or mixed-sex marriages, and as far as I can see this has broadly been achieved.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
There are now many different religions in Scotland, as well as belief organisations - all of these are important to the people they represent, and any that want to conduct marriages (either mixed-sex or same-sex) should be allowed to do so.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Religious denominations and belief organisations should be free to choose for themselves whether or not to conduct marriages of either mixed-sex or same-sex. As such, I feel it is important to protect their right to choose whether or not to exercise the powers introduced by the new legislation, and in order to protect the religious freedom of established bodies, the opt-in procedure is probably the most appropriate solution. I would like to see the option of using gender-free marriage ceremonies included in the bill, to ensure absolute equality for transgender or intersex people, and to recognise that the "traditional" view of the gender binary does not apply to all people.

How would you characterise your views on civil partnerships changing to marriages?
In support
Large numbers of people in existing civil partnerships will want to change this to marriage - and I believe this should be made as simple as possible. As such, I fully support the bill providing for this with the two options of a new marriage ceremony, or a simple and low cost administrative procedure. The bill does not allow for civil partnerships registered outside Scotland to be changed to marriages, however, which is inherently unfair because it requires the couple to dissolve their partnership by proving it has irretrievably broken down. I believe this is raises damaging and unfair obstacles to couples in existing civil partnerships who wish to change them to marriage, which they may find insurmountable, thereby effectively preventing them from becoming married. In contrast, same-sex couples from outside Scotland will have no barriers to becoming married in Scotland, and I believe the bill should be amended to ensure this also applies to same-sex couples who registered civil partnerships outside Scotland. At the end of the day, despite the legal differences, a civil partnership and a marriage both celebrate the lifelong commitment of two people to each other, and this is the most important factor.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

If all parties agree, there is absolutely no reason not to allow this.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

It is absolutely right that transgender people should be allowed to obtain full gender recognition without being required to divorce, and in the interests of their human rights, this process should be made as simple as practically possible. I object, however, to the spouse of a married transgender person's spouse being required to consent to the gender recognition, because this allows the potential for a difficult relationship to get in the way of the transgender person's human right to be recognised properly, by effectively giving the spouse a way of delaying the process. It is certainly true that the spouse has a direct interest in the marriage and its re-registration after the gender recognition (at which point consent of both parties is appropriate), but they should not be allowed to block the recognition itself. I would also urge the government to reduce the minimum age for a gender recognition application to 16, in line with the minimum age for marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
As far as I can see, the protections in the bill for people who have concerns about same-sex marriage are strong and appropriate. My only comment on the wider issues in society is that education is extremely important in the fight for equality, and teaching attitudes of tolerance and love in schools is appropriate. More particularly, while I would fight for the rights of teachers who do not agree with same-sex marriage to believe what they feel is right, I would put the rights of the children they teach to an unbiased and fully inclusive education above the beliefs of the teacher. Modern society now recognises that same-sex relationships and marriages are entirely equal to mixed-sex relationships and marriages, and there may well be a child (or children) in any class who has same-sex parents, or identifies as LGBTQ themselves (or may in the future). For these children, it is exceedingly important for their mental health that teaching treats mixed-sex and same-sex relationships and marriages as exactly equal, and to know that the education system supports them.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

In the march towards full equality for all, I believe it would be appropriate to include the introduction of mixed-sex civil partnerships for those who wish to enter it (and allow transgender people in existing civil partnerships to get gender recognition without dissolving the partnership). I am also concerned about the inherent discrimination in the Westminster-regulated private sector pensions system that will allow pensions schemes to pay smaller survivor’s pensions to people in same-sex marriages than those in mixed-sex marriages. The UK Government has agreed to review this, and I would urge the Scottish Government to use their full weight to correct this discrimination.

Are you responding as...

a private individual

Al Hopkins
23 August 2013
How would you characterise your views on the Bill in general?
In support
The bill is necessary and overdue.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
This is a vital righting of a long-standing wrong. Love isn't about gender, and the state’s recognition should be available without prejudice.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
There should be no two-tier system.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
This is a critical requirement.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

They should receive the same thought and protection as those who may have concerns about mixed race marriage.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Duncan Hothersall
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

C B HOWARD
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Alexander G Howie
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jamie Howitt
16 August 2013
How would you characterise your views on the Bill in general?
In support
I want others to have the same rights as I do.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Everyone deserves it.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
It should be their choice and open

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Claire Hoyda
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM HELEN HUGHES

How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

no one has the right to choose other than the people involved .......... its their choice not yours

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Just because they are of the same sex does not deter from their belief’s

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

this should have been done long ago and its a disgrace it has not

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

if all parties are agreed then there should be no difference where they choose to get married .......... equal rights should be given to all same sex couples

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

I am in support of allowing this .......... divorce should be a choice should they want it........

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If it doesnt concern them why put barriers up in other peoples choices .......... they dont comment on the falling marriages between same sex couples .......... or the increasing divorce rates .......... so why should people be allowed to discriminate on same sex couples choices because it does not fall in to their boxes of how they perceive society should be .......... we have had that for far too long and lets just say it doesnt make good reading !!!!!

Would you like to comment on the wider issue of freedom of speech?

we dont have freedom of speech in the UK ..........this over the last few months has been proven .......... we are only allowed too say what is PC not how we really feel ................. Russia's people have more freedom than we do !!!!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I want Scotland to stand up and be counted .......... give same sex couples the same rights as every one else .......... nothing more nothing less ..........dont white wash it as you will only be making fools of yourself's yet again ............ try and get something right ..........

Are you responding as...

a private individual

Helen Hughes
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM IAN HUGHES

How would you characterise your views on the Bill in general?
In support
It's long overdue that gay people had the same rights as everyone else.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
It's all about equality and having the same rights and privileges as everyone else - nothing more and nothing less.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Whatever people's views and beliefs they should be allowed to have their ceremony how and where they want.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
It would be good if people who were already in a civil partnership got "upgraded" to marriage rather than having to go through the cost of another ceremony.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
I think if the couple want to have their ceremony in a religious premise they should have that right.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Everyone should be entitled to have their ceremony wherever they want.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Again, it's all about equality and not discriminating.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People have free speech if they wish to object.

Would you like to comment on the wider issue of freedom of speech?

Everyone has the entitlement and right of free speech to praise or condemn and we all the right to use it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

N/A

Are you responding as...

a private individual

Ian Hughes
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
If it works for people, it works.

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Laura Hughes
14 August 2013
How would you characterise your views on the Bill in general?

In support

The Humanist Fellowship of Scotland broadly supports the Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The Humanist Fellowship of Scotland supports same sex marriage. If Scotland is a society which sincerely respects individual choice, values the differences amongst us and embraces equality, then this is only just. We support both the aim of the Bill, in allowing same sex partners to be married, as well as enabling freedom to choose the type of ceremony according to individuals’ beliefs and way of life.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

The Humanist Fellowship of Scotland believes that the proposals, designed to place all persons permitted to solemnise marriage on the same footing, should help address an inherent contradiction in the current definition and reduce current confusion amongst the general public which exists at present. All couples seeking to marry should have a choice of persons able to solemnise their marriage according to their personal views and lifestyle. Celebrants - whether religious, belief or civil registrars - should be permitted to conduct marriages and civil partnerships on the same footing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The Humanist Fellowship of Scotland considers that respecting individual beliefs and conscience must mean that there should be an opt-out system for celebrants as proposed. Celebrants should not be required to go against their values or beliefs and no couple would choose to be married by a celebrant in those circumstances. We accept the rationale for excepting local authority celebrants from opt out. The Humanist Fellowship of Scotland agrees that is necessary to have in place processes designed to maintain the integrity of Scots law whilst also recognising that this can only be achieved if regulations are applied uniformly to all persons permitted to solemnise marriage and register civil partnerships. Regulations setting out qualifying requirements should apply to religious, belief and civil celebrants.
Appropriate tests, such as those examples cited, are no doubt already practiced by civil registrars as part of local authority procedure while not required by law. Extending these to other celebrants is sensible. It is, nonetheless, important that the law should be seen to be uniformly applied equally to public officials and tests laid down by regulation must bind all religious bodies, belief bodies and local authority civil celebrants to the same requirements. It will be necessary to consider these tests in more detail to ensure workable arrangements for establishing and monitoring them. We note that there will be further consultation on draft regulations and wish to participate in that.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

The Humanist Fellowship of Scotland supports the ability of civil partners to have their union recognised in law as a marriage retrospectively. It is our understanding that a large proportion of couples who entered into a civil partnership regarded it as a wedding ceremony and consider themselves married but for a legal technicality. The approach proposed is compatible with a humanist ethos in which freedom of choice, belief and expression is central. We are pleased to note that the Bill allows existing civil partners to convert their civil partnership to marriage administratively without a renewed ceremony, as proposed in our consultation response. The consultation paper was unclear regarding the Scottish government's reasons for continuing civil partnership as an option once same sex marriage is introduced. There seems little merit in this and it will cause confusion. Civil partnership was essentially a stopgap, or stepping stone measure, introduced pending further debate and broader social acceptance of same sex marriage. Continuing with both will add an unnecessary layer of legislation, bureaucracy and confusion. Our celebrants will be asked about the differences and relative merits between civil partnerships and same sex marriage. It would be helpful to know the government's reasoning and position on this and whether the Committee supports it.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

The Humanist Fellowship of Scotland supports this as we consider it essential that all persons permitted to solemnise marriage should be able to do so within the same parameters.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

The Humanist Fellowship of Scotland supports this as we consider it essential that all persons permitted to solemnise marriage should be able to do so within the same parameters.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

The Humanist Fellowship of Scotland supports this as it seems to be a thoughtful, caring and sensible approach taken with the intention of avoiding technical legal changes impacting adversely on people’s freedom of choice, belief and expression.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation

Duncan Robertson
Chairman
Humanist Fellowship of Scotland
31 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM HUMANIST SOCIETY SCOTLAND

Draft position document for Scottish Parliament Equal Opportunities Committee with respect to Stage 1 Inquiry Marriage and Civil Partnership (Scotland) Bill.

1. Humanist Society Scotland is a charity with over seven thousand members whose aim is to promote a secular state where the worth, dignity and autonomy of every person is respected and individual freedom is balanced with social responsibility and a duty of care for future generations; Scottish civic institutions are democratic and human rights are developed, embedded and protected; ethical and moral problems are addressed with compassion, knowledge and reason; and no belief system (religious or not) should have, nor expect, privilege in the democratic process. Until that is achieved we seek to represent the millions of Scots who live lives within an ethical, non-religious, moral framework.

2. We want to help build a society with equal treatment for all irrespective of inherent traits such as gender, disability, sexual orientation and ethnic background, as well as any religious or philosophical viewpoint which individuals may choose. The vision of a more equal society, where peoples’ rights and dignity are upheld, is supported by the Equality Act and would be enhanced by this legislation, which we strongly support.

3. Scotland has seen a huge demographic shift in religious belief which has been reflected in how people choose to marry. Since they were legalised in 2005 Humanist weddings have become the third most popular form of marriage ceremony in Scotland. Most couples are now married without the involvement of religion with some 58% of marriages in Scotland of a secular nature in 2010 and Humanist weddings are now more numerous than those celebrated by the Catholic Church. The HSS agrees it is time to reframe the law to recognise that demographic reality.

4. HSS is the third biggest marriage organisation after Registrars and the Church of Scotland with over one hundred celebrants who conduct secular funerals and baby namings, of which 110 have also been approved to conduct legal marriages by the registrar general.

We would like

a. to be treated equally to other organisations and therefore would like the preferential status of the Church of Scotland as well as references to specific religions removed from the Bill, making all celebrants equal in law.

b. minor changes to be made to the bill to ensure equality for same sex couples and to provide couples will a choice over wording that reflects how they wish their relationship to be described.

c. to see Civil Partnerships opened up to all couples

Humanist Society Scotland
9 September 2013
How would you characterise your views on the Bill in general?

In support

The Humanist Society Scotland (HSS) heartily endorse the thrust of the Bill and the intention behind it, to create a more equal Scotland. As the fundamental principle behind Humanism is that every human deserves equal rights, the HSS fully supports both allowing same sex couples to marry and equalising the status of Belief celebrants. As believers in a secular state where all are treated equally, the HSS regrets that within this Bill heterosexual couples will not have a right to form civil partnership but welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law and promptly enact legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally the HSS would like to see the criteria on which organisations are judged as suitable to conduct marriage being applied equally. In chapter 3, section 2 of the Bill this would require an amendment to the Bill which would remove the privileged status of The Church of Scotland currently enshrined in section 8 (1) (a) (i) of the Marriage (Scotland) Act 1977. For clarity and to reflect their equal status in law, where previously some titles of Christian Celebrants eg, minister, priest or pastor have been specifically included, these specifics in the Bill are replaced throughout by the phrase “Celebrant of a Religious or Belief body”.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Humanist philosophy is about treating people equally and the HSS welcomes this move towards creating a more equal and accepting society by recognising the equal validity of love between partners of the same sex and affording the same rights and responsibility of marriage to same sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

As would be expected, the HSS strongly welcomes the move toward equal treatment of all marriage celebrants.
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The HSS supports the right of celebrants of all beliefs and religions to opt out. We appreciate the care that has been taken to allow a conscience opt-out for individual celebrants where their organisation has opted in to conducting same sex marriages. We are therefore disappointed that the reciprocal freedom of conscience has not been granted to allow individual celebrants within opted-out organisations from individually choosing to conduct same sex marriages and civil partnerships. A small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious or belief bodies that wish to, should be permitted to continue to use the “husband and wife” gendered form of the marriage ceremony, and same sex couples should be also be given the choice of wording within a civil marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

The HSS believes that both civil partnerships and marriages should be available to both same-sex and opposite sex couples. The HSS also believes that there should be no cost incurred if a couple in a civil partnership wish to change to a marriage. We consider it unjust that a group of individuals who have been discriminated against should have to pay to have that discrimination corrected. We do also think an amendment is needed to allow couples who registered a civil partnership abroad and then moved to Scotland to marry here.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

The HSS agrees that more freedom should be accorded to all individuals to have their marriage solemnised in a way, and in a place that suits them and so support this increased freedom for civil marriage ceremonies.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Once again the HSS support increasing freedom of choice and that all couples should be free to choose the type of legal recognition they want for their relationship, as well as who conducts the ceremony and where it takes place.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

The HSS strongly supports the ability for a transgendered person to remain married when obtaining a full Gender recognition Certificate.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The HSS does not perceive there is any legal risk to individuals who choose to speak against same-sex marriage and the provisions set out in chapter 4 reinforce that no presently existing freedom of expression will be curtailed. As regards calls for a conscience clause for registrars, it is unthinkable that a public official carrying out a public service be allowed to discriminate on the grounds of sexuality/sexual orientation. It would also be contrary to statutory obligations under the Equality Act 2010. The HSS considers that in the public sphere everyone is either equal or we are not. If the Bill becomes law, public servants will, like anybody, be free to think and believe whatever they like about anyone else. Indeed it is a fundamental human right. However, personal beliefs must not intrude in the performance of a public duty, particularly not to the detriment of those seeking a service to which they are legally entitled. Like everybody else registrars will be subject to the laws of the land. The HSS considers the existing safeguards which prevent teachers and others in authority using their position to promote a particular viewpoint sufficient.

**Would you like to comment on the wider issue of freedom of speech?**

When considering calls for conscience clauses or protection of freedom of speech on this issue, the HSS would ask for equal marriage to be treated in the same way as equality law on race, gender or disability and those with other protected characteristics. When these laws were framed lawmakers did not consider enshrining in law special rights for those opposed to treating women, minority ethnic people or disabled people equally. In deciding to allow same-sex marriage MSPs will have decreed that the state will no longer allow discrimination against gay and lesbian people in the public sphere. If individuals opposed to equality experience social disapproval for their opposition to same sex marriage, the HSS would welcome this, in the same way it welcomes social disapproval of sectarian behaviour or racism and sexism.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The HSS agrees with politicians and the Registrar General that conducting marriages should not be a business. As a charity, the ceremonies carried out by our celebrants are only part of our work but we are concerned that some charities have been set up which appear to be operating as marriage businesses. We therefore welcome the modification to Section 12: Temporary Authorisation and, for clarification, that the criteria for suitable organisation should be defined as in section 10 (4) (a), and we request that if no other criteria for temporary authorisation should be permitted.

Are you responding as...

a celebrant faith/belief-based organisation

Liz Rowlett
Humanist Society Scotland
22 August 2013
How would you characterise your views on the Bill in general?

In support

I look forward to the day I can legally marry my girlfriend in Scotland and our love I considered just the same as any couples’.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It’s been a long time coming. It also finally means that trans people getting a GRC that are married don't need to get divorced to get their gender recognised.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Of course they should be equal. No belief or religion is any more important than any other.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I believe celebrants should automatically be included and have to opt out if they don't want to solemnise them to avoid creating a needless barrier for those that wish to.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Some may wish to keep their civil partnership and I don't think the date should take that away from people.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

This is an excellent addition to the bill and the same should be the case for civil partnerships. Also there should be no spousal veto. This is inappropriate.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think we should protect all members of society from harm and hate - as someone that experiences homophobia in Scotland weekly I would hope your focus would be to protect those in same sex marriages.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is fabulous as long as freedom from hate speech is also taken seriously. You should not be able to say what you like when your words can cause harm and injury to others.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Rhianna Humphrey
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ciaran Hunter
21 August 2013
How would you characterise your views on the Bill in general?

In support

This is a milestone opportunity in equality and brings Scotland into line with other enlightened nations.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Members of the publics are entitled to their views, however government officials, school teachers, registrars must respect the proposed legislation eg a Christian registrar cannot be allowed not to officiate at a same sex ceremony.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Dr Ross Hunter
21 August 2013
How would you characterise your views on the Bill in general?

In support

I support this bill as it brings more equality to Scotland and allows everyone within Scotland to get married.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As a young LGBT person myself, I strongly support this decision as it gives me a chance to marry someone in the future.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I'm in favour of the ceremonies being held within religious buildings but I do respect that if some religious buildings don't want to allow same sex marriage then it's their decision.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It’s nothing to worry about. Everyone has the right to get married regardless of their sexuality.

Would you like to comment on the wider issue of freedom of speech?

N/A

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I’m wondering why mixed sex civil partnerships haven’t been preposed in this Bill.

Are you responding as...

an LGBT group
a private individual
a public body

Glen Hunter
21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I absolutely believe that same sex couples should have equal rights to marry under law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Belief celebrants should be on the same footing as religious celebrants. In fact, if a couple wished to marry each other in a self-uniting ceremony (as per Quaker belief), I would support this also.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I would like to see the individual celebrant able to opt-in to solemnise marriages with protection under the law so that in cases where the celebrant's organisation did not opt-in, there could be no negative consequences for the individual opting in.

How would you characterise your views on civil partnerships changing to marriages?

In support

I support the ability to convert civil partnerships to marriages. However, I would also like to see the opposite conversion available and would not condone an automatic conversion of civil partnerships to marriages.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am unclear about what 'protection' is required for those who have concerns about same sex marriage. If these people are part of an organisation/group that decides to participate/accept this change and these individuals do not wish to comply or be part of an organisation that participates, they should feel free to find like-minded people in another group/organisation. The legal marriage of two consenting adults should be of no consequence to anyone else other than the two consenting adults.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sunil Hutchin-Bellur
21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ellie Hutchinson
27 June 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

I believe it is appropriate for people to have choice over whether to opt purely for civil partnerships or to solemnify their relationship through religious/spiritual/belief systems.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Not to do so would be discriminatory - not all faith systems are opposed to same-sex relationships, and even within those which have historically been opposed to homosexuality, there is a diversity of views which would exclude some practitioners from practising in line with their beliefs (e.g. buddhism, some paganism, some liberal Christianity and Judaism, Quakers etc).
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Someone's gender identity does not give an indication of their sexual orientation, and some transgender people may indeed wish to remain married, as may their partners. Not to allow this would be non-sensical and unnecessary.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do not believe special 'protections' should be offered - there is no justifiable right to discriminate. Those who have concerns about same-sex marriage are free not to marry people of the same sex! To go beyond this is to begin to provide legal protections for bigotry, discrimination and prejudice.

Would you like to comment on the wider issue of freedom of speech?

People are free to dislike and disapprove of same-sex relationships, and free to say so, as long at their rhetoric does not constitute a hate crime or incitement to hatred/violence.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual. As well as being a private individual, I am also an academic working in the area of prejudice

Craig Hutchison
16 July 2013
How would you characterise your views on the Bill in general?
In support
I believe that this is an important matter of equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
You can't control who you fall in love with and everyone should have the right to marry that person. You say to the world 'we are committed to each other' and vow to stand beside one another.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
I know my sister and her wife would love to convert their civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Kirsty Hutchison
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

About time that there should be equality for all our citizens.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Again this is to do with equality and not giving undue privilege to certain groups.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

This gives all couples equality regardless of sexual orientation.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Of course! Why not?!

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Why on earth should such people need 'protection'? It's not as if anything is being forced upon them or threatening them. However if they feel free to make aggressive and disgusting comments about same sex marriage, publicly, why should they be protected?

Would you like to comment on the wider issue of freedom of speech?

In a democratic country we are free to say what we like, but within certain parameters. For example racist and sectarian comments made in public and likely to incite hatred do constitute acceptable 'freedom of speech'.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

If we pride ourselves in being fortunate to live in a truly equal and democratic society then this Bill, which affords equality to all people regardless of sexual orientation must become a key part of Scottish law.

Are you responding as...

a celebrant
a faith/belief local group or congregation
a private individual

Maureen Hutchison
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I strongly support the bill enabling same sex couples to marry if they choose to do so.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
The option of religious or belief should be open to everyone

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Cheryl Hyams
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM JAMIE HYLANDS

How would you characterise your views on the Bill in general?

In support

I think it is a prime example of a nation who is trying to embody the very sentiment behind the word 'equal'. I think we have a long way to go but this is a great step forward. I have lived in Scotland for nearly ten years and am bringing up my family here too. It is important than when we travel and when we look back that we have found a reason to be proud to live here. Make it happen.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jamie Hylands
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM STEWART INGLIS

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People can hold whatever views they like, but they should not unduly constrain those who do not share them. Public servants have a duty, first and foremost, to serve the public. Registry office staff, for example, wouldn't be allowed to refuse to marry
couples on the basis of their race or religion. Sex, gender and sexuality should be no different.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Stewart Inglis
23 August 2013
How would you characterise your views on the Bill in general?

In opposition

I get the sense that right from the start this is a Bill that has been pushed forward by a small but vocal and very determined minority. This is not something for which there was or is now a popular mandate. It is unnecessary given that all the legal rights of marriage currently exist for same sex couples in the context of civil partnership.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The understanding of marriage as being a voluntary union for life of between one man and one woman has been accepted as far back as any of us can remember and further. It secures the equal value of men and women as it recognises the complementary nature of the differences between them. It also promotes the welfare of children providing a unique relationship for children to be brought into the world and reared. All the evidence of which I am aware supports the notion that marriage between a man and a woman provides the best environment for children to prosper. Surely every child has a moral claim on her natural mother and father, based on the fact that they brought her into being and that it is in principle good for every child to be brought up by her natural parents, committed in relationship to each other and to her. The UN convention on the rights of a child recognises the right of a child to know and be cared for by both of its parents. Redefining marriage as proposed in the Bill undermines all this. (See Redefining Marriage: the case for caution Julian Rivers http://www.jubilee-centre.org/document.php?id=432)

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I must confess to being very sceptical about the cash value of any of the proposed protections - we have already seen examples of discrimination against those who hold to the traditional understanding of marriage between a man and a woman even before any proposed changes in the law - people being disciplined and losing their jobs.

Would you like to comment on the wider issue of freedom of speech?

I do fear that the freedom to express the position of being in support of traditional marriage and on conscience grounds being unable to endorse same sex marriage is going to be seriously curtailed if the legislation goes through.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The general issue of protection of those who on conscience grounds cannot endorse same sex marriage needs to be given much greater scrutiny and needs to be addressed. I am also concerned that this redefinition of marriage will not be the last - if you can change the meaning of marriage in this way - why not change it to include polygamy for example. We are on a slippery slope.

Are you responding as...

a celebrant

David Scott
Inshes Church of Scotland
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
The privilege of religious celebrants, and religious groups in general, is long overdue a reassessment in an increasingly multi-cultural and secular society. Putting belief celebrants on an equal footing goes some way to reducing discrimination against people with no religious belief or beliefs not represented by mainstream institutions.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
All celebrants working outside of religious institutions should be required to solemnise any marriage which is legally valid. Allowing employees of the state to opt-out (or not opt-in) is to sanction discrimination on the basis of sexual orientation. We would not tolerate racial discrimination like this, even if the celebrant claimed that his or her religion disapproved of such unions.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This should be a matter for individuals and not the state. The idea that the state could force a couple to divorce under such circumstances is disgusting.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We do not legislate to protect the interests of racists. We do not tolerate sexual discrimination although many mainstream religions are mired in misogynistic teachings. We should not protect those who hold out dated and bigoted opinions based on sexual orientation because to do so suggests that there is validity to their prejudice. Plenty of people had "concerns" about inter-racial marriage in the 1960s. This was racism dressed up as a valid concern. The "concerns" about same-sex marriage now are no different. We should not pander to prejudice.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is important and must be preserved. However, attempting to foist one's prejudices on others is not freedom of speech. People should be free to express whatever bigotry and prejudices they will, however ugly it may be, but they should not be able to halt equality by doing so. No one is forced to enter into a same-sex marriage. No one should be prevented from doing so because those who oppose it are loud.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

True equality would allow mixed-sex couples to enter into civil partnerships if they want to.

Are you responding as...

a private individual

Gillian Jack
28 June 2013
How would you characterise your views on the Bill in general?

In support

It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is important that this law treats all marriages the same regardless of the genders of the spouses and not just create two different versions of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well.

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ross Jack
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Fiona Jackson
23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Strongly in support of this; Scotland should be proud to introduce such legislation

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

More and more people are leaving traditional religions. I firmly believe that Humanist marriages should be on equal footing to church ones or civil ones (so long as the celebrant is from a bona fide organisation, and not one of those that have recently s

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

Neither

Those who want a CP (including opposite sex couples) should be allowed to have one. But there should be the opportunity for those in a CP who wish it to "upgrade" for little or no fee.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
If both parties to the marriage want to stay married they should be allowed to do so; it is daft at the moment that they have to divorce before changing gender.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

What protection do they need?! No-one, hopefully, is going to be forced into a marriage of any sort so how on earth will the bigots be affected? More people living in stable recognised relationships can only be good for society.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Marilyn Jackson
20 August 2013
How would you characterise your views on the Bill in general?

In support

This is long overdue and a giant step towards full equality for homosexual relationships.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Hugely supportive, two people of any sexual orientation should be able to enter loving, committed relationships on a par with their peers.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I support in as much as I believe if we have religious celebrants, there should be no difference. However, I don't actually agree with the existence of religious celebrants. As I understand it, "marriage" is a State institution with rights and benefits provided by the State. Religious celebrants are only able to perform marriage ceremonies as the State has allowed it. I would much rather see a situation where ALL marriages are conducted in civil ceremonies. If a couple are religious and then choose to have a "wedding" blessing conducted in their place of worship by a minister/priest/imam/rabbi etc. then they should absolutely be free to do so, but this is a separate event with no legal meaning.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

Please see my comments in Question 6. I don't believe ANY marriages, the legally binding procedure, should be conducted by religious figures.

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I don't think it really matters where the ceremony is conducted.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

I'm unsure that I see the need to continue with civil partnerships should the Equal Marriage bill be passed. If it does, then it should be open to any who want it but again, there should be no religious element to it.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't really see that those who have concerns should have any particular protections. Religion should entirely be taken out of marriage ceremonies. Once that's removed, the only people with "concerns" only hold them based on their personal prejudices and ignorance. Same Sex Marriage is only going to affect those couples who chose to have them. I also believe that there's an economic benefit that's not being consider (or publicised at least). With an average wedding day currently costing in the region of £10-15 thousand pounds, allowing a significant section of society access to that may provide a nice boost to the economy!

Would you like to comment on the wider issue of freedom of speech?

Freedom of Speech is an intrinsic part of any democracy, however the debate surround Equal Marriage has frequently turned unpleasant, with opponents adopting an "How dare you not be tolerant of my intolerance" approach. It has to work both ways and I don't think that fact is appreciated by all parties.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Peter Jeffrey
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM JEWISH GAY AND LESBIAN GROUP

How would you characterise your views on the Bill in general?
In support

The Jewish Gay and Lesbian Group (JGLG), founded in 1972 as the main social and representative group for LGBT Jews in the UK, warmly welcomes the Marriage and Civil Partnership (Scotland) Bill, as a huge and positive step forward for LGBT people and for Scottish society at large.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Marriage symbolises not only the committed love of a couple who wish to spend their lives together, but also society's support for such loving family relationships that create strong families and help to build society. Judaism has always promoted marriage

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

The JGLG broadly supports the aims and methods of the Bill, and understands the double opt-in procedure as providing protection for those religious bodies that are conscientiously opposed to same-sex marriage. However, we also support the amendments put f

How would you characterise your views on civil partnerships changing to marriages?
In support

The JGLG broadly supports the proposals in the Bill, but agrees with the view of the Equality Network that couples whose civil partnership took place outwith Scotland should be able to change their civil partnership to marriage in Scotland by bureaucratic means without dissolving their civil partnership and without the need to have a formal wedding ceremony.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

We strongly agree with this proposal.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

There are some same-sex couples who, while religiously committed, find the historical meaning and symbolism of marriage to be inconsistent with their values. The option of a religiously celebrated civil partnership which does not use the language of marriage

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

We support the proposed measures as a significant step towards freedom and equality for trans people, but also strongly support the suggestion of the Equality Network that the permission of the partner of a trans person should NOT be required before the g

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We believe that the Bill rightly grants fully adequate protection for those who have concerns about same-sex marriage. We respectfully oppose the proposal of ScoJeC that further protection should be given, e.g., to civil celebrants in post before the passing of the Bill or any other religious functionaries (e.g. teachers) other than those who would be directly involved in carrying out a same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The freedom of speech protections offered by the Bill are adequate.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisationan LGBT group

Rabbi Mark L Solomon
Jewish Gay and Lesbian Group
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

FIONA JOHNSTON
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Same sex couples deserve exactly the same rights and protections as opposite sex couples in all things, including marriage (both religious and civil).

Are you responding as...

an academic
a private individual

Hefin Jones
21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am in support because I consider it ridiculous that the state, the church or any other organisation should have the right to decide whether two people who love one another should be allowed to get married or not.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

Neither

It should be up to the individuals concerned.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
It is ridiculous that those who are already married to have to dissolve this in order to obtain a GRC.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

What concerns..? Why on earth should anyone have concerns..? I don't understand.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ria Elaine Jones
14 August 2013
How would you characterise your views on the Bill in general?
In support
About time!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
As am in a heterosexual marriage. I would find it discriminatory if only people of the same sex could marry each other and people of the opposite sex could not. QED I believe that people should be free to marry whom they chose.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
I know gay and lesbian friends who would love to have a religious ceremony.

How would you characterise your views on civil partnerships changing to marriages?
In support
I suspect that many people had civil partnerships because they wished their partnerships to be legally recognised and would have gone for marriage had the option been open to them.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Why not? Straight couples get married in hotels on boats etc.. so why not same sex couples?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People are entitled to their views, however I feel that a lot of it is prejudice and bigotry and that I find hard to stomach.

Would you like to comment on the wider issue of freedom of speech?

With freedom comes responsibility, and people have to acknowledge that there has been a sea change of opinion about this issue in the last twenty years.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would like to say that even as someone in a heterosexual marriage who had a church wedding I do not feel that same sex marriages make my marriage any less valid or special.

Are you responding as...

a private individual
A private individual with LGBT friends

Ed Jupp
21 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I am a Bible believing Christian and find the idea to be anti-God, and to undermine the very fabric of our community and society. God's way has always been one man and one woman and for children to be raised and nourished by their own mother and father. I am all for giving folks their individual rights but this is taking things too far. Marriage as it stands should never be redefined. Later it will be attempts to legalise polygamy or three way relationships and to lower the age of consent to 15 then to 14. We could open the door for horror upon horror!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Churches and registrars who refuse to marry same sex couples will possibly be charged and have to face court proceedings and registrars may be dismissed. Churches may later be refused the rights to marry altogether. Parents' rights to remove their children (espec. primary) from same-sex marriage lessons in schools should be protected. Charity law should be amended so that churches who stand against same-sex marriage will not lose their charitable status.

Would you like to comment on the wider issue of freedom of speech?

Total freedom of speech should be legally granted to all, so that individuals can speak out either privately or publicly against same-sex marriage without fear of being reported to the police and charged with an offense. Open-air preachers and the like should be free to proclaim their stand on same-sex marriage without fear of arrest.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
I have been a full time Christian Youth Worker for 32 years in Motherwell.

Ray Keilty
23 August 2013
How would you characterise your views on the Bill in general?
In support

As someone in a civil partnership, I do not understand why I must have a contract considered to be of less value than a marriage, just because I am gay.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I would love to be legally allowed to marry my partner, we deserve the right as much as any other couple.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Religions that want to conduct civil partnerships or marriages should be allowed to, they should not be restricted by the views of Christianity.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

It seems bizarre to force someone to go through a divorce when their relationship has remained intact.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I do not believe that the concerns are valid, I believe there is an irrational fear that their lives will somehow be effected by same sex marriage. In reality it will not effect them and it will not take away from their marriages.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech should be allowed but it does note an that we are free to abuse others.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Anna Kellner
23 August 2013
IN DEFENSE OF TRADITIONAL MARRIAGE

Marriage has been defined by nature as a union between a man and a woman with the potential for natural procreation. Neither State nor Church has the power to change this reality, however well meaning the intention may be.

Up until a few decades ago, both civil and religious authorities protected and regulated the institution of Marriage with wisdom in the knowledge that it is the bedrock of society. Every individual is free to enter this time honoured institution; and it requires remarkably low qualifications to do so.

The recent introduction of civil partnerships means that we now have three entities – co-habitation, civil partnership and Marriage, and the straight forward thing to do is have a clear distinction in nomenclature as there is a clear distinction in the nature and purpose of these partnerships.

Despite modern trends, traditional marriage is proving that it is the best environment,( with fewer breakdowns,) in which children can have a stable upbringing enjoying the benefits of the complementary qualities which a mother and father.

Legislation must ensure that traditional Marriage is encouraged and strengthened to encourage an organic growth in population able to support the economy and our ageing population in future years.

The legal rights of couples in civil partnerships are so similar to marriage that the electorate will come to question why so much time and effort is being spent to satisfy the wishes of a tiny vocal minority within a minority who have a same sex attraction. The electorate will come to realise that what we have here is a Bill which does not address real needs within our society and endangers the most important institution in society.

The Bill as read now, appears to recognise that the notion of same sex marriage violates the beliefs of a majority, particularly among the Judeo-Christian and Moslem communities, and attempts to offer some protection to individuals and celebrants. But, if enshrined in law, it is inevitable that litigation will follow and individual career prospects of those opposed to or have concerns about same sex marriage will be blighted.

On the introduction of civil partnerships, legislators failed to protect the rights of individuals and institutions who believe that traditional marriage is the best vehicle for a stable family and for the long term well being of society. This gives cause to believe that any expression of disapproval of the notion of same sex marriage will result in some form of punishment by way of career prospects and loss of charitable status. Put another way – plain, honest speaking will be seen as a violation of equality laws. There will be questions in the voter’s mind:

In the drive for equality why were heterosexual couples excluded from civil partnerships?

Given that there was a far greater response to the consultative process for the redefinition of marriage than that for independence (the great majority against change) – why were their wishes ignored?

If legislators have concerns about the future of individuals and institutions who disapprove of same sex marriage and civil partnerships – why is there no provision for a conscience clause?
In conclusion, there are no discernable differences in the legal, fiscal and financial benefits between civil partnerships and marriages, so one is forced to the conclusion that there is some other agenda at play. The legislation does not address equality issues, but rather is an attempt to make everyone the same. Definitions of parenthood and familial bonds will be blurred, and in the long term deemed as undesirable and unnecessary. Although I do not profess to see round corners, I do see that this proposed legislation brings no benefits to society and has the potential to do great harm.

Andrew Kellock
20 August 2013
How would you characterise your views on the Bill in general?
In support

Respecting the rights of Lgbt citizens is essential

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

Blair Kelly
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
no
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

no

Are you responding as...

a private individual

Kathleen Kelly
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I fail to see the need for protection. I do not feel that my heterosexual relationship will be threatened in any way by allowing same sex marriage.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Maureen Kennedy
16 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am concerned that marriage needs to be opened up to persons of any sex, not restricted to 'same sex'. As an intersex person who does not identify as male or female, I feel I could not consider marriage under a system that required me to lie about my identity, as to do so would be to make a mockery of what ought to be a solemn vow.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Aside from anything else, this would serve to future proof the legislation. Social trends suggest that it will become increasingly difficult to divide religion and belief into neat categories in the future.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

Neither

I feel it important that people in civil partnerships should have the option of converting them to marriages, but equally important that this should not happen automatically, as I have friends in civil partnerships who would definitely not want to be married and have told me they would divorce if that happened to them.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
I see absolutely no reason why this should be considered inappropriate. Let people have what is special for them.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

The requirement to divorce in order to obtain legal gender recognition is one of the cruellest aspects of the current system, putting unnecessary pressure on couples who may already be going through a very difficult situation. Everything in marriage law should be about helping loving couples stay together, not forcing them apart. Furthermore, the requirement to divorce has an impact on pension rights, creating significant fiscal inequalities that run contrary to the spirit of the Equality Act (2010) and Scotland’s various legal and practical efforts to make people more equal.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Nobody should be forced to perform a marriage they disapprove of, regardless of the genders of the persons being married. Applying this provision universally would obviate the need to employ a special instance of discriminating in regard to non-opposite-sex couples.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I feel it is very important that the bill make provision for intersex people and for people who do not identify as male or female. Ongoing legal changes around the world (e.g. in Australia and Germany) illustrate that these groups will not continue to be elided in future, so to provide for them now would remove any need to adjust the legislation in future in order to do so when this becomes a bigger political issue. It would also be in keeping with the Scottish Government’s professed commitment to ensuring equality of opportunity for all its citizens.

**Are you responding as...**

An individual who works for an LGBT group.

Jennie Kermode
23 August 2013
How would you characterise your views on the Bill in general?

In support

It is time for equal rights for all... it is that simple.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Everyone in love should have the same rights as the next person

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

It is time for celebrants to have the right to do this. There is no difference between same sex and opposite sex couples when they are in love and want to get married, it is time to reflect this in the law and churches that wish to join in this cause should definitely be allowed too!!

How would you characterise your views on civil partnerships changing to marriages?

In support

It would be cruel and unkind to let the people who have got a civil partnership just because they could not get married and wished to do so not to be allowed to "upgrade" (for wan of a better word) their civil partnership. This is all LGBT people were allowed in law, if the law is to change is should look at helping everyone who wants to be married be so!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
I think it is very important, not everyone want a marriage in church but they do want a marriage!

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I am a Christian and wish to get married in my church, they may well be receptive to that so why should they be barred from doing so??? I think it should be up to the individual church, for goodness sake this is about two people loving each other!

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Transgender people et the hardest lot in life of the LGBT community and just this goes to show it. It is time to allow trans people to stay married to the person they love, it seems cruel to make them divorce just to get married again, stupid waste of money and discriminatory to say the least

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think the churches that do not want to do the marriages to be protected then they have no foothold on the fact you are making them marry people... government should not be run by churches in the same way churches are not run by government!

**Would you like to comment on the wider issue of freedom of speech?**

LGBT people re like any other we just want the same rights as anyone else, we seem to be the last people bein discriminated against in this way! (apart from straight people wanting to get civil unions)

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Straight people should be able to get a civil partnership as much as a LGBT person can get married!

**Are you responding as...**

a private individual

Benjamin Kidd
August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Roslyn King
19 August 2013
How would you characterise your views on the Bill in general?

In support

This change to the law is long overdue and very welcome, and is an important step in continuing to give equal validity to gay relationships.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

That this is a legal issue and not a religious one. Everyone, religious or not, should be allowed to marry and this is about equality before the law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

This is the other side of the coin. Why should only religions be able to supply celebrants/ministers for relationship ceremonies. To the couple the celebrant is their choice and the way I understand this part is to cater for those of alternative belief

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

There are those who want to so why should they not?

How would you characterise your views on civil partnerships changing to marriages?

In support

This was not an option for those signing civil partnerships so should be automatic for those who want it.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Absolutely. Good grief, why not?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I would not understand the objection to this.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Social justice issue. Overdue. Gender recognition is a personal issue and the relationship is separate. If this is the wish of the couple it should be possible.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No-one will be forced to attend such a ceremony if they don't want to be there, no-one will be forced to conduct them I understand (but I think there should be an obligation for the objector to provide a replacement, except registrars who are conducting a contractual duty to apply the law and may need to consider a new career if they object).

Would you like to comment on the wider issue of freedom of speech?

Have a right to protection from hate and bigotry. People will disagree and it is their right to do so, but some of the debate from those who do so has fuelled anti-gay sentiments and violence and this is not acceptable in a modern society.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Please get on with it and follow England's lead. It would be shameful beyond words if we don't. For some Scotland has aspirations of independence. Would missing this opportunity for better equality in our society be our first ignoble act?

Are you responding as...

a private individual

Sam King
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jane Kingswood
23 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Am 100% in support of same sex marriage as Scotland should be leading the way with this as a country of NO discrimination and everyone being equal regardless of race, age, sex etc and have no opposition to same sex marriage as marriage is marriage and there should be no differences as heterosexual and gay people should have the same rights as each other

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

Gives people the choice that everyone should have regardless of sexuality as marriage is a union of love between 2 people

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Fully support this as believe in equality for all

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage between gay people will not destroy or undermine marriage between a man and a woman but will show that marriage is for anyone who wishes to show their feelings and commitment between each other and give them the same legal rights as any other couple would have

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

James Kinmond
22 August 2013
How would you characterise your views on the Bill in general?

In support

The bill supports equality and I am very much in favour of that. To my view people have the moral right to marry as they like, be it a couple of the same sex or different sex. This moral right should be reflected in the law as a legal right. I think it is immoral to prevent same sex people to marry, so the bill helps raise the moral standard of the law.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The bill should treat marriage between different sex people and same sex people exactly the same.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think a religious body should be free in choosing to solemnise or not to solemnise same sex marriages, because they should be free to act according to their belief systems.

How would you characterise your views on civil partnerships changing to marriages?

In support

The bill has one element with which I don't agree, which is that a couple that registered a civil partnership abroad can't change this to a marriage in Scotland. It should be possible that people in this position could actually change this civil partnership to a marriage, because not allowing it would make it difficult and burdensome for them to get married in Scotland.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

However, I would want to see the bill changed in such a way that a married person who wants to change their sex, doesn't need consent from their partner, to prevent possible delay in starting the medical transgender process.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

People should be free to publicly express their views on same sex marriage, be they in favour or against it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill doesn't entirely end discrimination between same sex and opposite sex couples. there are still two points that need changing. 1. Same sex civil partnership should also be legal. 2. Married people of the same sex should have exactly the same survivor's pensions as opposite sex married couples.

Are you responding as...

a private individual

Hugo Klip
15 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am opposed to the redefinition of marriage to include relationships between people of the same sex so my views on the Bill in general should be read against that background.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Constitutionally, culturally and emotionally, marriage has always been a relationship between a man and a woman. Whatever provision can and may be made for relationships between two persons of the same sex, there is no need to define this as "marriage" in order to provide for civil equality if that is the intention. Needless offence to those who share my viewpoint is objectionable where there is a political and legislative route acceptable to the vast majority of people.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Insofar as the celebrant is performing a civil function I see no reason to exclude belief celebrants provided that some measure of solemnity is required in a ceremony in which promises are made and received.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

For the reasons stated previously this is simply unnecessary. If the equality imperative is that equal rights are given before the law, the civil law is perfectly capable of delivering rights and protections without adding the tag of "marriage" to a relationship which cannot be identical in every sense to a marriage between one man and one woman.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

I see no objection to removing restrictions on location but I expect that a registrar should always have the right to refuse to conduct a ceremony at a location which the registrar in his/her discretion considers inappropriate.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Those who marry as man and woman ought to remain married. Those who may marry under new legislation as persons of the same sex ought not to stay married after a change of gender is recognised.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This is a very wide and complex issue. Much has been said by politicians about ensuring that protections are given to religious celebrants who are not willing to conduct same sex marriage ceremonies. My concern is that their colleagues, fellow members and organisations may find themselves discriminated against for holding the same views - how can the law ensure protection against unintended consequences?

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech involves both the right to hold what one believes as the absolute truth while defending the rights of others to hold the opposite. The tone of the Government’s proposals has suggested that the minimum of protections will be introduced to ensure that people can say what they believe but there is no clear undertaking to ensure that they can live out their lives consistently with those beliefs. Guidelines are simply insufficient to ensure protections which, at a fundamental level, are assured by the ECHR. A citizen will need to be assured of protection in all his/her capacities – individual, celebrant, parent, consumer etc. Providing protections under employment law alone will not be sufficient. How will the Government legislate to ensure that public agencies do not brand as bigots those who disagree with the present Government’s morality agenda? In the field of education there is no point in limiting parental rights to areas of sex education or RME when a revisionist view of marriage may be taught and history re-written in other subject areas. I am concerned that individuals who are employed within, or appointed to roles in, public sector, third sector or grant receiving organisations (or
the organisations themselves) may be penalised for making public “outside that employment or role “ views which do not support the proposed legislation.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No

Are you responding as...

a private individual

David Laing
1 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM THE LAW SOCIETY OF SCOTLAND ON BEHALF OF THE FAMILY LAW SUB-COMMITTEE AND THE EQUALITY LAW SUB-COMMITTEE

Introduction

The Law Society of Scotland aims to lead and support a successful and respected Scottish legal profession. Not only do we act in the interests of our solicitor members but we also have a clear responsibility to work in the public interest. That is why we actively engage and seek to assist in the legislative and public policy decision making processes. The Family Law sub-committee and the Equality Law sub-committee (“the committees”) have examined the Marriage and Civil Partnership (Scotland) Bill and have the following comments to make.

General Comments

The committees would reiterate the point we made in response to the preceding consultation that while we do not seek to comment on the underlying policy of the bill, we would suggest that as it will expand the ways in which a couple can choose to define their relationship, whether different or same-sex marriage, cohabitation or civil partnership; in order to help people to understand the differences between them and/or choose between them, further definition or explanation of the status of each would be useful.

From the perspective of article 9 of the ECHR (freedom of thought, conscience and religion) we understand that the bill’s objectives seek to balance these rights with other rights although we do think that there is scope for conflict as a result of the public sector equality duties contained in section 149 of the Equality Act 2010. It is, of course, a matter for the Scottish Government whether such conflict is an acceptable consequence of the bill but we expressed concern that this issue was not considered in the previous equality impact assessment.

Part 1 – Marriage

Sections 4(2) to (5) would amend the definition of ‘cohabitant’ as contained in section 25 of the Family Law (Scotland) Act 2006 by providing that the reference to two persons of the same sex who are (or were) living together as if they were civil partners (however expressed) will cease to have effect.

This would appear to take away the prospect of establishing cohabitation between two people living together as if they were civil partners. We are of the view that these provisions as currently worded are difficult to interpret. It could also be argued that the intended effect of the provisions does not seem logical in the context of this bill, which seeks to allow a choice between marriage and civil partnerships as co-existing legally recognised relationships for same-sex couples. Further to the point we made in our introduction about the requirement to help society understand the different types of legally recognised relationship available, this could give rise to some confusion.
The proposed insertion into section 1 of the Divorce (Scotland) Act 1976 contained in section 5 of the bill is not clearly worded. To say that adultery has the same meaning in relation to a same-sex marriage as it does in relation to a marriage between people of different sexes could be construed to mean as equal grounds for divorce. As adultery is not statutorily defined but is instead a common law concept, it would be much clearer to use the wording contained in the policy memorandum, i.e. “the existing [common law] definition of adultery (sexual intercourse with a person of the opposite sex outwith marriage) will continue to apply”.

Sections 10 and 11 of the bill amend sections 8 and 9 of the 1977 Act to allow for the prescription of religious or belief bodies to solemnise same-sex marriage; and to permit the authorisation of ‘nominated persons’ from non-prescribed bodies to solemnise same-sex marriage. We think that the proposed amendment to the Equality Act 2010, which has been extended since the previous consultation to protect the beliefs of individuals ancillary to the marriage ceremony, such as organists and those controlling the use of religious or belief premises, will help to achieve compatibility on an intra-UK level. However, we think there is still the possibility that the provisions designed to implement this policy could be challenged in future as being discriminatory and contravening article 14 of the European Convention of Human Rights

In subsection (2)(a)(ii)(C) of section 10 “marriages” should be plural rather than singular.

Chapter 4

The rights acknowledged in section 14 are already enshrined in law by virtue of the Human Rights Act 1998. The Scottish Parliament cannot pass a measure that conflicts with the rights set out in articles 9 and 10 of the European Convention on Human Rights (Scotland Act 1998, section 29). It is not clear why this section is necessary. It remains unclear in any event how the rights mentioned in section 14 will interact with the public sector equality duties contained in section 149 of the Equality Act 2010. Given the profile of recent cases citing a breach of an individual’s article 9 rights in the course of their employment, individuals working in the public sector need to be clear that the equality duties of their employers can in some cases take precedence over respect for the employee’s article 9 and 10 rights to express and act on their own views.

Part 2 – Civil Partnership

Section 22 provides a similar opt-in system for the prescription of religious or belief bodies to register civil partnerships and for the authorisation of religious or belief celebrants to register civil partnerships, as sections 10 and 11 does in relation the solemnisation of same-sex marriage.

We think that this raises the same questions in relation to the possibility of future challenge on grounds of discrimination according to the European Convention on Human Rights.

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1. Everyone whose rights and freedoms as set forth in this Convention are violated shall have an effective remedy before a national authority notwithstanding that the violation has been committed by persons acting in an official capacity.
2. Eweida and others v United Kingdom (App. Nos. 48420/10, 59842/10, 51671/10 and 36516/10) [2013] All ER (D) 69 (Jan)
Section 25 corrects an anomaly where civil partnerships were dissolved using the simplified procedure but without obtaining third party evidence before the Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012\(^3\) came into effect\(^4\). Section 25 grants retrospective effect to the Order to validate the dissolutions that took place between 2005 and 2012 under the simplified procedure.

We are aware that the Faculty of Advocates has drawn the Scottish Government’s attention to the potential difficulties inherent in this approach and has instead suggested that the problem was corrected by imposing a prospective measure, precluding future challenge to the dissolution. However, the Scottish Government appears to be satisfied that by granting retrospective effect to the Order, this will have the same effect. We would suggest that further consideration is given to this issue to ensure that it does not result in unintended consequences for succession rights, pension entitlements, tax liabilities and benefit rights, as well as the future status of any civil partnership (or same-sex marriage) subsequently entered into.

The committee welcomes the decision not to proceed with the repeal of sections 3(3) and (4) of the Family Law (Scotland) Act 2006, while the provisions at section 29 of the Act conferring rights on cohabitants as drafted are restrictive in their terms.

**Part 3 – Marriage and Civil Partnership: other provision**

Section 26 removes the common law offence of bigamy and replaces it with a new statutory offence with a maximum of 2 years’ imprisonment on indictment (12 months on summary conviction) and a maximum fine of £10,000. We are pleased to note that these penalties are higher than those that were put forward at consultation stage (imprisonment not exceeding three months or to a fine not exceeding level 3 on the standard scale or both), as it is our view that bigamy is a serious offence, which can have potentially a very damaging effect on the parties involved.

**Part 4 – Change of Gender of Married Persons or Civil Partners**

Schedule 2, as introduced by section 27, introduces the concept of a “statutory declaration of consent” in relation to the issuing of a gender recognition certificate (GRC) to a person, namely a statutory declaration by the person’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate. While we appreciate that the bill aims to balance the interests of the transgender person and his/her spouse, we would ask the Scottish Government to satisfy itself that this provision could not have the unintended consequence of prolonging a transgender individual’s transitioning process by effectively placing the power to obtain a GRC in the hands of his or her spouse, and potentially contravening his or her right to gender recognition under Article 8 of the ECHR.

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\(^3\) SSI 2012/111

\(^4\) The external evidence requirement was dropped for divorces under the simplified procedure by the Evidence in Divorce Actions (Scotland) Order 1989 but no equivalent dispensation was given for simplified dissolutions.
The Scottish Government recognises that having to divorce or dissolve a civil partnership where one party to the relationship is seeking a GRC can lead to the loss of some accrued rights. The provisions in sections 27 and 28 seek to ensure that this is not the case if both parties wish to stay in a “legally recognised relationship”. Following the Family Law (Scotland) Act 2006, cohabiting couples now also have a legally recognised relationship; however, the bill doesn’t make provision for spouses/civil partners where one party seeks a GRC who may wish to stay together but would prefer to cohabit rather than marry or enter into a civil partnership. For the sake of parity, such couples should be able to make financial claims as cohabitees and should have the full extent of their relationship recognised for the purpose of determining what their entitlements are upon separation or death.

Part 5 – Registration Services

We have no comment to make on this part.

Part 6 – General Provisions

We have no comment to make on this part.

Katie Hay
Law Reform
The Law Society of Scotland
23 August 2013

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5 The Marriage and Civil Partnership (Scotland) Bill: A Consultation, Annex D, page 53
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Two consenting adults in love and wishes to marry should have no impact on anyone except the two concerned. Future generations will learn that it's possible to love and marry the person they choose. It's all about a better future for everyone.
Would you like to comment on the wider issue of freedom of speech?
Very important to have but what is freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Bryan Lee-Chan
17 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Paul Leinster
16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group
a private individual

Ross Harrison
LGBT Bristol
21 August 2013
How would you characterise your views on the Bill in general?

In support

LGBT Labour Scotland strongly supports and welcomes the bill. We believe the legislation will be a huge step forward for equality in Scotland, and that it provides a balance between equality and freedoms of religion and speech. We believe it is the right time to introduce full marriage equality. It is a debate that is being had across the world and has the overwhelming support of the LGBT community and widespread support amongst the public. When this bill does pass, it will mean another major step towards equality for everyone regardless of your sexual preference. We do believe that some parts of the bill could still be improved further - we outline these in the responses to questions 7, 8 and 11 below.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

LGBT Labour Scotland believes that the introduction of same sex marriage in Scotland sends the message to all that we live in a modern and inclusive Scotland. It is vital that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. We believe the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is correct. The bill applies the existing meaning of adultery as evidence for divorce, to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery; other forms of sexual infidelity, with a person of the same sex (or opposite sex), can instead form the basis of a divorce under the “unreasonable behaviour” rule. We agree with the approach taken which applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages, and allows divorce on grounds of sexual infidelity for all marriages. As there is no consummation requirement for marriage in Scotland there is no need for the bill to address this for same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support
LGBT Labour Scotland welcomes that the bill clarifies that belief celebrants will be on equal footing with religious celebrants and that other organisations similar to the Humanist Society can also apply to conduct marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

LGBT Labour Scotland believes that the bill upholds freedom of religion and that this should be applied to both groups of celebrants and that religious and belief organisations should be free to decide whether to perform only mixed-sex marriages, or same-sex marriages as well. We believe it is fundamental to liberty that churches should make their own decisions. That of course includes the right of those churches/faiths (such as the Unitarians, Quakers and Liberal Judaism) that wish to undertake same-sex marriage to be able to do so. We think that the opt-in procedures in the bill are the best way to do this and with the amendments to the Equality Act 2010, which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. We also believe that there should be an amendment to the bill, to allow religious and belief bodies that want to, to use the gender-neutral form of marriage ceremony for mixed-sex couples who would prefer that. Some religious organisations will want to use the gender-specific terms “husband and wife” for all their marriages, and they should be free to do so. And those terms should continue to be available for couples that want to use them. We strongly believe that this is particularly important for mixed-sex couples where one or both is transgender or intersex.

How would you characterise your views on civil partnerships changing to marriages?

In support

We are fully supportive of the bill’s proposal to allow couples in civil partnerships to convert their partnership into a marriage and research from the Equality Network shows that most couples in civil partnerships would want to convert to a marriage by means of a hassle-free administrative procedure. However, we note with concern that only couples whose civil partnership was registered in Scotland will be able to convert their partnership into a marriage will be able to do so in the manner outlined above. Couples who had their ceremony registered in another country and who have subsequently moved to Scotland will in effect have to dissolve their civil partnership in order to convert it to marriage. In order for a civil partnership to be dissolved, the couple would have to prove that the partnership is beyond repair by living apart for one year. If the couple returns to the country where they registered their partnership, if that country does not recognise same-sex marriage, they will still have to dissolve their partnership. LGBT Labour Scotland believes this is deeply unfair and recommends that all couples in civil partnerships be allowed to convert to a marriage by the same procedure.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

We welcome this proposal.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Although we imagine most of our members would prefer a civil marriage, religious marriage or civil partnership, we welcome the option of religious and belief registrations of civil partnerships being there for those who wish to take advantage of it. This option may be of benefit to same-sex couples with religious beliefs who would rather have a civil partnership rather than a marriage and churches who are not happy about performing same-sex marriage but would be comfortable with religious and belief registrations of civil partnerships.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

LGBT Labour Scotland strongly supports allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. However we believe that there are amendments needed to the parts of the bill that deal with gender recognition. At the moment, unamended, the bill will allow a married person to require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively “veto” the trans person™s gender recognition, or at least to delay it while the trans person applies for a divorce. The spousal consent provision in the Marriage (Same Sex Couples) Act generated a great deal of criticism from trans people during the passage of the Act at Westminster and has led to many trans people feeling deeply unhappy about the legislation as enacted. We therefore strongly believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. We think that the bill is also currently missing a provision that was added to the corresponding legislation at Westminster, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. LGBT Labour Scotland understands that when a person has been transitioned for a long time, it can be very difficult to obtain all the medical evidence as they may no longer be in contact with their medical team. We believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill; this would assist the Gender Recognition Panel as well as applicants. We would also
like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland to 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

LGBT Labour Scotland believes the bill makes a good balance between giving equal rights to the LGBT community and those who are not members of the LGBT community. However, we note with concern certain proposals to allow registrars to be able to opt out of performing a same-sex marriage on account of the celebrant’s own personal religious beliefs. We are firmly opposed to such an idea. When conducting a ceremony, registrars are acting on behalf of the state, not a religious organisation, and we would therefore expect them to perform a same-sex marriage if it is legal in the eyes of the state to do so. Allowing registrars to opt out of performing same-sex marriages because of their own prejudices sets a very dangerous precedent. It could lead to practitioners in the public service, e.g. doctors, nurses, etc. picking and choosing whom they want to treat on the basis of their own personal religious beliefs and LGBT Labour Scotland believes that this would send a perverse message that service provision for LGBT people should fall outside of these parameters. The present system which does not give registrars an opt-out for civil partnerships, works well and we see no reason why this should be any different for performing same-sex marriages. There have also been calls for teachers to be able to opt-out of discussing same-sex marriage and for parents to be able to withdraw their children from lessons discussing it. We are firmly opposed to this proposal as it is very much akin to reintroducing Section 2A of the Local Government (Scotland) Act of 1986 which the Scottish Parliament repealed in 2000. Pupils should be prepared for the world they live in. Same-sex marriages will be part of that and the chances are they will encounter them during their lives. As part of a comprehensive education that should be aware that such marriages exist on an equitable basis as others. The focus of teachers should be holistic education of the children in their charge, not their own views. We note that opt-outs are not available where other issues contentious for some people, such as divorce, are discussed.

Would you like to comment on the wider issue of freedom of speech?

We believe that the bill will have no negative effect on freedom of speech, as section 14 of the bill outlines. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill clarifies that it is not a crime to disagree publicly with same-sex marriage. The case of Smith v. Trafford Housing Trust has also clearly demonstrated that it is against the law for an employer to take action against an employee simply because they say publicly that they disagree with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

We strongly believe that the bill is a huge step forward for equality, but recognise that it does not introduce full equal marriage. The main thing missing from the bill is the introduction of mixed-sex civil partnerships. We believe that the same choices; marriage or civil partnership, should be open to all couples regardless of their
gender. Many people in our modern society are uncomfortable with some of the connotations of marriage; it seems only fair that people are given the choice. We seek to move towards a society whereby institutions are not available based on who you love; but open to all. Everyone in the country should be able to decide whether they wish to marry or instead to enter into a civil partnership. We therefore welcome the Scottish Government’s public commitment to conduct a review of civil partnership law and we believe that the review should start without delay, and once it is complete, there should be legislation brought forward to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, we understand that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. LGBT Labour Scotland strongly feels that this is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government has the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete.

Are you responding as...

an LGBT group

LGBT Labour Scotland
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
FURTHER SUBMISSION FROM LGBT SCOTLAND

I. Details on witness and organisation

LGBT Youth Scotland is the largest youth and community-based organisation for lesbian, gay, bisexual and transgender young people in Scotland. Our mission is to ‘empower lesbian, gay, bisexual and transgender young people and the wider LGBT community so that they are embraced as full members of the Scottish family at home, school and in every community.’

Brandi Lee Lough Dennell is the Policy and Participation Manager within the Policy and Mainstreaming Team at LGBT Youth Scotland.

II. Facts and views on the Bill that will be presented

A. The Marriage and Civil Partnership (Scotland) Bill is a positive piece of legislation
   i. LGBT young people’s comments on what the introduction would mean for them show that they support the Bill.
   ii. Improves access to equality based on sexual orientation and gender identity while increasing and protecting religious freedoms.
   iii. Has the potential to greatly increase LGBT inclusion in society; particularly in education. Research on inclusive educational experiences and LGBT young people’s views on the positive changes in the learning environment that they expect to see as a result of the Bill.

B. Education
   i. The existing legal protections for teachers and other professionals are sufficient and Section 14 should remain in the Bill.
   ii. LGBT visibility in educational teaching and the role PSE plays in providing vital information.
   iii. Importance of not privileging the views of adults over the views and needs of young people when considering sexual-health class opt-outs. Includes responses on consultation with LGBT young people on their desire to opt-in to classes.
      a) Role of teachers to consider young people’s rights and well-being, particularly in regards to the Health and Wellbeing Outcomes in Curriculum for Excellence.
C. Transgender and Bisexual people may face discrimination under Bill
   i. Gender neutral language is important for all schedules and certificates
      a) Transgender individuals, particularly androgyne people and transgender people who do not wish to apply for a GRC, may be forced to use gendered language with which they do not identify (based on their legal documents).
   ii. The review on mixed-sex civil partnerships must take place
      a) LGBT young people have raised the issue since 2009.
      b) Comments from LGBT young people
   iii. Age of Gender Recognition Certificates
      a) This should be changed in Scotland to reflect the legal age of capacity of 16 within Scots Law.
      b) Transgender young people who have lived in acquired gender prior to age 16 face the choice between waiting for marriage and entering into a marriage with legal documents prior to GRC. This means that they will have to later re-register with updated information.
      c) Quotes from young people who have delayed marriage until old enough to apply for GRC.

For more information on LGBT Youth Scotland’s views on the Bill, please see our organisational written evidence.

Brandi Lee Lough Dennell
Policy and Participation Manager
LGBT Youth Scotland
15 August 2013
How would you characterise your views on the Bill in general?

In support

The Liberal Democrats were the first major party and the first party of Government to adopt same-sex marriage as policy, and that began with the Scottish Liberal Democrats. This Bill takes Scottish law closer to Liberal Democrat policy. Our major concern is that the amendments to the 2004 Gender Recognition Act introduced by Schedule 2, section 3 of this Bill introduce a "spousal veto". This allows somebody to block their spouse's acquisition of a full Gender Recognition Certificate. Gender changes often can lead to breakup of marriage, and those situations may be bitter and acrimonious. It is wrong that an antagonistic spouse could delay both full GRC and then divorce to make life as difficult as possible for the spouse seeking gender recognition. We believe that it is sufficient that a spouse changing gender without the consent of their partner would be grounds for divorce, which does not need to block the applicant's gender recognition process. We are also disappointed that the Scottish Government, despite promising initial indications, is not planning to introduce mixed-sex Civil Partnerships with this Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

We believe that there is no good reason to restrict the legal institution of marriage from same-sex couples. We believe that the current segregation encourages homophobia. We further believe that there is no good reason to restrict willing religious and faith organisations and their willing celebrants from conducting religious and faith-based marriage ceremonies for same-sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Liberal Democrat party policy is to enable belief celebrants to conduct weddings on the same footing as religious celebrants.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

We have concerns about the lack of symmetry between authorising bodies. If a religious or belief celebrant does not wish to solemnise a same-sex marriage, even when their religious or belief body permits this, then they are not compelled to do so;
we support this. However, if a celebrant wishes to solemnise a same-sex marriage when their religious or faith body does not, then they are not permitted to do so, and this seems unfair. In one case, the wishes of the celebrant are allowed to override the position of the body; in the other they are not.

**How would you characterise your views on civil partnerships changing to marriages?**

**In support**

Many same-sex couples had civil partnerships when they were the only institution available, as they were better than nothing, but would have preferred to marry. We believe that those couples should be able to convert their civil partnerships into marriage with a minimum of expense and effort. However, there are those couples who prefer the legal and social standing of the institution of civil partnership to that of marriage, and they should not be compelled to convert. Similarly, civil partnerships should be available to all couples regardless of gender. We believe that all civil partnerships recognised in Scotland, no matter where they were registered, should be eligible for conversion into a same-sex marriage under Scottish law.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

**In support**

This seems like a sensible reduction in unnecessary regulation which will give couples more flexibility.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**In support**

It is entirely possible that people may have religious faith and wish to be joined in union in the context of that faith, but prefer the legal and social implications of a civil partnership than those of marriage. As Liberals, we cannot see a good reason not to permit this.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**In support**

We have a major concern with the amendments to the Gender Recognition Act which will allow a spouse to veto an applicant from being awarded a full Gender Recognition Certificate. By the time an applicant is able to even apply for a GRC, they have been living as their acquired gender for at least 2 years. This should not come as a surprise to the spouse and by this point the spouse has had ample opportunity to divorce the applicant. It would be wrong to allow a vindictive or spiteful spouse the opportunity to hamper the applicant’s right to gender recognition in this
way. We also believe that "fast track" procedures for people who have been transitioned for a long time should be permitted.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We believe that the Bill provides ample protections for people who do not wish to perform religious same-sex marriages. We believe that people carrying out civil same-sex marriages are not taking part in a faith or belief ceremony and therefore should not be allowed to refuse on the grounds of religious conviction.

Would you like to comment on the wider issue of freedom of speech?

We believe it is right that people who disagree with same-sex marriage should be able to express that disagreement, provided they do not do so hatefully, incite violence or so on. We believe that that right is strongly protected by this legislation and support that.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

We believe that the Bill presents a good opportunity to correct a historical injustice. Prior to this Bill, married trans people were forced to divorce in order to obtain legal gender recognition, adding the pain of divorce to the stress of transition. Happily this will no longer be the case thanks to this Bill. We believe that there should be some process of restitution for people forced to divorce, particularly those who immediately entered into civil partnership with their former spouse. If these couples should convert their civil partnership into a same-sex marriage, the effective date of the marriage should not be that of the civil partnership (as per clause 9.1.b of the Bill), but the date of the original marriage. We are aware of recent legal developments in the UK and abroad towards recognition of people who do not identify as male or female, including increasing international adoption of the "X" gender marker on passports. We believe that it would be sensible for this legislation and its explanatory notes to allow for situations where one or both parties to a marriage or civil partnership is neither male nor female and what this implies for a "same-sex" or "mixed-sex" union.

Are you responding as...

an LGBT group

Dave Page
LGBT+ Liberal Democrats
22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protections should be in place so that no-one is forced to change a belief that marriage is only between a man and a woman. However, for those providing a
public service they should not be able to refuse service to a couple just because they happen to be of the same sex.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The time has come for equal marriage. Opinion polls show consistently that the majority of people are in favour of it. In Scotland, legalising same sex marriage would mean that the Scottish law will catch up to the law of England and Wales.

Are you responding as...

an LGBT group

Matthew Sephton
LGBTory - The Conservative LGBT group
20 August 2013
How would you characterise your views on the Bill in general?

In support

LGCM (Lesbian and Gay Christian Movement) strongly supports and welcomes the bill. It will be a huge step forward for equality in Scotland, and it balances equality with respect for freedom of religion and freedom of speech.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

LGCM has campaigned for the introduction of same-sex marriage for many years, because LGBT people across Scotland have told us how important that is for them, especially LGBT people of faith who have been denied the opportunity to celebrate their relationships before God and with their community of faith. It is very important that the bill does not create two different versions of marriage, same-sex marriage and mixed-sex marriage, because that would lead to continued discrimination. The law should treat all marriages the same, regardless of the genders of the spouses. We welcome that the bill achieves that, with the exceptions of the arrangements to allow religious and belief bodies to choose to conduct mixed-sex marriages only, and the outdated rule of law that in a mixed-sex marriage the wife cannot be charged with resetting goods stolen by her husband. The treatment of those issues in the bill is appropriate. We also note that the bill applies unchanged the existing meaning of adultery as evidence for divorce, to same-sex and mixed-sex marriages. Under the existing law, sexual intercourse with a person of the opposite sex is adultery; other forms of sexual infidelity, with a person of the opposite sex or the same sex, do not fall within the existing legal definition of adultery but can form the basis of a divorce under the unreasonable behaviour rule. We agree with the approach taken in the bill, which applies the law on adultery and other sexual infidelity equally to same-sex and mixed-sex marriages, and allows divorce on grounds of sexual infidelity for all marriages. In Scotland, there is no consummation requirement for marriage, and so there is no need for the bill to address this for same-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages. The bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages. We welcome this.
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

We agree that religious and belief organisations should be free to decide for themselves whether to solemnise only mixed-sex marriages, or same-sex marriages as well. Some religious bodies want to conduct same-sex marriages, including the Quakers, Unitarians, Metropolitan Community Churches, Liberal Jews and others. Other religious bodies, including the larger churches, do not want to conduct same-sex marriages. Religious freedom should apply to both groups, and the bill gets the balance right. However, it is important that where there are shared premises that one group does not have the right veto the ability of another group to opt in. We think that the opt-in procedures in the bill are the appropriate way to do this, and, together with the amendments to the Equality Act 2010 which have been agreed with the UK Government, protect the religious freedom of religious bodies and of their members who participate in marriage ceremonies. We think that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the “husband and wife” gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

From consulting with many people in civil partnerships, we know that at least half are likely to want to change their civil partnership to a marriage. Some couples who want to change would like to do so by marrying in the usual way, in a civil ceremony or a religious or belief ceremony conducted by an organisation that chooses to conduct same-sex marriages. However, many couples in civil partnerships would prefer to change their civil partnership to a marriage via a simple and inexpensive administrative procedure they have already had their big ceremony when they had their civil partnership. The bill provides both those ways of changing a civil partnership to a marriage, which we welcome. However, in the bill, couples who are already in a civil partnership can only convert to a marriage in Scotland if their civil partnership was registered in Scotland. Clearly the lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but we see no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland in the usual way. Not allowing this would cause real problems for couples who registered a civil partnership abroad and then moved to Scotland. They will be unable to change to a marriage unless they first dissolve their civil partnership. But that requires proving that the civil partnership has irretrievably broken down, by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. Even if they return to the country where they registered their civil partnership, if that country does not allow same-sex marriage, they would need to dissolve their civil partnership there in a
similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying. In contrast, same-sex couples from any part of the world who are not in a civil partnership will be allowed come to Scotland to marry, whether or not that marriage would be recognised in their home country. We see no reason why this should not also apply to couples who are already in a civil partnership, and we believe that the bill should be amended to allow this.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

**In support**

This is not specifically an issue for LGBT people, but we welcome the additional flexibility that will be allowed in choosing the location of civil marriage ceremonies.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**In support**

Allowing the registration of civil partnerships in a ceremony conducted by a religious or belief body that chooses to do so, is important as there are some religious bodies that would not wish to conduct same-sex marriages, but would be prepared to offer religious civil partnership ceremonies to same-sex couples who are their members. There may also be some couples with religious beliefs who would prefer a civil partnership to a marriage as they feel this type of contract is more relevant to how they understand their relationship.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**In support**

Absolutely!! We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. In our view, however, a number of amendments are needed to the parts of the bill that deal with gender recognition. As the bill stands, a married person will require the consent of their spouse to obtain gender recognition. This enables the spouse to effectively veto the trans person’s gender recognition, or at least to delay it while the trans person applies for a divorce. If the relationship between the spouses is difficult, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition in their true gender. When a trans person applies for gender recognition, they have already been living in their acquired gender for at least two years. Obtaining gender recognition does not therefore change the practical nature of their marriage, which has been same-sex for at least two years. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it
is a matter personal to the trans person, and has no direct effect on their spouse. It is the re-registration of the marriage after gender recognition where both spouses have a direct interest, and where a requirement for the consent of the trans person’s spouse would be appropriate. We therefore believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. When a person has been transitioned for a long time, it can be very difficult indeed to obtain all the medical evidence that is required from people who have only been transitioned two years. The doctors involved may have retired or even died. We therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill; this would assist the Gender Recognition Panel as well as applicants. We would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (e.g. the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. We would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’ organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. We would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned.
Opt-outs are not available from lessons where divorce or abortion are mentioned, which are equally controversial for some people. We have developed a lesson plan to deal with this topic for use in secondary school and can be found at www.faithandsexuality.co.uk

**Would you like to comment on the wider issue of freedom of speech?**

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage. The case of Smith v. Trafford Housing Trust demonstrates clearly that it is against the law for an employer to take action against an employee simply because they say publicly that they disagree with same-sex marriage.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. We believe that the same choices – marriage or civil partnership - should be open to all couples regardless of their gender. We therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnerships. We believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage. Finally, we note that the regulation of private sector pension schemes is reserved to Westminster, and that under the current rules, private sector pension schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is clear discrimination, and the UK Government has agreed to set up a review of the situation, to report by July 2014. The UK Government have the power to change the rules on this by statutory instrument, and we strongly believe that they should do that once the review is complete.

**Are you responding as...**

- a faith/belief-based organisation
- a faith/belief local group or congregation
- an LGBT group

Rev Sharon Ferguson
LGCM
21 August 2013
How would you characterise your views on the Bill in general?

In support

As a Scottish Liberal Democrat, I am pleased to see a Bill that takes the law closer to the policy the party adopted. It's not perfect, but it is a better Bill than that passed south of the Border. I hope that the Government will consider amendments on the following: My biggest concern is that the amendments to the 2004 Gender Recognition Act introduced by Schedule 2, section 3 of this Bill introduce a "spousal veto". This allows somebody to block their spouse's acquisition of a full Gender Recognition Certificate. Gender changes often can lead to breakup of marriage, and those situations may be bitter and acrimonious. It is wrong that an antagonistic spouse could delay both full GRC and then divorce to make life as difficult as possible for the spouse seeking gender recognition. I believe that it is sufficient that a spouse changing gender without the consent of their partner would be grounds for divorce, which does not need to block the applicant's gender recognition process. I would like to see the bill amended to see the introduction of mixed-sex Civil Partnerships with this Bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

For me, it's very simple. If two people want to formalise their union in some way, then any option to do so should be open to them regardless of their gender. To have one system for a man and a women, and another for two men or two women is totally discriminatory and invites prejudice. I'm equally comfortable with mixed sex civil partnership and same sex marriage. They are slightly different institutions and I think that mixed sex civil partnerships could appeal to people for whom marriage represents a takeover of the woman's rights and identity.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

There is no reason not to allow this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I think there should be more symmetry between authorising bodies. If a religious or belief celebrant does not wish to solemnise a same-sex marriage, even when their
religious or belief body permits this, then they are not compelled to do so; I support this. However, if a celebrant wishes to solemnise a same-sex marriage when their religious or faith body does not, then they are not permitted to do so, and this seems unfair. In one case, the wishes of the celebrant are allowed to override the position of the body; in the other they are not.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

Many same-sex couples had civil partnerships when they were the only institution available, as they were better than nothing, but would have preferred to marry. We believe that those couples should be able to convert their civil partnerships into marriage with a minimum of expense and effort. However, there are those couples who prefer the legal and social standing of the institution of civil partnership to that of marriage, and they should not be compelled to convert. Similarly, civil partnerships should be available to all couples regardless of gender. We believe that all civil partnerships recognised in Scotland, no matter where they were registered, should be eligible for conversion into a same-sex marriage under Scottish law.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

As a liberal, I see no sensible reason why people should not get married where they wish. Why would the State wish to restrict such a thing?

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

As a liberal, again, I think that it should be up to the couple to decide whether they want a marriage or civil partnership, and whether that is enacted in a religious or belief set up. The state should permit any combination.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

On this I support the position of LGBT + Liberal Democrats which states: "We have a major concern with the amendments to the Gender Recognition Act which will allow a spouse to veto an applicant from being awarded a full Gender Recognition Certificate. By the time an applicant is able to even apply for a GRC, they have been living as their acquired gender for at least 2 years. This should not come as a surprise to the spouse and by this point the spouse has had ample opportunity to divorce the applicant. It would be wrong to allow a vindictive or spiteful spouse the
opportunity to hamper the applicant’s right to gender recognition in this way. We also believe that "fast track" procedures for people who have been transitioned for a long time should be permitted.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

There are more than enough protections for those who religious celebrants to perform same sex marriages. I would oppose any attempt to give civil registrars the ability to opt out of performing same sex marriages. As public servants, they should be obliged to give, without fear or favour, their service to anybody who legally seeks it.

**Would you like to comment on the wider issue of freedom of speech?**

If people wish to say that they don't agree with same sex marriage, then that should be their right to do so. Inciting hatred or violence, however, should not be tolerated.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I endorse what LGBT+ Liberal Democrats have said in their submission: "We believe that the Bill presents a good opportunity to correct a historical injustice. Prior to this Bill, married trans people were forced to divorce in order to obtain legal gender recognition, adding the pain of divorce to the stress of transition. Happily this will no longer be the case thanks to this Bill. We believe that there should be some process of restitution for people forced to divorce, particularly those who immediately entered into civil partnership with their former spouse. If these couples should convert their civil partnership into a same-sex marriage, the effective date of the marriage should not be that of the civil partnership (as per clause 9.1.b of the Bill), but the date of the original marriage. We are aware of recent legal developments in the UK and abroad towards recognition of people who do not identify as male or female, including increasing international adoption of the "X" gender marker on passports. We believe that it would be sensible for this legislation and its explanatory notes to allow for situations where one or both parties to a marriage or civil partnership is neither male nor female and what this implies for a "same-sex" or "mixed-sex" union."

**Are you responding as...**

a private individual

Caron Lindsay
23 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is meant to be a loving relationship between a man and woman whose bodies are naturally designed to be able to produce children who then can be brought into a family with a father and mother which same sex couples although caring for one another cannot do.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Belief celebrants can develop and change their views but religious celebrants are meant to follow a religion which is meant to be followed and not initiated by their own ideas but the teachings of the founders or teachers of their faith.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

It seems that legal rights of same sex couples are given to them in civil partnership

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Very important that one can express ones views pro or anti .Seems that people can be victimised unjustly and

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mary Linton
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Eilidh Little
21 August 2013
How would you characterise your views on the Bill in general?

In support

Everyone should have the right to marry the person they love regardless of gender or sexual orientation

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Sexual orientation should not prevent two people in love getting married

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

But only if the religious body was not being forced to perform it

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Gordon little
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition

People should still have the opportunity to have civil partnerships if they would prefer. They might have political objections to the notion of marriage given that it has developed out of an arrangement whereby the woman becomes the man's property (for example).

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

While people are entitled to their views whether those are religious, moral etc, where those views support the oppression or discrimination against minority groups then society should do nothing to accommodate those views/beliefs.

Would you like to comment on the wider issue of freedom of speech?

I support freedom of speech, but like all freedoms it has its limits (eg don't shout fire in a crowded theatre). However, I think people should be free to say that they don't support gay marriage, but people should also be free to criticise those people and say that they are mistaken.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

MON THE GAYS

Are you responding as...

a private individual

Marc Livingstone
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Beth Lloyd
16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Raychel Lloyd
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

I believe all celebrants should be required to be registered by the State, and in order for the marriages they conduct to be recognised by the State, the ceremony they perform should be accepted by the State as being in accordance with the Law. I believe religious ceremonies are for the Churches to determine, but if not conducted by someone qualified and registered by the State, they should have no more standing than any other ceremony conducted by a club. So, all celebrants should be on the same footing, but should meet the same State requirements, whether or not they are religious.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

I believe that should be a matter for the Churches and their members who are in Civil Partnerships
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Providing both partners in a marriage which was formerly heterosexual wish to remain married, and that the partner who has retained birth assigned gender recognises and accepts the acquired gender of the other

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

One day, I hope Churches will accept a range of equality legislation from which they are currently exempt. Currently, some churches are unlikely to do so. I do not think the State should recognise the marriages conducted by these Churches or their celebrants, unless and until the Churches recognise all marriages conducted by the State

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mary Lockhart
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM EDWARD LOVE

How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Edward Love
13 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM MARCAS MAC AN TUAIIRNEIR

How would you characterise your views on the Bill in general?
In support
Get on with it.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Get on with it.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
Get on with it.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Get on with it.

How would you characterise your views on civil partnerships changing to marriages?
In support
Get on with it.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Get on with it.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Get on with it. This bill was passed in England and Wales months ago. There is no valid reason why it has taken so long up here, besides the ridiculous assertion that everything in Scotland should be done 'differently' to that in England for the sake of it. Equal marriage has been used as a bargaining tool for all parties in the UK for years. I'm sick of that. My liberty isn't a tool to boost your PR. If the SNP government wants to strengthen Scottish identity, perhaps it should have considered allowing me to fill in this form in Gaelic, as per the Gaelic Language (Scotland) Act 2003. I'm sick of being told that x is Scottish because it's not English. Emancipate Scotland using it's own culture, not by putting it into some ridiculous historical rivalry with its neighbours. It's about time the SNP started to pull their finger out instead of laying the blame for all Scotland's ills at Westminster's door.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Marcas Mac an Tuairneir
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

This is introducing an absurdity in the law.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage requires a man and a woman. Nothing else will do. Unions between same sex couples will never be marriages whatever they call them. Legislators would do well to remember that you can can fool some of the people some of the time, you can fool some of the people all of the time but you can't fool all of the people all of the time.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Provided the individuals concerned had been properly married in the first place and both agreed to remain so after the change in circumstances.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protection for individuals and organisations who oppose controversial legislation is difficult to frame in a watertight way with so many courts nowadays where these provisions can be challenged. Better not to have the controversial legislation in the first place.

Would you like to comment on the wider issue of freedom of speech?

Individuals have already been pilloried and persecuted for stating opposition to same sex marriage and the education aspects that come with it. This is even before the legislation is put in place. What will it be like afterwards? It used to be said in this country about freedom of speech "We might not agree with what you say but we will fight for your right to say it".

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I am old enough to remember the second world war if not quite old enough to have taken part in it and I do remember the reasons given at the time for fighting it i.e. to preserve world freedom, freedom from fear, freedom of speech and freedom of religion. This proposed legislation would seem to go a long way to undermining all of these especially considering that it was not included in any party's manifesto before the last election.

Are you responding as...

a private individual

Mr.F.J.MacConnell
23 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

The registration of civil partnerships may be necessary to protect property and inheritance issues but this would appear to be covered by previous legislation.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
As a retired primary school teacher I always taught according to the dictates of my conscience. Now teachers are being forced to teach against their conscience. If this bill becomes law then the so called safeguards can easily be overturned as evidenced by previous experience. This country fought for freedom of speech and freedom of religion. Are not these freedoms being compromised by the provisions of this bill?

Would you like to comment on the wider issue of freedom of speech?

See comments in Section 12

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mrs. Angela MacConnell
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM ANGUS MACDONALD

I wish to express my views in connection with the Call for Evidence on the Marriage and Civil Partnership (Scotland) Bill.

I believe that Civil Partnership is a newly constructed legal definition of just two people (for whatever reason) living together, whereas marriage has always been an institution, generally accepted in our Society, whose definition has never been subject to any debate or scrutiny by young or old, and has always been considered as a natural relationship for man and woman.

For that reason I totally oppose this Bill.

My objection is not directed against any person or people group, but rather against your redefining something which will have far reaching effects in our society. No law can exist in isolation.

I write as a private individual.

Angus MacDonald
24 July 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM DON MACDONALD

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Don Macdonald
14 August 2013
I write as a private individual and have read the policy on treatment of written evidence by subject and mandatory committees.

I wish to express my views in connection with the Call for Evidence on the above Bill.

I am not in favour of this Bill as I believe Civil Partnership and Marriage to be two different entities, both adequately provided for with legal benefits, but instituted for different purposes. Marriage has always been an institution generally accepted in our society as a basis for a relationship between man and woman, and whose definition for centuries has never been subjected to any debate by young or old. I do not believe the former can be changed to the latter.

I also believe that bringing in this new law would have repercussions on individuals who would, by the very nature of their jobs, be subject to a redefinition of their function and therefore would not have freedom of conscience on the matter. I could only foresee disruption, even litigation, in any sphere of work directly or indirectly affected by this change.

My objections are not directed at any person or group, but against this move to redefine marriage.

Sheila MacDonald
26 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It's quite simple about equality and allowing individuals and couples access the same options.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Moranne MacGillivray
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Loran macgregor
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Raymond Mackay
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Opt ins appear to provide sufficient protection I feel, but none for teachers or those performing civic ceremonies.
Would you like to comment on the wider issue of freedom of speech?

There appears to be legal precedent of the ability to legally disagree with same sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Lets get this done and on the statute book. We should in my view build an inclusive society in spite of those who seek to put aside their laudable, high sentiments to insist on intolerance and division.

Are you responding as...

a private individual

Bill Mackenzie
15 August 2013
How would you characterise your views on the Bill in general?
In support

I am very happy living with my partner as a lesbian couple. we would prefer to have equality and live like other people in an equal marriage

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
a public body

jennifer mackenzie
14 August 2013
How would you characterise your views on the Bill in general?

In support

I welcome the bill. As a person concerned with equality and inclusion in our society, I welcome the opportunity for same gender couples to have society and the law recognise their partnerships. I am delighted to think that the bill will give the rights to same gender couples that I enjoy now in my different gender marriage. Onwards to a fair society!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I would be delighted to see this as a legal right in Scotland. A fair society gives us all hope for the future.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I would like to see belief celebrants on a par with their religious colleagues. The reason for this is that I am not comfortable with the state selecting approved celebrants. I would expect all celebrants to attend to their duties to the law as is required of them.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

These seem to be in order...

How would you characterise your views on civil partnerships changing to marriages?

In support

This seems a fair idea, had they been available at the time I fell it's more than likely some civil partnerships would have been marriages. Let's let them get converted to married!
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

I feel this follows on logically form the main thrust of the bill.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

This bit of the bill seems overly restrictive, I don't want to see trans people having gender recognition denied and delayed. It appears the English bill contains a better way forward.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I oppose an opt out for registrars in this matter and teachers.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

William Mackenzie
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sarah Maclean
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Fraser MacLeod
21 August 2013
How would you characterise your views on the Bill in general?
In opposition

It is unnecessary. Civil partnerships provide the same rights as marriage. The results of the original consultation demonstrated that the majority of people in Scotland are opposed to same-sex marriage although responses were deemed invalid if they were not submitted on the official pro-forma. Many accepted the initial request for the electorate to let its views be known in any way and so signed petitions, sent postcards etc.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage is a unique relationship between a man and a woman in a lifelong union. Commitment and responsibility are key components. Under the new proposals for redefining marriage, adultery applies to traditional marriage only, so in fact there will now be two-tier marriage - which is not "marriage" at all, Children are a natural possibility in marriage, so children have a mother and father - both necessary in their upbringing. There are no long term studies on the effects of homosexual parenting; the short term studies, initiated by interested parties tend to give the desired results.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

In whichever category same-sex relationships may be placed, it cannot be marriage - they do not meet the criteria.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Cannot comment because I oppose redefining marriage.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Although there is protection for clergy and churches that oppose same-sex marriage, it is very likely that this will be challenged. In England a church is being sued and the Bill has not yet been ratified. Conscientious objection appears to be set aside in our society and people are losing jobs and being arrested for expressing rational opposition to same-sex marriage. (a terrifying experience for innocent people) Children in school will be exposed to educational material from Stonewall, which under the pretext of dealing with bullying is in fact promoting homosexuality at a time when young people can experience attraction to the opposite sex that passes as they grow up. According to the Bill parents would not be allowed to remove their children from classes because it will be cross-curricular. There appears to be little protection for the rights of ordinary people, religious or not, who do not conform!

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is undoubtedly in jeopardy if this Bill is passed. Conformity is essential, otherwise there will be unpleasant consequences. Public servants are being told to find other jobs at a time when unemployment is high, if they refuse to set aside their beliefs and silence their consciences. Without true freedom of speech there can be no democracy - a high price to pay for equality for one small section of society.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

The family, often referred to as the building blocks of society, is under threat. The destabilising effect of this Bill will provoke unrest in many ways and cause repercussions that only those with foresight can imagine.

**Are you responding as...**

a private individual

Murdina Macleod

12 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am in opposition to the Scottish Governments proposals to redefine the legal definition of marriage because I am a Christian who very strongly holds to the truth that God has defined marriage in his Holy Word contained in the Bible as being a lifelong

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Biblical marriage is a foundation of a stable society and of massive importance to bringing up children. Introducing Same Sex Marriage undermines and devalues the Biblical definition of marriage which will have further detrimental effects on society.

http://www.christian.org.uk/pdfpublications/childrenastrophies.pdf  (read p.127 onwards) The majority of the Scottish people do not want marriage redefined and it is scandalous that the Scottish Government has ignored that fact as shown by its consultation.

http://www.christiantoday.com/article/gay.marriage.consultation.makes.a.mockery.of.democracy/29477.htm  Also the majority of Gay men and women do not see same sex marriage as a priority so why is the Government pushing it through Parliament? See views of Russel Grant, Rupert Everett etc for evidence.


How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Christian Ministers must be protected by the law from intimidation, and threat of being sued if they refuse to take part in a same sex marriage ceremony. Christian men and women who are marriage registrars must also be protected by the law if they exercise their freedom of conscience and exercise their right not to take part in a same sex marriage union based on their Christian beliefs that same sex marriage is Unbiblical and wrong in God's eyes. How can the Scottish Government guarantee that Christians will be protected by the law when recent cases like that of Lilian Ladelle the Christian Marriage Registrar who lost her job for refusing to take part in a Civil Partnership show that sexual rights trump religious beliefs?

http://www.christian.org.uk/issues/2012/ladele/  At the moment your promises of protection, based on recent cases such as this one, are at best highly questionable and at worst worthless.
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Can you guarantee that these arrangements (including opt-in procedures) will stand up to legal challenge, and will not be overruled by the European Court of Human Rights? Especially when recent cases like Lillian Ladelles (among many others) show that Christians rights are not valued by the European Courts.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Changing the law so that Civil Partnerships could change to Same Sex Marriages would cost the tax payers of Scotland a fortune! And this in the midst of a recession!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Same Sex Marriage is wrong full stop. I, and my Christian brethren, are against it becoming legal no matter what premises it would be carried out on.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

If this refers to the 'opt in' procedure then I am against it as I said previously. If a church or denomination decides to 'opt- in' to allow same sex marriage within its buildings what happens to the individuals in that church who disagree with same sex

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

If a man or a woman has a 'sex change' operation then it is ridiculous for them to stay married to their spouse and have the new sex on the marriage certificate. What would it say Mr & Mr or Mrs & Mrs?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Christians are currently being persecuted in the UK for holding to the Biblical definition of marriage. So far a Christian police chaplain has lost his job for expressing his support for Biblical marriage [http://www.christian.org.uk/news/police-chaplain-dumped-for-opposing-gay-marriage/] also a primary school teacher was threatened with dismissal for objecting to having to teach from a same sex marriage children's book and parents wanting to withdraw their own children from a history lesson about gay marriage were refused and told that it is the schools legal duty to promote equality [http://www.christian.org.uk/news/compulsory-gay-marriage-lessons-in-schools/]. Also Christian foster carers have their application to foster refused because of their not supporting same sex marriage [http://www.christian.org.uk/news/cameron-wades-into-christian-foster-row/] also churches have been refused the hire of council owned community centres for holding to a Biblical view of marriage. These are just a handful of the cases of current persecution that Christians in the UK who hold to a Biblical view of Marriage and therefore do not support same sex marriage have faced. REDACTION admitted to me in an email that he does not see how the law can protect Christians from prosecution if they object to same sex marriage based on their freedom of conscience and religious beliefs. I ask you again, how can you promise that Christians will be legally protected when all the current evidence says that Christians are and will be prosecuted for holding to a Biblical view of marriage?

Would you like to comment on the wider issue of freedom of speech?

Freedom of Speech was fought and died for in this country by our forefathers. As a Christian I support and pray for the Government, I pay my taxes and I try and work hard and be a good citizen of this country. But if the Government brings in a law that is contradictory to what the Bible teaches then I must go with what the Bible says. The Bible teaches that marriage is between one man and one woman for life for the procreation and raising of children (Genesis 1-3, 1 Corinthians 7). Same sex marriage goes against what God says so I oppose it. This does not mean that I do not love men and women who are gay because I do and I would defend any gay person from bullying etc. I am commanded by God to love everyone I come across and I try to by his Grace and mercy. Part of loving someone is telling them the truth. And I as a Christian have a duty to love and tell others that Jesus Christ came to save sinners and that if you 'believe the Lord Jesus you shall be saved.' Acts 16:31. Over the last 5 years or so there have been a number of cases of Christian evangelists being wrongly arrested for preaching the Good News of the Gospel that Jesus Christ came to save sinners, especially if they have mentioned at all that homosexuality is a sin in Gods eyes [http://www.christianpost.com/news/american-evangelist-arrested-in-london-for-preaching-homosexuality-is-a-sin-99420/] What is the Scottish Government going to do to uphold freedom of Speech in Scotland and ensure that these disgraceful instances of Christians being arrested for preaching never occur again?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I pray that you will do what God wants which is to keep the legal definition of marriage in Scotland as the Biblical definition of marriage. May God bless you all and have mercy on your souls in Christ Jesus.
Are you responding as...

A Christian Scottish Man

Alasdair BM Macleod
9 July 2013
How would you characterise your views on the Bill in general?
In opposition

I feel that the role of marriage is between a man and a woman, redefining marriage is unnecessary as civil partnerships exits and this puts a lot of time and money that could be better spent elsewhere (eg health, education etc)

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Marriage is an act between one woman and one man, this pre dates the law of the nation and even our national church. It is not clear what new rights this new marriage set up will give those in same sex partnerships that they do not have already other than opening up a clear avenue where the church leaves itself open to legal action if it holds to the scripture rather than the law of the land.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

As stated earlier, I feel that the definition of marriage is between one man and one woman. Changing this could result in further alterations such as the legalisation of poly-amorous marriages which is something that I feel would lead to further moral decline as I have never found any people in open relationships to be happy and often aggression and conflict are the norm.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition
Many ministers are opposed to homo sexual marriage and, if this bill is passed, would leave themselves open to legal proceedings if they refused to conduct the service based on their own conscience and beliefs. If anything I believe that homosexual marr

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Conscience clause should be introduced for those who are morally objected to the marriage of homosexual couples to ensure that they are not penalised by the law for making a concise decision based on their faith and beliefs. Ministers and church elders who are opposed to homo sexual marriage would leave themselves open to legal proceedings if they refused to conduct the service based on their own conscience and beliefs. If anything I believe that homosexual marriage should not take place in a religious establishment at all where membership for practising homosexuals isn't an option.

Would you like to comment on the wider issue of freedom of speech?

The freedom of speech act helps those who are "in the minority" as long as it sides with the governments view. However it doesn't help the like of the church where if they say that they believe homosexual practices are wrong due to the church being based and driven by the gospel. People that have a moral objection to something that is not the way the modern thinking goes have no protection and are often referred to as "bigots". In this day and age saying "God loves you" is deemed offensive, yet the secular community can proclaim from the rooftops that there is no God and Christians are misguided fools and this is done in free speech. A one sided cause here.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Kevin Macphail
18 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I have already given my views on this in the consultation and to MPs. The very nature of marriage is for one man, one woman, for life and is of great benefit to society and stability for any children. It is the best for society and encourages faithfulness. Redefining it is extreme and unnecessary. This issue wasn’t in any manifesto and has been rushed and pushed forward, despite such a huge response to the consultation. The government should be focussing on and spending our money on other matters. Civil partnerships already allow all the same rights to gay couples as marriage, so it is unnecessary to allow marriage and at the same time therefore re-define the whole profound meaning of the institution. What new rights could there be? Why re-define marriage, when they already have the same rights? Why should this be imposed on the whole of society, when such a minority actually want it and so many are against?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

As above. I am opposed to the re-definition of marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Yes. I am very concerned about this. I feel that there will be repercussions and consequences far greater than has been foreseen and that even the freedom to have and express your own beliefs, thoughts or conscience is under threat. I am a teacher and am extremely concerned, obviously about the effect on our children, but also for teachers. No teacher is forced to teach religious education or take a religious assembly - an atheist or agnostic or a disinterested teacher can express their views freely to other staff, but not be forced to teach it. They also wouldn't lose their job. Neither would someone who believed in same-sex "marriage". Will the same be allowed for teachers who are against same-sex "marriage"? Will they be allowed to express their views and not be forced to teach it? Could they lose their job, just for expressing their conscience? People should be allowed to be "conscientious objectors" and be able to express these views, without fear of repercussions, or even of losing their job ( and I have heard of several cases of this already) Similarly for parents - at present, parents have every right to withdraw their children from religious observance. Will they be protected by law if they wish to withdraw their children from teaching about same-sex "marriage"? I also think that the school should be obliged to tell parents when such lessons were to be taught. But it is more than a legal thing too. Freedom of speech is under attack, but only for those who are opposed to same-sex "marriage", which is NOT the same as homophobia, but is commonly, ignorantly labelled as this. Adoption is another area where the law needs to protect those not in favour of same-sex "marriage" and who are keen to adopt. This shouldn't be a deciding factor in who is allowed to adopt, or not. I know of cases of this already and I have heard that some agencies have been told to get rid of their policies in favour of traditional marriage. I think that faith - based charities and adoption agencies need to be better protected by the law, or society loses out on all they can offer, apart from anything else. I feel that in every walk of life, those who uphold a traditional view of marriage need to be protected by law. Those who believe in same-sex "marriage" are free to believe in it and to express these views. But there is an increasing danger that those who believe in traditional marriage are in danger of losing jobs or being forced into situations against their deeply held beliefs or conscience. Are there laws in place to protect a church or minister who refuses to conduct a same-sex wedding? Could they be taken to court? Could they be forced to conduct such a wedding? In any job serving the public, are people opposed to this, protected? Are they free to express their deeply held beliefs without fear of losing their job or being forced to express agreement?. There need to be laws to protect people who are "conscientious objectors".

Would you like to comment on the wider issue of freedom of speech?
Yes. I am extremely concerned about this. We live in a free, democratic country which values freedom of speech. Everyone has a right to their opinion and to be able to express it freely. However, it seems that freedom of speech is only becoming allowed, if what is believed is 'politically correct'. People who believe in traditional marriage and who say so, are branded as "homophobic" or accused of discrimination or of being bigots and I feel that there is a growing sense of fear of expressing one's opinion. We have a right to express our beliefs, without fear, fear of punishment or consequences, losing a job or being forced to "take back" and apologise for what was said, just as those who believe the opposite have a right to express their views. There needs to be safeguards and laws to protect those who are opposed to same-sex "marriage". Equality laws need to protect religious beliefs and freedom of speech and the freedom simply to discuss issues, without fear of being branded a bigot. Discussing such issues or openly expressing opposition isn't discrimination.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Society will reap the consequences.

Are you responding as...

a private individual

Catriona Macpherson
22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I feel the bill is unnecessary and a distraction from matters which are of importance to the general population. All the legal rights of marriage are already available to same-sex couples through civil partnerships. There is no great demand for same-sex marriage and the other measures contained in the Bill. Marriage is a relationship between a man and a woman for the purpose of companionship and the procreation of children. It is based upon the objective reality of the complementarity of two created genders (male and female). The procreative potential of the institution of marriage is intrinsic to its nature and role in society. The is the reason the state recognises marriage in law. There is significant danger of churches and celebrants who refuse to 'marry' same-sex couples being subject to litigation. In England a gay couple has just announced their intention to sue the Church of England for refusing to conduct same sex marriages. Ultimately this matter may be decided by the European Court of Human Rights. If the law is changed as proposed there is a real chance that at some future date, the court will rule that religion and belief celebrants must either solemnise all 'marriages' or cease to marry people altogether.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that as Christians we could be held accountable for denying same sex marriage in churches, in public life, in schools etc. The bible clearly states that marriage is between a man and a woman so we would be going against what the tenet of our faith believes. I have nothing against homosexuals or lesbians and I do believe that they already have the ability to get marriage in a registrar's office.

Would you like to comment on the wider issue of freedom of speech?

I believe that if anyone says anything against same sex marriage they will be held accountable.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jeanette MacRae
17 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

If couples in Civil Partnerships wish to have their union converted into a Marriage then they should be able to if they wish and avoid having to dissolve their Civil Partnership first to then marry.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Many same-sex couple have a faith based relationship and if the faith organisation they adhere to wishes to carry out civil partnerships then they should be able to if they choose to - I should stress that no faith organisation should be made to go against their beliefs and be forced to carry out civil partnerships unless they opt in.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

James MacVicar
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM NIAMH MADDEN

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

niamh madden
23 August 2013
How would you characterise your views on the Bill in general?

In support

I believe this bill is a step in the right direction for a modern Scotland. With this bill Scotland is being progressive in promoting the rights and equality of same sex couples.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe in complete equality, I see no reason why I should not be able to marry the person I love due to the fact we are both the same gender.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

I believe although people are free to speak their opinion there is a fine line before it becomes bigotry and hate speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Andrew Campbell Magee
20 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly support the Bill; it is unfortunate for us that England and Wales got there first!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I think it is very important that same sex marriage and mixed sex marriage both be called "marriage"; any distinct phraseology for same sex marriage is continuing the discrimination of "civil partnership" for same sex couples as opposed to "marriage" for mixed sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I am religious myself, but fully support non-religious celebrants being able to officiate at marriages

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I am a Quaker, and Quakers have discerned that God is calling us to marry both mixed sex and same sex couples. It is a matter of religious freedom that we be able to do this; at the same time the religious freedom of communities who do not agree with same sex marriage should be respected. It is important that gender-free language be available in the marriage service, if that is what the couple being married, and their religious community, want.

How would you characterise your views on civil partnerships changing to marriages?

In support

I think it is important that civil partnerships registered outwith Scotland should be treated in the same way as those registered in Scotland. (I'm not in a civil
partnership myself, but had I been in one in England, and then moved to Scotland, I would have hoped it could have been converted into a marriage in just the same way as if the partnership had been registered in Scotland.)

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

This is of course an issue for all people, not just LGBT ones. But I would support the change.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I think the broadest range of options should be available for all people who wish to register their relationships in whatever form. After all, every relationship is different!

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

It seems to be quite wrong to insist that transgender people have to divorce before their acquired gender can be recognised. I am not in favour of spousal consent being required for gender recognition; what if the relationship between the two spouses has broken down? Spousal consent should of course be required (instead) for re-registration of the marriage. I would also support equalising the minimum age of gender recognition to be the same as that of marriage (16).

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The arrangements in the Bill strike me as sensible. Registrars and teachers should not be able to opt out of its requirements; for example, registrars already re-marry people who have been divorced, even if it is against their religious convictions.

**Would you like to comment on the wider issue of freedom of speech?**

I think the Bill's approach is right; I don't agree with those who disagree with same sex marriage, but they have an absolute right to express their opinion in public.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**
I think that mixed sex couples should be able to register as civil partners (rather than marry) if that is what they wish.

Are you responding as...

a private individual

Mark Manning
14 August 2013
Question 4: How would you characterise your views on the Bill in general?

I am writing to request you actively consider safeguards in drafting of the ‘Marriage and Civil Partnership (Scotland) Bill’, particularly in regard to those who hold a traditional view of marriage as being that between a man and a woman.

Question 5: How would you characterise your views on the introduction of same sex marriage so that same sex couples can marry each other?

Marriage has been long established as between a man and a woman with encouragement and care being given naturally to the children within such a family. Marriage between a man and a woman in this form has stood for centuries. Changing its meaning after so long is a majorly radical step too far. Children should have the right to be in a family with two parents as a male and female role model.

Dismantling the traditional view of marriage as between a man and a woman only could lead to a three way relationship or other combinations being recognised. The legal definition should not be left so loose that such a variety of combinations in marriage becomes allowable.

Question 12: Would you like to comment on the wider issues for protections for those in society who may have concerns about same sex-marriage?

My concern is for those celebrants (currently allowed to marry couples) who hold a view that same sex marriage is wrong will be compelled to marry same sex couples by being sued or by their right being withdrawn as a celebrant, who can marry couples.

Similarly teachers should be allowed to express their view on same sex marriage as a matter of conscience. They are likely to be gagged from expressing any view in fear of losing their job. If an atheistic teacher is not compelled to teach religious education on the grounds of conscience, or lack of belief, surely a Christian teacher, holding a traditional view of marriage, should not be debarred from expressing his or her view on the grounds of their conscience and their beliefs.

Such a stance could extend to those charities who also hold a similar view with their charitable status being withdrawn. Much good is done by very many of these charities. It could become ‘publicly myopic’ in the sense that these charities have to accede to a view on same sex marriage that leads to a whole raft of good charitable work being positively discouraged. Effectively through the new legislation's drafting insufficient room will have been allowed for conscience in these matters. Grants may then be withdrawn where they once were given freely, thereby failing to recognise and support the good work being done by them in society.

Those working in the public sector, who express a similar view in favour of marriage as defined between a man and a woman, may find they are gagged or, if they express a view in good conscience, they could suffer by losing their jobs. This may even be extended to those individuals in private sector companies who conduct work for government or local government in that they find they are similarly restricted or threatened with dismissal.

Parents similarly who hold a view that marriage should be between a man and a woman should be allowed to uphold this view as a family, if necessary by being permitted to withdraw their children from a class in school.
Question 13: Would you like to comment on the wider issue of freedom of speech?

In a democratic society, there should be protections for freedom of speech. Religion and belief should be properly protected under equal equality law.

To express a view in public which supports a traditional view of marriage, as that between a man and a woman, should not lead to that person being in fear of being sued. Drafting of the legislation on same sex relationships should not open the door to a situation where a climate of fear comes in to play where to express a view publicly could lead to public vilification or to being sued in the courts.

Dr. Nigel R Mansfield
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I strongly believe that everyone should be treated as equal no matter what gender but I do also believe that celebrants should be given the right in law to opt out according to their beliefs.
Would you like to comment on the wider issue of freedom of speech?

Everyone should have the right to state their views in a controlled and non aggressive manner

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Heather Marshall
18 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual

Agnes Marszalek
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I think there should be absolute equality of marriage, without distinction between same-sex and mixed-sex marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I also support the additional opt-in of a gender-free form of the ceremony, to be used by any who wish to do so.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
I think this is an absolutely essential change to the law. Further, gender recognition, where the couple do not want to stay married should absolutely not require the consent of the spouse. There should also be a provision for a simpler gender recognition procedure for those who have been transitioned for some years, where the current evidence requirement can be difficult to meet.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the provisions in the bill as it exists are fair, and no further protections should be granted.

Would you like to comment on the wider issue of freedom of speech?

It is not contradicted in any way by the bill.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There remains a requirement for mixed-sex civil partnership.

Are you responding as...

a private individual

Roushan Martens
21 August 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage is a creation ordinance and, by definition, cannot be between two men or two women. The second chapter of Genesis makes that plain.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It is not for the state to try and re-define an ordinance laid down by the Creator in His word. Once the state starts interfering with basic creation mandates, it opens a Pandora’s box, with all kinds of disorders resulting. In Canada, for example, where marriage has been redefined, attempts have been made to legalise polygamy.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

It appears to me to be trivialising that which is a basic building block of society, something which is not a social construct but a creation ordinance.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

As, by definition, persons of the same sex cannot be married, I strongly disapprove.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

God’s word, in passages such as Romans chapter 1, makes it plain that such behaviour is evidence of a society being in moral decline. I was not in favour of civil partnerships. Furthermore, it is not clear what new legal rights, if any, same-sex couples will receive which they do not already have through civil partnerships.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

It will simply serve to trivialise what is a very serious undertaking.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Several cases in the European Court of Human Rights show that the Article 9 right to freedom of thought, conscience and religion does not provide protection when there is conflict between Article 9 and other rights. As a celebrant, if these proposals become law, I leave myself open to being taken to court by two vindictive homosexuals for refusing to marry them. Any attempted protections in Scottish law could be overturned in the European Court of Human Rights.

Would you like to comment on the wider issue of freedom of speech?

It is clear from some of the cases involving registrars and bed and breakfast owners, that equality laws trump issues of religious liberty in the eyes of judges. Individuals who contented for freedom of speech in past generations, such as John Milton, the author of Areopatigica, must be spinning in their graves.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No.

Are you responding as...

a celebrant

David Martin
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
It's ludicrous that they can't get married already.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Religions shouldn't be forced to do anything that goes against them. Other than that, nobody needs "protected".

Would you like to comment on the wider issue of freedom of speech?

It's important and should be protected.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Iain Martin
14 August 2013
How would you characterise your views on the Bill in general?

In support

I believe everyone should have the right to marry if they want to.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It's the correct way to go about this issue, it's about time gay people were recognised in society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There should be none as everyone should recognise that being gay is part of who a person is and they are in all walks of life.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lee Martin
15 July 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
Do not really understand the difference between religion and belief. To me they are the same.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition
You cannot change reality even if you change the law. Marriage was not created by mankind but by God and therefore cannot be changed.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
They should not take place, but if they do, where is not significant.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Jonathan Mason
9 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I take the view that opt-out would be more appropriate because 'opt-in' tends to suggest that opting out is somehow the 'standard' and that opting-in is (or should be) the 'minority' position.

How would you characterise your views on civil partnerships changing to marriages?
In support

Although I regard a Civil partnership as equally as valid as a marriage, many people see it as an 'inferior' sort of marriage and so (in a sense) it has in fact become 'inferior'. Some people in Civil Partnerships will undoubtedly wish to 'upgrade' their Civil Partnership to a marriage. They should be perfectly entitled to do so with the absolute minimum of bureaucratic procedure.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

The 'default' position should be that gender change has no automatic effect on the marriage. To do otherwise would tend to suggest that the gender change was in some sense 'wrong'. Evidently though, a gender change will fundamentally affect an existing marriage and there should therefore be a quick and 'painless' means to dissolve the marriage at the behest of either party.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People do not need 'protection' from the views or preferences of others unless those views or preferences have a real affect on people who do not share them.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech should be the default position. Only if it has a real and demonstrable adverse affect on others should it be restricted.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Avery Mathers
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

I do not believe that there is substantial public support for this bill

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

I still believe that marriage is fundamentally between a man and a woman, and that this is one of the main building blocks of our society and family life

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

I have no strong feelings on this

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In opposition

I think civil partnerships have worked well and are adequate for same sex relationships

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

I don't understand this question
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think those who have concerns about same sex marriage should have full protection within the law to express such views and should not be discriminated against in any way

Would you like to comment on the wider issue of freedom of speech?

I believe fully in freedom of speech

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

hugh alexander mathie
17 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM LAURIE MATTHEW

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Laurie Matthew
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM EMMA MAUCHLINE

How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Emma Mauchline
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Fiona McArthur-Worbey
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

I object to the term marriage being used for anything other than the union between an individual man and an individual woman.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

This redefinition of marriage is destructive, not simply to the nature of marriage, but also to the nature of society, and family life. I understand sexual activity to be essentially directed towards the good of society and not merely the pleasure of the individual.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

There has not been sufficient time to consider the effects of civil partnerships.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition
My understanding is that any transgender activity would render the marriage null. It seems to me that this is an aspect of the bill which requires a great deal more reflection. Has any consideration been given to the possible resultant anguish on the marriage partner?

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

This whole subject has engendered an atmosphere of fear and intimidation amongst those who support the traditional understanding of marriage; such a state of affairs is so undemocratic as to be unworthy of any legitimate government.

**Would you like to comment on the wider issue of freedom of speech?**

I would certainly not support any denigration or name-calling of any member of the LBGT community all of whom should be treated with respect: however, it is amply evident that any effort to have a rational, non-confrontational discussion on same-sex matters seems to render those who propose the traditional definition of marriage automatically exposed to accusations of homophobia.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a celebrant

Kenneth Martin McBride
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protections against this proposal are completely unnecessary. Equality isn't something people need to be protected against. Beyond not legally obligating religious organisations to perform same sex marriages there is no other protections,
same sex couples should be able to marry with the same freedoms that opposite sex couples enjoy.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A politics student, Catholic and liberal thinker.

Liam McCabe
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A private individual

Seanpaul McCahill
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ANNE MCCLURE

How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Strongly in support. This is the right thing to do. Marriage is about two people showing love, care and commitment to each other, gender is irrelevant. I am pleased and proud of Scotland taking this action to promote human rights and believe it will strengthen Scottish society.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I support this, but reluctantly due to the opt in procedures. I would prefer opt out procedures. Making the procedures opt in gives credence to the view that same sex marriage is not equal, acceptable, valid or to be encouraged and celebrated.

How would you characterise your views on civil partnerships changing to marriages?

In support

Same sex partnerships should not have a "second class" status. I'm glad that solemnised marriages will be "backdated" to the the date of previously registered civil partnerships.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I would prefer some wording that reminded people that marriage is a serious commitment and that the place should reflect this. I wouldn't want to see Scotland creating a version of the Elvis Presley chapel in Las Vegas!
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

If a couple desire to stay married when one or both of them go through a transgender process this speaks of an unshakeable love and commitment and allowing the renewal of the marriage is right.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Hearing and responding with respect the views and concerns of all parts of Scottish society is vital. However, if we allowed ourselves to be ruled by the status quo, by tradition, by the views of religion that we’d still think slavery was a good thing. There are times in a nation's history when the next step in promoting human rights has to be taken. We have to do what is right, trying to carry everyone with us by clear, courageous and compelling logical debate, but being ready to leave people behind if they are not ready to move forward with us.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Anne McClure
23 July 2013
How would you characterise your views on the Bill in general?

As an evangelical Christian, it leaves me at times feeling victimised and worried about the level of abuse the Church faces. If someone believes their religion requires them to only eat certain foods we do not force them to eat those foods - why then is it ok to move to a position which leaves ministers and Churches open to being forced to carry out same-sex marriages even if they believe them to be in opposition to what God asks of us.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition.

It is one thing to open this up in secular situations such as registrar offices but if this is to go forward it should not enforce religious groups to have to provide marriages for same-sex couples where those religious groups believe that to be against w

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

I believe this leaves many (particularly ministers and churches) open to legal suits in the future, forcing them to carry out same sex marriages even if they believe them to be wrong. This also leaves ministers and churches open to accusations of hatred t

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

From a number of reports it is clear to see that rights relating to sexuality are being placed above those of religious belief. An opt-in clause for today does not protect the rights of those who have these concerns in the coming years and the president set by these decisions today can have a massive impact in the future.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Carolyn McCrone
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No religious organisation should be forced to act against their beliefs. That would be wrong. But marriage between people of the same sex should be regarded legally as
identical to marriage between straight people. That's just common sense. Hopefully religious groups will come around. But if not, they shouldn't be penalised for this.

**Would you like to comment on the wider issue of freedom of speech?**

I believe in people's right to speak their mind. But religious people employed in a capacity not related to their religion should not be allowed to discriminate against gay couples. Eg A Christian hotel owner should not be allowed to ban gay marriages in

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I think it's wonderful that there has been this domino effect around the world of gay marriage being made legal. Many countries are lagging behind however, and I would hate it if Scotland were left behind with the likes of Russia. We have proved ourselves a progressive nation, and taken the lead on many issues (smoking ban, alcohol pricing, NHS etc) - surely this next step towards equal marriage is an obvious one?

**Are you responding as...**

a private individual

Eilidh McDonald
15 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Yes, it concerns me that my view will make me then be discriminated for being opposed to same sex marriage.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jacqueline Mcdowell
28 July 2013
How would you characterise your views on the Bill in general?

In support

If Scotland is to move forward as a country, whether it be independent or continuing as part of the UK, it cannot afford to exclude any of it's citizens. It is the duty of every government to allow every person under its care the same rights. The Scottish Government must show itself to be progressive and fair, giving the same rights to all Scots.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The only right thing to do. No person should ever be told that they are lesser than another, that they cannot be with the person they love and enjoy the same rights as everyone else, simply because of who they love. There is not one single good reason to deny these rights to anyone, there are only reasons of self-interest or prejudice and those in opposition of this bill and in opposition of any LGBT rights are holding back not only Scotland but the human race. This is 2013, for goodness sake: we should be reaching the stars and curing cancer. Instead we're arguing about whether to grant a person basic human rights. Let's get moving.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

If churches don't want to marry two people who are clearly in love, then to hell with them (yes, I meant that). Move with the times or get out of the way. Yes, it would be nice if the churches came along with us but if they don't, they should not be allowed to hold anyone back.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

No-one should be forced to do anything that they don't want to do. I've heard various heads of the church say that they don't want to be forced into performing same-sex marriage. Nor should they be. However, I don't believe that anyone is saying that. By the same token, why should ministers or priests be forced NOT to perform same-sex marriages? Sadly, religious organizations must make the decision on whether or not individuals can perform marriages but ideally, each minister or priest would decide for themselves.
How would you characterise your views on civil partnerships changing to marriages?

In support

Civil partnership was never and will never be a solution. It is to say "your love is lesser and does not deserve the same rights as mine". It should never be more complicated than for any two people, of any sexual orientation, to say "I love you, let's get married".

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Anyone should be able to be married anywhere, unless of course, there is a good reason why not. Like in a building that's on fire, or the middle of an active battlefield. But that's just common sense. Yeah, beach, halfway up a mountain, the large hadron collider, whatever.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Again, people should be allowed the option of being married the way they want, by the person they want. And anyone who wishes to conduct a marriage should be allowed to.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Let me read up on this a bit......... Okay. So, a person wouldn't need to divorce in order to gain the correct Gender Recognition? Sounds good. You might want to look at the whole "permission of the spouse" thing though; can't say I like the idea that a disgruntled partner could stop that whole process by not granting a divorce. Just sayin'.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I would but I don't know if you allow swearing on this form. Protections? What would they need protecting from? Is this the idea that same-sex marriage somehow destroys "traditional" marriage? I'm a man, married to a woman and someone has yet to explain to me how my marriage is under threat from gay people. You don't have "concerns" about same-sex marriage: you have a bigoted, outdated view about it. You have no place in modern society and your views should never, ever be listened to. You're probably also running for political office under the banner of the
BNP, UKIP, or the Republican party in the USA. Here's your "protection" from same-sex marriage: get over yourself. The rest of us are keen to explore space and cure disease. *drops mic, walks off stage

Would you like to comment on the wider issue of freedom of speech?

Perhaps another time. I feel it would take longer than I'm willing to give right now: I kind of want to go to bed.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Not right now. Like I said: bed.

Are you responding as...

a private individual

Fraser McFarlane
17 August 2013
How would you characterise your views on the Bill in general?

In support

Fully in support of this bill. My partner and I intend to marry as soon as it is legally possible.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Fully in support of this bill. My partner and I intend to marry as soon as it is legally possible.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Where religious celebrants wish to be able to solemnise same sex marriage then I am in support of this.

How would you characterise your views on civil partnerships changing to marriages?

In support

I fully support this. I see no need for a separate ceremony if the couple involved do not wish this.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I fully support this - I believe that same sex marriages should be permitted to take place anywhere that civil marriages can currently be conducted.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Where same sex couples have a religion/faith/belief system and have and have an associated minister or celebrant who wishes to solemnise their marriage, then I am fully in supprt of this.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the bill strikes the right balance, and provides good protections for people with concerns about same-sex marriage. No religious organisation will be required to conduct same-sex marriages unless the organisation agrees to. Even where an organisation does agree, individual marriage celebrants within that organisation will be free to opt-out of same-sex marriages, as will any person who plays a part in the religious marriage ceremonies of that organisation (eg the church organist). These are strong protections. It has been proposed by some people that the bill should give civil registrars a statutory right to opt out of conducting same-sex marriages. I would strongly oppose that. Unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. This is no more acceptable on grounds of sexual orientation and gender identity than it would be on other grounds such as race. The registrars’s organisation, the Association of Registrars of Scotland, is not calling for an opt-out. The registering of civil partnerships in Scotland by civil registrars has worked well without any such legal opt-out, and we expect the registering of same-sex marriages to work equally well in a similar way. It has also been proposed by some people that teachers should have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class, and that parents should be able to remove their children from any class where same-sex marriage might be mentioned. I would strongly oppose this. Teachers are there to teach the facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

The bill will have no negative effect on freedom of speech, as section 14 of the bill confirms. People will remain free to disagree with same-sex marriage and to express that disagreement publicly. The Lord Advocate’s guidance published with the bill makes clear that it is not a crime to disagree publicly with same-sex marriage. The
case of Smith v. Trafford Housing Trust demonstrates clearly that it is against the law for an employer to take action against an employee simply because they say publicly that they disagree with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The bill is a huge step forward for equality, but it does not introduce full equal marriage. Apart from the issues mentioned under questions 7, 8 and 11 above, the main thing missing from the bill is the introduction of mixed-sex civil partnerships. That has always been a part of the wider Equal Marriage campaign in Scotland. I believe that the same choices — marriage or civil partnership — should be open to all couples regardless of their gender. I therefore welcome the Scottish Government’s public commitment on 27th June 2013 to conduct a review of civil partnership law, driven by the need to consider the position on opposite sex civil partnerships. I believe that review should start without delay, and, once it is complete, there should be prompt legislation to open up civil partnership in Scotland to couples regardless of their gender. This will also make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage.

Are you responding as...

a private individual

Michelle McGarva
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

I am totally unconvinced about the use of the democratic process in this case, I do not believe that the Scottish electorate has been given an opportunity to unequivocally express its opinion on this proposed legislation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Eight years ago, Civil Partnership was created, and a commitment made not to press for "marriage".

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

On the basis that I do not condone the concept in the first place, there ought not to be any protections needed. If the legislation is passed, provision and protection for any/all who disagree, in any way, in ANY circumstance, with such marriage, MUST be written into the legislation.

Would you like to comment on the wider issue of freedom of speech?

All principles of freedom of speech, freedom to express one's opinion based on one's conscience, must be protected.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Vincent McGread
Retired.
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

People who love one another and are in a relationship that is legal should not be stopped from marrying one another.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

People should be able to marry where ever they want to make their day special to them.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

I grew up with the Church of Scotland and I would love to get married to my partner in the church in which has been a big part of my life. God is about loving everyone, not picking and choosing.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

If they are to stay with their partner after the operation then there is no need for them not to remain married. Let people be who they want to be!

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

As a gay man myself, coming from rural Scotland, I have found the concerns and worries that some friends and family members had when I told them I was gay vanished once they understood. A lot of people fear same sex marriage as they do not understand gay culture. Once they have learned that it is not a disease or a choice and that we are human beings then most change the way they view things. So many people have become understanding one they know more about the subject. Teaching in what we need to do, not preach hate! We are normal people going about our normal lives. Let us live our normal lives and get married.

Would you like to comment on the wider issue of freedom of speech?

I respect people's right to freedom of speech as long as it is not hate related. It just becomes offensive and well not very nice.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

David McGregor
7 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Siobhan mcguire
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Marriage is a human right regardless of gender, race or sexual orientation.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
There should be no problem, as a same sex marriage will do no more damage than one between a man and a woman. even if religion is the problem (I see no problem myself, being Catholic) then there is still no excuse for ignorance, If people are equal then every right that applies to one law abiding person, should apply to another.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Clarisse McInally
16 August 2013
How would you characterise your views on the Bill in general?

In support

I am strongly in support of the equal marriage bill, it makes complete sense to me for people to be able to marry for love, just because they may be of the same sex does not and should not discriminate them from being able to marry in the face of god.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It makes complete sense. Divorce was described as a sin and yet 46% of married couples divorce. The bible is warped and judgemental dependent upon the views of the writer, the unfortunate fact that a bigot wrote the most widely read is pure idiocy.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Alex McIntosh
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition
Celebrants shouldn't have a choice, if they can't treat all people equal then they have no right being in that role.

How would you characterise your views on civil partnerships changing to marriages?
In support
I am in a civil partnership myself and cannot wait to change it to a marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The only people affected by same sex marriage are people who wish to enter into a same sex marriage. Equality is not optional, it's a basic human right.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Colin Stephen Anderson McIntosh
22 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Bill is allegedly about 'equality' when, in fact it creates inequality. Given that it is such an important measure I am concerned about the somewhat contentious consultation process and the speed with which the legislation is being pushed through against the opposition of a significant number, if not the majority, of the electorate. History has shown that quick laws tend to be bad laws with a range of unintended consequences. The Bill currently before the UK Parliament, which has been criticised by senior legal figures both within and outwith Parliament on its inconsistencies and flaws, highlights the problem. This Bill should be delayed until after the next election as not only did no party campaign on at the last election but also because it represents a fundamental change to an institution which has remained unaltered for thousands of years in its most fundamental aspect ie the union of members of the opposite sex.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

As Civil Partnerships give same sex couples the same legal rights as opposite sex marriages I can see no need for this legislation. The terms 'marriage' and 'civil partnership' are clear and understandable. One of the main reasons put forward for this change, and my MP has voiced it, is that if two people, whatever their sex, love each other they should be allowed to marry. If this is regarded as a principle then why should the option not be open to sisters to marry sisters or brothers to marry brothers, or any same sex people who share a home. Changing the definition of marriage will open a host of potential issues which have either not been considered or have been disregarded, apparently without being fully thought through as to the effects on wider legislation or the practicalities of daily life.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

For assorted practical reasons marriages need to be recorded, so as long as the people performing them have some form of accreditation or appropriate licensing system I can see no objection to 'belief celebrants', however that is to be defined, performing

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

This assumes the legislation passes. If so the response is similar to Q6

How would you characterise your views on civil partnerships changing to marriages?

Neither

It would remove one inequality as heterosexual couples do not have access to civil partnerships but if the original legislation proposed had been about equality it would have included the creation of civil partnerships for heterosexual couples.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I can see no objection to where a marriage takes place as long as all of the parties agree the location.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

This must be a matter for the relevant religious bodies or belief organisations to determine. It is not for the state to impose its will. No one is forced to join or adhere to any particular religion or belief so if their current religion or belief syst

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Given the press reports of individuals who have been reprimanded or removed form their posts for voicing beliefs which do not chime with those supporting same sex marriage this is the most important element of the entire process. It must be made clear in any legislation that no one should be subject to either the criminal law or civil procedure for stating their views that same sex marriage is wrong. Similarly, under employment law, no one should be punished for expressing views sincerely held, however unpalatable or unfashionable they may be. There may well be a specific problem where religions or religious sects run educational establishments eg Roman Catholic or Islamic schools, where any form of promotion of same sex marriage or homosexuality is starkly against their core belief system. How are employees of such organisations to be protected. Freedom of though and speech is a cornerstone of our democracy and any attempt to limit it must be resisted.
Would you like to comment on the wider issue of freedom of speech?

Recent press reports show that law abiding people have been demoted or removed from their posts because they have made comments that they believe that same sex marriage is wrong. They have been disciplined because their views are at odds with their organisation's view. I find this trend extremely worrying as the individuals appear to have been, in all other aspects, carrying out their job functions to the required standards. This is a form of censorship which should have no place in a free country. This could be seen as an attempt to limit freedom of speech and as it has happened before the Act is in place it shows a need for clarification in the Bill to prevent such attempts at censorship.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Will there be clarification that OSCR will not use as grounds for de-regulation the fact that an organisation holds the view that same sex marriage is incompatible with its constitution or objectives. Similarly, will there be clarification that local authorities and other public bodies will not discriminate against organisations which do not support same sex marriage eg refusing to hire premises or enter into contracts with such organisations.

Are you responding as...

a private individual

Hugh McIntosh
12 July 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Each religion should have the right to marry or not marry whom they wish, but the law must not discriminate against a minority of its citizens on a matter that might make others uncomfortable but would deny the minority basic freedoms and rights. I don't care what name is given, marriage, civil partnership, whatever, but there should only be one legal term and it should be used in reference to both same and non same sex unions. All benefits must be the same.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Peoples' religious views (or non-religious beliefs) should not impinge on their ability to do their job. If they don't wish to conduct same sex marriage then they shouldn't take a job as someone who can grant a legal marriage (if it only a religious marriage they can grant then there is no problem imo). I mean, for example, I'm a doctor, it's in my job description that I treat all fairly and don't discriminate on grounds of sex, colour, gender, sexual orientation or religious belief. It doesn't matter what my religion says or what I believe, this is the job I signed up for, this is what I'm required to do and so that's what I'll do. If I didn't believe these things then I wouldn't (and shouldn't) be in this job.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

why should one religion being against something ban another (such as Buddhism) from following their religion and supporting and wanting to celebrate a same sex marriage. That takes away my religious freedom so another religion 'doesn't feel awkward'

How would you characterise your views on civil partnerships changing to marriages?

In support
i don't care what it's called but it must have the same rights and have the same name as non same sex unions

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

see previous comments

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

no one should be forces sued for not wishing to perform a religious marrage, but if they are refusing to provide a legal marrage to a minority based on their own self righousness then this should not be tolerated.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Gemma Caitlyn McKay
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM GEORGE MCKENNA

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

George McKenna
14 August 2013
How would you characterise your views on the Bill in general?

In support

This is an issue of justice and compassion. I am very happy to support LGBT people and, at the same time, help break the cycle of prejudice and discrimination against LGBT people.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I look forward to this introduction, in the hope that there will be simply be 'marriage', not 'same-sex' marriage and 'ordinary' or 'heterosexual' marriage but simply 'marriage'.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I am happy to welcome this. At such an important moment in the lives of two people, it is important to hold a ceremony which is entirely meaningful to the couple, which has been shaped according to their outlook and beliefs.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I am in support of this, either as a ceremony or an administrative exercise. It is important to allow the couple to make the choice which best suits them. To some couples, it may seem superfluous to hold a marriage ceremony having been in a civil partnership for some time. In such cases, an administrative means may be best, if they wish it at all. Others will welcome the opportunity of a marriage ceremony because they feel they have been denied marriage up til now.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Ministers of the Church are permitted able to conduct marriage ceremonies anywhere because it is the person who is licenced, not the place or building. I think it right that civil celebrants should have that same opportunity. Why should couples choose

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

It is a useful option but, once same-sex marriage is law, I'm not sure how many people will take up this option.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

It would be ludicrous to require a couple, who wish to remain in partnership, to divorce in order for one of them to obtain a GRC.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Ideally, those employed by the state to perform civil ceremonies should be required to do so. That said, as I understand it, doctors in the NHS, who are opposed to abortion, are not obliged to carry out the procedure. I recognise the practical difficulty for the state on administering an opt-out system. An opt-out system maybe viewed as a transition arrangement: I am sure that as time goes on same-sex marriage will be viewed no differently from heterosexual marriage.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is vitally important and the Act should not seek to curtail that.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I whole-heartedly endorse the suggestion that there be a GENDER-FREE form of ceremony. This is particularly important for couples where one or both is transgender or intersex. In my experience, it is also true that some heterosexual couples do not like the overtones of patriarchy which continue to be associated with marriage. 'Husband and wife' is an improvement on 'Man and wife' but, by virtue of order, the law still gives prominence to the male partner. We need to move away from this.

**Are you responding as...**

a celebrant
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those opposed to gay marriage don't have to opt in, don't have to allow their premises to be used and will not be forced to participate in any way. Participation should be an individual choice with an opt-out if necessary.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Jennifer McKiernan
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Alan McLay
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I see it as a matter of equality and religious freedom

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
I am in a civil partnership and would like this to become a marriage

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I see it as a matter for each faith group to decide whether to offer same sex marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would support the retention of civil partnership for any who wish it.

Are you responding as...

a private individual

Derek McLean
21 August 2013
How would you characterise your views on the Bill in general?
In support
I support equality, and equal marriage is crucial to the equal recognition of same-sex relationships.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
This seems fair.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
Being unable to have my faith recognised in my civil partnership was deeply upsetting.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People are free in this country to express their concerns about any aspect of government or the law. These proposals do not change that. As long as people don't step over the mark into incitement to hatred, freedom of speech is protected as it should be.

Would you like to comment on the wider issue of freedom of speech?

As previous question. In addition, more weight appears to be given to this aspect of the bill than to its positive intentions. Care should be taken to redress this during any publicity around it. For instance, it is far from true that all Christians or churches oppose equal marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jackie McLean
27 June 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Same-sex marriage should not adversely affect anyone; it is a question of equal rights.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lindsey McLeod
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ALAN MCMAHON

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Alan McMahon
21 August 2013
How would you characterise your views on the Bill in general?
In opposition
Cd not oppose such a bill

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
It seems completely unnatural

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
I feel thr has to be a view that religion and marriage are superior to "belief" and marriage

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I just cannot understand the need for same sex marriage

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

David McMurtrie
13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
As long as it is lawful

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Nik McNicol
18 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Kat Merican
14 August 2013
How would you characterise your views on the Bill in general?

In support

I support equality for all, if two people love each other, why should anyone tell them it's not right for them to get married. It doesn't happen with heterosexual couples, so it shouldn't happen at all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It's a huge step forward to equality and one for the better, leading by example to hopefully show the rest of the world it's ok.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Same sex marriage is nothing to be worried about. It won't cause an apocalypse or destroy the sanctity of marriage, you won't see cats and dogs living together or any mass hysteria. It's just allowing two adults to express their love for one another amongst family and friends.

Would you like to comment on the wider issue of freedom of speech?

Everyone has the right to speak their mind, voice their opinion. It's only an issue when a person won't accept another's views and try to ram their own opinion down everyone's throat. There is also the point that some common manners would be a factor, in the end, we are all humans, we're all Homo Sapiens. No matter the colour, beliefs or orientation, we are all the same and we all have feelings.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

Stephen Millar
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM MARSALI MILLER

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

They should also be able to take place in religious premises

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Marsali Miller
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM STACI MILLER

How would you characterise your views on the Bill in general?

In support

A marriage is a contract between two people - that's for those two people to dictate, not their government.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Staci Miller
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

People should have the opportunity to decide rather than make this an automatic change.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Kerri Milner
21 August 2013
Dear Sirs,

Response to Equal Opportunities Committee's Call for Evidence on the “Marriage and Civil Partnership (Scotland) Bill”

In response to the public consultation I note my views as follows;

1) The above bill has been introduced without endorsement by the electorate. Therefore it can only reflect the opinions of a small minority. For practical reasons, many decisions are taken by the Government in that way, with the tacit approval of the electorate. However in such a crucial instance as this the electorate are clearly seen to have been disenfranchised.

2) No contract in law could have an enduring meaning if the Government of the day had the right to chop and change the definition of the English vocabulary at will.

3) Any re-definition of words by Government is breaching the human right of any two people to make a lawful contract between each other. The marriage contract is a case in point.

Gregory C Mitchell
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

However I believe that only the state should conduct all marriages. Religious bodies can then carry out their own ceremonies as they see fit. None of these organisations should have the power to legally marry people.

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

As I said I don't think they should have any part to play in the registration of marriage or civil partnership

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
If both parties are in agreement

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

If they don't like same sex marriage then they shouldn't have one !!!!!

**Would you like to comment on the wider issue of freedom of speech?**

I believe in freedom of speech. I believe in equality and human rights for all. The state must uphold the principles of equal rights whilst allowing for differences and promoting debate

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Vivienne Mitchell
23 August 2013
How would you characterise your views on the Bill in general?
In support

It is a basic human right for all persons to love and be loved. I believe that no person should be discriminated against by denying their human right to love and live together in a faithful, loving committed relationship on grounds of sexual orientation or gender identity. For persons with a strong religious belief, civil partnership does not provide an adequate expression of their depth of commitment to a beloved partner. They wish to make their vows 'before God' like any heterosexual couple.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I wish, oh how I wish that this recognition had been possible when I was a young lesbian woman deeply in love and committed to my then partner.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Absolutely, on the same footing. Personally, I would never want to have my marriage conducted by someone who is opposed to same-sex marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

I believe in total equality but also that civil partnerships should remain available to all persons who do not wish to have a spiritual/religious dimension to their celebration.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Absolutely - religious places, in nature, hotels - it matters not.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is terribly important as a basic human right if the two persons love each other.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think they need to be educated primarily. It's usually the older folk (and religious fanatics) who have such concerns.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group
a private individual

Shirley Mitchinson
16 August 2013
How would you characterise your views on the Bill in general?

In support

I believe that everyone has the right to marry the person they love and want to support and share the same civil rights as heterosexual couples. There should be no differentiation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I feel that everyone who has a religious belief whatever that may be should be able to celebrate their commitment within the realms of that belief, However I believe that any religious organisation who feels that gay/same sex marriage is not supportable in their premises then they should have the freedom to opt out, it will never stop those believing in what they feel is important to them.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I am in support however I think those already in Civil Partnership should be given the choice to change their partnership to marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No! There should be no concern about anyone wishing to recognise their love and commitment for another.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Human
Kylie Monsma
21 August 2013
How would you characterise your views on the Bill in general?

In support

As a gay woman I am very much in support of it, I don't understand why we are not allowed to marry the person we love just because it happens to be a person of the same sex. Sexual attraction is not something you can switch off...trust me, I tried to for 24 years!!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As above

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Everyone should be treated equally regardless of religion or sexual orientation!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Just because its legal doesn't mean you have to do it!! Same sex marriage won't make you gay or detract from straight marriage, it just means all people can be married to the person they love and in time stop people having to be labelled and just be a married couple!

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Maria Moody
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Everyone should be allowed to get married. Marriage is between two people it should not matter what gender or sexuality they are it is between those two people not the nation

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
I don't understand the question

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
Don't understand

How would you characterise your views on civil partnerships changing to marriages?
In support
It is A good Idea

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
Don't Understand

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

It should be up to those people in the marriage

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage these days is seen as a joke it is not taking serious like it used to be. I believe that if two people still believe in the sanctity of marriage it should not matter what there sexuality they are. Marriage is about love of two people.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would like to point out that I'am a roman catholic who also believes in same sex marriage I'am sick of hearing about people who say that being gay is not right and that the bible says it is a sin what i think people forget that the bible was written when it was still illegal to be gay times have changed since then and we have to start moving on. I'am a 72 year old woman and can't believe that in 2013 same-sex marriage is still illegal. I hate hearing about people who have been bullied because they are gay I think that legalising same-sex marriage it will show bullys that scottish parliament will not stand for it.

Are you responding as...

a private individual

Agnes Mooney
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM CAROLINE MORELAND

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Caroline Moreland
21 August 2013
How would you characterise your views on the Bill in general?
In support
I think it's a good step forward in making the people of Scotland equal.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I strongly support same sex marriage, to do otherwise would be discriminatory.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

John-Ross Morland
17 August 2013
How would you characterise your views on the Bill in general?
In support

Everyone should be treated exactly the same, no matter what sexual preference you are.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Very supportive. No one deserves to be treated differently due to their sexual identity.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

As someone who has had a civil partnership, I think it should be down to individuals who want to transfer their CP to a marriage to do so. I know some people who would rather have a new marriage ceremony. I support it, but not desperate for it to become a blanket change without choice.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
As an atheist, I think if someone wants this, it should be allowed particularly if the religious body is willing. I don't think churches/belief group should be made to perform. If someone is of a particular religion that doesn't agree with same sex marriage/CPs, then I would heartily recommend that person to rethink their beliefs.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Civil servants who do not wish to perform civil marriages should not be allowed to perform any. People who are employed and paid from the public purse have no choice but to follow the government legislation. If they disagree, then they need to be re-employed in an alternative role. Gay, lesbian, bisexual and transgender people are tax payers. Their treatment should not be special, but they should be treated exactly the same as everyone else. As for religious groups, I do not think any group or church should be made to perform a marriage if it goes against their beliefs. As mentioned earlier, I would question anyone who is affiliated with such a group who then goes onto complain that they won't perform a wedding ceremony.

**Would you like to comment on the wider issue of freedom of speech?**

In a secular society, the church would not have the position it currently holds. This is my wish for the future of Scotland. Until then, any person of any religion making negative or disparaging comments about LGBT people should fully expect the same in return. They can't have the security of saying "it's in the bible" and then complaining when their hypocritical leader gets 'Bigot of the Year' award. Ideally, the arguments would be respectful, but that's a two-way street.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Hats off to the Equality Network for all their hard work and their respectful, reasoned debate when in the public domain, often against some fairly harsh comments.

**Are you responding as...**

a private individual

Ian Morrison
22 August 2013
How would you characterise your views on the Bill in general?
In support
We need full equality for everyone, regardless of sexual orientation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Fully agree, they should have exactly the same rights as heterosexual couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
In this day and age marriage is no longer a religious act, and people should have the flexibility to choose who should conduct their ceremony, and how.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Religious freedoms should be respected, but also free choice given.

How would you characterise your views on civil partnerships changing to marriages?
In support
For existing civil partnerships, it would be very cruel not to allow them to change this easily and inexpensively if they wish to, after so many years of waiting for equality.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
No strong views, but flexibility is always welcome, and a more open market might help reduce the often high costs of a wedding ceremony!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Flexibility is good, and this may help some religious celebrants reconcile their views on equality with their religious doctrines.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Civil partnerships for mixed-sex couples would be welcome.

Are you responding as...

a private individual

Katie Morrison
17 August 2013
How would you characterise your views on the Bill in general?

In opposition

For the past twenty years after I took over the reigns of the local Mothers’ and toddlers’ group, the hall generously supplied by the Reverend John Purves of Drumchapel St Andrew's Church, I, with the other mums and dads have watched with pride as our tods now attend various uni’s or colleges, Our community has strengthened especially during worrying times of illness, redundancy and bereavement. It's comforting to know that its' structure, especially its' beating heart is replicated through out the world. While distributing Scotland for Marriage leaflets to eg Clydebank residents and discussing your planned distribution of pro homosexual DVD’S to nursery and primary schools, the worry, anger and stress etched on their faces was painful to watch. Your plans plus the current economic climate has pushed society from breaking point to destabilisation of the country. We watched the rise and rise of UKIP AND NOW WE KNOW WHY. No one voted to redefine marriage at nursery level. No one outside of Mike Russel has seen the DVD'S. No one I know has been consulted on their compilation. Is it because you deem us in some way unworthy despite our 20 years of painful sacrifice spent in rearing of our own children and of those indirectly in the wider community?. It smacks of a cover up and a cruel form of a child abusive, educational experiment on the most vulnerable of our society and without any parental consent or consultation in the wider community. What's the big secret? come clean.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

In Clydebank, young, old, married or single, homosexual or hetero sexual, repeat and repeat and repeat to me; marriage is between a man and a woman! They are representative of the views of at least of the West of Scotland. We parents campaigned vigorously for an end to abuse of any sector of society. This introduction, I feel is a stab in the back! To appease same sex marriage proponents and then unpick and undermine this wonderful pillar of society and knowing full well its' natural progression will be fulfilled and polygamy, etc. will be demanded [already campaigned for in Brazil]: you blaze, what trail exactly?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

[ ], despite having gained a lucrative career in the oil business lived 2 years in discernment before relinquishing it all to complete 5 years seminary study and is now a happy and respected priest. [ ], a fluent Gaelic
speaker and art's graduate, gave up guaranteed, fame and fortune on eg Gaelic radio, to train as a Church of Scotland minister. Despite both being very humble men we know they answered God's call at great personal expense to specifically uphold the pillars eg marriage in our society. Are you saying if I believed in same sex marriage I should train as a belief celebrant and conduct same sex unions? This proves how poor your research on marriage is and you propose to redefine marriage on the results of your negligent research. Years of ministerial training and study is vital in the upholding of the structures of our society.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

As you bend over backwards to respect the religious tenets of eg Sikhs and Muslims we the indigenous and Christian people demand we be treated at least with the same consideration if not more! Christian equality predated same sex marriage. Catholic, Anglican and Church of Scotland pioneers in Africa have thriving schools and universities for all, funded, still by us. Marriage is not a one shop stop. Christian marriage requires years of study by the celebrant and a year of preparation by the couple strictly adhered to by us and in African communities. Your arrangements nullifies God's tenets, thousands of years of ministerial study and the cooperation of engaged couples.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Redefining marriage at source especially at nursery level means 2 princes or 2 princesses, which I explained to The afore mentioned is now in Mike Russel's teaching aids for nurseries. How perfectly ridiculous! Since 2 homosexuals who love each other can marry and after campaigning, trailblazed, by afore mentioned Brazilians Mike Russel will have to amend his pro homosexual DVD'S for nursery children and include 3 princesses, or 4 princes or 1 prince and 3 princesses, or any combination you can think of, especially if they "love" each other. Not only do priests and ministers not know their job and you say anyone can perform a marriage ceremony, also parents don't understand marriage when they repeat it 's between a man and a woman and I as an experienced teacher don't know my job when I said redefining marriage means 2 princesses and 2 princes.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

... maintained to the retired chaplain during our meeting that Christian chaplains had well established rights to minister in tax funded hospitals, prisons, etc. Very soon Reverend Brian Ross was sacked from his post as chaplain to Strathclyde police on trumped up charges, The resulting deafening silence of Strathclyde Police was and still is depressing. I observed a Muslim cleric ministering very kindly to a distressed Muslim prisoner as Rev. Ross ministered hundreds of times. Was the Muslim prison chaplain sacked? Is he likely to be? If I or the parents refuse to read 2 princes who fall in love will you sack me or charge the parents with crimes against the state or am I being" perfectly ridiculous"? The Holocaust didn't happen in a vacuum, It is well recorded in every university and validated by the survivors, chaplains, bishops and clergy quickly followed rival politicians to the camps.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation
a faith/belief local group or congregation
another representative body
housewife, mother, active community member

Mrs Betty Morrison
Scotland for Marriage
20 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Murdo Morrison
16 August 2013
How would you characterise your views on the Bill in general?

In opposition

How can any Politian presume to change the meaning of a word which has been clear since time immemorial?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex couple simply cannot have a marriage relationship nor procreate...which seems to us to be a basic function of marriage. They are not currently being denied companionship and their civil rights are already enshrined legally.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

I just do not know what this question means. Are religious celebrants not belief celebrants also

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

No strong view, but there has to be some setting out of boundaries to protect from the sham and absurd, both of which undermine the validity of the ceremony

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This is near the heart of the concerns. Rights of parents in what children should be taught, the endangering of employment rights for those with conscientious concerns, the lack of opportunity for near relatives to enjoy the rights of civil partnerships, etc. There is a whole can of worms here.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

Have we not got the whole situation out of perspective? The National Office of Statistics last November, I think, gave the total of gay, lesbian and transgender people as being 2% of the population. It has all gone over the top. As a profound believer in the equal value of every human being I fear for the future and what prejudices may be developed against LGBT people.

Peter & Marion Morrison
13 August 2013
How would you characterise your views on the Bill in general?
In support
Long overdue.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Long overdue.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
Marriage is marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Modern and flexible approach.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Modern and accommodating.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

My instinct is that they should grow up and they are swimming against the tide of history. In a generation many who most strongly hold the views of the past will no longer be alive and whilst I respect their views the majority of society should be allowed to modernise with or without them on board.

**Would you like to comment on the wider issue of freedom of speech?**

I better not - GCHQ might be reading this. Will an independent Scotland have an equivalent Spy network?

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Hurry up and pass it into law please. :o)

**Are you responding as...**

a private individual

Craig Morton
23 August 2013
4. How would you characterise your views on the Bill in general?

In opposition

Overall, Mothers' Union in Scotland is not in favour of this Bill and the redefinition of marriage. However, we welcome the 'opt in' approach for religious and belief bodies, and their celebrants, in solemnising same sex marriages. We also welcome the provision for same sex couples to divorce on the grounds of adultery as the exclusion of this would have been a significant inequality. However, we note the inconsistency of equality in maintaining civil partnerships for same sex couples only. We also maintain concerns about the implications of this Bill on the freedom to express the view that marriage is inherently between a man and a woman and believe this will be eroded over time.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Overall, Mothers' Union in Scotland is not in favour of the introduction of same sex marriage. Whilst some members welcome the opportunity for all couples to be able make their relationship a legally recognised lifelong commitment, most of our members believe that marriage is inextricably between a man and a woman and that a different word should be used for same sex couples. Many members feel that civil partnerships offer same sex couples the same legal rights, protections and significance of commitment as marriage does for opposite sex couples and that therefore marriage does not need to be redefined.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Mothers' Union welcomes the opportunity for those of non-religious beliefs to have their marriage solemnised in a ceremony meaningful to them and hope that such ceremonies will support and encourage these couples. However, we are keen that there is clarity and guidance on the interpretation of 'belief' body to help ensure that bodies aren't formed or celebrants authorised for the purposes of solemnising 'sham' or forced marriages.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither in support or opposition

Mothers' Union is very supportive of the opt in approach and we believe it is essential to maintain this in order to allow religious and belief bodies to solemnise marriages in accordance with their own doctrine. The regulations need to be clear and directive enough to protect individual celebrants who do not wish to solemnise same sex marriages whilst...
their governing body has chosen to do so; and we are interested in the effect this may have on recruitment requirements in years to come.

8. How would you characterise your views on civil partnerships changing to marriage?

Neither in support or opposition

We would query why a same sex marriage converted from a civil partnership should be treated as marriage from the day the couple formed the civil partnership. There may be couples who wish for their civil partnership to be recognised and not deleted from history, and for their marriage to begin on the day of the wedding ceremony. We wonder if this suggests the Government is placing a higher importance on same sex marriage than on civil partnership.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Mothers’ Union members in Scotland are, on the whole, content with the proposals on allowing civil ceremonies to take place at a venue of the couple’s choosing. This is especially welcome in cases where a couple would otherwise have been put off getting married. Again, we hope guidance on appropriate venues will ensure that the solemnity of marriage is recognised and that 'sham' or forced marriages are prevented from taking place.

We feel there may also need to be clarification on whether those who own (non-religious) premises in which marriages are solemnised will be required to also permit same sex weddings, and whether failing to do so would be unlawful.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither in support or opposition

Mothers’ Union members in Scotland share a diverse range of feelings about the religious and belief registration of civil partnerships, with some viewing it as akin to a marriage blessing in a church of a marriage solemnised elsewhere; and others believing it to be inappropriate to register civil partnerships on religious premises. Again, we very much welcome the opt in approach and believe this should remain integral to the Bill.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither in support or opposition

We have no specific comment on those undergoing gender reassignments in connection to marriage. However, there needs to be greater clarity in the wording of the Bill in relation to gender reassignment and civil partnership to prevent any ambiguity - for example "The
continuity of a protected Scottish civil partnership is not affected by the issuing of full gender recognition certificates to both civil partners" does not specifically state that a civil partnership WILL be affected if only one partner is gender reassigned. There also needs to be clear reference to the legal consequences of both parties failing to obtain gender recognition certificates in this instance.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Mothers’ Union welcomes the clauses in the Bill that offer protection to freedom of thought, conscience, religion and expression. However, we do have concerns that in practice the freedom to exercise the belief and express the view that marriage is between man and woman only will be limited. As the public and political narrative on marriage changes, it is likely that individuals and organisations who hold to the current definition of marriage will face pressure and challenges to either withhold or change their views; and we are concerned that this may become coercive, for example through employment dismissal, withdrawal of organisational funding or legal action.

13. Would you like to comment on the wider issue of freedom of speech?

Many Mothers’ Union members commented on the importance of being responsible with freedom of speech and highlight the importance for all to consider the impact of their words on others in relation to the issue of same sex marriage. Whilst we strongly oppose homophobic speech, we are concerned at what point it might be considered homophobic or even a hate crime to express the belief that marriage is inherently between a man and a woman. This has important implications for places of worship, the workplace, schools, the media and many other public spaces.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

A group of Mothers’ Union member in Scotland made the comment that they were "unhappy about any kind of compulsion for registrars, in situ, whose job description has effectively changed by introducing a new meaning for the word 'marriage'." Another member commented on the importance for faith groups to remember the tenets of their faith that encourage love and fair treatment of others.

Rachel Aston
Social Policy Officer
Mothers’ Union
4 September 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Absolutely no protections should be put in place. The religious institution should have absolutely no say on this matter.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Greig Muir
16 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Love is love no matter the sex of the people. We're all human

Would you like to comment on the wider issue of freedom of speech?
Its our right!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Elizabeth Murray
14 August 2013
THE MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM MUSLIM COUNCIL OF SCOTLAND

The Muslim Council of Scotland (MCS) is grateful to the Equal Opportunities Committee for the opportunity to make further submissions in advance of giving oral evidence.

The Muslim Council of Scotland is a membership-based umbrella organisation, which accommodate and reflect the variety of social and cultural backgrounds and outlook of the Muslim community.

It is an independent body working to promote consultation, cooperation and coordination on Muslim affairs in Scotland. It is a non-sectarian and non-partisan body working for the common good.

At the outset it needs to be said that the Scottish Government (SG) ignored the main issue of introducing same sex marriage despite a large majority to the consultation in 2011 (which received 77,000 responses) two thirds of which were opposed to the introduction of same sex marriage, we are now asked to comment on the Bill itself despite the SG having already ignored the objection to the principle itself.

Principal Objections to the Bill

The Muslim Council of Scotland cannot support the proposal which enables “all couples” to have a civil marriage ceremony. This is not only the views of the Islamic community but reflects the views of the world religions, except for a very few.

Marriage is a sacred institution and not just a contract to live together and is defined as the union of a man and a woman to create the ideal environment for raising children.

The first priority in family life is the interest of the child which is best served where the child grows up in the traditional family with complementary care and support given by both a male father and a female mother. This family structure provides the best care and support which satisfies the needs of the children, which are also different for boys and girls as they grow towards adulthood. Kinship relations are also a major factor for the rest their life. These facts are based on history and supported by scientific evidence.

By forcing a new definition of marriage the Government is interfering in one of the fundamental practices of most faith communities and their way of life.

This Bill seeks to make serious changes to accommodate Same Sex Marriage. The words such as “Mother”, “Father”, “son” & “daughter”, which have been with us since history began can reveal kinship relations and are now at risk of being diluted to no specific relations if changed to accommodate SSM.

To this end we draw your attention to section 1 (2e) of the Bill. Further, we draw your attention to the table on page 27 of the Policy Memorandum attached to the Bill.
outlining how the relationships will be described. We strongly disapprove of these changes and we don’t believe that majority of the Scottish people will approve of this either. We don’t believe that the implications of these changes have been fully explained to or appreciated by the public at large.

On the wider scale, all literature and teachings on marriage will lose their original meaning as intended by the authors, this action would amount to a rewriting of history and cultures.

The assertion that “religious marriage” will be unaffected by the proposal is totally untrue, since fundamentally changing the state’s understanding of marriage means that the nature of marriage solemnised in places of worship would also be changed.

We believe that the Civil Partnership Act 2004 in the UK already gives same sex couples most of the rights and responsibilities of a civil marriage. Taking this further as outlined in the Bill will put an entirely and exceptionally bizarre dimension to the society at large to the detriment of all who oppose it and shattering their civil rights and freedom of expression and religious conscience. We don’t believe much of the assurances given by the Scottish Government, with the best of intention, will be either practical or sustainable.

**Equality Issues**

Redefining marriage as in the proposed Bill will have serious equality issues for people who oppose same sex marriage. We are seriously concerned that this will inadvertently lead to increasing negative equality implications which impacts throughout various sectors of society, such as employment, health and education. All of this will be highly detrimental to the religious practices of all individuals and not only faith organisations.

Also, we conclude that the Religious organisations not willing to ‘marry’ same sex couples may well lose their charitable status or be excluded from hiring or using public facilities. We are aware of the Scottish Government guidelines and assurances, but we do not believe much of this will be sustainable as it will be out with the jurisdiction of the Scottish Government.

The SG Equality Impact Assessment (EIA) annexed to the Bill, is very biased in favour of the perceived positive implications of the Bill. Little or no mention is made in the EIA of the negative implications of this legislation for people who hold to a religious belief or conscientious objection. Rather it limits the potential negative implications of the legislation solely to the matter of religious celebrants.

**Freedom of Expression:**

Many concerns were expressed by respondents to the 2011 consultation that freedom of speech could be inhibited if the ‘same-sex marriage’ is introduced.

The SG should state in the Bill that SSM is a controversial issue and amend the Bill to clarify that public discussion or criticism of marriage, as regards the sex of the
parties to marriage, would not of itself amount to an offence of stirring up hatred because of sexual orientation or any other discrimination category.

There are many case examples which happened or happening already, some are still in courts, such as: a robust debate about ‘same-sex marriage’ in a public place could lead to a charge of Breach of the Peace, within the context of street preaching.

**Impact on Employment**

The introduction of this Bill will force many professionals to adopt the new definition in their teaching and work, which may be against their conscience and for those who do not comply, there is a real risk that they may be sacked from their employment.

There is no doubt that this will present limitations, restrictions and controversy on the freedom of religious belief and practice.

Some of the areas of discrimination, to list a few are as follows, registrars; teachers; student advisors; health workers; chaplains and also employers such as charities and businesses.

Further we would add that this would have serious impact and be detrimental to Imams, Mosques Trustees/ Executive Committee member(s), Charity Accreditations, application for funding and use of public places etc. It needs to be stressed that Islam is not the only faith which will be severely affected by this Bill, but majority of the religious organisations here in the UK and worldwide will be in a similar position.

Civil registrars, social workers, teachers etc who oppose same sex marriage may well lose their jobs. At the very least, new entrants to these professions will find it difficult to get a job if they continue to oppose same sex ‘marriage’ or have been vocal about their beliefs in the past.

Given the situation explained above, we are in no doubt that in the long term this will lead to an employment system which will exclude people who oppose SSM from both employment and from contribution to public life.

We would further state that given the religious background of the ethnic minority communities, the fact that unemployment within some groups of ethnic minorities’ communities being as high as three to four times higher to main population; it will give disproportionate impact to different groups of people thus widening the unemployment ratio even further.

**Uncertainty of Assurances**

The Scottish Government has given various assurances that the civil liberties of those who have a conscientious objection to ‘marry’ same sex couple will be respected. We are of the strong view that whilst the Scottish Government may have the best of intention to address equality; however, it is not realistic or sustainable. The SG will not be able to give safeguards to the majority who oppose SSM as this reality can be seen from those countries that have legalised SSM.
We draw you attention to some of our arguments stated below:

Article 9 (1) of the European Convention on Human Rights, ECHR:
“Everyone has the freedom of thought, conscience and religion: the right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public and private, to manifest his religion or belief, in worship, teaching, practice and observance.”

Article 9 (2) “Freedom to one’s religion or belief shall be subject to such limitation as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or the protection of the rights and the freedom of the others.”

Whilst it is understood what Article 9(1) is stating, applying it in context with the controversial issue of ‘Same Sex Marriage’ as proposed in the Bill is going too far and opens up floodgates to the detriment of large majority of Scottish people. The SG is seriously encroaching and negatively impacting the rights of the majority who oppose this change on grounds of conscience or faith.

Further, the interpretation which the SG will take of Article 9(2) is at present a total mystery.

The Lord Advocate has only issued brief guidelines very recently for the Crown Office and Procurator Fiscal Office. We are in no doubt from these guidelines that it will be a test for the police and the prosecutors resulting in many unfair prosecutions. We would have like to have seen specific and unambiguous protections written on the face of the bill which will safeguard people who support traditional marriage.

It is our understanding that if the member state chooses to make provision in its domestic law for same sex marriage, then as far as the ECHR is concerned same sex marriage is protected by the convention in the same way that opposite sex marriage is protected: the right to marry contained in Article 12 is applicable to both categories so far as the state is concerned.

Whilst we may be prepared to accept that the present Scottish Government will do whatever is necessary to safeguard the interests of the majority of Scottish people, we must not forget that much of this will be out with the remit of the Scottish Government and it will not be sustainable to uphold the assurances given. For example, the Equality Act 2010 is with the UK Government, articles 8,9, 10,12 &14 fall under the European Human Rights Convention ECHR. To this end we further draw your attention to; Lidele v United Kingdom and the written evidence by the faculty of advocates.

As we explained in our response to the Scottish Government, and it forms part of our submission to the Equality Committee, and is attached, the European Court of Human Rights has already ruled in some cases that freedom of expression and manifestation of religion should be of secondary consideration to non-discrimination on the grounds of sexual orientation where a clash of rights has occurred.
Moral Fabric Undermined

In summary we would reiterate that the Scottish Government is under no obligation to introduce this controversial Bill and that there is adequate provision already within the legislation for same sex couples.

While the Government brings about equality for same sex couples to marry, it will undoubtedly have a severe negative impact on traditional marriage and the very rights of the individuals being compromised or taken away to their detriment. The Government has a clear obligation to uphold, sustain and protect the moral values of the people. Bringing this Bill with all the inconsistencies in it, will have a serious impact on the moral fabric of the Scottish society and the Scottish Government should be very cautious before interfering with this right.

Introduction of this Bill will be detrimental to the society and many of the safeguards and assurances given by the Scottish Government are unrealistic and we fear that they will not be sustainable.

We therefore oppose this Bill as a matter of principle and for the reasons explained and others included in our response to the SG consultations.

Salah Beltagui
Muslim Council of Scotland
2 September 2013
Appendix A

Faculty of Advocates: Written Evidence from Faculty of Advocates in relation to the Marriage and Civil Partnership (Scotland) Bill

These provisions seek to safeguard Article 9 rights (the rights to freedom of thought, conscience and religion). Annex A to the Scottish Government’s Consultation on the draft Bill contained the following statement: “The Scottish Government has made it clear throughout that no religious body and no religious celebrant should be required to solemnize same sex marriage or to register a civil partnership”.

The Faculty is not convinced that this policy intention has been fully implemented in the Bill so far as individual religious celebrants are concerned. The Bill does not contain provisions equivalent to those which appear in section 2 of the Marriage (Same-Sex Couples) Act 2013 (which applies in England and Wales). Section 2 of the 2013 Act provides that a person may not be compelled by any means to undertake certain specified activities, including conducting a relevant same-sex marriage.

Religious celebrants who belong to a religious or belief body which is in favour of same-sex marriage, but who have a conscientious objection to same-sex marriage, might be open to pressure from their religious or belief body to solemnise such marriages. In effect, the pressures that have existed for civil registrars might come to be applied to such celebrants: in Ladele v United Kingdom (2013) 57 E.H.R.R. 8, the European Court of Human Rights held that the dismissal of a civil registrar who declined to solemnise civil partnerships was not incompatible with her Convention rights. Having regard to section 149 of the Equality Act 2010, there may be particular implications for persons employed in the public sphere, such as hospital, prison and army chaplains.

The Faculty notes the joint statement by the Scottish Government and UK Government on amendments to the UK Equality Act 2010. Paragraph 18 of the joint statement suggests that the proposed amendment to that Act will follow section 2(6) of the Marriage (Same-Sex Couples) Act 2013, to provide that a celebrant does not contravene section 29 of the 2010 Act by refusing to solemnise a same-sex marriage or register a civil partnership. It does not, however, appear to be envisaged that the legislation will replicate the other provisions of section 2 of the 2013 Act.

The Bill seeks to offer reassurance by re-iterating, in clause 14, the rights to freedom of thought, conscience and religion and to freedom of expression found in articles 9 and 10 of the European Convention on Human Rights. While the express acknowledgement of these rights may be useful, it is doubtful whether express reference to them adds anything of substance since these freedoms are already built into the law by the Human Rights Act 1998 and the Parliament does not have the power to pass a measure that conflicts with them (Scotland Act 1998, section 29).
4. How would you characterise your views on the Bill in general?

In-opposition

The Scottish Government SG intends to proceed with the introduction of very controversial issue of same sex marriage SSM despite of the results of the consultation in 2011 with over 77,000 responses two thirds majority opposing SSM.

By forcing a new definition of marriage the Government is interfering in one of the fundamental practices of most faith communities and their way of life.

The scope of the present consultation is very limited because it seeks views on the detail of the legislation after having already ignored the objection to the principle itself.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In-opposition

From the Islamic perspective we totally oppose same sex marriage in any shape or form. This view is very clear and straight forward within the teaching of Islam, as is the case with the very large majority of the world religions.

This belief does not and should not be considered a homophobic behaviour.

Marriage is a sacred institution and not just a contract to live together and is defined as "the union of a man and a woman with the interest of the children as the first priority and at the heart of it.

As a matter of principle, Governments do not have the right to re-define marriage and/ or subject the people to such a controversial environment with severe implication for the large majority of the Scottish People.

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

We are not supportive of the proposal to establish ‘belief’ ceremonies because we do not wish to encourage secular marriages, which will cause confusion in defining what is Religious Faith and Secular Belief. There is a clear difference between marriage based on faith with rules that are divine and well tried for centuries and belief contracts which could be introduced by followers at any time with no experience of application.
7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

We welcome the opt-in registration arrangement in the Bill. This goes well with the fact that the marriage is the act of worship as acknowledged by the SG in the consultation document.

While the UK Government will amend the Equality Act 2010 to give individual celebrants the right to refuse to solemnize same sex marriage even if their organizations opt in for solemnizing same sex marriages, there is a strong possibility that a claim of a breach of human rights might be taken against a religious organization by an individual celebrant.

This matter may be ultimately determined by the European Court of Human Rights. There is no guarantee that, at some future date, the court will not rule that religion and belief celebrants must either solemnise all ‘marriages’ or cease to marry people altogether.

Although the European Court of Human Rights has made it clear that it won’t impose same-sex ‘marriage’ on nation states, if a country makes it available in some contexts it must be made available on an equal basis. Discrimination in the provision of same-sex ‘marriage’ could be ruled to contravene the Convention.

In summary, while the Government brings about equality for same sex marriage and the definition and meaning this has, it will also undoubtedly have a severe negative impact on traditional marriage and the very rights of the individuals being compromised or taken away to their detriment.

8. How would you characterise your views on civil partnerships changing to marriage?

In Opposition

As stated before same-sex relations/unions are not accepted in our faith under any name.

This is one of many features of inconsistency in this Bill, This will create a two tier system giving same sex couples more options to register their relationships than is available to heterosexual couples.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In Opposition

SG has not specifically clarified what they mean by ‘religious premises’. Our concern is that many Islamic mosques/ Islamic centres have halls or spaces either within or linked to the premises which they may hire out.
We agree civil marriages, especially same-sex ‘marriages’, should not be performed on religious premises as, this may force a religious organisations to let their halls for a same-sex civil ‘marriage’ ceremony against their belief.

We require that in any case clear legislation should be made to guarantee the protection of religious premises from being used for SSM and not be subject to litigation based on discrimination of supply of services.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In Opposition

As stated before same-sex relations/unions are not accepted in our faith under any name.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In Opposition

No Comment

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The SG Equality Impact Assessment (EIA) annexed to the Bill, is very biased in favour of the perceived positive implications of the Bill.

Little or no mention is made in the EIA of the negative implications of this legislation for people who hold to a religious belief or who have a conscientious objection. Rather it limits the potential negative implications of the legislation solely to the matter of religious celebrants.

It does not consider the implications of this legislation for many other faith organizations and others working across the breadth of the public sector. They may find themselves being placed in the position of having to choose between following their religion/conscience or obeying their employer. In the event they chose their religion/ conscience they could be disciplined or even lose their job.

We made it clear that in Islam we cannot support this change in any shape or form, however we outline the following areas in the event the SG does not listen to the Scottish people and the various element of the legislations need to be addressed:

- Civil registrars are likely to be required by their employers to ‘marry’ same-sex couples.
- Teachers may well be asked to teach pupils about ‘same-sex marriage’.
- Local authorities, owing to the public sector equality duty contained in the Equality Act 2010, may well decide that they cannot partner with, let halls to or provide grants to religious organisations which refuse to ‘marry’ same-sex couples.
• Some religious organisations may lose their Charity Status if they refuse to allow same sex marriages in their premise.
• Chaplains working in the public sector could lose their jobs if they preach traditional marriage.
• Those with a religious/ conscientious objection to same-sex ‘marriage’ might find it difficult to foster or adopt children.
• We believe, like other religious organisations, that traditional family structure is the best environment to bring up children.

The introduction of this Bill will force many professionals to adopt the new definition in their teaching and work, which may be against their conscience and for those who do not comply, there is a real risk that they may be sacked from their employment.

Let us not be in any doubt that this will present limitations, restrictions and controversy on the freedom of religion.

Some of the areas of discrimination to list a few are as follows: those employed as registrars; teachers; student advisors; health workers; chaplains and also employers such as charities and businesses.

Further we would add that this would have serious impact and be detrimental to Imams, Mosques Trustees/ Executive Committee member(s), Charity Accreditations, application for funding and use of public places etc. It needs to be stressed that Islam is not the only faith which will be severely affected by this Bill, but majority of the religious organisations here in the UK and worldwide will be in a similar position.

Civil registrars, social workers, teachers etc who oppose same sex marriage may well lose their jobs. At the very least, new entrants to these professions will find it difficult to get a job if they continue to oppose same sex ‘marriage’ or have been vocal about their beliefs in the past.

Given the situation explained above, we are in no doubt that in the long term this will lead to an employment system which will exclude people who oppose SSM from both employment and from contribution to public life.

We would further state that given the religious background of the ethnic minority communities, the fact that employment within some groups of ethnic minorities’ communities being as high as three to four times higher to its white counterpart; it will give disproportionate impact to different groups of people thus widening the unemployment ratio even further.

We believe that the Civil Partnership Act 2004 in the UK already gives same sex couples most of the rights and responsibilities of a civil marriage. Taking this further as outlined in the Bill will put an entirely and exceptionally bizarre dimension to the society at large to the detriment of all who oppose it and shattering their civil rights and freedom of expression and religious conscience. We don’t believe much of the assurances given by the Scottish Government, with the best of intention, will be either practical or sustainable.
13. Would you like to comment on the wider issue of freedom of speech?

Many concerns were expressed by respondents to the 2011 consultation that freedom of speech could be inhibited if the ‘same-sex marriage’ is introduced.

Government should state in the Bill that SSM is a controversial issue and amend to clarify that public discussion or criticism of marriage, as regards the sex of the parties to marriage, would not of itself amount to an offence of stirring up hatred because of sexual orientation or any other discrimination category.

There are many case examples which happened or happening already, some are still in courts, such as:

- A robust debate about ‘same-sex marriage’ in a public place could lead to a charge of Breach of the Peace, within the context of street preaching.
- Distributing religious leaflets or preaching outside a football stadium could be treated as an offence under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.
- Offensive behaviour under this Act includes behaviour seen to be ‘homophobic’ etc.
- Any other public sector employee who speaks out against ‘same-sex marriage’ may be disciplined at work.
- A hospital Chaplain who preaches in his place of worship against same sex marriage can be disciplined by his employer.
- Similarly a University Chaplain, Prison Chaplain etc

Prosecutorial Guidelines by the Lord Advocate are not subject to consultation and can be easily amended by a future Lord Advocate. For these reasons we would like to have seen these guidelines as part of the Bill since we are already on a fine line to what may constitute criminal offences.

Whilst this Bill may give freedom of marriage to same sex couples, it could be detrimental to traditional marriage and religious communities in general. This could have a detrimental impact on positions that are/ or have been held by individuals due to it being a criminal offence under these changes.

It will also affect their future status in many aspects including employment.

In the circumstances the SG claims that guidance relating to NHS chaplains, current employment law and the European Convention of Human Rights are sufficient to protect freedom of expression, is not sustainable.

The European Court of Human Rights has already ruled in some cases that freedom of expression and manifestation of religion should be of secondary consideration to non-discrimination on grounds of sexual orientation where a clash of rights has occurred. There are also many cases to this effect in USA and Canada.
14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

At the outset it needs to be said that the Scottish Government (SG) ignored the main issue of introducing same sex marriage despite a large majority to the consultation in 2011 (which received 77,000 responses) two thirds of which were opposed to the introduction of same sex marriage, we are now asked to comment on the Bill itself despite the SG having already ignored the objection to the principle itself.

The Muslim Council of Scotland cannot support the proposal which enables “all couples” to have a civil marriage ceremony. This is not only the views of the Islamic community but reflects the views of the world religions, excluding a very few.

This Bill seeks to makes serious changes to accommodate Same Sex Marriage. The words such as “Mother”, “Father”, “son” & “daughter”, which have been with us since history began can reveal kinship relations and are now at risk of being diluted to no specific relations if changed to accommodate Same Sex Marriage. To this end we draw your attention to section 1 (2e) of the Bill. Further, we draw your attention to the table on page 27 of the Policy Memorandum attached to the Bill outlining how the relationships will be described. We strongly disapprove of these changes and we don’t believe that majority of the Scottish people will approve of this either. We don’t believe that the implications of these changes have been fully explained to or appreciated by the public at large.

On the wider scale, all literature and teachings on marriage will lose their original meaning as intended by the authors, this action would amount to a rewriting of history and cultures.

The assertion that “religious marriage” will be unaffected by the proposal is totally untrue, since fundamentally changing the state’s understanding of marriage means that the nature of marriage solemnised in places of worship would also be changed.

The Scottish Government has given various assurances that the civil liberties of those who have a conscientious objection to ‘marry’ same sex couple will be respected. We are of the strong view that whilst the Scottish Government may have the best of intention to address equality; however, it is not realistic or sustainable. We draw you attention to some of our arguments stated below:

Article 9 (1) of the European Convention on Human Rights, ECHR:

“Everyone has the freedom of thought, conscience and religion: the right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public and private, to manifest his religion or belief, in worship, teaching, practice and observance.”

Article 9 (2) “Freedom to one’s religion or belief shall be subject to such limitation as are prescribed by law and are necessary in a democratic society in the interest of public safety, for the protection of public order, health or morals, or the protection of the rights and the freedom of the others.”
Whilst it is understood what Article 9(1) is stating, applying it in context with the controversial issue of ‘Same Sex Marriage’ as proposed in the Bill is going too far and opens up floodgates to the detriment of large majority of Scottish people. The Scottish Government would be going too far in pleasing and protecting the rights of a minority whilst seriously encroaching and negatively impacting the rights of the majority. Further, The interpretation which the Scottish Government will take of Article 9(2) is at present a total mystery as the Lord Advocate guidelines are not available and none will be made available until after the Bill has been passed.

It is our understanding that if the member state chooses to make provision in its domestic law for same sex marriage, then as far as the ECHR is concerned same sex marriage is protected by the convention in the same way that opposite sex marriage is protected: the right to marry contained in Article 12 is applicable to both categories so far as the state is concerned.

Whilst we may be prepared to accept that the present Scottish Government will do whatever is necessary to safeguard the interests of the majority of Scottish people, we must not forget that much of this will be outwith the remit of the Scottish Government and it will not be sustainable to uphold the assurances given. For example, the Equality Act 2010 is with the UK Government, articles 8,9,12 &14 fall under the European Human Rights Convention ECHR.

The European Court of Human Rights has already ruled in some cases that freedom of expression and manifestation of religion should be of secondary consideration to non-discrimination on the grounds of sexual orientation where a clash of rights has occurred.

Also, we conclude that the Religious organisations not willing to ‘marry’ same sex couples may well lose their charitable status or be excluded from hiring or using public facilities. We are aware of the Scottish Government guidelines and assurances, but we do not believe much of this will be sustainable as it will be outwith the jurisdiction of the Scottish Government.

In summary we would reiterate that the Scottish Government is under no obligation to introduce this controversial Bill and that there is adequate provision already within the legislation for same sex couples.

While the Government brings about equality for same sex couples to marry, it will undoubtedly have a severe negative impact on traditional marriage and the very rights of the individuals being compromised or taken away to their detriment. The Government has a clear obligation to uphold, sustain and protect the moral values of the people. Bringing this Bill will have a serious impact on the moral fabric of the Scottish society and the Scottish Government should be very cautious before interfering with this right.

Introduction of this Bill will be detrimental to the society and many of the safeguards assurances given by the Scottish Government are unrealistic and we fear that they will not be sustainable.
We therefore oppose this Bill as a matter of principle and for the reasons explained above. The SG will not be able to give safeguards to the majority who oppose SSM as this reality can be seen from those countries that have legalised SSM.

Muslim Council of Scotland
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM NATIONAL TRANS POLICE ASSOCIATION

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
This to me is the most vitally important component of the bill. The present law requires perfectly good relationships to be broken up even temporarily so that one partner can gain their gender recognition certificate. This is surely unacceptable in this day and age, a cruel and unnatural punishment simply for daring to want to reflect your true gender. I transitioned some 25 years ago but still remain married to my partner, I would like a gender recognition certificate, however I have no intention of divorcing my partner simply to get a piece of paper. If a relationship works - why break it? Surely what the world needs is more love and not more strife?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group

Carol Mapley
National Trans Police Association
30 June 2013
How would you characterise your views on the Bill in general?

In support

The National Union of Journalists has long supported Equality and same sex marriage is absolutely essential if we are to end discrimination against LGBT people, while providing safeguards for religious institutions who do not wish to conduct such civil ceremonies.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

It is absolutely essential that 'belief celebrants' are allowed to conduct such ceremonies, to ensure those such as the Humanist Society can celebrate same sex marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

If there was a blanket ban, then that would be inequitable and against the wishes of many religious organisations who wish to be able to solemnise both opposite and same sex marriage.

How would you characterise your views on civil partnerships changing to marriages?

In support

It would be inequitable for only same sex couples to be allowed access to civil partnerships, while opposite sex couples are not. If same sex marriage legislation is enacted, then there has to be a review of civil partnership legislation, to examine whether opposite sex couples are being treated in an inequitable manner.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Civil marriages - whether same sex or not - should be conducted in any reasonable place, as agreed between the couple and the registrar. There should not be a blanket ban on same sex marriages taking place in religious premises, if the organisation involved is in support of solemnising same sex marriages.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If institutions agree, then it would be inequitable to oppose this through legislation.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is absolutely no evidence that the introduction of same sex marriage will harm so-called 'traditional' marriage, just as Civil Partnerships did not lead to the destruction of Scottish society. It is incumbent on the state to legislate for the equality of all. Marriage is a civil contract which binds, through law, couples together - allowing marriage for one section of society and not the other, is patently unjust. Scotland has the opportunity to prove once and for all that we are a fair nation, which values above all else, equality and fraternity and the chance for loving couples to have their union fully recognised by the state.

Would you like to comment on the wider issue of freedom of speech?

We already have legislation in place to deal with any comments considered to be inciteful. People should express - and respect - the opinions of everyone in this debate.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Trade Union (NUJ Scotland, Chair)

James Doherty
Chair
National Union of Journalists
8 August 2013
How would you characterise your views on the Bill in general?

In support

As has been noted elsewhere, it seems that the "spousal veto" clause is bizarre. If the spouse has been happy to live with their partner for two years while they were living in their destination gender, then why is it an issue? It's only practical use would be as a lever for revenge should the relationship sour in the intervening period.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I find the terms chosen to be confusing to the lay reader. The definition of "belief celebrant" is not at all obvious. However, it seems just plain silly to differentiate legally based on religion.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

In truth, I am slightly opposed to the idea that treating people differently due to their sexual orientation is acceptable in a role that is sanctioned by law. The law should be blind to sexual orientation, even if some institutions are not.

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I would prefer this to apply to all marriages.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Assuming both parties are in agreement. It should be legitimate grounds for divorce.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't understand why anyone else has a right to veto the marriages of third parties. Therefore, is someone has a concern about same sex marriage, then they simply shouldn't have one.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech must accept a degree of responsibility when the discussion revolves around specific individuals.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

John McCallum
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sandy Nelson
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Hilary Newth
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM NHS GRAMPIAN

How would you characterise your views on the Bill in general?
In support
This is a positive step forward to promote equality within Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
This is a positive step forward to promote equality within Scotland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
This is a logical step.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
This is a positive step to promote equality.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

This is a positive step.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Marriage and Civil Partnerships (Scotland) Bill has been designed to respect the views of those who may have concerns about same sex marriage.

Would you like to comment on the wider issue of freedom of speech?

The Marriage and Civil Partnerships (Scotland) Bill will progress equality within Scotland, while respecting free speech, as required by the Human Rights Act 1998.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No.

Are you responding as...

a public body

Nigel Firth
NHS Grampian
26 July 2013
How would you characterise your views on the Bill in general?
In support

NHSGGC supports and welcomes the bill as a step forward in terms of equality in Scotland and believe it strikes the right balance between the rights of different equality groups.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

We support the rights of LGBT people to have equal rights and believe that the bill, by introducing marriage for same-sex couples, will remove an existing discrimination.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

This seems to reflect the current situation for different sex-couples so should be the same for same-sex couples.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

We support the opt-in procedures as a way to balance the rights of different equality groups.

How would you characterise your views on civil partnerships changing to marriages?
In support

We support the option of being available to change from a civil partnership to a marriage without a going through a marriage ceremony and would support an amendment to the bill which allowed marriages not registered in Scotland to be included (as they are for different-sex marriage).

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

This seems to reflect the current situation for different sex-couples so should be the same for same-sex couples.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

This option should be available.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

We are concerned with the inclusion of “spousal consent” in the bill for transgender people as it effectively enables the spouse of a trans person to prevent their partner from obtaining gender recognition, unless the trans person is able to obtain a divorce which, if the non-trans spouse is unwilling to cooperate, could take many years. Gender recognition should not be linked to spousal consent in this way.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

We support the opt-in and opt out provisions in the bill as a way of striking the balance between the rights of different equality groups, however we would not support opt-out for civil registrars who are delivering a public service.

**Would you like to comment on the wider issue of freedom of speech?**

We believe this is clarified adequately in the bill.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

a public body

Jackie Erdman
NHS Greater Glasgow and Clyde
23 August 2013
How would you characterise your views on the Bill in general?

In support

We would generally support the Bill on the grounds of addressing equality. Equal marriage can be seen to contribute to addressing the discrimination experienced by many Lesbian, Gay, Bisexual and Transgender (LGB and T) people. Our primary concern is for peoples health and it is well documented that discrimination has an adverse effect on peoples' health and wellbeing. The following summary was produced by the Royal College of Psychiatrists in response to the Home Office’s consultation on equal marriage in 2012 and reflects well the NHS Highland point of view. “Many health associations around the world support marriage equality on health grounds. These include the American Medical Association, Indiana State Medical Association, American Psychiatric Association, American Academy of Pediatrics, American College of Obstetricians and Gynecologists, American Psychological Association, Australian Medical Association, and the Australian Psychological Society. The ‘minority stress’ experienced by LGB people is an important factor in their health disadvantage. Stigma and discrimination against sexual minorities has been well studied (Ritter, Matthew-Simmons and Carragher, 2012). It is likely that social hostility, stigma and discrimination is at least part of the reason for the higher rates of psychological morbidity observed (King, 2008 and Chakraborty, 2011) as well as elevated rates of suicide (Mathy et al. 2009). Discriminatory policies specifically with regard to marriage equality have been shown to have negative health effects (Hatzenbuehler, 2010). Although the introduction of civil partnerships/unions in many western countries has gone a long way to reduce inequality (King & Bartlett 2006), marriage equality could reduce the discrimination and stress suffered by LGB persons, and lead to greater social inclusion and improved health. Opponents of marriage equality claim it will harm the institution by fundamentally redefining it; yet they produce no evidence in support of such claims. Opposition appears to be based mainly on the grounds of religious belief and practice, and such opposition should have little place in how secular marriage is regarded and defined. Furthermore, there are no health arguments in favour of maintenance of the status quo (denial of marriage equality). The Royal College of Psychiatrists supports the UK Home Office’s Equal Civil Marriage proposals (http://www.homeoffice.gov.uk/publications/about-us/consultations/equal-civil-marriage/).

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

We believe addressing inequality between mixed sex and same sex couples can only be positive and same sex marriage seems an appropriate way to achieve this. It seems unnecessary, however to insist that all mixed sex marriage ceremonies must use gender specific language, whereas it would seem more in the spirit of equality
and choice to allow individual couples (whether mixed sex or same sex) to decide for themselves. It also seems unfair to not allow couples who have had civil partnership ceremonies abroad to access marriage in Scotland. For many it may be unfeasible to return to the country where the civil partnership took place to have it dissolved.

**How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?**

In support

This would seem appropriate, as belief and religion are covered similarly under the Equality Act 2010.

**How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?**

Neither

No specific comments on this question.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

The same institutions, whether they are marriage or civil partnership, should be open to both mixed sex and same sex couple in order to promote equality.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

No specific comments on this question, although it would seem appropriate to introduce more choice.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

It would seem appropriate as a means of addressing some of the unequal elements of civil partnerships.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support
Obtaining a Gender Recognition Certificate can be a very stressful time and anything which could assist in alleviating that pressure would be welcomed. Several transgender individuals in Highland have commented that they very much resented having to divorce their partner when obtaining their certificate. For several people, their partner had been an enormous source of support and it did not feel appropriate to either party that they should be divorcing. It added unnecessary stress to what can be a very difficult situation for the individuals involved. We would also agree with the Equality Network, that as the bill stands, a married person will require the consent of their spouse to obtain gender recognition. In our view, gender recognition should be available with or without the spouse’s consent, because it is a matter personal to the trans person. It is the re-registration of the marriage after gender recognition that should require the consent of both spouses, since that is where both spouses have a direct interest. The bill is also currently missing a provision that was added to the corresponding English legislation, allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years. That should be added. We would also like to see the minimum age for applying for gender recognition brought into line with the minimum age for marrying in Scotland that is 16.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

While freedom of religion and belief should be respected, this should not be at the expense of other peoples’ rights to equality.

**Would you like to comment on the wider issue of freedom of speech?**

No.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

No

**Are you responding as...**

a public body

Caroline Tolan
NHS Highland
7 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition

Civil partnership should be an available option. People may object to marriage for any number of reasons, but should still have the ability for their partnerships to be legal and recognised.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

Provided the ceremony is not disruptive or dangerous, I cannot see any reason why people shouldn't be able to conduct ceremonies wherever they like. Even if it is, say, on a public towpath, on a bicycle build for two, with all the bridesmaids on tricycles

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

A person's involvement with religion is personal. If it is important to the people involved that their partnership involve some religious element, that's fine, so long as the partnership, as far as the law is concerned, is just that, a partnership. Religi
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Absolutely in support. The support of a partner can be vitally important to people in gender transition. To have the risk of their legal partnership nullified by their transitioning is not only to compound the stress of an already not very easy process, i

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

By 'concerns', I assume you mean objections, for whatever reason? Religious concerns are most often cited in anti-same-sex marriage debates. These should be no concern of the law as regards partnerships, or the law may as well be concerned with shellfish and pork, mixed fibres, approaching the altar with a defect in one's eye or foot, &c. Another concern is that the recognition of same-sex partnerships makes the childrens gay. Come on. That's silly. Another concern is that it is unnatural. It isn't. Another concern is that it degrades the validity of 'traditional' marriage. Funny, I've been in a heterosexual marriage for over a decade, and I've never noticed the existence of homosexual partnerships degrading in any way-- apart from homosexual people not having the same legal recognition that I have. That is degrading. My concern about people who have concerns about same sex marriage is the often violent intolerance towards LGBT people shown by people with concerns. People are attacked, physically and psychologically bullied without mercy, told from a young and impressionable age that deities hate them and will punish them eternally, marginalised, penalised, denied opportunities, even in this progressive and civilised society. That needs to stop. I don't care what a person's objections are to same sex partnerships: it is perfectly possible for people not to marry other people of the same sex if they object to it, or to belong to a religious organisation that forbids it, or to be privately disgusted by it, if such is their inclination. Protections for people with concerns should involve education that emphasises difference, humanises people of different backgrounds and orientations, encourages independent thought, and enables them to get over themselves a little. It's always an option to put oneself in a bubble.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Cleodhna Nightshade
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I can see no reason why decent people who want to have the legal advantages of a marriage contract, should be denied this possibility. Religious objections by others are really not relevant, because such beliefs are an individual choice and cannot ethically be imposed on others whose point of view is different. The often cited objection that same gender marriage devalues or dishonours "real" marriages is deeply illogical!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religion is a matter of faith, and we all have a right to the faith of our choice, and also the belief celebrant of our choice. It is nobody else’s business!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

So long as those celebrants who have an objection because of their personal beliefs are not placed under legal pressure to conform to a blanket instruction.

How would you characterise your views on civil partnerships changing to marriages?

In support

Many people in a same sex partnerships do have strong spiritual beliefs, and would love to have a blessing in accord with those beliefs from a celebrant who shares their faith.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Transgender people often only come to terms with their situation after they have married and had children. Love of their partner may still be real, and if the couple wish to continue together, how would that be any different to them being in a same gender marriage?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't understand the question. If it is about people who object to same gender relationships feeling threatened by those relationships having public approval and acknowledgement, then I don't know how they could be helped, and would urge them to grow up!

Would you like to comment on the wider issue of freedom of speech?

Well, it's a fundamental right of everyone in the society we all are involved in creating together. However I do not believe that this right extends to malicious or untrue statements about others which are intended to harm and mislead. It is possible to disapprove of ideas, behaviours and individuals without being destructive. In fact we all have a duty to report or comment upon behaviour of any kind which may harm others, especially in the case of those who need protection, such as children, the elderly and those with special needs.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Brian Nobbs
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

I believe it is unnecessary to redefine marriage to include same sex relationships which are already catered for through civil partnerships.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

The institution of marriage lies far back in the Judeo-Christian tradition and predates nation and church. It has deep religious as well as functional significance and is intended to formalise the union of a man and a woman and the creation of new life in families. For many Christians the sanctity of marriage, as understood for millennia, is a matter of deep conviction. Its redefinition poses substantial issues of belief and conscience. For them it is most certainly not an issue of discrimination or homophobia as popularly represented. It is a contradiction of their deepest convictions about life and faith.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
The European Convention of Human Rights, Article 2 of the First Protocol, lays down that 'the State shall respect the right of parents to ensure that ... education and teaching is in conformity with their own religious and philosophical convictions'. Clearly the teaching or promotion of same-sex marriage in schools will conflict directly with the religious and philosophical convictions of many parents. There is clearly a potential conflict between the proposed legislation and religious belief, and contradicts the freedom of Christians and others to have their children educated according to their faith. Same sex marriage is not just a civil matter; it impinges directly on the religious beliefs of many parents and the wider population. Parents currently have the right to withdraw their children from religious education and observance, as well as from sex education, and many parents have deeply-held views about their children being taught about same-sex marriage in the classroom. The law should not undermine these views and protect parents' right to withdraw their children. Many will be unaware what their children are being taught so they should have a legal right to know when such lessons will take place. It is unclear what the practical consequences of this legislation will be for schools and they could be highly disruptive. This conflict goes much wider than what is actually taught in schools. For example, any teachers with religious convictions about traditional marriage will find themselves with an issue of conscience around same-sex marriage, which, if expressed in any way, will be career damaging. It should be noted that while the law requires schools to provide religious education, it also protects, for example teachers who are atheists from being compelled to teach it. Similar provision should be made for teachers, who, for religious convictions or otherwise, do not feel able to teach about same-sex marriage. There will be many public servants in various other professions who may face a similar dilemma. Conscientious objection, which has been long respected in this country, is in significant danger of being swept aside in this matter. Conscience clauses should be introduced in employment and equality laws to allow employees who believe in marriage as it is currently defined, not to be forced to promote or participate in same-sex ceremonies, teach it, or express approval for it. It is imperative that holding to the current definition of marriage must not be used by public sector employers to dispute or question the equality and diversity credentials of existing or prospective employees.

Would you like to comment on the wider issue of freedom of speech?

It is important that individuals have the freedom to disagree with same-sex marriage and engage in normal public debate about these matters without being vilified or harassed by legal or employment sanctions. Specific amendments are necessary therefore to protect the right of free speech and debate. These need to apply across the public sector and equality laws, including employment and goods and services. As a minimum, amendments need to make clear that merely discussing or criticising same-sex marriage is not, on its own, a form of discrimination for the purpose of equality law or a breach of public order legislation. Such changes would help those who believe in traditional marriage to feel free to discuss the issue with their colleagues or customers, employees and employers. It would send an important message to those who are quick to label any disagreement with same-sex marriage as 'bigoted'.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Dr Alastair Noble
23 August 2013
4. How would you characterise your views on the Bill in general?

In-opposition

This is a clash of different Equality Groups Rights therefore the SG is acting insensitively and this may result in negative impact on good community relations between various equality groups.

By forcing a new definition of marriage the Government is interfering in one of the fundamental practices of most faith communities who believe that their accountability is to their creator not the SG in this regard.

The scope of the present consultation is obvious because it is scheduled during the peak summer holiday period when majority of people are on holidays with their children and family.

Despite of the results of the consultation in 2011 which received over 62 per cent responses against SSM and yet the SG intends to proceed with the introduction of same sex marriage. This is a clear undemocratic act by the Scottish Government.

5. How would you characterise your views on the introduction of same sex Marriage, so that same sex couples can marry each other?

In-Opposition

From our community group Islamic perspective we totally oppose same sex marriage in any shape or form. It is a sin for us to go against the commands of God given for all humanity that marriage is "the union of a man and a woman, for the procreation of children to the exclusion of all others".

6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Scotland is not a secular State however is a country with majority Christian belief. As a people of the book we do not wish to encourage secular marriages, which will cause confusion defining what is Religious Faith and Secular Belief for our future generation.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In-Opposition

Even if the Equality Act 2010 is amended, there is a strong possibility that a claim of a breach of human rights might be taken against a religious organization or an individual celebrant. This matter may be ultimately determined by the European Court of Human Rights. There is no guarantee that, at some future date, the court will not rule that religion and belief celebrants must either solemnise all ‘marriages’ or cease to marry people altogether.

We have a great concern that while the Government brings about equality for same sex marriage and the definition and meaning this has, it will also undoubtedly have a severe negative impact on traditional marriage and the very rights of the individuals being compromised or taken away to their detriment.

8. How would you characterise your views on civil partnerships changing to marriage?

In Opposition

The same-sex marriage is not accepted in our faith under any name.

The two tier system apparently giving same sex couples more options to register their relationships than is available to heterosexual couples. This constitutes ‘more equal’ to some equality groups at the expense of the moral standards held by the majority of people in Scotland.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

Our concern is that in Islam marriage can be performed in people’s home or any place and this may constitute to litigation based on discrimination to families and groups the various methods people adopt in these ceremonies.

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In Opposition

Our position is that the same-sex relations/unions are not accepted in our faith under any name. therefore within our religious belief there is a requirement for us to adhere to our creators commandment which can not be superseded by this proposed Scots Law.
11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Our view is that any interference in nature where people indulge themselves in God’s creation is not accepted in our faith therefore we oppose to this. However in the case of a genuine medical deficiency that could be cured and then legitimate recognition be given with respect that one deserves.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The SG Equality Impact Assessment annexed to the Bill, appears to be very biased in favour of the perceived positive implications for the lesbian, gay, bisexual and transgender (LGBT) community. However the clashes of Equality rights which have been totally over looked in this process.

Firstly the interest and the right of the child should be the first priority in having a natural stable family life. It is well known fact that the child’s bringing up in a traditional family with male father and female mother is the best for a child.

This Bill seemingly has caused more tension between Equality Groups due to the clash between belief and SSM. This could have been avoided with sensitivity and consideration. One of the main objectives of the Equality Act is Good community Relations.

At work the people of the faith community are put in a dilemma obey your employer or your God if they chose their religion they will defiantly perceived as extremist and homophobic.

WE believe SG does not have the right to re-define marriage and to interfere in people’s religion or faith/belief and divine laws. People have right to practice according to their faith and this Bill clearly causes fear in majority community while they adhere the divine law and marriage practices.

The Same Sex marriage is not only a marriage issue. It has already become part of the Scottish Education and curriculum. I have seen the material and it would concern any Muslim parent. This would influence our children’s young minds and when they are taught by religious bodies and their parents about their belief the children will be confused.

Also there has to be a equal rights for all equality groups at Scottish schools and what is taught regarding equality groups and in the curriculum. There should be education for all children regarding each equality group such as disabled, women, all religious groups etc equal to LGBT. There has to be equal resources and teaching for each equality group same as LGBT so there is a justice and fairness in promoting equality groups within the Scottish schools and teaching.
We as a women going to find it very difficult to guide our children in accordance with our faith while they may be confused therefore SG has to consider resources to help parents as this may cause inter-generational problems.

We believe like other religious organisations, that traditional family structure is the best environment to bring up children. Therefore, we do not agree with the SG claim Annex K.

13. **Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is a conscious right given to all humanity however as long it does not harm other people if it does then there should be exceptions, fairness and harmony and considerations in each case.

14. **Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

More time should be given to community groups for the consultations and facilitation for such consultations. The Bill must not be rushed through. The Scottish Community Groups must be given the opportunity to understand the future implications of the Bill.

Why Scotland is so keen while other countries are taking their time and considering all implications?

The Prosecution Guidelines by the Lord Advocate is not subject to consultation and may be amended in future. For these reasons we would like to have seen these guidelines as part of the Bill since we are already on a fine line to what may constitute criminal offences.

Bushra Iqbal MBE
North Lanarkshire Muslim Women and Family Alliance
26 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM NUS SCOTLAND

NUS Scotland welcomes the publication of the Marriage and Civil Partnership (Scotland) Bill. We believe that extending the right to marry to same sex couples is an important step forward for LGBT equality. Since the introduction of civil partnerships, there has been a welcome growth in acceptance by society of LGBT communities and of the need for LGBT equality. We believe that the introduction of same-sex marriage is an important step for LGBT communities in being fully accepted and having the freedom of choice.

For many LGBT people of faith, same-sex marriage ceremonies would allow them to bring their faith in to their relationship more fully and we believe this is an important step forward in the acceptance of LGBT communities within faith communities.

We are therefore very supportive of the overall principles of the Bill. We do, however, oppose the continued ban on mixed sex civil partnerships. We have outlined some further comments on this and other aspects of the detail of the Bill below.

Opting out of solemnising same-sex marriage

NUS Scotland believes that religious and belief bodies, and their celebrants, should have the option to opt in to solemnise same sex marriage. We believe the Scottish Government’s proposals will allow LGBT people of faith to get married, while at the same time protecting and extending religious freedom by providing the option of solemnising same-sex marriages to religious and belief groups. However, we would ask religious organisations who do not opt-in to performing same-sex marriages to reflect upon the effect that this may have on members of their faith who also are part of LGBT communities.

We welcome the fact that civil registrars will not be given an opt-out of solemnising same-sex marriage in this Bill as published, as we opposed any such opt out during the consultation on this issue. Civil registrars act as agents of the government, and cannot let religious or moral objections determine whether or not they will perform marriage, same-sex or otherwise. The act of solemnising should be determined by the rule of law, not the personal views of the registrar.

Same-sex marriage in education

NUS Scotland raised concerns in response to the earlier consultation on this issue in relation to any changes to education legislation. We believe that education should be inclusive of all learners at all levels, regardless of their sexual orientation, gender identity, or family situation, and taught in a way that is free from prejudice or discrimination. All of our schools will have LGBT pupils and pupils from LGBT families and education should be about promoting equality and mutual respect amongst all pupils.
We therefore welcome the fact that the Scottish Government has agreed that there is no need to make changes to Education (Scotland) Act 1980 in relation to same-sex marriage.

We believe strongly that an open and inclusive education is vital to make all pupils feel welcome and to tackle homophobic and bi-phobic bullying in our schools. NUS Scotland believes the primary education level discussion of same-sex marriage should form part of an appropriate and broader conversation about varied family structures. As children and young people progress in education and take sex education, this education should always be inclusive of LGBT issues, including same-sex marriage.

**Converting civil partnerships to marriage**

NUS Scotland also raised concerns at the consultation stage that couples in civil partnerships which wished to convert to marriage may be required to have a marriage ceremony in order to do so. We felt that this could be costly, may remove significance and meaning from the civil partnership ceremony already held, and may be a barrier to couples wishing to convert.

We therefore welcome the fact that the Bill as published will now make arrangements for an administrative route for couples to make this change.

**Continued ban on mixed-sex civil partnerships**

NUS Scotland believes the Bill should end the ban on mixed-sex civil partnerships. Allowing civil partnerships among mixed-sex couples is vital to ensure equality and freedom of choice for those who do not wish to marry.

Maintaining the ban on mixed-sex civil partnerships will also mean that same-sex couples in civil partnerships will be compelled to convert this partnership to a marriage in the event that one of them obtains a gender recognition certificate that would make them legally a mixed sex couple.

NUS Scotland believes that no couple should be compelled to convert to being married unless they wish to, and that it should be for each couple to decide for themselves.

**Gender recognition**

NUS Scotland supports the Scottish Government’s aim to revise the gender recognition process to ensure individuals who are married or in a civil partnership can gain gender recognition without need to divorce or dissolve their civil partnership. We also believe that these couples should not lose benefits or rights earned while married or in a civil partnership in obtaining gender recognition.
However we do have concerns about the process for obtaining gender recognition, in particular in relation to spousal consent, long term transitioned people, and the age for gender recognition.

Spousal consent

The requirement to have spousal consent to obtain gender recognition has been described as a ‘spousal veto’ as it effectively allows for the spouse of a trans person to prevent them from obtaining gender recognition, unless they are able to obtain a divorce. In circumstances where the spouse is unwilling to co-operate, they may prevent the trans person from obtaining recognition for their gender for many years.

We believe that the rights of both individuals in a marriage or civil partnership need to be balanced and we would support the suggestions put forward by Scottish Trans on how this could be achieved in the legislation. In particular, we believe it is important to ensure that a spouse cannot block a trans person from obtaining gender recognition, but that they remain able to withhold consent for the re-registration of their marriage or civil partnership.

Long term transitioned people

We would also support the suggestion from Scottish Trans in relation to long term transitioned people and the gender recognition process. We believe that the administrative or logistical issues associated with the process should not prevent individuals from obtaining gender recognition. Long term transitioned people may find it difficult to obtain the evidence required by the current process. Previously a temporary arrangement was available for long-term transitioned people to obtain recognition with different evidence.

Lowering the age for gender recognition

NUS Scotland would support lowering the age for gender recognition from 18 to 16, the age at which people in Scotland can marry (without parental permission). Current provisions would mean that where one person in a couple is a 16 or 17 year-old trans person, who has not received recognition for their gender, the couple would be discriminated against compared to other couples, where gender recognition was possible due to their age. For example, a couple who are legally the same sex, but would be mixed sex if gender recognition were available for one partner, would be prevented from marrying in a church which does not conduct same sex marriages.

It is also unfair for young people who have been living as their acquired gender for over the 2 years required by the Gender Recognition Act by the age of 16 to be required to wait for two years to gain recognition for their gender, and for the ability to marry or enter into a civil partnership in accordance with their gender identity. These young people may also be facing discrimination as a result of the sex on their birth certificate not being reflective of their gender.
Gender-neutral ceremonies

NUS Scotland believes that provision should be made in the Bill for gender neutral marriage ceremonies, to ensure couples do not have terms imposed upon them in a marriage ceremony which do not reflect their identity. Currently, ceremonies for legally mixed sex couples require a declaration that the parties are ‘husband and wife’ but legally mixed sex ceremonies are gender neutral.

In circumstances where a person’s overseas gender recognition is not recognised, a ceremony may be treated as mixed sex, and therefore use terminology which is inappropriate. At the same time, individuals who do not live as either a man or a woman, they should not be forced to be called a husband or a wife against their wishes.

Russell Gunson
Depute Director
NUS Scotland
30 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Much of the opposition to same sex marriage originates from religious groups. I am a practising Christian but find nothing in my faith that would in cause me, in principal, to reject the concept of same sex marriage. Firstly, I do not believe that marriage is a sacrament. It is primarily a property contract, the merging of two households into one legal entity, the orchestration of which was appropriated by the medieval church as a means of exercising coercive power over the nobility. Secondly, some Christians object to same sex marriage because they believe it contradicts scripture. However that would, in itself, not justify their opposition to same sex marriage among non-Christians or being undertaken by members of Christian denominations that do not recognise that interpretation of the bible.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Freedom of expression is a binary opposition. Speech is either free or it isn't. There is no middle ground and there are no shades of grey.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Neil O'Docherty
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Andrew O'Hara
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I believe that those who feel a need for protection are basing these views on prejudice and nothing else, and should be made to attend classes which break down outdated bigotry and allow all Scots to marry in the venue of their choice.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mark O'Hara-Thomas
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ONE SPIRIT INTERFAITH FOUNDATION

How would you characterise your views on the Bill in general?

In support

One Spirit Interfaith Foundation welcome the Marriage and Civil Partnership (Scotland) Bill. We believe and assert that civil, religious and belief-based forms of marriage should be available to both same-sex and heterosexual couples. All people should be able to form a legal union in a ceremony that may be civil, religious or belief based. It is a fundamental right of individuals to make their vows in a context which is representative of their beliefs and traditions, whether those beliefs are religious, spiritual or secular. We are pleased that the draft Marriage and Civil Partnership (Scotland) Bill would enable those organisations and celebrants who wish to provide the service of a religious or belief-based marriage to same-sex couples to do so. Interfaith Ministers and Celebrants in Scotland are enthusiastic about the proposals set out in the draft Bill and would like to conduct same-sex religious or belief-based marriages.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

One Spirit Interfaith Foundation believe and assert that civil, religious and belief-based forms of marriage should be available to both same-sex and heterosexual couples. All people should be able to form a legal union in a ceremony that may be civil, religious or belief based. It is a fundamental right of individuals to make their vows in a context which is representative of their beliefs and traditions, whether those beliefs are religious, spiritual or secular. We are pleased that the Marriage and Civil Partnership (Scotland) Bill would enable those organisations and celebrants who wish to provide the service of a religious or belief-based marriage to same-sex couples to do so.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

One Spirit Interfaith Foundation welcome this. Interfaith Celebrants offer services to people of all faiths or none, and are authorised by the Registrar general for Scotland to hold legal marriages. The number of marriages held by Interfaith Celebrants is

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support
One Spirit Interfaith Foundation believe that it is a fundamental right of individuals to make their vows in a context which is representative of their beliefs and traditions, whether those beliefs are religious, spiritual or secular. Interfaith Ministers and Celebrants in Scotland would like to conduct same-sex religious or belief-based marriages. We agree with the opt-in procedure and are pleased that this would enable those organisations and individuals who do NOT wish to conduct same-sex marriage to make that choice.

How would you characterise your views on civil partnerships changing to marriages?

Neither

We welcome the proposals to change civil partnership to marriage. Interfaith celebrants would be happy to do this as part of a full-scale marriage ceremony and celebration, or as a small, private event. However, the Bill makes this possible only for couples who have registered their civil partnership in Scotland. We would wish to see more discussion to enable couples who have had their civil partnership registered in other parts of the UK also included.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

We agree that this should be possible, although the experience of our celebrants would suggest that Register offices may, at times, find it difficult to offer the flexibility to meet the requests of a couple.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

One Spirit Interfaith Foundation welcome welcome this. We would also welcome discussion on extending this option to same-sex couples.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The One Spirit Interfaith Foundation is based upon the principle of equality. This is embodied in the Code of Ethics accepted by all ordained interfaith ministers: "We aim to keep our hearts and minds open to everyone, celebrating difference but not separation. We refuse to marginalise people on the basis of age, disability, state of health, race, gender, nationality, religion, sexuality, economic status or any other
We consider that the Bill contains sufficient protection for those who do not support same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

One Spirit Interfaith Foundation welcome the proposals for further consultation regarding the tests that would be applied to organisations wishing to hold heterosexual marriage same-sex marriage and civil partnerships in Scotland and would seek to be involved in these discussions.

Are you responding as...

- a celebrant
- a faith/belief-based organisation

Jane Patmore
One Spirit Interfaith Foundation
23 August 2013
How would you characterise your views on the Bill in general?

In support

I am pleased that Scotland as a progressive and forward-thinking nation has proactively legislated to reduce and remove discrimination for non-heterosexual individuals.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am very supportive of this.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I have no opinion on this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I feel it is important for awareness to be raised regarding the fact that there will not be an obligation to marry a same-sex couple - just as currently a church can decline to marry a heterosexual couple. If objection is on "moral" grounds, I do not feel this has any place in modern society.

**Would you like to comment on the wider issue of freedom of speech?**

I do not see how this Bill infringes freedom of speech in any way. Rather, it increases the freedom of those who would be able to marry under the Bill who currently cannot do so, and in so doing does not suppress the freedom of anyone else.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Jennifer O'Neill
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I support this as I myself am in a same sex relationship and would love to legally marry my long term partner

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Joanne O'Neill
14 August 2013
How would you characterise your views on the Bill in general?
In support
It is a vital step towards a more equal society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
There should be no protections to prejudice. Religious views should be given no extra standing that non-religious views. School curricula should reflect society and teach comprehensively about relationships and healthy sexual behaviour regardless of gender, without barriers.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech should be applied equally, but incitement of hatred or intolerance should not be accepted regardless of who demonstrates it. Religious freedom of speech should be no different to any other, but should also be subject to the same rules if inciting hatred or prejudice.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Thom O'Neill
23 August 2013
How would you characterise your views on the Bill in general?

In support

I think that the bill would be a major step forward for equality. I believe most people in Scotland support this updating of the law and/or they support their own friends and family who are in same sex relationships to have those treated equally. If it also included provision for mixed sex civil partnerships it would be better as, ideally, we would have full equality for legally recognised marriages and partnerships regardless of gender and sexuality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe same sex marriage should be available for all couples that are interested in perusing it. Personally I am in a very happy civil partnership and am both an aesthest and a feminist and I am therefore happy to be part of a more modern institution separate from historical traditions associated with religion and property. However I know many people who find it heart breaking not to be able to use words like “marriage” in their ceremony, and particularly people who want to be able to have a religious or belief ceremony and are currently unable to do so. I think it is crucial that couples of any gender be allowed to make informed choices between legally recognised partnerships or marriages.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I see no reason for belief and religious celebrants to be treated differently in law and welcome the move in the Bill to ensure they are on the same footing. As an atheist I see no reason to treat some beliefs as recognised religious rights, and others as somehow inferior to these. I would welcome all legal registration of marriages being separated from religious or other celebration ceremonies (as occurs in France and Germany for instance) but as this is unlikely To happen and is not proposed here I fully welcome equal treatment of any belief or religious celebrants on an equal footing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support
I believe the arrangements suggested are appropriate and accommodate a range of views that may be held by different celebrants. It is right that those belief and religious organisations who wish to conduct ceremonies for both mixed and same sex couples be able to do so. And equally it is fair that those organisations and celebrants who do not wish to conduct same sex marriages be able to opt out. It is right that authorisation is provided/available to accommodate all wishes and views. I understand that a change is needed to section 11(2) Is required to allow belief and religious organisations the option of using gender free versions of the marriage ceremony. I strongly support such an amendment which will be important both for same sex couples and for feminists in a mixed sex couple who may not want to use the "husband and wife" form of words with their historic baggage.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

I support this as it will allow those who want to have their relationship recognised as "marriage" the opportunity to bring their status into line with their wishes. I also welcome the right to remain in civil partnerships or to select this form of legally recognised relationship for those of us wanting equal legal rights as partners, separate from the historical traditions of marriage. I believe there is a need to equalise the treatment of those from outside of Scotland to have their civil partnerships changed to marriages if they want to do so. I concur with the Equality Network’s views on this, that the legislation should treat any legally recognised civil partnership equally in terms of availability of conversion to a same sex marriage.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

This seems entirely appropriate and Not an LGBT issue. It also brings civil marriage into line with existing civil partnership law I believe. I am, however, generally unclear on the importance of excluding religious words or practice from civil partnerships.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I am broadly supportive of this as I know that in a few rare cases this may be desirable, for instance where a humanist celebrant is conducting the marriage. Although I think few couples will choose a religious or belief registration of a civil partnership I do think this option would be more important if provision was being made in the law for mixed sex civil partnerships. I believe for mixed sex couples a religious or belief registration of a civil partnerships would offer a more equal and feminist alternative to a marriage.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This seems appropriate as a transgender persons status and rights should not vary by married status. I understand from the Equality Network that as the bill stands a married transgender person will require their partners permission for a gender recognition certificate and I think that is bizarre. Gender recognition is a personal issue regardless of relationship status and the ability for a legally recognised partner to block, delay or veto such a certificate smacks of the inequalities that once existed around women and divorce law.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the bill is very generous in recognising the views and rights of those who have concerns about same sex marriage. Crudely I think anyone who does not want to be in a same sex marriage shouldn't have one. That is the limit to which it imposes upon anyone else's life. I agree with the Equality Network that civil registrars should not be able to opt out of conducting same sex ceremonies as this is a human rights issue, particularly in small rural communities where a wide range of alternative registrars may not be available to conduct a ceremony. Similarly I think it would be absolutely inappropriate to bring into pace any special protections for those who do not wish to hear mention of same sex marriages in schools. This would be an underhand way of reintroducing section 28/section 2A concepts that were so harmful both to children and those teaching and supporting them. It is appropriate to represent the facts in schools, including marriage or civil partnership of any variety. And, as the Equality Network have stated, divorce is mentioned in schools and this is just as controversial for some people. In general I believe that those opposed to same sex marriage are already more than well accommodated by society. Offering equal rights to same sex couples does not threaten anybody else's rights. Nor does any same sex marriage change anyone's mixed sex marriage. Aside from the more than reasonable celebrant opt outs there is no need for any other form of protection for those opposed to same sex marriage. No gay person is about to try to convert a straight person, nor marry them, nor in any way impose on their life. There is no need to protect a minority of people from those of us who just wish to live our life on an equal and fair footing.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

a private individual

Nicola osborne
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM OUR LADY OF PERPETUAL SUCCOUR PARISH

I am a Catholic Priest. Defining marriage to accommodate same sex couples so that they may feel that they are gaining equality of opportunity in laws regarding will not make same sex couples the same as heterosexual couples.

Marriage is the union of a man and woman who join together in love to fulfil that love and in fulfilling that love to be open to giving birth to new life which they promise to nurture and bring up to be good members of this life and society in all ways.

Same sex couples are not open to giving birth to new life. They already enjoy the rights given in civil partnerships to be recognised as partners living together. Their civil liberties are now protected in law. There is no need to redefine marriage to include same sex living partnerships.

The sacrament of marriage or matrimony is for a man and woman. The sacrament cannot be administered to same sex couples. The ultimate purpose of proposals to redefine marriage is contrary to the teaching and belief of the Church. A redefinition of marriage will ultimately be used to coerce the Church to perform celebrations of redefined marriage as an accepted position for the Church and State. This cannot be done by the Church since it would not be a sacrament.

The laws regarding posterity of children adopted by same sex couples will cause great difficulties in the future for the law of the land. Observations from other countries seem to conclude that once marriage is redefined it opens the way to other ways of life to be legalized.

The protections of the law for those of us who oppose same sex marriages will not be strong enough to allow us to live with full protection in law.
There is now a growing discrimination on those who believe that marriage is heterosexual and this is not right.
I wish my views to be known by the government and notice taken of these views.

Parish Priest
Our Lady of Perpetual Succour Parish, Glasgow
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Unless they are a gay couple or have a gay child, as I do, I can understand why they may not fully agree with the changes needed. However, if everyone is seen as equal in the eyes of god, then that should not matter whether they are same sex or
otherwise. I just want my son to be happy, if that takes another person of the same sex, then so be it. It is not the norm, I agree and it took a lot for me to get my head round when my son told me, even though I had gay friends of both sexes for many years. However when it comes to your own door, your views are different, well mine were anyway. It does not take away from the fact my love for my son will never change, no matter what sex he chooses, as long as he is happy.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a mother of a gay son

Kim Overton
21 August 2013
How would you characterise your views on the Bill in general?

In support

A logical step forward in a free society.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Having been happily married for several decades, I cannot see any reason to deny that state to any loving couple wishing to commit to each other, regardless of the gender of either partner.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

The availability of marriage should be a right for all citizens regardless of the gender of either partner. Beliefs and religion are diverse and personal, the cause of many controversies and confrontations, and should be left out of the debate as far as is possible.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

Any licensed marriage practitioner should be able to decide which ceremonies they will conduct.

How would you characterise your views on civil partnerships changing to marriages?

In support

Cannot see why there should be a distinction at all.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

The place should not be significant in law.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Such registration should be optional for the parties involved.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Gender should no longer play a part in marriage legislation.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There will always be some people who are offended by the beliefs and practises of others. Is there not sufficient legislation already to protect from physical and verbal abuse? Live and let live.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Trevor Oxborrow
5 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
In support if the couple wishes to convert from one to the other

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
I feel that civil and religious ceremonies of any kind should be kept separate, but would not stand in the way of those who wish these ceremonies

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the bill as proposed fully protects those religious celebrants who are fundamentally opposed to same sex marriage from having to be involved with such ceremonies. Civil registrars, as civil servants, should not have the same protection.

Would you like to comment on the wider issue of freedom of speech?

I believe that we are all entitled to freedom of speech so long as in exercising that freedom we do not impinge on the freedom of others or incite hatred against anyone.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

- a celebrant
- a faith/belief-based organisation

Louise Park
The Pagan Federation (Scotland)
22 August 2013
How would you characterise your views on the Bill in general?
In support
As a Christian Protestant minister, I fully support the Equal Marriage bill in Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
As a Christian Protestant minister, I fully support equal marriage between two consenting adults regardless of their genders or sexual orientations, and I fully support religious officials having the freedom of conscience to decide to conduct such marriage ceremonies.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
As a Christian Protestant minister, I fully support non-religious celebrants being allowed to conduct marriage ceremonies as long as they are properly certified and/or registered with the appropriate government body that oversees such ceremonies (just like religious officials).

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither
I would prefer that all celebrants be allowed to solemnise marriage ceremonies and opt-out if they so wished.

How would you characterise your views on civil partnerships changing to marriages?
Neither
As a Christian Protestant minister, I fully support straight or gay couples being allowed to enter into civil partnerships; marriage isn't for everyone.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

As a Christian Protestant minister, I believe there is no need for "protection" for those in society who may have concerns about same sex marriage. The supposed need for "protection" is simply fear-mongering.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a celebrant

Rev. Lindsay Louise Biddle
Parish Church in the Church of Scotland
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

The Scottish Parliament must legislate to remove all discrimination against transgendered persons. The current marriage laws represent a form of discrimination.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Iain Paterson
14 August 2013
How would you characterise your views on the Bill in general?

In support

The bill would mean true equality for Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As a gay man, I should be able to marry the person I love, just the same a heterosexuals can. If we all truly want Scotland to be viewed as a equal nation then the passing of this bill will demonstrate that.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

There should be a provision for those in civil partnership to change the status to marriage if the couple want to. Allowing this change is again demonstrating fairness and above all equality.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Not everyone is religious and they should be allowed to have their civil marriage in a place of their choice with the support of the registrar, freedom of choice!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that there might be others in society that have concerns regarding same sex marriage, I think it is only right that there concerns are raised and given assurance that gay people are no different. I do agree that religious organisations should not be forced into conducting same sex marriages in their place of worship.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Hugh Paton
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM DR AUGUR PEARCE

How would you characterise your views on the Bill in general?

In support

The Bill is a good Bill. It will right an injustice in Scots law and has probably helped to goad the Imperial Government into righting an injustice in the Law of England and Wales. It does not suffer from the interference in religious group affairs (and b

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is for me a matter of my beliefs both in freedom and about marriage. I see the loving union of a same-sex couple as essentially the same as the loving union of an opposite-sex couple, and I want society to treat them as the same. For the law to treat them as the same is an important step towards this. I know that not all believers (which I use to mean individuals driven by any faith or non-religious belief) share my conviction. But believers regarding same-sex relations as wrong, or same-sex unions as essentially different from marriage, have always been free to govern their collective practice accordingly. For the first time this Bill will enable those believers who agree with me to do likewise.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Scotland is a kingdom in which the true religion of Jesus Christ is to be maintained and the Queen's subjects are to be ruled according to the will and command of God revealed in Scripture (Coronation Oath Act 1567). (Although, since there has been no recent coronation in Scotland, this oath has not been taken for some years, the Act's implications for the nation's religious character are quite clear.) But it is also one in which alternative religious and belief positions have long been tolerated without seeing any inconsistency. Equality in practical matters between loyal believers of all types accords with this tolerant tradition, and I support it.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The Scots approach to this question has long been superior to the English emphasis on the marriage venue. It allows greater flexibility for individual celebrants to follow their consciences and meet a couple's needs. Care needs to be taken not to treat the views of conservative office-bearers in liberal religious groups as more worthy of the
law's protection than those of liberal office-bearers in conservative groups: in matters of internal group discipline the law should stay even-handed.

How would you characterise your views on civil partnerships changing to marriages?

In support

The law needs to accommodate two types of same-sex couple: (A) those for whom full marriage was and remains the 'gold standard', for whom civil partnership was a useful step along the way, but who did not regard it as marriage so long as the law did not call it so and religious marriage rites were not available; and (B) those who considered either their entry into a civil partnership (or possibly their personal exchange of vows) to be their marriage, and now see the 'conversion' of their civil partnership into a marriage recognised by law as merely a useful formality. The Bill accommodates (better than the English Bill) couples in group (A), by allowing them to marry like anybody else who is not married, albeit not letting the subsisting partnership stand in their way and dissolving it by operation of law at the moment when the marriage is contracted. As amended after the last consultation it also accommodates group (B). I think this is right, though in developing the provision for group (B) through Regulations nothing should be done to impair the option that the consultation Bill gave to group (A). I am still unhappy with the limitation of these procedures to couples whose civil partnership was formed in Scotland. I believe domicile in Scotland, which would be enough to enable the Scottish courts to dissolve on adequate grounds a partnership formed elsewhere, should also be enough for it to be dissolved by operation of law when the partners marry. Otherwise there will be real difficulty for a couple who move permanently from a territory where only civil partnership is available (e.g. moving from Helsinki or Londonderry to Stornoway) and wish to marry in their adopted homeland, but cannot argue that their existing relationship has 'irretrievably broken down'.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

No issue for me here.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If there were no same-sex marriage I should support this wholeheartedly, as I did the 2010 Alli amendment to the Equality Bill permitting religious hosting of CP registration in England. (I admit that there is an inconsistency between the understanding of hosting religious groups and the word 'civil'. If civil partnerships are to continue I should prefer the word 'registered' to replace it.) Now, I have some sympathy with those who see such partnerships as a temporary expedient and would ultimately like marriage to replace it for all couples. But that must be seen as
the view of somebody who would also like all religious groups to facilitate and bless same-sex marriage. Until they do so, there are some groups who will accommodate only civil partnership, and LGB believers who remain in those traditions would find a religiously-facilitated partnership formation better than nothing.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I have no problem with this. But I refer back to the question about 'conversion'. Given the effort to which draftsmen have gone to accommodate a married couple (H and W) when H is recognised as female but wishes to remain in a same-sex marriage to W rather than convert to a civil partnership as the law presently requires, I think the Parliament should recognise that there are likely to be more people in the situation of Australian civil partners M1 and M2, migrating to Scotland and wishing to be married. Neither couple sees civil partnership as adequate when other same-sex couples are married, though both might have seen it as acceptable if marriage were not an option.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

1. EQUALITY LAW, IF IT EXISTS, SHOULD BE EQUAL People can disagree with the whole premise of equality law as it affects individuals and private organisations (including churches and commercial undertakings). In seeking to achieve supposed societal goals, it intervenes in the freedom of these private actors to decide whom they will teach, employ or accept as customers or tenants. For some, the benefits of such freedom outweigh the social detriment of discriminatory decisions. I can at least understand this argument. Once it is accepted, though, that equality law affecting private decisions is here to stay, I think equality must also underlie any exemptions. One 'strand' of discrimination is not more acceptable than another because the victim class is smaller; nor are some sincere convictions a more respectable basis for discrimination than others because they are rooted in religion. Nor should the law distinguish between religious views by the number of their adherents. Hence, to my mind, a religious conviction (e.g. that women cannot represent Christ) should not justify excluding them from positions in religious organisations if a sincere non-religious conviction (e.g. that a woman's place is in the home) does not justify excluding them from positions in secular ones. Likewise, the fact that the believers who would argue today (with the Dutch Reformed and Mormon traditions of earlier times) for the inherent inferiority of the black man are less numerous than those who would still argue (with current Roman Catholicism) for the inherent wrongness of a same-sex orientation should not make one view less - or more - worthy of free manifestation than the other. So long as the law silences (or protects) one conviction, I have no greater problem with it silencing (or protecting) the other.

2. WIDER SOCIETY IS NO LESS ENTITLED THAN RELIGIOUS GROUPS TO FORM A COLLECTIVE VIEW ‘Public morals' is one of the grounds on which ECHR Article 9.2 recognises that proportionate limits may be set to the manifestation of religion and belief. The principal supranational human rights instrument affecting the laws of Scotland and England thus acknowledges scope for a public morality. It rejects the
idea that the only morals worthy of respect are religious ones. When Scottish courts impose the concept of 'natural justice' on religious discipline, or regulations balance public concern for animal welfare against traditions of ritual slaughter, these are not instances of illicit repression but of the rule of law. Fair and equal treatment is also now a settled part of Scottish and English societal values. And, if the Bill becomes law, this will be expressed in the fact that all marriages and the resultant family units are equal. Society is entitled to make this known, and to govern its terminology accordingly. I hope both schoolchildren and the media will eventually come to use the words 'married', 'husband' and 'wife' instinctively, regardless of the genders involved in any particular marriage; for me this is not just about the feelings of the couples concerned but also about the normalisation of same-sex relations in daily life, leading to homophobia's increasing social unacceptability. Hence my attitude to teachers whose religious views lead them to deny the status of marriage to the marriage of a same-sex couple. I am happy for them to tell the truth - that a particular faith group would not consider these to be marriages, and (if this be the case) that they personally share that group's stance. But to deny that such marriages are a normal part of Scottish or English life, or that the parties to them believe themselves truly married and that the law (and much of society) concurs, would fly in the face of reality; and, given the school's role of preparing pupils for the wider world, attempting to conceal such reality from them by censoring or excluding otherwise valuable classroom literature would also be an indirect lie. I do not believe that - even in faith-based schools - religious freedom should go that far. It does not worry me that children born into faith traditions, given the full facts about marriage, may grow up with the same convictions as the wider society and rejecting a particular part of their parents' religious belief. I admit my profound disagreement with the views represented (for example) by the 'Christian Institute', the Roman Catholic hierarchy and the Orthodox Chief Rabbi. I hope those views will become less widely held as time passes, even within the Scottish and English communities which carry such religious labels. I note the opinion poll evidence that already the Roman hierarchy does not speak on this point for the majority of Scotland's Catholics.

Would you like to comment on the wider issue of freedom of speech?

I have covered this in my answer to question 12.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No.

Are you responding as...

an academic

Dr Augur Pearce
9 July 2013
How would you characterise your views on the Bill in general?

In support

The bill would promote equality for all L.G.B.T Citizens, and grant them the same rights which heterosexual couples have been enjoying for centuries.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Allowing same-sex couples to marry would enhance equality and freedom within our society. Citizens of a truly equal democracy, which is meant to embody the ideal of freedom, should be able to express their partnership in an open, legal context before a legal system which is meant to be objective and unbiased, and hence not based on the ideals of a specific or a few religious groups.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

All beliefs, whether philosophical or religious, are all beliefs nonetheless. One should not have priority or a special significance over the other, especially in law.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I believe the freedom of those of religious groups should be protected. Those religious groups who wish to conduct same sex marriages should be allowed to opt in to do so, and those who do not wish to conduct it under no circumstances should have too.

How would you characterise your views on civil partnerships changing to marriages?

In support

Many L.G.B.T citizens took part in civil partnerships because marriage at this time was not an option, although this does not speak to all L.G.B.T citizens. So, if desired, they should be able to change to marriage. However, civil partnerships should remain available, not just to same sex couples, but to opposite sex couples as well.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

As long as all parties are willing, it should be allowed.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

As long as all parties are willing, it should be allowed.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

A trans gender individual should be allowed to remain within their marriage when obtaining the gender recognition certificate, if they wish to do so. This is a domestic affair between two individuals, what place does legislation have in getting involved?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I appreciate, like many others who support this bill, that many religious bodies are apposed to it due to their religious beliefs, and we respect this. Under no circumstance should anyone be forced to conduct a same-sex marriage against their will and beliefs. This is because it would infringe on their freedom and rights. However, we would ask the same rights to be bestowed upon us. If two members of the same sex wish to get married, whether that be in a civil or religious ceremony (where the party is willing), they should be allowed to do so. It is not the governments and legal systems place to align itself with a particular belief system of society; it should be objective, impartial and unbiased in its approach to governing it's citizens. All that we ask is to be treated with the same equality as the rest of society, as long as it doesn't force others to conduct which that they do not want too. This does not seem unreasonable to ask. Some religious groups fear that bodies such as the European court of human rights could over rule a Scottish Law, and hence force religious groups to conduct these ceremonies. I think that these religious groups perhaps forget that same sex couples won't want to be married by someone who is against it, and so won't go to such hassle to force them to do so. On more official grounds, if the law could help protect these religious groups rights from other legislative bodies, to reassure them, it should be done. To conclude, I believe the bill promotes the core ideals of democracy; equality and freedom, and so I unwaveringly support it.
Would you like to comment on the wider issue of freedom of speech?

I believe that people should be allowed to say exactly what they want. To limit them is to limit their freedom. Of course, undoubtedly, hate and discrimination would arise from this, but I like to think that society is not completely lost, and that idle preaching of hate, with no logical reasoning behind it, would never be taken seriously. Some would say that hate should not allowed to be preached, and in general I would agree with this. But what is hateful is highly subjective. The sensitive individual would see disagreement as hate, the thick-skinned one would see a outburst of hate as a reasonable opinion. And so I would feel that defining what is hateful in law as extremely difficult.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe strongly that civil partnerships should remain available, and should be available to heterosexual couples too. This is all about equality at the end of the day.

Are you responding as...

an academic
an LGBT group
a private individual
A human being.

Blair Pinkett
14 August 2013
How would you characterise your views on the Bill in general?
In support
Equality can never be a bad thing.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrates on the same footing as religious celebrates?
In support

How would you characterise your views on the arrangements for authorising celebrates to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
Marriage equality should not include a punishment tax so gays can convert their 2nd class civil partnerships into marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't understand the need for these protections. After all, it is solely based in bigotry. Believers ignore countless things in their holy texts, while still hating gays. So they believe based on how they cherry pick their religion. For non believers, there is no justification outside of absolute bigotry that they are against equality for gays. We don't give protections for racists and the like, so why give legal protections to homophobes?! That in and of itself is somewhat homophobic.

Would you like to comment on the wider issue of freedom of speech?

All groups must have equal rights, otherwise you are creating special rights for certain groups. If we are going to allow anti gay groups to spew hate, then the law should also allow hate to be spewed at them even if they are religious.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There must be a way for those of us who have already paid for a civil partnership to have it automatically turned into a marriage without having to pay even more money. Of course I fully expect this to be a massive cash grab in the guise of marriage equality.

Are you responding as...

a private individual

Ronald Plushkis
26 July 2013
How would you characterise your views on the Bill in general?
In support

Its a step towards equality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

The opportunities for people to solemnise their commitment towards each other should not depend on the gender of the participants.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

E Porter
23 August 2013
How would you characterise your views on the Bill in general?

In support

I am very much in support of Scotland becoming a country where equality is paramount and standing up for the underdog.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe that love is a beautiful thing, and gay people should be allowed to express that love in an equal way to a straight couple. The arguments about marriage being religious fall flat when you consider how many atheist, agnostic, and non-practicing people get married each year.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jemma Porter
14 August 2013
I am writing as a minister of religion. However, I am not writing so much on behalf of myself and the affect the redefining of marriage may have upon my vocation, or my conscience. I am writing primarily on behalf of children and future generations.

Children are increasingly growing up in today's dysfunctional world not knowing who their mother or father are. Have you ever considered what might be put on a child's birth certificate in the future? A child has a right to know who their natural father and mother are. If this right is in any danger of being lost, or in anyway compromised, the child will be robbed of his/her identity. Once an individual's identity is lost, the potential for anarchy and social disorder may increase, let alone deep unhappiness, depression and mental illness.

I am not entirely against same sex adoption of children, however, I am concerned that by granting same sex marriage, issues around a child's identity will become even further confused, even worse, be lost altogether.

With our concern to extend equal opportunities to vulnerable groups like the gay and lesbian community, which is only right, we must not inadvertently expose an even more vulnerable community of children.

I would argue that same sex marriage blurs the edges of what true marriage is. I am sure that same sex couples can help to maintain a stable and democratic society, but the redefining of marriage to include same sex couples is a step too far. This is going down a road with a blindfold, and future generations may not thank us for the consequences.

Marriage should be respected as between a man and a woman to the exclusion of all others.

Jonny Pott
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Megan Potter
14 August 2013
How would you characterise your views on the Bill in general?

In support

I believe it will bring more equality to our Scottish society and embed a stable, mutually agreed and mutually supportive relationship as a recognised key element in that society. I also believe that the Bill balances freedom of religion and belief with demands for equality quite well and that it is right not to force religious groups to officiate at same-sex marriage ceremonies if they do not believe in it, while allowing those religious groups who do wish to, to conduct such services.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I believe that it is only right that same-sex couples who declare their love and commitment for each other should be accorded the same legal and civil status as those mixed-sex couples who do the same. This public commitment to a loving and fulfilling relationship which will enhance the other partner is where I would place the definition of marriage, regardless of gender, and as an advance from earlier definitions which made the woman the property of her husband or simply the means to his acquiring land or a legal heir.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

In my experience humanist celebrants have already recognition to conduct mixed-sex marriage ceremonies. I agree that they should not be counted as "religious celebrants" but be able to marry two people of whatever gender, if they choose so to do.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think that this is appropriate so that religious freedom can be respected and those wishing to opt-in can do so. Furthermore I think it is good to have made provision for individual celebrants to be nominated without the entire religious organisation necessarily being prescribed., as this allows for flexibility and sensitivity to individual beliefs.
How would you characterise your views on civil partnerships changing to marriages?

In support

I believe that this should be possible for those who wish to do it, including those who have a civil partnership solemnized in another country before they come to live in Scotland.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I am in support of this freedom, apart from the restriction of "religious premises". I think that it is up to the owner of the "religious premises" to say if these premises can be used for a civil marriage ceremony and to have the freedom to say yes or no to it, whereas at the moment this seems not so. If a community centre is used for church services on Sundays, are these "religious premises"? What about a former church, now a community centre? Why can't couples have spiritual material in their non-religious wedding service?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I do not see why those seeking civil partnerships should be barred from expressing a religious faith as part of their commitment to each other so I welcome this change in the law.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce. I also believe that spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I agree that the Bill is fair to religious celebrants, allowing those with concerns to opt-out and religious organisations with concerns not to opt-in. I also think it is fair that registrars should not be able to opt-out on grounds of personal belief as they are representing the state in their job. As for teachers, I think they too are public servants and must at all times treat their pupils with respect, regardless of personal
religious views. Some of their pupils may be gay or may have gay parents. They should be able to impart to their pupils a questioning and open mind, accepting of diversity but respecting equality. Therefore I do not think they should have recognition of "opting out" of teaching the law and equality, although they should be able to say they personally disagree with same-sex marriage without being sacked.

Would you like to comment on the wider issue of freedom of speech?

I think there can be freedom of speech without condoning abusive or intimidatory behaviour. Disagreeing personally with same-sex marriage can be freedom of speech but it shouldn't result in restricting other people's freedom to access equal marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Mixed-sex civil partnerships should be allowed as part of the new law.

Are you responding as...

a private individual

Mrs Rosemary Potter
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Grow up :-)

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Stella Potter
20 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is more than past time that this measure should be introduced. The idea that marriage can only be between a man and a woman is based in the notion that marriage is primarily or indeed only about producing children, which is an idea that has been outdated for around 200 years. In addition, civil and religious matters, such as religious beliefs about who should be able to marry, need to be clearly separate - as indeed they are in regard to civil marriage and partnerships already - due to the multi-faith nature of Scotland today, including the large number of people who have no faith or religious belief at all. Finally, for those religions, faith groups and belief groups which actively accept same-sex relationships and same-sex marriage, not to be able to carry out a legal wedding ceremony for same-sex relationships is discriminatory against those groups, and therefore illegal.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

People should be able to marry in a way that is most meaningful to them.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

This is the best way forward, allowing faith groups to choose whether or not to solemnise marriages in the way that accords with their convictions, regardless of what those convictions are.

How would you characterise your views on civil partnerships changing to marriages?

In support

As long as each couple has the option to choose whether or not to turn their civil partnership to a marriage, I am fully in support of this option.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

I find this confusing, as surely the point of a civil partnership is that it is civil - i.e. non-religious?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is way past due.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those people are entitled to their concerns, but what on earth do they need 'protecting' from? Marriage is a private matter that does not impact upon other people at all, except perhaps for making society less dangerous for all lesbian, gay, bisexual and transgender people, including those who are not married.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech should be protected, unless it is hate speech, which a lot of the rhetoric against same sex marriage amounts to.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a celebrant
a private individual

Elinor Predota
23 August 2013
How would you characterise your views on the Bill in general?

In opposition

The Bill is unnecessary and a distraction from matters which are of importance to the general population such as the economy and health. All the legal rights of marriage are already available to same-sex couples through civil partnerships.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Although the Bill provides a basis for categorising same-sex relationships as marriage, it actually fails to draw same-sex relationships into the same substantive legal framework as marriage. If the commitment obligations are different then the relationship is different and must logically be categorised differently.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The Abortion Act 1967 allows doctors and other health professionals to have an opt-out if they have a conscientious objection to participating in abortions. The same principle should apply to registrars who do not wish to conduct same-sex marriages. Similarly, atheist teachers are not required to lead school assemblies or teach religious education. It is unclear why space for conscientious objection is not given to teachers who, because of issues of conscience based on religious belief, do not feel able to promote same-sex marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Parents should have a right (protected in law) to remove their children from lessons where same-sex marriage is being taught. They also should have a legal right to be informed in advance of when such lessons are going to occur.

Are you responding as...

a private individual

Susan Preston
18 August 2013
How would you characterise your views on the Bill in general?

In support

This Bill is necessary in order for Scotland to truly be the equal, progressive country we say we are.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Same-sex couples should be afforded equality in the eyes of the law. There is no reason for this not to be the case and the law of Scotland should be changed to reflect this.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

People should be allowed to celebrate their marriage in any way they deem fit, provided that those organisations asked to carry out the ceremony are in support.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I believe that churches should be allowed to opt in to these laws. I don't think any organisation should be forced to marry anyone (same-sex or otherwise). With regards to those employed by local authorities, I do not think they should be allowed to opt-out on a matter of 'conscience'. They are publicly-funded employees and should represent all citizens.

How would you characterise your views on civil partnerships changing to marriages?

In support

I believe that those who opted for a civil partnership when a full marriage was not an available option should be given the option to change to a marriage if they so wish.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

So long as the couple and the registrar are in agreement, I see no reason why this would be a problem. This would be the case for all civil marriages rather than just those of the same sex.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I think choice is good. Couples deserve the ceremony that most closely fits with their beliefs. Some churches will not allow same-sex weddings; I think that if they are willing to offer a blessing to same-sex couples, this is progress and should be allowed.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I think that those transitioning gender should be allowed to stay married whilst doing so. This is not an overnight process, so if they are already married, they will be transitioning as such before the gain the Certificate.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think there is very little that would constitute a legitimate concern. I believe in religious freedom, but that is a two-way process. For those who raise concerns re. schools/education; I grew up in a home with heterosexual parents, a heterosexual sibling; 18 heterosexual cousins and countless heterosexual friends and teachers. I was ONLY taught about heterosexual sex and relationships at school. Yet I am a lesbian. Education and understand is absolutely not "promotion". I think fear-mongers should be tacked rather than "reassured".

Would you like to comment on the wider issue of freedom of speech?

People can disagree with homosexuality, same-sex marriage and anything else they like as much as I can support it, campaign for it and hopefully engage in it myself one day. The issue for me is when people are given a platform to air comments that are difficult to describe as anything but homophobic and to justify it through "freedom of speech". Sexual orientation and gender realignment are both legally protected characteristics under the Equality Act 2010, and should be treated as such.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I applaud the Scottish Government for bringing this Bill forward and for taking every day individual citizens like myself one step forward towards being equal in both the
eyes of the law and of society. This Bill is timely and necessary and I look forward to celebrating its passing and to celebrating the love and marriage of so many of my friends who just happen to be LGBT. I look forward even more to the day when this isn't an issue any more; but to get there in the future we have to be here now, so thank you.

**Are you responding as...**

a private individual

Julie Price
23 August 2013
How would you characterise your views on the Bill in general?

In support

Scotland is supposed to be a fair and democratic country. We cannot claim this if we discriminate against any group of people.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

There are no clear reasons for why same sex couples should be treated any differently to opposite sex couples. No law which effects the population should be based on religious reasons.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Again why would people with different beliefs be treated differently? There are no understandable reasons.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

A specific religion should not have control over the entire population. It is up to people to have the choice in a free and democratic country.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Alex Priest
21 August 2013
Legal rights are available to all, whether in civil partnership or marriage.

Marriage can be redefined until the cows come home, but it remains a union between male and female.

How about redefining pregnancy so that men can have babies.

This whole thing is stupid. An apple is not the same as an orange, but they are equal in that they are fruit.

A man is not the same as a woman, but they have equality. Just try to force a priest to conduct a same sex”marriage” THe law of the land would be made to look silly.

John Proctor
19 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM TIMOTHY PUNTIS

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protections should exist only for celebrants of marriage, when those people are working directly for religious organisations. Otherwise I believe that the law should insist equality of access to goods and services from the private sector vendors, and
from secular government agencies. I believe it is reasonable to ask all state employees to fulfil the roles they are employed for, for everyone, even if they have a personal reason not to want to.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech is an important, and should be a right. It should not limit the rights and freedoms of other people.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Timothy Puntis
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Alexander Qiu
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
One definition of 'marriage' in the OED is 'intimate union'. Unfortunately there are those who believe the only definition is that in the Bible so they have a problem there.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief-based organisation
a private individual

Helen Keating
Quakers
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Mark, 12:31 - "Love one another as you love yourselves. There [is] no commandment greater than [this]." If you don't want a gay marriage, don't get one. The only people this bill will affect is gay couples - it's been specifically constructed
so that religious organisations which do not wish to recognise gay marriage, don't have to. If they don't have a problem, then how arrogant must one be to think that this affects oneself?

**Would you like to comment on the wider issue of freedom of speech?**

I believe free speech is an important part of our society, but also think it's important to recognise that many rights clash with others, and that everyone has to accept some limitation somewhere for the good of themselves and society.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Robin Quinn
21 August 2013
How would you characterise your views on the Bill in general?
In opposition

Marriage CAN only be between a man and a woman, and the government simply doesn't have the ability to change that basic biological, historical, societal, familial fact

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition
It is impossible in terms of the simple meaning of words

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

The government's silly plans demean marriage for all

How would you characterise your views on civil partnerships changing to marriages?
In opposition
It is unnecessary and it is unwanted even by the gay community in general

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It will be impossible for the government to protect people; those who will benefit will be solicitors in the many cases that will come before the courts.

Would you like to comment on the wider issue of freedom of speech?

It seems that we lost it a long time ago; people who speak against SSM are shouted down or worse

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

David Randall
17 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

It's the same rights for both parties so why have a different name for civil partnerships..

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Same sex marriage isn't a bad thing, it affects LGBT individuals only, everyone should be able to get married to the one they love wether they are of the opposite sex or same sex..

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Jason Rankin
21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Joe Reilly
14 August 2013
THE MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM THE RELIGIOUS SOCIETY OF FRIENDS (QUAKERS)

At our Yearly Meeting in York in 2009, British Quakers (Quakers in Scotland, England and Wales) agreed to seek a change in the law so that same-sex marriages can be prepared, celebrated and witnessed in the context of Quaker worship, reported to the state, and recognised as legally valid. General Meeting for Scotland (representing all Quakers in Scotland) is therefore warmly supportive of the Marriage and Civil Partnership (Scotland) Bill.

British Quakers have been discussing sexuality and its role in supportive relationships for over fifty years. We see the presence of God in everyone and believe that all committed loving relationships between two people are of equal worth. All couples entering with commitment into loving partnerships should be celebrated in the same way, regardless of sexual orientation. Our experience in recent years is that same sex couples are as capable as opposite sex couples of demonstrating long-term mutually supportive and loving relationships. During the past twenty years, we have welcomed the opportunity to celebrate such partnerships in the context of our worship but the law has prevented us from giving them legal recognition in that same context. We are very conscious that same sex couples feel that they are not regarded as having equal worth to opposite sex couples under the present legal arrangements. We now seek for them complete parity.

Quakers see this as an issue not just of equality but also of religious freedom. We recognise that the religious conviction of some leads them to reject what we as Quakers seek. We believe their religious freedom must also be legally upheld and are pleased that the necessary steps are being taken to ensure this.

We welcomed the Civil Partnership legislation as a first step towards the equality we seek. Our desire for complete parity would lead us to hope that civil partnership may also be made available for opposite sex couples. But that concern is secondary to our main concern expressed above.

Notes

- Quakers are known formally as the Religious Society of Friends.
- Around 1,500 people attend nearly 40 Quaker meetings in Scotland. Our commitment to equality, justice, peace, simplicity and truth challenges us to seek positive social and legislative change.
- Quakers in England and Wales have joined with Reform Jews and Unitarians in exercising significant influence for equivalent legislative change by the Westminster government.

John Phillips
The Religious Society of Friends (Quakers)
30 August 2013
How would you characterise your views on the Bill in general?

In support

The Bill is long overdue but it's heartening nonetheless to see real progress being made. LGBT people in Scotland are still institutionally and socially discriminated against and this Bill will do a great deal to further equality across Scotland, though there remains a great deal still to do.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Given that marriage is not intrinsically religious - the institution pre-dates the three "main" religions of Scotland (Christianity, Judaism, and Islam), and that there is no established church in Scotland (C of S is national, but not established), the religious opposition to same sex marriage is only reasonable in so far as denying members of any particular religion the right to marry a person of the same sex/gender. Other than religious objection, the only opposition to same sex marriage seems to be logically reducible to hetero/cis -sexism - at worst, trans/homo -phobia - and that is not the right basis upon which to legislate. Allowing the majority to control rights matters relating to the minority is not - and this has been proven countless times throughout history - a good idea.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I can't think of any reason to further privilege religious celebrants in Scotland. Belief celebrants should absolutely be on equal footing

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think it should be opt-out. Obviously there is a fine line for this legislation to tread between respecting the rights of the LGBT community and respecting the rights of the religious community, but at what point do we invoke the harm principle?

How would you characterise your views on civil partnerships changing to marriages?

In support
This should be a choice for the Civil Partners in question - it should be an individual, case-by-case, decision for those who want to be married and those who wish to remain CPed.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

I cannot fathom a single reason why the two people marrying one another, and whoever is performing their marriage, should not be allowed to choose the location of their own wedding. There are more than enough other laws which would prevent weddings taking place in ridiculous or dangerous places.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

Yes, they should be, it's ridiculous that they might not be, what sort of half-cocked equality would you end up with if you kept drawing distinctions between CPs and marriages?

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

This choice MUST be entirely, autonomously, the choice of the individual who is transitioning. Not their spouse, not their doctor, not the state, and not their parish. The transgender person is the only person who matters in this decision.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Having completed an in depth analysis of same sex marriage in Scotland, and its treatment by the media over summer 2012, I would say that anyone with genuine concerns over same sex marriage could be persuaded out of such concerns were they educated about it. Chiefly moral and religious arguments have been used against same sex marriage and it is clear that while protecting religious freedoms is one of the most important things a state can do, it is never reasonable for any religion or religious individual to force their beliefs and ways of life onto other groups. Moral opposition to same sex marriage is rooted almost entirely in heterosexist and cissexist beliefs and attitudes. Protecting discrimination is not the point of legislations to protect freedom of speech, expression, religion, etc. We need only look toward the current climate in Russia to see how damaging such discriminatory and marginalising beliefs can be. This is the opportunity for Scotland to go further than has Westminster's legislation, to create a more equal society for all.
Would you like to comment on the wider issue of freedom of speech?

JSM'S HARM PRINCIPLE NEEDS TO BE TAUGHT IN SCHOOLS. Freedom of speech does not extend to hate speech. LGBT identities and orientations are not choices. It is not fair that leaders of the Catholic Church can openly call homosexuals paedophiles, beastealers, and/or 'abominations' when the Catholic Church are protected from equivalent offensive bile directed at them.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

It's time to clamp down on homophobia, not homosexuality.

Are you responding as...

an academic
da private individual
da citizen who wants to marry her daughter's other mother.

Gillian Reoch
14 August 2013
How would you characterise your views on the Bill in general?

In support

Important for Scotland to take its place as a progressive, forward thinking country in the modern world.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Same-sex couples should be able to live, and enjoy the same benefits and legal recognition as any hetero-sexual couple.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Much like the bill in general, Scotland must place belief and faith ceremonies on the same footing, to show that we are a modern country inclusive of all. Allowing religious ceremony to stand above all else is dangerous in a country where there are so many different religious and non-religious groups represented.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

As in Q5, there should be no separation in my eyes, a union is a union and should be recognised equally.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Fully in support - many transgender people receive tremendous support from partners and spouses and should continue to be recognised as such

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Michael Reynolds
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I don't particularly have a problem with some religious bodies opting out of marrying same sex couples. However ideally we'd all be able to marry whomever we wish, within any religious house, or at any location, including civil partnership for
heterosexual couples. Within the laws of the land I believe all couples should enjoy the same rights and benefits, including de-facto couples, regardless of gender or sexual orientation.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Tara Rhatigan
20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

Although where a religious denomination decides as a body NOT to celebrate same sex marriage, I believe that individual ministers/marriage celebrants should have a right to opt in on an individual basis.

How would you characterise your views on civil partnerships changing to marriages?
In support
By choice, not compulsion.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
It's barbaric to expect loving couple to have to divorce in such circumstances

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

This should be about freedom of choice and religious protection, however those in state employment providing a service (ie registrars and civil marriage celebrants) must provide a service to all, irrespective of gender combination. There can be no opt out here. There is no opt out for marrying divorcees for example.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech must be protected but so must the law concerning hate crime, abuse and harassment. There is a fine line to be drawn however, freedom of speech must not be used as a shield to hide behind.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe that marriage ceremonies must be able to be gender-neutral or specific in their wording, by choice and agreement between the celebrant and the couple. I support the submission (in detail) by the Equality Network on this matter.

Are you responding as...

a private individual

Jaye Richards-Hill
8 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Nathan Richardson
15 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

One small change I find necessary: the wording "accept each other in marriage" should be available for mixed-sex marriages as well as same-sex, rather than requiring specifically "husband and wife".

How would you characterise your views on civil partnerships changing to marriages?
In support

In general I support providing for both marriage ceremonies and simple conversions. However, the current provisions do leave some people out, that is people who have registered a civil partnership outside of Scotland and live here now: it is important that these people too are allowed to have a marriage ceremony, because otherwise they will have to remain with a civil partnership or go through the painful process of dissolving it just to get married.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Very strongly support - this is extremely important!! However it seems a little backwards that the spouse must agree with the new gender recognition, after all it is not their gender - it makes much more sense that the spouse's agreement should be required for the marriage certificate re-issuing, while the trans* person is entirely responsible for their own gender.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No civil opt-outs, please!

Would you like to comment on the wider issue of freedom of speech?

School teachers should not be allowed to "opt out" from mentioning same-sex marriage, it is part of life and their duty to educate students that it is an option, whatever their personal views on it.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There are still some obstacles to gender recognition for trans* people that I would like to see addressed better - firstly the age of gender recognition should be lowered from 18 because this will allow trans* people to launch their adult life as their correct gender and thereby help protect them from discrimination and involuntary outing, and secondly the medical evidence requirements paradoxically make it more difficult for people who have been living as their preferred gender for a long time to have this legally recognised, so there should be an alternate route to recognition recognising the situation of these people.

Are you responding as...

a private individual

C Richter
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage is the lifelong union between one man and one woman. That is what makes it special and unique. Anything else just simply isn't marriage. Trying to redefine marriage is a waste of governmental resources. It undermines the historic legacy of marriage in the past, creates unnecessary conflict in the present and introduces confusing consequences for the future. If this issue is about legal rights and/or equality, then why not introduce a new concept of relationship that is fair for everyone or extend the definition of a civil partnership? Redefining marriage is radical, unnecessary and discriminatory. It is an attack on what many, many people hold dear. Under no circumstance mistake the opposition of the redefinition of marriage to be the opposition of same-sex couples. This issue is not homophobia - it is pro-marriage. As soon as an attempt is made to redefine marriage to include same-sex couples, there is nothing to stop it being further redefined - a union between more than two people, between people and animals, between family members, between children.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

1. Churches and celebrants who refuse to "marry" same-sex couples will be susceptible to litigation. Scottish law can be overruled by the courts of the European Union. 2. People who have a conscientious objection and who work in the public sector may lose their jobs or be unable to work in certain professions if they refuse to endorse same-sex marriage. That is discriminatory. 3. Equality laws have led to nearly all of Britain’s faith-based adoption agencies shutting down. This directly affects the welfare of children. 4. While the law requires schools to provide religious education, it also protects atheist teachers from being compelled to teach it. Similar space should be given to teachers who, for religious convictions or otherwise, do not feel able to teach about same-sex marriage. Anything else is hypocritical. 5. Many parents will have deeply-felt views about their children being taught about same-sex marriage in the classroom. The law should not undermine these views but should protect parents’ right to withdraw their children. Many will be unaware what their children are being taught so they should have a legal right to know when such lessons will take place.

Would you like to comment on the wider issue of freedom of speech?

No person should be compelled to express agreement with a same-sex marriage or be punished for expressing their disagreement with it. This freedom of speech should be protected by law. People who express a disagreement with the redefinition of marriage have a right to express that view freely. The redefinition of marriage from the lifelong union between one man and one woman, rather than the introduction of something new which covers a union between people of the same or different gender, is a direct attack on freedom of speech. In recent years, the vilification of those stating traditional beliefs about marriage has created a climate of fear. Redefinition of marriage can only divide people in a negative way.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
A husband and father.
How would you characterise your views on the Bill in general?

In opposition

I think it goes against everything marriage stands for

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage should be a heterosexual thing only

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

John Robertson
19 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

SABRINA ROBERTSON
22 August 2013
How would you characterise your views on the Bill in general?
In support
Long overdue legislation. Slow to work through parliament.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
LONG overdue.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
There is no place for discrimination in Scotland.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Religion should play no part in politics. Fairness and equality should be more important.

Are you responding as...

a private individual

Tony Robertson
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Victoria Robertson
19 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
This question is a bit vague.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither
Question is vague.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Why do they need 'protected'? It's none of their business who gets married.

Would you like to comment on the wider issue of freedom of speech?

Speech should be free. No censoring.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

Elaine Robinson
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM SARAH RODGERS

How would you characterise your views on the Bill in general?

In support

Although I am heterosexual I have several gay friends and a daughter and so who are in their teens and early twenties, both of which are bisexual and I believe it is their right to chose who they love, commit to and marry.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As above

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Marriage should be about love and commitment regardless of sexual orientation. We need to stamp out ignorant old fashioned views and support all society to be the best and happiest that they can and to me allowing same sex marriage is a small step towards that.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sarah Rodgers
22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Beverley Roper
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Marriage should be open to everyone

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

James Rose
22 August 2013
How would you characterise your views on the Bill in general?

In opposition

I believe that, for both historical and biological reasons, marriage is only the union of a man and a woman. Although it is true that there have been, and are, cultures in which a man may have more than one wife, this is still a case of male and female. I can see no valid reason for this state of affairs which, with all of the flaws of human beings, has stood the human race well, to be altered in any way.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Contrary to the claims of its supporters, genuine polling has shown that there is no public demand for this. At least one poll showed a 55%/38% split against the Bill, and its related concept (with 7% undecided). Where polls have allegedly shown support, it turns out that respondents have been led to believe that the crux of the matter is one of 'equality'. This, of course, is patently untrue. Civil Partnerships which, the public was led to believe at the time would be as much as the homosexual/lesbian minority would ever seek, provides all of the legal equalities with marriage. Indeed, as I have claimed, almost 'ad nauseum', two people in a Civil Partnership have greater legal rights than, e.g., two elderly siblings, or an aged parent and a carer-'child' have! The difference is that, in my examples, the two people do not share a bed!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

Without a religious belief, the Civil Partnership is adequate. I would have no difficulty with "belief celebrants" conducting such a civil ceremony.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

This proposal has the potential to cause division even within specific religious groups. It would also be, in my opinion, "the thin end of the wedge" as one celebrant would be pressurised by the fact that another one was willing to perform these ceremonies.
How would you characterise your views on civil partnerships changing to marriages?

In opposition

The two are different, and should remain so. One might as well ask about apples being changed to oranges!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

"Civil Marriage" ceremonies already take place in premises other than buildings dedicated to religious services. This, then, appears to be a "non-question"!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

This is merely asking that something be prohibited - and then allowed in by the back door!

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

If a person has decided to undergo the relevant surgery that would effect such a physical change, then that person is no longer the person who is named in the Marriage Certificate. That Certificate then becomes null and void.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There are a great number of people who are concerned that their deeply-held views on the distinctiveness of traditional marriage may leave them in the position of being disciplined, or even dismissed, from their employment. Already, there are many well-documented cases that show that this is not an illogical concern. Even parents, who would not wish their children to be taught, in school, that same-gender relationships are equal to heterosexual relationships, would not be permitted to legally withdraw their offspring from such lessons, and could face sanctions if they withdrew them without permission. I, myself, was summarily dismissed from my role as a Chaplain to (the then) Strathclyde Police Force because of my strongly-expressed views in support of traditional marriage, on my personal blog. (www.crazyrev.blogspot.com) Because I was an unpaid volunteer there was, apparently, no action that I could successfully take. However, other Chaplains - Industrial, Hospital, Military, etc; Teachers, Care Staff, etc. - may be forced to
expensive, and soul-destroying, litigation because of their personal support of marriage as between, and only between, two persons of opposite gender.

**Would you like to comment on the wider issue of freedom of speech?**

The issue of freedom of speech in this context is crucial because, as noted above, it is the expression of beliefs about marriage that tends to get people into trouble. Aside from a declaratory clause which has no practical impact (Clause 14), the Bill does not deal with this issue. It is my opinion that, given the determination of the homosexual/lesbian lobby to keep pushing this matter as far as they can, together with precedent from the ECHR, no legislative clause would ever provide the desired protection, however sincere the views of those who introduce it.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

This Bill, as has already been proved in other countries in which such legislation has been adopted, would only lead to further demands from increasingly small sections of society (it should be noted that there are many openly homosexual men, some of them with high public profiles, who are also opposed to this Bill). Already, in England, the enactment of the similar Bill in the Westminster Parliament has been followed by a challenge from a millionaire homosexual and his male partner to take the Church of England to court in order to 'force' it to 'marry them. This is in spite of the UK Government's attempts to make the C of E a different category from any other, in terms of the legislation. In other countries, notably The Netherlands, Canada, and the USA, in which same-gender 'marriage' has been legalised, there are already moves - in some cases, successful moves - to further devalue the concept of marriage by the introduction of 'multiple marriage' involving more than two individuals! This is not the future that I wish to see for Scotland! I am also concerned that the proposals of the Bill would not only totally redefine 'marriage', but also 'adultery' which would be confined to heterosexual couples. This would also undermine the concepts of commitment and faithfulness that have undergirded marriage since time immemorial.

**Are you responding as...**

a private individual

C.Brian Ross
18 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Karen Rowell
17 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Equality and freedom of choice.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support
If a couple wish to marry and are denied this commitment we are denying their rights! The word 'Civil Partnership' exposes an individuals privacy.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Projective identification!
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

C Russell
14 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

How would you characterise your views on civil partnerships changing to marriages?
In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Lay persons and officials of mainstream religions should be protected from having to take part in any ceremonies that they feel is in opposition to their beliefs.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Sylvia Ryan
11 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Tomas Rychter
11 July 2013
1. Introduction

1.1 The Salvation Army appreciates the opportunity to respond to the Government’s Marriage and Civil Partnership (Scotland) Bill.

1.2 The Salvation Army is a Christian Church and one of the largest charities in the UK, helping thousands of vulnerable people each day. Our mission statement says that we will 'meet human needs...without discrimination'. Our services are freely on offer to all, regardless of gender, race or sexual orientation. We have an Equality and Diversity Policy which covers all protected characteristics under equality law and which applies to every aspect of our service provision.

2. General Response

2.1 To offer some background to the Salvation Army’s comments we would point out that in our response to Civil Partnerships A framework for the legal recognition of same-sex couples\(^1\) we stated “The Salvation Army recognises that same-sex couples face unacceptable injustices in certain aspects of their lives and there is much in the Executive’s specific proposals that The Salvation Army would support. For instance, individuals should have the right to nominate whomever they wish to act as their 'next of kin' in various situations and provision should be made for that to be done easily and speedily. Disposal of personal assets should also be a responsibility for individuals to decide”.

2.2 However, we have also stated “We agree with the Executive when they state 'Marriage is the basic institution on which family law is based. It brings with it a comprehensive set of rights and responsibilities that has evolved over many years and have equity between parties at the core'. We hold to the principles regarding the importance of marriage and family life and their unique place in society. This opinion is supported by the data contained in Research Findings No 43/2004”.

2.3 Because of this we were persuaded – and it remains the case - that marriage, as traditionally understood, is vital to society's wellbeing and that it should be both protected and promoted and that attempts to equate other relationships with marriage are unhelpful.

2.4 The Salvation Army believes that human sexuality\(^2\) is part of God's creation and as such it is good and to be celebrated. Like the rest of creation and human life, the use of our sexuality can fall short of God's intentions and be misused. We would accept that human sexuality includes a mix of identity, feelings and behaviours that are not always fully understood by the individual

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\(^1\) Civil Partnerships A framework for the legal recognition of same-sex couples response December 2003

\(^2\) The Salvation Army United Kingdom Territory with the Republic of Ireland Positional Statement on Human Sexuality, revised November 2010
concerned or by society as a whole. Sexual identity is widely accepted to be unchosen by the individual. The Salvation Army believes that it is wrong to discriminate against anyone in the provision of goods and services, and social and pastoral care because of their presumed or declared identity.

2.5 In framing our response to the proposed Bill, we propose making substantive general comments noting that the Bill includes a number of different sections dealing with marriage law, same-sex marriage, civil partnerships and transgender people, as well as comments covering protection for religious and belief bodies and celebrants.

3. General changes to marriage law

3.1 We note that the proposed Bill makes a number of changes to existing Marriage and Civil Partnerships Law, some of them technical in nature, whilst others signposting a significant shift in some peoples understanding of marriage. We note the key points in the Bill are:

- It allows same sex couples to get married, with protections for religious bodies and celebrants who do not wish to take part.
- It puts belief celebrants on the same footing as religious celebrants.
- It introduces the religious and belief registration of civil partnerships.
- It makes provision so that persons in a civil partnership registered in Scotland can change the civil partnership into a marriage.
- It makes provision so that persons who are married can stay married and obtain a full Gender Recognition Certificate, providing legal recognition in their acquired gender.
- It gives the Scottish Ministers power to prescribe in regulations qualifying requirements which religious and belief bodies must meet before their celebrants are authorised to solemnise marriage or register civil partnerships.
- It allows civil marriage ceremonies to take place anywhere agreed between the couple and the registrar, except in religious premises.
- It makes bigamy a statutory offence.
- It makes provision so that deacons of the Church of Scotland are authorised on the face of the Marriage (Scotland) Act 1977 (“the 1977 Act”) to solemnise opposite sex marriage.

3.2 We note that the proposed legislation directs that re-registration to perform religious marriages (both opposite sex and same-sex) will be required. We welcome this provision noting the requirement for governing bodies of the relevant religious organisations to opt-in (Explanatory Notes, section 68) and the assurances of protection from legal challenges where such bodies do not wish to marry same sex couples (The Bill, section 10 (1D)).

3.3 We further note the Scottish Government will continue to consult with religious bodies over the qualifying requirements to be allowed to conduct religious marriages and will liaise with denominations to determine their wish to be prescribed to conduct marriage ceremonies.

3.4 We recognise that the Bill will “make separate provision in relation to the solemnisation of, on the one hand, opposite sex marriages and, on the other
hand, same sex marriage”. (Explanatory Notes, page 6, section 25). We welcome this course of action.

4. Same Sex Marriage ceremony

4.1 The positional statement of the Salvation Army\(^3\) clearly states “The Salvation Army believes that God ordained marriage to be an exclusive and lifelong relationship between one man and one woman which is characterised by mutual submission, respect, self-giving love, faithfulness and openness to each other. It is a holy relationship, sanctioned and blessed by Christ”

4.2 We note the intention of The Government to introduce same sex marriage whilst, at the same time, ensuring safeguards exist in key areas such as: protecting ‘religious bodies and belief celebrants who do not wish to solemnise same sex marriage’. We welcome this, and given our previous comments on what constitutes marriage we would not be able to recognise any other relationship, outside of ‘an exclusive and lifelong relationship between one man and one woman’ as marriage.

4.3 We recognise the Government proposal in respect of arrangements for authorising religious and belief celebrants of same sex marriage. We welcome the assurance that ‘temporary authorisation to solemnise same sex marriage may only be granted by the Registrar General when the religious or belief body of which the person is a member is prescribed’ (Policy memorandum, section 92). We welcome the Government ensuring that this is vigorously enshrined in legislation.

5. Civil Marriages

5.1 We note the commitment of the Scottish Government not to undertake having civil marriage ceremonies performed in religious premises (The Bill, section 19) and are content with the assurances given that there will be no obligation for religious communities to make such provision.

6. Transgender people

6.1 No substantive comment

\(^3\) The Salvation Army United Kingdom Territory with the Republic of Ireland Positional Statement Marriage Positional Statement, June 2011
7. Protection for Religious and Belief Bodies and Celebrants

7.1 We welcome the assurance that ‘For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a) (b) imposes a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex’ (The Bill, section 10 (2) (1D)) and note the requirement that religious bodies will have to opt-in to either conduct opposite sex marriages and same sex marriages and civil partnerships. We are content with this process believing that this, and the proposed changes to the Equality ACT 2010, will ensure that no celebrant or religious body will be forced to act against their will or doctrine with respect of opposite sex and same sex marriages.

7.2 We welcome the requirement that religious bodies will have to opt-in to undertake marriage ceremonies and that no single celebrant will be allowed by the Registrar General to perform a marriage ceremony where their religious body has not opted-in. We are pleased to see it clearly expressed that ‘a same sex marriage can only be solemnised by a civil registrar or a person who is: a minister clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulation’ (Policy memorandum, section 91).

8. Freedom of Speech

8.1 We welcome the assurance that freedom of speech will not be affected by this legislation (The Bill, chapter 4, section 14) and that the ‘European Convention of Human Rights to freedom of thought, conscience, religion and expression’ will be upheld.

9. Conclusion

9.1 The Salvation Army is pleased to see that the Scottish Government recognises the rights of religious bodies to bring their deep, religious and philosophical reasons for their beliefs about what the law should be, into public deliberation. The recognition, that in a pluralist society, with a democratic political order, political debate on occasions necessarily requires very difficult conversation. The assurances that the civil liberties of those who have a conscientious objection to same-sex marriage will be respected, is to be welcomed. We would however point out what we feel is an inconsistency, whereby civil liberties for religious bodies are upheld but not so individuals who carry out a civil function whose lives are guided by their religious beliefs.

9.2 The Salvation Army would welcome the opportunity to continue discussing this and related matters with the Scottish Government and look forward to that engagement.

Major Alan Dixon
Assistant to the Secretary for Scotland
The Salvation Army
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They have nothing to be afraid of. Same sex marriage is an important step forward for everyone in society. It is long overdue.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group

K Singh
Sarbat
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that it shouldn’t matter about someone’s sexuality. People and society has changed. And I still do believe that some people in this society are to obsessed about what other people are getting up to in there bedrooms they have forgotten that
people are human beings regardless to whom they fall in love with, and should be credited with the same security and future as their counter parts. People are scared of change and find it hard to embrace change. But for our human race to evolve we need it!

**Would you like to comment on the wider issue of freedom of speech?**

Lgbt are tax paying people and are part of this society. It's time this society sees this. I hope soon we can all come together and people don't have any opinion about how someone else lives their life's. it just becomes part of the normal. Gay people have come so far in even a decade. Let's use be free of the stigma that comes with being different. You can lose your whole family for being gay. Let's start bringing them back together again and heal this rift!

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Samantha Sayers
21 August 2013
Redefining marriage is unnecessary and a distraction from matters which are of importance to the people of Scotland, such as the economy and health.

It is not clear what new legal rights, if any, same-sex couples would receive which they do not already have through civil partnerships.

Marriage predates law, nation and church. Since God is its author, it is way beyond the pay grade of any civil leader or politician to alter its fundamental character as an institution of nature for the mutual support of spouses and the begetting and nurturing of children. Although matrimonial law has been tweaked over the years, the law has never fundamentally altered the essential nature of marriage: a lifelong commitment between a man and a woman. The plan to redefine marriage is therefore radical and unprecedented. The state will next try to redefine what a man or a woman is, but again that is way beyond its pay grade. Neither Church nor state nor any human institution can alter these givens of creation.

Same-sex marriage focuses on the rights of adults. But marriage, as it has been understood throughout history, has been about much more than the love between two people. As an institution it incentivises a man and woman to not only commit to one another but to any children their union may create.

Once you start unpicking one aspect of the definition of marriage, it can unravel further. In Canada and in some US states, where marriage has been redefined, attempts have been made to legalise polygamy. In Brazil, a three-way relationship was given marriage-like recognition, and the same is true of the Netherlands.

Deacon Tony Schmitz
Director of Studies, Diaconate Commission
Bishops’ Conference of Scotland
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I fully support equal marriage. I believe all couples, whether heterosexual or homosexual, should have the same rights.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Freya Schofield
16 July 2013
How would you characterise your views on the Bill in general?

In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protection is vital

Would you like to comment on the wider issue of freedom of speech?
vital as long as not generally offensive or violent

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

It does not offer any further equality or civil rights. The only thing hoped for by those who wish to redefine marriage is that someday the sexual acts of some homosexuals will be considered normal or natural, which can never be, and never result in a natural outcome, i.e. children. This prospect of the acceptance of normality is the only real objective expressed in an article by Peter Tatchell, gay rights activist.

**Are you responding as...**

an academic  
a private individual  
A believer in the Bible without convenient interpretation.

John Scott  
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

In line with our previous submissions, and in full agreement with the submissions made on behalf of the Bishops Conference of Scotland, we are opposed to this Bill in principle. Once again we express our disappointment that the Scottish Government is proceeding with legislation to which there was overwhelming opposition in the largest ever response to a public consultation in Scotland. We repeat our commitment to recognising the worth of every human being and to respecting the dignity of all people on an equitable basis. We urge politicians to accept that equality is not synonymous with uniformity and to respect the diverse characteristics and the complementary natures of male and female in human life.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

We believe that this legislation is unnecessary, as current arrangements for civil partnerships bestow the same legal rights as Marriage. It is regrettable that State authorities are attempting to impose a re-definition of Marriage which has always been understood as having both a unitive and a procreative function, which are not present within a same sex relationship. We fear that such a significant change may have profound consequences for society, in particular for the nurturing of children by mothers and fathers and for how society views the complementary nature of the sexes. The apparent equality which is being sought by some may lead to greater inequalities in society, particularly for children.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In opposition
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We are not assuaged by the rhetoric of the Scottish Government, claiming that the faith curriculum of Catholic schools will not be changed by this legislation. Such claims offer no legal protection to teachers and parents who are charged with the responsibility of educating children within a tradition of Christian moral and ethical teaching. Recent history demonstrates that political assurances are worthless when Equality legislation is exploited to champion the rights of individuals over the beliefs, traditions and practices of faith communities. Catholic schools are regularly being challenged to justify their teaching, their practices and their very existence by individuals and groups which appear determined to remove the rights of parents to choose faith-based education for their children. This Bill will provide encouragement to such challenges, Parents who sincerely believe that an authentic state of Marriage can only be realised in the union of a man and a woman may be prevented from educating their children in that belief, if schools are obliged to promulgate a revised definition of what it means to be married. This may lead to many parents seeking to withdraw their children from lessons where this new orthodoxy is being advanced. This will have a significant impact on children and on schools. Ultimately it will be children who will suffer by being confused over the new meaning of words such as wife, husband, mother, father.

Would you like to comment on the wider issue of freedom of speech?

We are fearful that teachers in all schools may be compelled by their employers’ responsibilities, under public sector equality duty legislation, to conform to a new orthodoxy when teaching about Marriage. We are certain that this will lead to teachers being pressurised to follow their employers’ instructions, despite their own sincere conscientious objections. We urge the Scottish Government to offer greater protection to teachers than their current exhortations to Councils to follow a good employment practice.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
The concerns we are expressing are not narrow in their scope and they do not merely represent our particular ‘denominational’ interests. This issue has huge implications for the common good of society as a whole and we fear that its ramifications are not being fully anticipated. This legislation is another measure which will damage the role of the family within society.

**Are you responding as...**

a faith/belief-based organisation

Michael McGrath
Scottish Catholic Education Service
23 August 2013
Background information

The Scottish Catholic Education Service (SCES) is an agency of the Catholic Church in Scotland. It works to support pupils, teachers and parents involved in Catholic schools and to promote an understanding of the value and purpose of Catholic education more widely. SCES works with Head Teachers, teachers and parents and with other Church offices to provide advice, curricular resources and professional development opportunities for teachers. SCES liaises with Scottish Government and all the major education agencies in Scotland. We submitted responses to the two Scottish Government consultations on this issue.

Our views on the Bill in general

We are in agreement with the submission made on behalf of the Bishops’ Conference of Scotland and are opposed to this Bill in principle. In short, we do not believe that the meaning of Marriage, which is a natural and pre-political institution, should be re-defined by Government.

We repeat our commitment to recognise the worth of every human being and to respect the dignity of all people on an equitable basis. However, we hold the view that Marriage should continue to be recognised by the State as a unique relationship, embodying the complementary natures of male and female and ordered towards the procreation of children.

This is the understanding of Marriage which is shared and respected by most people across the world. It is deeply rooted in our culture and our legal system, with its origins stretching back to ancient times. We should pause and carefully think through the ramifications of any re-definition of its meaning.

We recognise that the State already recognises same sex partnerships though the civil registration of Civil Partnerships and that this provision confers all the legal protections associated with Marriage.

For the avoidance of any doubt it is important to emphasise that Catholic schools are inclusive communities which cherish the lives of all their pupils. While teachers in Catholic schools explicitly offer Christian teaching on a range of moral and ethical issues, including the nature of Marriage, they do not judge young people whose family situations may not reflect this teaching.

Unintended consequences of this proposed legislation

a) for teachers in Catholic schools

We have specific concerns that the introduction of this legislation may lead to particular consequences for teaching and for teachers in Catholic schools.

The Scottish Government has offered assurances that the faith curriculum of Catholic schools will not be changed by this legislation. However, recent history demonstrates that political assurances alone offer no protection when Equality legislation is used to challenge practices which are deemed to breach the rights of
individuals (cf Catholic Adoption agencies). This suggests a need for specific legal protections to accompany this legislation.

There is every likelihood that Councils, in complying with the Public Sector Equality Duty, will develop corporate policies which will champion the need to “advance equality of opportunity” uniformly at the expense of the protection of religion or belief. Such corporate policies may place considerable strain on Head Teachers and teachers in denominational schools where the content of all religious, ethical and moral teaching is explicitly based on Catholic doctrine.

For this reason it is vital that the legislation, and any subsequent guidance to education authorities and schools, makes explicit the current legislative position that the “denominational authorities” have the right to determine the faith aspects of the curriculum in denominational schools. Further, we urge that specific legal protection be offered to teachers to prevent their teaching of the Christian doctrine of Marriage being challenged as being “discriminatory” or “homophobic”.

Parents who sincerely believe that the true state of Marriage can only be realised in the union of a man and a woman may be prevented from educating their children in that belief. Some legal advice suggests that parents would have their right to have their children educated in accordance with their religious convictions trumped by Equalities legislation were they to object to certain materials or teaching approaches being used to promote beliefs about Marriage which contradict their own.

b) for teachers in non-denominational schools

We are fearful that teachers in all schools may be compelled by their employers to conform to a new orthodoxy when teaching about Marriage, despite their own sincere conscientious objections. We urge the Scottish Government to offer greater protection to teachers than their current exhortations for Councils to follow “good employment practice”.

Conclusion

Our concerns are not narrow in their scope and they do not merely represent our particular ‘denominational’ interests. We believe that this issue has huge implications for the common good of society as a whole and we fear that its ramifications are not being fully anticipated.

John Brown
Scottish Catholic Education Service
25 September 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
AMENDMENT TO THE UK EQUALITY ACT 2010

Introduction

1. This note has been agreed between the United Kingdom (UK) and Scottish Governments.

2. The Scottish Government has made it clear that if same sex marriage and the religious or belief registration of civil partnerships are introduced in Scotland, no religious or belief body or celebrant would have to carry them out. This recognises that a number of bodies and celebrants have doctrinal objections to same sex marriage.

3. Therefore, the Marriage and Civil Partnership (Scotland) Bill (“the Bill”) has a number of protections for religious and belief bodies and celebrants. These are outlined in Annex A.

4. However, the Equality Act 2010 (“the 2010 Act”) is a reserved matter for the UK Government. The 2010 Act makes provision on matters relating to discrimination. The Scottish Government concluded that an amendment was required to the 2010 Act to provide further protection in relation to discrimination. Following discussions with the UK Government, the consultation on the draft Bill included draft modifications to the 2010 Act.

5. This note outlines the approach agreed by the UK and Scottish Governments in relation to amendments to the 2010 Act for Scotland as a consequence of the Scottish Bill. In agreeing this approach, the Governments have taken account of:

   - Comments made by consultees responding to the consultation on the Scottish Bill.
   - The approach taken by the UK Government in the Marriage (Same Sex Couples) Bill to amending the 2010 Act.

Approach to amending the 2010 Act outlined in the consultation on the draft Bill

6. Annex A to the last consultation outlined the Scottish Government’s approach to the 2010 Act. In particular, the Scottish Government noted that:

6.1 Section 29 of the 2010 Act makes provision about not discriminating when providing a service.

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1 Section L2 of Part II of Schedule 5 to the Scotland Act 1988 reserves most aspects of equal opportunities.

2 The consultation on the draft Bill is at [http://www.scotland.gov.uk/Publications/2012/12/9433](http://www.scotland.gov.uk/Publications/2012/12/9433)


4 The UK Bill is at [http://services.parliament.uk/bills/2013-14/marriagesamesexcouplesbill.html](http://services.parliament.uk/bills/2013-14/marriagesamesexcouplesbill.html) The amendment to the 2010 Act is at clause 2(5) and (6). This amendment relates to “a relevant marriage” which is defined in clause 2(4) by reference to marriages in England and Wales and marriages overseas through UK armed forces.
6.2 Schedule 23 to the 2010 Act already has exemptions for religious and belief bodies from equality requirements relating to sexual orientation but these only apply where it is necessary to comply with the doctrine of the organisation or to avoid conflict with the strongly held convictions of a significant number of the followers of the religion or belief.

6.3 There was a need to amend the 2010 Act to provide further protection in relation to discrimination for individual celebrants with religious or belief objections to same sex marriage and the registration of civil partnerships, even if the body to which they belong does not share these objections. As indicated above, the consultation on the draft Scottish Bill included a modification to the 2010 Act accordingly.

**Views from consultees**

7. Consultees had a number of comments on the proposed amendment to the 2010 Act, including:

7.1 The amendment to the 2010 Act is not yet in place and cannot be guaranteed, as it relates to a reserved matter outwith the control of the Scottish Government.

7.2 There could still be the possibility of claims relating to sex discrimination.

7.3 There could be concerns about the lack of protection being offered to persons such as Church or Mosque elders and Church organists who could be involved or affected if a same sex marriage took place.

7.4 There was a need to protect religious buildings. An example given was of a celebrant from one congregation who had previously solemnised an opposite sex marriage in a building normally used by a different congregation asking to use the building again to solemnise a same sex marriage.

7.5 It was uncertain what protection there would be for religious bodies offering pre-marital counselling and marriage support services.

7.6 The amendment to the 2010 Act on which the Scottish Government had consulted was narrow in that it related to “conflict with the approved celebrant’s religious or philosophical beliefs”. This, for example, excludes the possibility of a religious celebrant refusing to solemnise a same sex marriage in order to preserve the peace of his or her congregation.

7.7 The Scottish Bill does not make it clear that a religious or belief body may only nominate a celebrant with his or her consent and it also does not specify that there is no duty on any celebrant to allow themselves to be nominated and/or to remain registered.
The approach taken in the UK Bill

8. Relevant amendments to the 2010 Act are at clauses 2(5) and (6) of the UK Bill.

9. Clause 2(6) of the Bill provides that a person does not contravene section 29 only because the person:

9.1 Does not conduct a relevant marriage.

9.2 Is not present at a relevant marriage.

9.3 Does not carry out a relevant marriage.

9.4. Does not otherwise participate in a relevant marriage.

9.5 Does not consent to a relevant marriage being conducted.

10. “Relevant marriage” is defined in clause 2(4) of the Bill and relates to marriages in England and Wales and to armed forces marriage overseas. Therefore, same sex marriages in Scotland are not covered by this amendment to the 2010 Act and an amendment for Scotland is required.

11. Some of the terms used in clause 2(6) are specific to marriage law in England and Wales and relate to functions which do not exist in Scots marriage law. In particular:

11.1 Being “present at” is a reference to functions carried out on religious premises by persons working for religious bodies rather than by civil registrars. There is no direct equivalent of this in Scots marriage law.

11.2 “Consent” relates to consenting to a building being registered for the solemnisation of marriage. Again, this is not a feature of Scots marriage law.

12. Clause 2(5) of the UK Bill amends section 110 of the 2010 Act, in respect of a “relevant marriage”. The purpose of this amendment is to ensure that chaplains employed by secular bodies are not vulnerable to claims by colleagues arising under Part 5 of the 2010 Act (work). Such a claim might possibly arise, for example, if a university offers staff the facility of getting married in its chapel, but the chaplain is opposed to same sex marriage and refuses to take part. The amendment stops such a claim arising.
The planned approach in the light of the Scottish consultation and the UK Bill

General

13. The UK and Scottish Governments have agreed that if the Scottish Bill should receive Royal Assent, necessary changes to UK legislation, including amendments to the 2010 Act, would be made by an Order made by UK Ministers under section 104 of the Scotland Act 1998\(^5\).

14. The Scottish Government will not commence provisions of the Scottish Bill relating to same sex marriage and the religious and belief registration of civil partnerships until the amendments to the 2010 Act are in place.

15. The amendments to the 2010 Act will reflect that:

15.1 As well as same sex marriage, the Scottish Bill is introducing the religious and belief registration of civil partnership.

15.2 Under the Scottish Bill, same sex marriage and civil partnership ceremonies can be carried out by religious and belief celebrants.

The Scottish Bill

16. In relation to the Scottish Bill, the Scottish Government considers that a wide range of protections, outlined in Annex A, are in place. These are outlined in Annex A and centre around an opt-in system. In addition, the Bill has a number of “no obligation” provisions, including making it clear that there is no duty under the Bill on a celebrant who is authorised to solemnise same sex marriage or register civil partnership to carry out such ceremonies.

Basis of amendments to the 2010 Act

17. The Scottish Government agrees with points made by consultees that the amendment to the 2010 Act should not be restricted to cases where solemnising a same sex marriage or registering a civil partnership would conflict with the celebrant’s religious or philosophical beliefs. Similarly, the Scottish Government agrees with points made by consultees that the amendment to the 2010 Act should not be restricted to cases of sexual orientation discrimination.

18. Therefore, in line with clause 2(6) of the UK Bill, the amendment to the 2010 Act for Scotland will provide that a religious or belief celebrant does not contravene section 29 of the 2010 Act by refusing to solemnise a same sex marriage or register a civil partnership for the reason that the marriage or civil partnership is a legally recognised union of a same sex couple.

Protecting persons in addition to the celebrant

19. The Scottish Government has considered carefully points made by consultees about protection for persons other than the celebrant who may normally be expected to be present at marriage ceremonies. As noted above, some of the provisions in the UK Bill relate to official functions under English and Welsh marriage law for which there is no direct equivalent in Scotland. As a result, no such protection for Scotland is required either.

20. In addition, the Scottish Government considers that protections for those objecting to same sex marriage and the religious or belief registration of civil partnerships need to be balanced with the rights of LGBT people. For example, the Government would not consider it appropriate to exempt chauffeurs taking people to a same sex wedding or civil partnership from equality requirements or to exempt hotel staff who lay out a room before a same sex marriage or civil partnership takes place there. Similarly, the Government would not exempt secular buildings (eg hotels) from equality requirements.

21. However, the Scottish Government does consider it reasonable to exempt from equality requirements persons who are an integral part of the religious or belief aspects of the ceremony. This could cover, for example, the organist, the choir and the choirmaster who are playing an integral part in the religious or belief ritual of the wedding service: eg at a church. Therefore, the amendment to the 2010 Act for Scotland will, in line with clause 2(6) of the UK Bill, cover persons who play an integral part in the religious or belief aspects of the marriage or civil partnership ceremony.

22. As noted in paragraph 7.5, some consultees asked about protection for religious bodies providing pre-marital courses. The Scottish Government considers that existing protection in this area is sufficient. Under paragraph 2(3) of Schedule 23 to the 2010 Act, a religious or belief organisation does not contravene Parts 3, 4 or 7 of the Act (about services, premises and associations) so far as relating to religion or belief or sexual orientation only by:

- restricting participation in activities undertaken by the organisation or on its behalf or under its auspices; or
- restricting the provision of goods, facilities or services in the course of activities undertaken by the organisation or on its behalf or under its auspices.

23. These restrictions are permitted in relation to sexual orientation only if they are necessary to comply with the doctrine of the organisation or to avoid conflict with the strongly held convictions of a significant number of the followers of the religion or belief.

24. The restrictions cannot be used by an organisation whose sole or main purpose is commercial.
25. The Scottish Government considers that these existing provisions in the 2010 Act already provide sufficient protection against discrimination actions for religious or belief bodies who wish to restrict access to marital courses which they run to opposite sex couples only.

Protection for religious and belief buildings

26. The Scottish Government has considered carefully points made by consultees on protection of religious and belief buildings. As paragraphs 54 and 55 of Annex A to the consultation indicated, paragraph 2(3)(d) of Schedule 23 to the 2010 Act provides that a religious or belief organisation does not contravene Parts 3, 4 or 7 of the Act (about services, premises and associations) so far as relating to religion or belief or sexual orientation, by restricting the use of premises owned or controlled by the organisation. Such restrictions in the context of sexual orientation may only be imposed if necessary to comply with the doctrine of the organisation or to avoid conflict with strongly held convictions of a significant number of followers.

27. A religious or belief body which is against same sex marriage and the religious or belief registration of civil partnership can rely on the existing provisions of the 2010 Act so that premises they own or control cannot be used for same sex ceremonies. However, this protection may not be available where a body has opted into same sex marriage generally.

28. In particular, the current protection may not be available where a minister of religion (or other person or body controlling the use of religious or belief premises) who is a member of a religious or belief body which has opted in advises a same sex couple that they cannot have their marriage ceremony or civil partnership in the premises because the ceremony would be a same sex marriage or a civil partnership.

29. Therefore, the Government intends that the amendment of the 2010 Act for Scotland will provide that a person controlling the use of religious or belief premises does not contravene section 29 of the 2010 Act by refusing to allow the premises to be used for a same sex marriage or a civil partnership.

Gender reassignment

30. The amendment to the 2010 Act on which the Government consulted extended an existing provision at paragraph 25 of Schedule 3. Paragraph 25 of Schedule 3 provides that “an approved celebrant (A) does not contravene section 29, so far as relating to gender reassignment discrimination, only by refusing to solemnise the marriage of a person (B) if A reasonably believes that B’s gender has become the acquired Gender Recognition Act 2004”.

31. The intention was and remains that this provision will be extended to cover the religious and belief registration of civil partnerships as well. Therefore, the amendment to the 2010 Act for Scotland will make this change.
Chaplains working for secular bodies

32. As noted at paragraph 12 above, clause 2(5) of the UK Bill amends the 2010 Act in relation to chaplains working for secular employers. The amendment to the 2010 Act for Scotland will include a similar amendment, covering both the solemnisation of same sex marriage and the registration of civil partnership.

Family and Property Law Team
Scottish Government
June 2013
ANNEX A: PROTECTIONS IN THE SCOTTISH BILL FOR RELIGIOUS OR BELIEF BODIES AND CELEBRANTS

Same sex marriage

1. Section 10 of the Scottish Bill makes amendments to the Marriage (Scotland) Act 1977 ("the 1977 Act") including amendments on who may solemnise a same sex marriage.

2. Under the proposed section 8(1B) of the 1977 Act, there are three ways in which a celebrant can be authorised to solemnise a same sex marriage:
   2.1 through his or her religious or belief body being prescribed by regulations made by the Scottish Ministers;
   2.2 through being nominated to the Registrar General;
   2.3 through a temporary authorisation granted by the Registrar General.

3. The Scottish Ministers can only prescribe a religious or belief body under section 8 of the 1977 Act, as amended, if the body requests to be designated (section 8(1C) of the 1977 Act, as added by section 10 of the Bill, refers).

4. Therefore, if there is no request, there will be no designation. The Scottish Ministers will only designate religious or belief bodies where it is clear that all of their celebrants wish to solemnise same sex marriage.

5. Where a body has decided that it wishes to solemnise same sex marriage but not all of its celebrants wish to do so, it may nominate celebrants to the Registrar General, under section 9 of the 1977 Act as amended by section 11 of the Bill.

6. Under section 12 of the 1977 Act, as amended by section 12 of the Bill, a member of a religious or belief body may seek temporary authorisation for a celebrant (i) to solemnise specific same sex marriage(s) or (ii) to solemnise same sex marriages for a specific period of time. The Registrar General may only grant authorisation to a celebrant for a specific period of time if the religious or belief body of which the person is a member is either prescribed by the regulations or has nominated members to solemnise same sex marriage.

7. In addition, section 8(1D) of the 1977 Act, as added by section 10 of the Bill, provides that nothing in subsection (1B)(a) or (1C)(a):
   7.1 imposes a duty on any religious or belief body to request to be prescribed by regulations;
   7.2 imposes a duty on any religious or belief body to nominate any of its members to be registered as empowered to solemnise same sex marriages;
   7.3 imposes a duty on any person to apply for temporary authorisation;
   7.4 imposes a duty on any person who is an approved celebrant in relation to same sex marriages to solemnise such marriages.
Religious and belief civil partnerships

8. Section 22 of the Bill introduces the religious and belief registration of civil partnerships.

9. The arrangements for authorising celebrants to register civil partnerships will be along the same lines as the arrangements for authorising celebrants to solemnise same sex marriage.

10. Therefore, under section 94A of the Civil Partnership Act 2004 (“the 2004 Act”), as inserted, by section 22(13) of the Bill, a celebrant can be authorised:

10.1 through his or her religious or belief body being prescribed by regulations made by the Scottish Ministers;

10.2 through being nominated to the Registrar General;

10.3 through a temporary authorisation granted by the Registrar General.

11. The Scottish Ministers can only prescribe a religious or belief body if the body requests to be designated (section 94A(2) of the 2004 Act refers).

12. Therefore, if there is no request, there will be no designation. The Scottish Ministers will only designate religious or belief bodies where it is clear that all of their celebrants wish to register civil partnerships.

13. Where a body has decided that it wishes to register civil partnerships but not all of its celebrants wish to do so, it may nominate celebrants to the Registrar General, under section 94B of the 2004 Act.

14. Under section 94E of the 2004 Act, as inserted by section 22(13) of the Bill, a member of a religious or belief body may seek temporary authorisation for a celebrant (i) to register specific civil partnership(s) or (ii) to register civil partnerships for a specific period of time. The Registrar General may only grant authorisation to a celebrant for a specific period of time if the religious or belief body of which the person is a member is either prescribed by the regulations or has nominated members to register civil partnerships.

15. In addition, section 94A(3) of the 2004 Act provides that nothing in section 94A(1)(a) or (2)(a):

15.1 imposes a duty on any religious or belief body to request to be prescribed by regulations;

15.2 imposes a duty on any religious or belief body to nominate any of its members to be registered as empowered to register civil partnerships;

15.3 imposes a duty on any person to apply for temporary authorisation;

15.4 imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships.
How would you characterise your views on the Bill in general?

In support

The Scottish Independent Advocacy Alliance supports the Bill as a step towards further equality in Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

We believe that the law should treat all marriages as equal and welcomes the Bill as an effort to achieve this.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

The SIAA agrees with the proposals for authorising religious and belief celebrants to solemnise same-sex marriages in civil, religious and belief ceremonies. We believe that religious and belief bodies should be allowed, but not required, to conduct same-sex marriages. While we recognise that unlike religious celebrants, civil registrars are carrying out a civil function on behalf of the state, we agree in principal with the opt-in process which will allow civil, religious and belief bodies to conduct same-sex marriages if they so choose. We feel that this process will protect and support freedom of religion and belief. We also support the proposed amendment to the Equality Act 2010 which makes clear that in opting out neither the individual religious or belief celebrant, nor the religious body, breach equality law.

How would you characterise your views on civil partnerships changing to marriages?

In support

Both marriage and civil partnership should be open to all couples and civil partnerships should be able, but not required, to be changed into marriage. The SIAA welcomes the proposed legislation as a significant move forwards, but would like the process for changing a civil partnership into a marriage to be a simpler one. We believe that a civil partnership should be able to be changed into a marriage
regardless of where it has been registered and that same-sex couples who are non-residents should be able to come to Scotland to get married, including those who are already in civil partnerships.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

**In support**

The SIAA agree that same-sex and opposite-sex marriages should be allowed to take place anywhere agreed by the couple and the registrar. This should also include religious premises if the religious premises are willing to host them.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

**In support**

We fully support the Scottish Government’s plans to revise the gender recognition process so that people who are married or in a civil partnership can obtain full gender recognition without needing to divorce or dissolve their civil partnership. Again, we feel that the process should be simplified and disagree with the requirement for a second marriage ceremony. This should be consistent for all applicants who are married or in a civil partnership regardless of being registered within or outwith Scotland.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

The SIAA believe that LGBT people are not being equally considered by the proposals in relation to education. Education should be inclusive, regardless of sexual orientation, gender identity or family situation and should promote equality, diversity and actively discourage discrimination. As such, the SIAA would welcome the revision of sexual education in schools to recognise and include all different types of relationships, including same-sex.

**Would you like to comment on the wider issue of freedom of speech?**

SIAA believes that everyone has the right to free speech and that this should be protected. Through the measures detailed in the consultation we believe it will effectively protect freedom of speech. We feel that the Bill will have no negative effect on freedom of speech and that people will remain free to continue to voice their views publicly however also believe that vocally discriminating against LGBT people does not contribute to a society where people are equal and valued.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

another representative body

Shaben Begum
Scottish Independent Advocacy Alliance
22 August 2013
How would you characterise your views on the Bill in general?

In support

The congregations of the Scottish Unitarian Association are strongly in favour of the introduction of this bill.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

No matter where it's held, a Civil Partnership is a legal contract between two people. A Religious Marriage, on the other hand, is a covenant made before God, or in the context of a person’s spiritual understanding, publicly committing to a deep and sacred relationship, beyond the bounds of any human-made law. Every couple - opposite sex or same sex - should have the opportunity to enter into the sacred covenant of marriage.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Every couple should have the right to be married within the legitimate religious or belief context which they choose.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebranta faith/belief-based organisation
a faith/belief local group or congregation

Rev Maud Robinson
Scottish Unitarian Association
16 July 2013
We are writing to you on behalf of five children and young people's organisations to express our support for the provisions in the Marriage and Civil Partnership Bill for equal marriage in Scotland. We believe that the Bill will play a significant role in advancing equality in Scotland and creating the country our children and young people wish to see.

Young people have clearly shown they feel strongly about this. The Scottish Youth Parliament's 'Love Equally' and LGBT Youth Scotland's 'M.E.2' are examples of youth-led campaigns which have been at the heart of the call for equal relationship laws for same-sex and mixed sex couples.

We draw your attention to the overwhelming majority of young Scots who have declared their support for equal marriage: in the Scottish Youth Parliament’s Youth Manifesto consultation, the Scottish Social Attitudes Survey, in opinion polls and by responding to the Scottish Government’s 'The Registration of Civil Partnerships/Same Sex Marriage', enormous amounts of young people have time and again made clear their support for marriage equality. In line with Article 12 of the UN Convention on the Rights of the Child (UNCRC) children and young people have the right to have their views taken into account on matters which affect them. We also wish to draw your attention to the concept of the 'evolving capacities of the child' embodied in the UNCRC. This recognises the changing relationships between children and adults as they grow up, and focuses on capacity and children's increasing autonomy rather than age alone. It also gives the State a role as facilitator in helping to achieve appropriate protection for the child and in encouraging their participation in decisions affecting them.

We believe the provisions in the Bill will make an extremely positive difference. This Bill will create an equal Scotland for our children, where their rights are not determined by their sexual orientation or gender identity. Laws governing relationships are one of the few remaining areas in law where discrimination remains legal, and removing the restriction on which couples can choose to celebrate their love by getting married is fundamental to promoting an equal Scotland for children to grow up in.

We believe that creating equality for LGBT people in law would help to tackle homophobic, biphobic and transphobic bullying in schools and more widely amongst young people. We are concerned at the high levels of children and young people bullied because of their perceived sexual orientation or gender identity. Research from LGBT Youth Scotland shows that 69% of LGBT young people had experienced homophobic or biphobic bullying in schools and 77% of transgender young people had experienced transphobic bullying. This bullying has a large impact on young people's successes and life chances; 14% of LGB young people had left education as a result of bullying and 42% of trans young people who had experienced bullying...
left education. Removing discrimination in law will help to reduce stigma for LGBT children and young people, and promote their wellbeing.

If same-sex marriage were to be legalised, it would be important that: teachers are expected to follow the GTC’s Code of Professionalism and Conduct in regards to commitment to social justice and inclusion; children and young people’s views on their participation in sexual health lessons are taken into account in line with their rights set out in the UNCRC; and, schools are encouraged to use materials that include LGBT people. We are pleased that the face of the Bill as introduced promotes equality and we ask that any amendments made or guidance provided do not weaken this approach.

We urge the Equal Opportunities Committee not to support any amendments seeking to undermine LGBT inclusion in education or wider society. We recommend that Education Scotland develop comprehensive guidance addressing these potential flashpoints, which would provide a means of recourse for schools, pupils and parents where there is a conflict of views regarding the teaching of equal marriage.

We hope the Committee will listen very carefully to the views of young people and those who work with young people. We would encourage the Committee to undertake or commission a Child Rights Impact Assessment on these proposals, as we believe that it will help to make the child’s perspective more visible.

This Bill is a chance to create a happier, fairer, and equal Scotland, and we hope the Committee will support the provisions of this Bill which can make that better Scotland a reality.

Rob Gowans
Policy and Research Officer
Scottish Youth Parliament
22 August 2013

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4 Registration of Civil Partnerships Same Sex Marriage: Consultation Analysis, Scottish Government p. 7-9
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Erin Scrutton
21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I do not feel there is any need for protection unless someone is forcing them to marry someone of the same sex against their will
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Kim Seabrooke
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Not allowing couples of the same-sex to get married only increases the stress that minority groups face in society. Minority stress has been linked to depression, anxiety disorders, excessive drinking, drug taking, self-harm and violence.
Acceptance and recognition by law and by society can only relieve the symptoms of minority stress as same sex couples can enjoy the freedom and rights that heterosexual couples enjoy. Voting for equal marriage rights is a vote for humanity and compassion, voting against it is a vote to hate and ignorance.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

The health of minority groups is not included. An inclusion of the high risks of suicide attempts, self-harm and depression rates that LGBT people have, which is associated with the exclusion LGBT people suffer in society through the common practices of a heterosexual world, may change the minds of people who do not understand the challenges of being LGBT.

Are you responding as...

an academic

Lynsey Semple
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ross Semple
24 July 2013
How would you characterise your views on the Bill in general?

In support

This is something that is slowly but surely making its significance and relevance made known around the world. It is about time that Scotland take the right step forward and not remain in the ignorant dark ages.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Two consenting adults who love each other and are willing to make the commitment to be with each other for as long as they live should be able to get married to one another. The fact that both people may be of the same sex is completely irrelevant, as love is not dictated by genitalia, but by the heart. Scotland should be able to proudly be able to acknowledge that love between same-sex couples and mixed-sex couples are equal.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Philosophical belief celebrants should be able to apply to be able to conduct marriages, like humanist celebrants.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Yes, there should be the option to remain as those who only marry mixed-sex couples, or to marry both mixed-sex couples and same-sex couples.

How would you characterise your views on civil partnerships changing to marriages?

In support

SHOULD THEY WANT TO, I believe a couple should have the right to be able to change their civil partnership to a marriage. This should not be a complex procedure.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I have no strong feelings for this, however the added flexibility is welcome.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

The added option would be welcome.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I am absolutely in support of this. I also believe that there needs to be an amendment in the law that allows transgendered persons to apply for the Gender Recognition Certificate without the consent of their spouse, but rather for when re-registering for an update to the marriage/civil partnership.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

There is a strong enough protection for religious organisations to not perform same-sex marriages. However civil registrars should not be able to opt out of performing civil partnerships for personal beliefs, religious or otherwise, as they are performing a civil function on behalf of the state. There should be no legal right given to public service providers to be able to pick and choose who they serve.

Would you like to comment on the wider issue of freedom of speech?

There is no negative effect on freedom of speech by introducing this bill. People would still be allowed to express their opposition to same-sex marriage, publicly or otherwise.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I strongly believe that the bill should also include civil partnerships for mixed-sex couples. I believe both marriage and civil partnerships should be available to both mixed-sex couples and same-sex couples.

Are you responding as...

a private individual
How would you characterise your views on the Bill in general?
In support
Not allowing the same rights to someone or someones based on their sexuality is discrimination.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
Fantastic- a great leap forward and gives Scotland something to be proud of.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
Giving 'civil partnerships' to same sex couples and 'marriages' to opposite sex couples is still promotes inequality based on someones sexuality and is unfairly discriminating against them.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jonathan Service
16 August 2013
4. How would you characterise your views on the Bill in general?

In Opposition

Marriage is the exclusive union of one man and one woman for life. This is fundamental to human nature and attempts to redefine it are beyond the competence of any elected body.

The original consultation demonstrated that this is the belief of a very large majority in Scotland, and it is regrettable that elected politicians have chosen to treat us with contempt by ignoring the responses to the consultation which they held.

Another consultation was held earlier this year. The analysis of responses was published at the same time as the Bill. There should have been an opportunity for the Scottish Parliament and the public to consider this analysis before the Bill was published. The timing invites the inference that responses to the consultation were not taken into account.

5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In Opposition

Marriage is the exclusive union of one man and one woman for life. This is fundamental to human nature and attempts to redefine it are beyond the competence of any elected body.

When Baroness Scotland moved the Second Reading of the Civil Partnership Bill in the House of Lords on 22 April 2004, she stated that the Government anticipated that the proportion of committed homosexual couples who were likely to take up the opportunity of a civil partnership might be between 5 and 10 per cent. *(HL Deb 22 April 2004 vol 660 col392).* Since the Bill became law, experience is demonstrating that the Government was right to expect a low take-up rate. As it is proposed to give homosexual couples an alternative form of legal status, the numbers taking up each option must be even smaller. Why is the government proposing to force through a policy which a large majority of the Scottish Electorate disagree with, when so few people are likely to take advantage of it?

In the foreword to “Your Scotland, Your Voice” (2009), Alex Salmond stated:

“I am committed to a new chapter in Scottish politics, one in which the story and the script is written by the people and not just by the politicians.”

Is this an example of how that will work in practice?
6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I question the necessity of amending the law to achieve the stated purpose. Those described as “Belief Celebrants” could be treated as “Religious Celebrants” under section 8 or section 9 of the 1977 Act as the Registrar General appears to have sufficient discretion in his interpretation of the term.

7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In Support

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life.

My support for the provision is limited to the principle that the default position for religious bodies is that they will not be expected to participate in same sex ceremonies unless they opt in.

8. How would you characterise your views on civil partnerships changing to marriage?

In Opposition

The proposals will leave same sex couples with two possible forms of legal status for their relationship. At no stage in this or the previous consultation has any justification been put forward for this, nor any explanation of how the two forms of legal status would differ.

No explanation has been offered as to how the rights and responsibilities of a couple in a Civil Partnership will change if they were to enter into a Same Sex “Marriage”. The proposed arrangements for converting a Civil Partnership into a “Marriage” do not appear to require the couple to meet any additional criteria or comply with any additional conditions.

9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In Opposition

An essential element of a valid marriage is that the couple give their consent freely and with proper understanding of the commitments which they are making. This requires a setting in which they and the registrar or religious celebrant as the case may be can give their full and undivided attention, without distraction, to the vows which they are exchanging.
From time to time there are press and TV reports of couples marrying during a free fall parachute jump, underwater wearing breathing apparatus or in some other situation where the marriage ceremony cannot have their undivided attention.

For this reason I would retain licensing of premises with a duty on the registrar to ensure their suitability in terms of these criteria.

The time for the fun and celebration is after the ceremony. The ceremony itself is about a serious lifetime commitment “for better, for worse; for richer, for poorer; in sickness and in health.”

10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In Opposition

One thing that is clear about Civil Partnership is that it is not a religious ceremony leading to a particular state of life recognised by a religious body.

11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In Opposition

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life

The transgender person has changed the marriage or civil partnership in a fundamental way. The person whose gender has not changed must have the absolute right to terminate the existing marriage or civil partnership on the grounds of unreasonable behaviour by the other party.

12. Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life

Concern has recently been expressed that levels of attainment in Scottish schools are falling behind those in other countries. Schools rely on the assistance of parents in teaching children to read, and young primary school children bring their reading books home each evening. If parents refuse to accept reading books containing homosexual propaganda, a decline in reading attainment will inevitably follow.

Guidance does not provide enough protection for the rights of parents. The Scottish Government must extend the right of withdrawal, which currently only applies to sex education and religious education, to cover all lessons which may endorse same-sex marriage. There should also be changes to the law to put a duty on schools to inform parents of lessons that will deal with the definition of marriage.
The law must ensure that lessons dealing with same-sex marriage must treat it as a controversial issue on which there is no consensus in society, like abortion or a party political matter.

The Scottish Government must make explicit in law that belief in traditional marriage should be properly respected and that those expressing this view, whether pupils or parents, must not be disadvantaged within schools.

To protect teachers, the Equality Act 2010 must be amended to ensure that belief in "traditional marriage" is one that is protected under employment discrimination law. Teachers should not be forced to endorse same-sex marriage in the classroom against their sincere beliefs, and there should be reasonable accommodation for teachers who believe in traditional marriage.

13. Would you like to comment on the wider issue of freedom of speech?

*My response to this question is made without prejudice to my firm belief that marriage is the exclusive union of one man and one woman for life*

Section 14 of the Bill, the Scottish Government's attempt to protect free speech, is virtually worthless. It is drafted so narrowly that it only applies to Part 1 of the Bill itself — the technical changes to the law of marriage. Perhaps it is important to use the law to suppress dissent when a government chooses to impose an ideologically driven law in the face of a large majority who oppose it. But the free speech concerns are not with marriage law directly. The problem is the impact of the redefinition of marriage on how other existing laws, particularly public order law, will be applied. In a completely new situation where marriage has been redefined, new protections are needed within public order legislation, to reflect that there are various, deeply-held views in our society about what marriage should mean. If Alex Salmond is going to keep his promise to protect free speech, he has to do far more than is proposed.

As a means of protecting free speech, as well as freedom of conscience, employment discrimination law must be amended to outlaw employers from punishing employees for their views on traditional marriage. The Scottish Government must ensure that the Equality Act 2010 is amended to specifically include beliefs about marriage under the protected characteristic of religion or belief so that such discrimination is unlawful. Already, a police chaplain has been removed from his post because he expressed his personal beliefs about marriage. There will be more cases like this if marriage is redefined.

14. Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Marriage, as traditionally understood, was linked to the procreation of children. Their parents, one man and one woman, were joined in a permanent exclusive union which provided a stable family unit in which the children could be brought up.

I can find no reference to the procreation and upbringing of children in the Bill itself, the Policy Memorandum or the Explanatory Notes which accompany it.
The Policy Memorandum states that the principles behind this Bill are: equality of opportunity; freedom of religion, belief, and expression; and upholding the dignity and solemnity of marriage ceremonies and civil partnership registration in Scotland.

The welfare of children is not mentioned in the Memorandum.

Even before the Bill was introduced, it has become clear that the freedom of religion, belief, and expression of those who are conscientiously opposed to the proposal are being curtailed.

Stephen Shaw
22 August 2013
How would you characterise your views on the Bill in general?

In support

Frankly, I would be aghast if my son grew up in a country where love wasn’t equal for everyone. He’s under two at the moment. By the time he is old enough to understand, I want him to take for granted that we can fall in love - and live complete, fulfilling lives - with whomever we choose. I want the legal framework to reflect and endorse that position.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

I don’t want anyone to be able to opt for bigotry, whether by failing to opt in or by opting out.

How would you characterise your views on civil partnerships changing to marriages?

Neither

I think it should be a discretionary choice for existing civil partners.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I respectfully suggest that such concerns are unworthy of us as a modern society. Some people had concerns about the abolition of slavery, or Women's suffrage; these people are in the same camp.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Dave Shedden
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

A small amendment is needed to section 11(2) of the bill in order to give the option of using the gender-free form of the marriage ceremony, in section 11(2)(g) for mixed-sex couples. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the Ôhusband and wifeÕ gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

The bill should be amended to allow couples in a civil partnership registered outside Scotland to marry without first having to dissolve their civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. Provision for simpler medical evidence requirements in the case of long-term transitioned people (transitioned for at least six years) should be added to the bill. The minimum age for applying for gender recognition should be brought into line with the minimum age for marrying in Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Civil registrars are carrying out a civil function on behalf of the state, and therefore an opt-out on grounds of their personal religious belief is not appropriate. It would set a dangerous precedent that public service providers (in local government, NHS, etc) should have a legal right to pick and choose who they serve. Teachers are there to teach the facts, not their personal views, and should answer questions factually. Whilst no teachers should be required to say that they personally agree with same-sex marriage, they must treat all pupils with respect, whatever their family arrangements, including pupils with same-sex married parents. Opt-outs are not available from lessons where divorce is mentioned, which is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There should be legislation to open up civil partnership in Scotland to couples regardless of their gender. This will make it possible for a person in a civil partnership to get gender recognition without the need to change their civil partnership to a marriage.

Are you responding as...

a private individual

Alison M. Shields
18 August 2013
How would you characterise your views on the Bill in general?

In support

This bill gives all couples regardless of sexual orientation the right to a state marriage and where appropriate and when the religious organisation wishes to do so conduct ceremonies for the couples they wish to wed. Currently under Civil Partnerships same sex couples have no right to a religious ceremony, they are banned. In my view anyone should be able to have a religious ceremony for their wedding as long as the religious body is willing to do so. This means that all couples in law have the right to practice their religion or faith to the full of their extent if their faith wishes to conduct same sex marriages. Their should be no boundary in law by faith, gender and sexual orientation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I support same sex marriage as I believe this bring a more just, fair and equal Scotland where people in this country regardless or faith, gender or sexual orientation have the same rights within law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Religion is a belief in something such as God or in others many God's. If someone has another belief then this could also be argued to be similar to religion.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

As long as a religious body opts-in to preform same sex marriages then I am in support of this. This will give everyone a religious right to get married but also protect religions that wish not to preform them.

How would you characterise your views on civil partnerships changing to marriages?

In support
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

This gives all couples regardless of sexual orientation to have a wedding that they can truly call personal.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

Civil partnerships should be changed to civil marriages and if any person wishes to have a religious ceremony they can do this with the consent of the church or religious organisation.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

People and religious organisations should be allowed their freedom of speech in support or opposition. This Bill would allow people of same sex to have the choice to have a religious ceremony like their heterosexual counterparts.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Many people refer to this as re-defining marriage. I would disagree as many cultures, religions and faiths have different definitions on marriage. The Government and Parliament's job should be to ensure that people can marry regardless of sexual orientation in a civil marriage and allow this further to religious organisations if the wish to do so.

Are you responding as...

a private individual

William Shirkie
Student
22 August 2013
Legislation for Same-sex Marriage.

The Scottish Parliament is now well experienced in legislating for a range of matters under its devolved powers. However, in proposing to legislate for same-sex unions - and, in the process to re-define Marriage - it is engaging with an issue not simply of law and regulation but of fundamental personal relations and what it is to be human. It will deal with deeply-rooted human realities which will demand the greatest respect and sensitivity. The passions aroused in our society on both sides of the debate are evidence of that. Therefore, I respectfully ask this Committee and the Parliament it serves to consider most carefully the attached statement and its accompanying proposal since they attempt to address one core issue in this matter, namely, the need to respect and safeguard the human rights of all concerned.

May I add one further consideration. The Committee will be aware that legislation on this matter is pending in a number of national Parliaments around the world where it is proving to be as controversial as in Scotland. If it were to legislate along the lines I propose, this Parliament could give a lead in satisfying the human rights of both heterosexual and LGBT couples.
Concerning : Proposed legislation for Same-Sex Marriage.

A belief in the intrinsic worth of every human being is widely shared in Scotland. Each individual, female and male, has the right to be respected and accepted as she/he is. “Acceptance” is a crucially important concept. It goes far beyond “tolerance”. A person who feels accepted enjoys an experience immeasurably richer than one who is simply tolerated - they know themselves to be valued as human beings. Acceptance and valuing are the bedrock of human rights.

Human beings are sexed beings. Their Sexuality, which distinguishes them as female and male, is a key defining feature of their identity. Sociability - the deeply-rooted urge to form relationships with other human beings - is another key defining feature of their identity.

Human beings know that, individually, they are incomplete. Alone, they cannot experience the fullness of what it is to be human; nor can they assure, by natural means, their survival as a species. Heterosexual attraction - the impulse to form relationships across the gender divide - is a powerful expression of their sexuality and sociability.

All human relationships are, therefore, by their nature sexual. They cannot be otherwise. A person’s sexuality impacts inevitably on every aspect of their character, personality and behaviour. It is fundamental to who they are.

Current understandings of Sexuality in our society are, unfortunately, limited, partial and reductionist. Sexuality is seen as synonymous with Genitality - the urge for coital union - which is only one part of our greater sexual reality. That attitude ignores completely the deeper richness and complexity of female-ness and male-ness which remain disregarded and unexplored. When a woman and a man enter into a committed, life-long, self-giving love relationship they go far beyond their genital appetite and reproductive ambition and into the deeper mystery of the other person as a person. They cross the gender divide seeking to experience with each other that human completeness which is denied to them as individuals. For the rest of their lives they engage with the challenge of gender difference and accept the responsibility of parenthood if/when it happens.

Heterosexual relationships long pre-date civilised societies and organised religion. However, for millennia, major religions have recognised in
them an image of the Creator and have valued them as sacred. Civil societies, incorporating people of all faiths and of none have recognised them as building blocks of society, sources of social stability and have accorded them a distinctive legal status with attendant rights and a title: Marriage.

Same-sex relationships also have a long history. Two people of the same gender, drawn to each other by a strong inner impulse rooted in their distinctive sexual reality, commit themselves to a life-long love relationship. Society in the past has not given to such relationships the respect and value they deserve nor the appropriate rights and title. For many years, people of the LGBT orientations have struggled to win social and legal acceptance for their distinctive identity and life-style. They have demanded to be recognised as GAY - Good as You - not Same as you. Their Gay Pride celebrations proclaim their wish to be accepted as equal but different in our society.

There are, therefore, two compelling reasons not to call same-sex unions “Marriage”:

* Firstly, insofar as they do not bridge the gender gap and do not have the capacity to produce offspring, same-sex unions are fundamentally different from Marriage. To underline that difference is not to make a value judgement between them, nor to disparage one in relation to the other. It is simply to assert the obvious.

* Secondly, to conflate same-sex relationships with those of heterosexual couples i.e., to give them the title “Marriage”, would be to deny same-sex couples the distinctive identity for which they have struggled. It would deprive them of the transparent legal and public acceptance which has been their cherished goal. Society owes it to them to respect their human rights by according their relationship a fitting, distinctive and dignified legal title with its attendant civil and legal rights.

The effect of that would be two-fold:

* to affirm the traditional dignity, status and title of Marriage;

* to confer a new and honourable legal status and title on same-sex unions.
Proposal

That the status of heterosexual Marriage be formally recognised and affirmed, together with its existing social, civil and fiscal rights.

That legislation be brought forward, as planned, providing for LGBT couples a legal relationship enjoying equivalent rights to those of heterosexual married couples. That that relationship and legal status should bear the title of ............................................

5 September 2013

* See Appendix.
Proposed legislation for Same-sex Marriage - Appendix.

The choice of a legal title - other than Marriage - for same-sex unions will require some care. The word chosen will need to be appropriate and acceptable to the LGBT community whose opinions should be ascertained by means of a consultation. A small-scale, random canvass of people, including couples who might be affected, yielded these suggestions:

- Wed(ded)
- Gayed
- Partnered
- Gaietied
- (Be)trothed

Some affected couples did not want “Marriage”. Others wanted “Marriage”. Others were intrigued by the proposal but relaxed about the title chosen.

If the proposal for a new title were accepted, its choice would be a matter of urgency during the legislative process.
How would you characterise your views on the Bill in general?

In support

My partner and I have spent most of our lives living with laws that discriminate against us as gay men so this Bill is not-before-time.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It is simply a matter of equality. The choices that heterosexual people enjoy should be available to LGBT folk as well.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

People should have that choice. Civil Partnership registered outside Scotland should be recognised.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

People's personal beliefs and values change more slowly than do laws. BUT civil registrars and teachers are appointed to provide a public service and so should not able to deny lgbt folk marriage or avoid inclusion of same gender relationships in relationships education.

Would you like to comment on the wider issue of freedom of speech?

Everyone has a right to his or her opinion. However, speech and behaviour that seeks to threaten LGBT folk should not be tolerated.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Jeremy Slater
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Liam Smart
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

Looking at this bill, specifically in relation to Equal Opportunities, it is actually rather sneaky. By creating a new category of same sex marriage, the Bill has the unintended consequence of legislating into existence a brand new form of discrimination. Straight couples will only able to marry, whereas same sex couples will be able to either marry or enter a civil partnership. The effectual result is that straight couples have fewer rights in law than same sex couples. This is logically and legally untenable. If the law is to be changed to allow same-sex couples to marry, then the only just and fair way to avoid equal opportunities discrimination is to make both marriage *and* civil partnerships available to all couples (gay or straight) at the same time and in the same way. However, the Scottish Government has chosen not to introduce straight civil partnerships at this time because it acknowledges there are major implications for the public purse and there would be a legal requirement to carry out an impact analysis into the costs associated with it. (as well as great social costs for the state due to the likelihood of increased family breakdown, I might add). If the Scottish government proceeds with the bill in it's current form, it is entirely foreseeable, indeed inevitable, that there will be a future legal challenge to the European Court of Human Rights which will result in the discriminatory parts of the bill being struck down and Scotland being compelled to introduce straight civil partnerships. Since the logical and unavoidable consequence of this bill becoming law is straight civil partnerships, the Scottish government is being legally negligent and financially irresponsible in failing to conduct an impact assessment at this time, before the bill is passed. It’s shoddy and sneaky.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

It's not really needed in any legal sense as all the legal rights are already delivered by civil partnerships. It's causing huge division with no practical benefit. Marriage has never been simply a private contract between two people that just governs the relationship between them as individuals. Marriage is about a couple making a lifelong commitment and making a statement to the wider society that a new family unit has been created and that is beneficial to society as a whole, for the raising of the next generation of children.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition
How do you define what a "belief" is, specifically? Who decides? On what basis? If you can't answer those questions in a way that holds together logically, you realise that this is opening up the institution of marriage to mockery and ridicule.

**How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?**

**How would you characterise your views on civil partnerships changing to marriages?**

In opposition

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In opposition

I think the assumption that lies behind this part of the bill, completely misunderstands and misrepresents what marriage is. It misses the point. Allowing marriages to be conducted anywhere has the obvious potential to undermine and make a mockery of the institution of marriage. Marriage is not about a one day party called a wedding. It's about a lifelong commitment.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Much of the focus, particularly from politicians, is to stress that ministers will be protected. That's misdirection and missing the point. Unless there is absolute freedom of religion, this impact will affect everybody in society, in any job, not just ministers. Over time, as this new right is extended by case law, believing Christians, muslims and Jews will end up being discriminated against in any job, not just excluded from the public square.

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

One of the things I find most frustrating about the way that marriage is currently being redefined in Scots law is something that I suspect few people have yet come to realise, but it has deep implications for us as a country. It’s the way that the Marriage and Civil Partnerships Bill is subtly subverting the very nature of the system of Scottish representative democracy. The reason it’s being allowed to happen is because most people do not understand the fundamental meaning of what government is in Scotland, or the type of democracy that we have. Scotland and the UK don’t just have different legal systems. We also have fundamentally different systems of democracy. England is a parliamentary democracy; sovereignty lies with the Parliament. But Scotland is a representative democracy where the sovereignty lies with the people. In the Scottish system, government is merely an association of all the people of Scotland who organise together and delegate certain powers to an institution to exercise on our collective behalf. So, for example, the sovereignty over Scotland’s natural resources like oil or renewable energy, always lies with the people of Scotland, not the state. We, the people, delegate the power to government to administer those natural resources on our behalf. The government is not free to do whatever it pleases with oil because it is only acting as our representative. The same is true with marriage in Scotland. Marriage existed as a social institution long before the state even came into existence. Sovereignty over marriage always lies with the people, not the state. We, the people, just delegate the administration of marriage to the state. The state is not free to do whatever it pleases with marriage because it is only acting as our representative. Legitimate government cannot exercise any authority that has not been delegated to it by the people, who have the authority to begin with. No matter what side of this debate you are on, we can all agree that the right for same-sex couples to marry does not currently exist. If a new right is going to be created, then the only legal authority that is able to grant that new right is the people of Scotland because that is where the sovereignty lies. The Scottish people might very well be willing to delegate their authority to redefine what marriage is to the state, but the only way to tell is to ask them in a referendum. Unless and until that happens, the Scottish government does not have the authority, from out of nowhere, to just grant someone a non-existent right. That may be how things work in a parliamentary democracy, but it’s not how representative democracy works. The irony in all of this is that the SNP government’s blinkered attempt to railroad this bill through is unwittingly undermining the very basis of Scottish representative democracy by acting in a way that resembles the very worst excesses of the Westminster parliamentary system. It doesn’t hold out much hope that politics in an independent Scotland will be anything other than more of the same. That’s a shame. I had hoped it could have been so much more and so much better.

Are you responding as...

a private individual

Alisdair Smith
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support
If wished.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Amanda Smith
22 August 2013
I am writing to you regarding the timescale for the committee’s consultation on The Marriage and Civil Partnership (Scotland) Bill.

It only recently came to my attention that the consultation had been launched the day that the Parliament went into recess and it closes prior to the end of recess which also coincides with the Scottish school holiday period. Whilst there may be some precedent for having a consultation during the Scottish school holidays, I hope you will accept that it may exclude people who wish to respond, not least teachers.

I have also had representation from the North Lanarkshire Muslim Women and Family Alliance with concerns about the timescale and also the language barrier which caused them problems with the government consultation on this matter.

In my own case, the timescale causes difficulty due to staff holidays. Therefore, I would be grateful if you could take this as notice that I wish to put in an official response to the consultation but will not be able to do so fully by the 23rd August. Please advise if there is any problem with that.

Given that committee consultation prior to stage 1 is designed to consider as wide a range as possible of views, I would be grateful for confirmation that schools and other groups who have not been meeting over the school holiday period will be given appropriate time to respond if they indicate their desire to do so.

Thank you for your time regarding this matter.

Elaine Smith MSP
15 August 2013
Introduction

I would not normally submit evidence to a Parliamentary Committee in their stage 1 consideration but in the case of the Marriage and Civil Partnership (Scotland) Bill I feel compelled to do so, particularly since it is being considered by the Equal Opportunities Committee. I would like to draw to the attention of the committee my experience on equality issues over many years.

I served on the Equal Opportunities Committee from 1999, including as Deputy Convener, for 12 years in total and my commitment to equalities and fighting discrimination has been well-documented over those years. I was also a trade union equalities officer and went on to be branch secretary of Unison Highland for nearly a decade. Therefore, when I say that I do not consider the redefinition of marriage to be a simple equality issue I trust that the committee will accept that I have some knowledge of equality matters and I did not come to that conclusion without a great deal of consideration.

One of the main reasons that I feel obliged to submit evidence to your enquiry is that I have personally been at the forefront of the nasty reaction to anyone expressing dissent on the matter of same sex marriage. Whilst I do not wish to give any further credence to emails, twitter remarks and other so called social media comments by including them in this public document I will make those which I have been able to save available privately if the committee would consider it helpful to see some of the remarks. I will comment further on this later in this document.

Given that same sex marriage is being portrayed as a matter of equality, then it is deeply concerning that anyone with an alternative opinion is facing such vilification and bigotry. It may also act as a disincentive to any MSP’s who are having doubts about the legislation itself, or the principle of redefining marriage, to speak out or question the detail. That is concerning in a modern democracy.

I fully appreciate and share the desire of my parliamentary colleagues to ensure that discrimination against LGBT people in our society is eradicated. However, I do not believe that this legislation will contribute to the just fight against homophobia and discrimination for LGBT people and may even exacerbate it by infringing the rights and freedoms of others.

There is a major focus, in the push for this legislation to be enacted, on the rights of a relatively small number of individuals to pursue their desired outcome of entering into a same sex marriage rather than the already existing civil partnership. However, human beings are both individual and social and our social order depends upon cooperation and consideration of the needs and rights of all. The rush to legislate on such a controversial issue may end up with chaotic outcomes which will have a detrimental impact on society as a whole.
Background to the legislation

Overall, I am extremely concerned about the introduction of this legislation in Scotland and feel the whole process has lacked the in-depth consultation that is required with the proposal of such a major societal change. This legislative proposal is extremely radical and controversial as evidenced by the 77,000 respondents to the Government’s consultation: the largest number responding to any consultation to date.

It seems, then, that the proposal by the Scottish Government to re-define marriage, following on from the Tory/Liberal Government position at Westminster, has taken place with unnecessary haste and with no clear manifesto commitment by the SNP, who are in Government, or the two main opposition parties. Of course there are times when emergency legislation is required and as such there may have been no manifesto commitment. However, on an issue such as this which is not an emergency but has far reaching consequences for society it is very unusual for it to be brought forward in this manner.

Due to this there should have been full and frank exchanges of views across the country with the Government holding public meetings as they have on other issues and consideration given to a referendum. Instead, the Government’s written consultation was then quickly followed by a legislative proposal despite the fact that the majority of all respondents opposed changing the law to allow same sex marriage. Whilst any Government for good reasons may not feel obliged to follow the majority verdict on a consultation, it should at least indicate a need for further in-depth engagement rather than a rush to legislate.

This action by the Government also completely disregards the evidence received during the civil partnership legislative process where civil partnerships were considered “separate but equal” by the Equality Network who went on to point out that: “Unlike the Netherlands who introduced same sex marriage in 2001, marriage in Scotland is not entirely secular. Religious celebrants from a variety of faiths conduct legal marriages in Scotland, and even in the Executive’s most recent family law white paper proposals, certain detailed aspects of the proposal for family law still relate to the requirements of religious faiths. There is no doubt that religious organisations in Scotland would wish to have a say in the extension of marriage itself to same-sex couples, and this is something that would require debate and discussion over some period.”
http://archive.scottish.parliament.uk/business/committees/historic/equal/reports-03/eoc03-resp-01-01.htm

Given that the redefinition of marriage is such a controversial matter, which should have been robustly debated throughout the country, it seems curious then that it has been rushed through, seemingly promoted by lobbyists and quangos, and with no opposition party scrutiny of the Government’s proposal.

The tactic of encouraging MSP’s to sign a pledge in support of “Equal Marriage” may also have made it difficult for some to then decide against supporting the legislation even although they would not have seen the detail when signing this pledge nor have considered their own constituents views or the results of the consultation exercise. However, it is of course perfectly legitimate for any member to alter their position.
when the facts change or the detail of legislation raises concerns. Some members signed with the specific condition that they would only support same sex marriage if religious celebrants were not forced into carrying out ceremonies. Given that even the Government seem unable to guarantee that and are seeking further protections from Westminster, as well as the legal challenge proposed against the Church of England, it is difficult to see how that condition can be met by this legislation. I will return in more detail to this issue later.

The committee may wish to consider whether the lobbying tactic of persuading MSP's to sign a pledge some time ago played a major part in this legislation being introduced so rapidly with no opposition scrutiny at an early stage.

Government Consultation

I would like to make some specific comment on the process. The initial Government consultation on the Bill can be easily misinterpreted and more worryingly, misrepresented.

Question 10 of the consultation was the first, and most fundamental, question about same sex marriage and therefore all postcards, standard forms and prepared letters were included in the responses. To question 10, ‘do you believe that the law in Scotland should be changed to allow same sex marriage’, 67% of all respondents said no (or 64% if you only include those currently living in Scotland).

Question 13 of the consultation, which asked ‘Do you agree with the introduction of same sex marriage both religious and civil’ comprised less than half the respondents because responses such as postcards were not included. In this question 68% of people said yes, a result which would have been very different if all respondents had been included.

Postcards not being included in this question meant the responses could be easily misinterpreted. Furthermore, the exclusion of postcards in Question 13 and other questions no doubt disadvantages those who are not computer literate.

Due to the confusing results on the Government’s consultation, apart from Question 10 which was perfectly straight forward, further in-depth public consultation is undoubtedly required to ensure that the clear views and opinions of the Scottish people on this issue are known before recommending support for the principle of such a major societal change.

I was also concerned when I was approached by the North Lanarkshire Muslim Women and Family Alliance who stated that their members found responding to the consultation particularly difficult given the layout and language barrier.

The Government did, of course, carry out a second consultation between December 2012 and March 2013 but only on their specific proposals for legislation. There were 15,064 respondents to this consultation and an overwhelming majority of these were connected to one of the three main campaigns (73%). A further 16% were amended campaign responses. Only 128 responses were from individuals. The significantly smaller number of respondents could indicate that opinions were not sought widely.
Throughout the country on the detail of the Government’s intentions.  
http://www.scotland.gov.uk/Publications/2013/06/2782

In considering the Government’s evidence, the Committee may wish to reflect on why postcards were not accepted for many questions in the original consultation and whether this was discriminatory to people who are not computer literate or connected to the internet.

Therefore, due to the fact there was no manifesto commitment by the Government or other main parties, and that the result of the initial consultation response was against the introduction of this legislation, the committee may wish to consider whether it would be reasonable for it to proceed without further in-depth consultation.

Given that similar legislation has been passed by Westminster and that within the year we face a referendum in which the outcome could mean a great many legislative changes, the Committee may wish to consider whether it would be prudent to wait and see how the legislation impacts south of the border before Scottish legislation is enacted.

**Changing the essential nature of marriage**

I believe the redefinition of marriage is unnecessary and is likely to cause problems for society overall. It is not clear what additional legal rights, if any, same-sex couples would receive from marriage that they do not already from civil partnerships. Also, the Government’s proposal involves different types of marriage for homosexual couples as opposed to heterosexual; so it is not ‘equal’.

Turning to the main issues involved in considering the legitimacy of introducing this legislation, the current nature of marriage should be considered. The reason that marriage is restricted in this country to two people is that it is based on one man and one woman in a complementary union for the possibility of the pro-creation of children. While that possibility of children may not be initiated for various reasons in a marriage, the potentiality is the key factor. This is in tune with the Christian basis of marriage since, until recently, Britain was a Christian country rather than the increasingly secular one that it is becoming.

A secular society should be about pluralism, not about overturning Christian values. Indeed, our society actually adopted Christian values because they are in accord with reason. This explains why so many cultures and faiths share those values and recognise marriage in essentially the same way.

The Government have categorically stated that they have “no intention of allowing polygamous marriages to take place in Scotland.” They go onto cite a case which they agree with whereby a judge in the British Columbia Supreme Court outlined the harms polygamy can cause, however they do not explain their objection in in any detail.  
http://www.scotland.gov.uk/Publications/2012/12/9433/272395

The Campaign organisations seeking legislation to introduce same sex marriage organise under the banner of “Equal Love”. If that is the argument for change, and marriage is simply about love, then there seems no logical reason for discriminating against more than two people who love each other equally if that is the basis for the
drive to redefine marriage. If however, it is part of the secularisation of society then evidence should be considered as to whether a further redefinition is inevitable. This has already been the progression elsewhere in the EU: specifically in the Netherlands where same sex marriage was introduced in 2001. Below is a link to an article published in 2005 stating that Holland had conducted its first ceremony to unite three people in a relationship.  
http://www.brusselsjournal.com/node/301

Whilst the Government has said that it has no intention of allowing polygamous marriages as part of this legislation which changes the essential nature of marriage, it has not explained in any detail and with research analysis its reasons for taking that position. Further, if the Government is sincere about it support for ‘equal love’ then it appears to have a contradiction on its hands.

On a wider equality issue and with relevance to this legislative proposal, if Christianity is no longer the framework for society consideration must then be given to what is replacing it. This is an issue explored in the recently published book “Divided Scotland: ethnic friction and Christian crisis” by Professor Tom Gallagher, who described himself recently on Newsnight Scotland as a gay atheist.

Professor Gallagher also comments that “anti-Catholicism remains an option that is acquiring respectability of the kind that it never had for almost a century”. The reaction to Catholic objections to same sex marriage seems to echo that statement. Further, he notes that in Scotland the various Christian denominations came to mutual accommodation over issues like education but he ponders what will happen now in secular Scotland. “In a firmly secular Scottish state run along rationalist principles will there be the same pragmatism, or will it be that ‘shouty’ interest groups decide to go for absolute secular primacy along the lines of what happened in post-1789 France?”  
www.argyllpublishing.co.uk

Other implications of redefining marriage have included in Spain the removal of “mother” and “father” from birth certificates to be replaced with the terms “Progenitor A” and “Progenitor B”; the proposal in Mexico City of two year fixed term marriages and the attempts in Canada to legalise polygamy.

The Committee may wish to ascertain why “Equal Love” must be constrained to two people. Further, if marriage is to be redefined from the centuries old understanding of one man and one woman complementary with the potential for procreation, then the committee may wish to determine the basis for restricting it to two people.

The Committee may also wish to consider whether a redefinition of marriage will inevitably lead to further changes, not only for society but also for marriage itself. Undoubtedly there will be consequences both intended and unintended if this legislation is enacted.

It may be helpful to the debate if the Committee could consider how marriage has been redefined in other countries, whether it has been restricted to two persons or widened out and what impact that has had on those societies.
Changing civil partnerships to marriage

Having served on the Equal Opportunities Committee when civil partnerships were introduced, I recall that those giving evidence considered such unions to be different but equal. Therefore, given that legal equality has already been achieved by civil partnerships, it is not clear what benefits the change from civil partnerships to marriage would bring to same sex couples. Additionally, same sex couples who have already entered into civil partnerships may not want to enter into marriage and equally may feel that the proposal that they should change their relationship to marriage is diminishing their legal civil partnership.

When civil partnerships were introduced it was intimated by some groups representing LGBT people that changes to the institution of marriage would not be pursued for various reasons and, in some responses it was proposed that a different form of partnership may be preferable. Indeed, some evidence given to the committee was actually against marriage for same sex couples including that of Ali Jarvis representing Stonewall who said: “We have also had feedback from some people that marriage still has connotations of gender and power, with which a lot of people living in same-sex relationships feel uncomfortable—they would prefer a new type of partnership that better reflects their relationships. We are comfortable saying that civil partnership is probably the best answer.”

http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=1109&mode=html#iob_4899

The Committee may wish to reflect on previous evidence and consider why civil partnerships are no longer considered by the Government to be equivalent to marriage.

Introducing religion into same sex partnerships

Introducing religious same sex partnerships could cause legal problems for churches who do not want to carry out such unions and believe in traditional Christian marriage of one man and one woman. It is not, in my view, the Government’s job to interfere in the operation of churches, which is what this proposal seems to do. Currently, it is my understanding, that those who have entered into civil partnerships can have a religious blessing if it is within the ethos of the institution or church to do so.

One of the main concerns expressed by my constituents is that of how religious celebrants will be treated if the law is changed to allow same sex religious marriage or civil partnerships. I am personally concerned that there will not be sufficient protection for religious celebrants and I think it is inevitable that when this law is enacted there will be legal challenges. Indeed, there are already reports of such challenges being pursued against the Church of England following the enactment of the Westminster legislation.

My concerns are reinforced by the promises given in the chamber by Ministers when same sex adoption was debated and passed at stage 3. Again, I served on the Equal Opportunities Committee during the passage of that legislation. Parliament was assured that Scottish Ministers did not foresee any ‘unintended consequences’ and that, specifically, Catholic adoption agencies would be able to continue their work; I supported the legislation on that basis. There are currently legal challenges pursuing their closure.
The Government themselves have stated that further protection is needed for celebrants opposed to same sex marriage and, as such, believe that the 2010 Act needs to be amended. This is concerning and requires in-depth scrutiny. Several cases in the European Court of Human Rights show that the Article 9 right of freedom of thought, conscience and religion does not provide protection when there is conflict between Article 9 and other rights.

http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-115811

The Committee may wish to examine why the Government believes that further protection is required for celebrants and what the consequences would be if that was not possible.

The Committee may wish to explore the reports of legal challenges against the Church of England.

The Committee may wish to consider the issue of amendments to the Equality Act 2010.

Protection for those who oppose same sex marriage

The future of marriage in our society should matter to everyone but some people may be uninterested in this legislation as they do not believe it will have any impact on them or they have not considered the possibility of it affecting them.

I previously noted concerns for religious celebrants who do not wish to conduct same sex ceremonies. The potential consequences, of course, would not stop with the ceremony. There are fears for those who may wish to speak out against these proposals and outline their concerns; I will discuss this in further detail later since it appears that anyone speaking out against the redefinition of marriage at the moment has their opinion dismissed by being branded a bigot or homophobic.

The consequences of the legislation will be far reaching and would not just affect religious celebrants but could impact on people right across the country, particularly those with personal religious views. Teachers, local council workers and parents could all fall into categories potentially affected. The possible consequences have been considered by Aiden O’Neill QC and I attach a copy of a document he has produced for the Committee’s interest. Within the document Mr O’Neill advises that it could be within the law for a Catholic school teacher to be dismissed for not teaching about same sex marriage even although it conflicts with their religious beliefs. The Government’s bill as introduced seems to substantiate that. He also claims that an NHS Chaplain could be subject to disciplinary action if he was found to be speaking against same sex marriage outside of work and to his own congregation.

On the specific issue of teachers, there are particular concerns. The Government’s proposal indicates that they would not expect a local authority to take “immediate” disciplinary action against a teacher who expresses concerns about the use of certain educational materials. This then indicates that such disciplinary action could...
be taken following “discussion”.

The Government also indicate that they support the right of the Roman Catholic Church to give witness to its faith and further do not have any intention of changing the current position whereby faith aspects of the curriculum in Catholic schools are determined by the Scottish Catholic Education Service. However, that may require specific protection on the face of the bill and also further consideration of how faith schools can remain true to their faith in areas outwith the curriculum.

There is also the issue of parents and what control they have over the information their child receives. I have already been approached by parents with children at non-denominational schools who are concerned about sex education in primary schools. They are aware that they can seek to withdraw their child but are concerned that in doing so their child will then suffer from bullying and be set apart from their peers.

The Government proposal for this legislation is that parents can withdraw their children from sexual health education programmes if they wish. Of course, that assumes that parents will be given full information about such programmes in time to take action. However, the Government has indicated that it does not consider it appropriate to say that issues relating to same sex marriage, same sex relationships and homosexuality should never be raised in primary schools and neither can parents opt their children out of such discussions.

The Committee may wish to consider this matter further with particular regard to the way in which parents would be notified. They might also wish to view some of the books and material already available for use with primary aged children since concerns have been raised about the content by some respondents to the various consultations.

The Committee may wish to consider whether the Government is giving enough protection specifically to Catholic teachers or whether legal challenges could be forthcoming.

The Committee may wish to consider the potential impact on those in society who do not agree with the redefinition of marriage: particularly those who hold that view based on religion or belief.

The Committee may wish to consider inviting Aiden O’Neill QC to give oral evidence.

The impact on freedom of speech

I am deeply concerned about the impact on freedom of speech and freedom of religion even before this legislation is enacted. I would like to take this opportunity to share my own personal experience.

As outlined previously, prior to the summer recess I stated my intentions to vote against the proposals to redefine marriage and because of that I was subjected to a torrent of personal abuse: mostly on so-called social media but also via email. This was particularly regrettable since the Minister responsible for this Bill said he hoped
“the debate will be conducted in a good spirit and civilised manner, with respect on all sides”.

Unfortunately, based on my own personal experience, this has not been the case resulting in the debate being shut down with those opposing the legislation, including elected members of Parliament, being branded ‘homophobic’. Indeed, I was personally labelled ‘homophobic’ and ‘bigoted’ when I merely stated my intention to vote against the plans to redefine marriage, a decision in tune with the wishes of the majority of constituents who have contacted me.

It remains to be seen whether the actual legislative proposal can be considered and scrutinised by Scotland’s parliamentarians without the hysteria and bigotry directed at those opposed to the redefinition by some proponents of the bill. On that specific issue I am concerned that the only opportunity for all members of Parliament to debate the issue in the chamber will be at the time of the Committee’s stage 1 report. On such a controversial issue, and given the wide ranging opposition to the proposal, it might have been expected that the Government would have sought a debate to help inform them prior to introducing a bill to Parliament. It is regrettable that they did not take that opportunity to hear from elected members.

Religion and Belief is a protected characteristic within the Equality Act alongside Sexual Orientation but it appears from the same sex marriage debate thus far that currently one characteristic is more protected than the other; with those opposing the change on religious grounds being subjected to intolerant, bigoted and abusive conduct. It seems then that some wish to consider that disagreement with those of a particular sexual orientation is an infringement of the protected characteristic but that logic would then necessarily mean that disagreeing with the views of people of faith is an infringement of their protected characteristic.

The Committee may of course hear evidence from those promoting the bill that some of its opponents have been using language which is offensive or homophobic and I’m sure there are people who would wish to oppose it simply because they do hate homosexuals. That is equally unacceptable. However, the vast majority of people who have contacted me opposing the redefinition of marriage have not been in that category.

The Lord Advocate’s guidance to prosecutors for those who oppose same sex marriage also gives cause for concern and would benefit from separate consultation. The fact that it is required at all seems to suggest that anyone opposing same sex marriage is highly likely to face legal challenges. Therefore, if this legislation is to proceed, including protections on the face of the bill rather than in guidance is necessary to at least attempt to protect freedom of speech and religious belief.

I also note with regret that the Government’s Equality Impact Assessment doesn’t seem to include, under the section on impact on people because of their religion or belief, the genuine fears that people of faith have with regard to this proposed legislation.

The Committee may wish to fully analyse the EQIA and in particular the research cited therein.
The Committee may wish to consider the need for robust protections in more
detail and scrutinise the Lord Advocate’s guidance.

The Committee may also wish to consider the current reaction to those
opposing the legislation and whether this provides an indication of future
actions against those who are opposed if this legislation is enacted.

Equality

I have several concerns about this legislation in general; as I have pointed out I do
believe it will have far reaching consequences for many. I am also concerned that
the issue is being portrayed as a simple matter of equality which I do not believe it is.

I served on the Equal Opportunities Committee when civil partnerships for same sex
couples were considered and the committee were assured at that time that this would
bring legal equality and parity with marriage. Indeed, some same sex couples who
have entered into civil partnerships may now feel that their relationship is being
diminished in the push for “marriage” whereas previously they considered their union
to be ‘different but equal’. There is also currently the opportunity for any church,
whose ethos allows, to perform a religious service after the civil partnership has been
entered into. This already happens with some mixed religious couples who may
have a civil wedding but then pursue a religious blessing.

When giving evidence to the Equal Opportunities Committee on 28 October 2003,
Tim Hopkins from the Equality Network said “It was clear that people felt that the
solution to the big problems faced by same-sex couples and their families was to
introduce civil partnership with a similar range of secular obligations, protections and
rights as marriage has.”
http://www.scottish.parliament.uk/parliamentarybusiness/28862.aspx?r=1109&mode
=html#iob_4899

Therefore, I do not regard same sex marriage as a simple matter of equality
particularly as we already have civil partnerships for same sex couples. Just
because something is not identical does not make it unequal. Diversity is important in
society and we should be very wary of trying to make relationships conform to
identical patterns of state dictated uniformity.

The gay columnist Andrew Pierce said “The truth is that no one has been able to
explain to me the difference between gay marriage and a civil partnership. I have
asked Ministers and friends. None has an answer. But I do. We already have gay
marriage — it’s called civil partnership” He also said “Perhaps the Prime Minister has
calculated that anyone who stands up and argues against his proposals will be
branded a homophobe and a bigot. Well, Mr Cameron, I am a Conservative and a
homosexual, and I oppose gay marriage. Am I a bigot?” He went on to quote the gay
Labour MP Ben Bradshaw who said “This isn’t a priority for the gay community, which
has already won equal rights with civil partnerships,’ ….‘This is pure politics.’
http://www.respublica.org.uk/item/

The Committee may wish to deliberate on the previous evidence received when
the legislative proposal on civil partnerships was being scrutinised and
consider what has changed in the intervening period to promote this major societal change.

The Committee may also wish to consider the exact detail of the societal and equality benefits of redefining marriage and compare those to the potential detriments.

Conclusion

The Scottish Parliament has the opportunity to assess how similar legislation impacts our neighbours before progressing. Therefore, the Committee may wish to consider whether it is possible for the Scottish Government to suspend the legislative proposal to determine what impact the Marriage (Same-Sex Couples) Act has south of the border, particularly given the indication of a legal challenge to force celebrants to conduct same sex ceremonies.

Overall, the Committee may wish to consider whether recommending support for this legislation would impact adversely on the existing rights of many Christians, Muslims, Jews and others of different religious persuasions and none, who do not support redefining marriage and whether this legislation is therefore a legitimate way to challenge discrimination in society.

When looking at the Bill in general, the Committee may wish to consider whether or not it is good legislation including consideration of the possible consequences, both intended and unintended, and who they will impact on.

It is the ultimate responsibility of the Committee to thoroughly scrutinise this legislative proposal and fully investigate potential consequences before providing Parliament with a recommendation on whether or not to support the general principles or give qualified support of this legislative proposal at stage 1. That is an extremely serious and responsible duty as the decision of the Committee will have far reaching consequences.

I hope that my contribution may be of some assistance to the Committee in carrying out their vitally important task of scrutinising this controversial legislative proposal and deciding whether it is legislation which would result in too many negative or unintended consequences with a detrimental impact on the existing rights and liberties of others in society.

The reputation not only of the Scottish Government but also of the Scottish Parliament will be harmed if legislation is enacted which later proves to be detrimental to our Scottish social order.

Elaine Smith MSP
30 August 2013
Summary of the Aidan O’Neill legal opinion on gay marriage and liberty of conscience

Concerns about gay marriage and freedom of conscience have largely centred on places of worship and ministers of religion who conduct weddings. But the impact in the workplace, in schools and in other areas of everyday life has been overlooked.

Those details are contained in a legal opinion written by leading human rights lawyer, Aidan O’Neill QC. Mr O’Neill was asked to give his expert advice on a series of scenarios related to legalising gay marriage.

■ NHS CHAPLAIN

A Church of England minister is also the chaplain at an NHS hospital. While conducting a wedding service in his parish church he preaches that marriage is only for one man and one woman. His NHS bosses find out, and he is later disciplined for breaching the NHS diversity policy.

Aidan O’Neill QC advises that under the Equality Act 2010 the NHS managers would have proper grounds for justifying their action, even if the chaplain was preaching in his own church outside work time.

The situation would be the same for any chaplain employed within the public sector, such as armed forces chaplains or university chaplains.

■ TEACHER

A primary school teacher is asked to use a storybook about gay marriage called “King & King”. It is recommended by the local authority and by a gay rights charity. The teacher says using the book would conflict with her religious beliefs about marriage. She is told that she faces dismissal unless she backs down.

O’Neill says “yes”, the school would be within its legal rights to dismiss the teacher if she refuses to use the material.

■ PARENTS

Parents ask for their child to be withdrawn from school lessons on the history of gay marriage, for deeply-held religious reasons. The parents say they have a right to withdraw their child under European Convention on Human Rights. But the school refuses, saying it is under a legal duty to promote equality.

O’Neill says the parents do not ultimately have a right to insist that their child be withdrawn from such history lessons, and the parents “will have little prospects of success in challenging the schools insistence that their child attend” the lessons.

■ FAITH SCHOOLS

Aidan O’Neill was asked about the above scenario in relation to faith schools or religious-ethos State schools.

He said: “If the school in question were a faith school or otherwise one with a religious ethos within the State sector in England and Wales this would make no difference to my answer.”

■ FOSTER COUPLE

A couple applies to be foster carers. They tell social workers they are motivated to care for children because of their Christian faith. On hearing this, the social workers ask them whether they support gay marriage. The couple says they do not, and the social workers halt the application because of equality and discrimination policies.

O’Neill says “yes”, a local authority fostering agency would have legitimate legal grounds for acting this way.

■ PUBLIC FACILITIES

A church hires a council-owned community centre each week for its youth club. The church website states that it will only conduct opposite-sex marriages. Someone complains to the council, and while the church can’t be forced to conduct gay weddings, it is stopped from hiring the community centre.

Aidan O’Neill says “yes”, the council would be within its legal rights to do this.

■ MARRIAGE REGISTRAR

A local authority decides to accommodate the religious beliefs of one of its registrars by not designating her to be a ‘civil partnership registrar’. Other registrars within the local authority’s team are sufficient to provide the service to the public.

Aidan O’Neill says that if gay marriage becomes law, “that kind of adjustment to accommodate a registrar’s particular beliefs would no longer be an option for any employing authority because there would then be only one system of marriage (rather than, as at present, a distinct civil partnership regime for same sex couples).”

■ RELIGIOUS GAY WEDDINGS

The O’Neill legal opinion also addresses whether religious marriage celebrants could be forced to conduct gay weddings against their will. The legal opinion suggests that an outright ban on religious gay weddings could be overturned under European human rights laws.

If a law is passed which allows religious gay weddings for those who wish to conduct them, but doesn’t compel anyone to act against their conscience, that could be challenged under domestic equality laws. O’Neill says that churches, in general, would be better protected from hostile litigation if they stopped holding weddings altogether.

■ ESTABLISHED CHURCH

O’Neill advises on the position of the Church of England. As the established church, it is under a legal obligation to marry any persons who are eligible to marry in England. Even if Parliament passes a law which allows (but does not oblige) churches to host gay weddings, O’Neill advises that the UK Government could be in breach of European human rights laws if it allows the C of E to refuse gay weddings. This is because of the C of E’s unique status as the established State church. O’Neill says the church would be in a safer position if it was disestablished.

■ SEX EDUCATION

The O’Neill opinion also considers the impact of redefining marriage on teaching within schools. It says that the law will require that children learn about gay marriage in sex education lessons. This is because Section 403(1A)(a) of the Education Act 1996 imposes a duty on the Secretary of State to “issue guidance” ensuring that pupils “learn the nature of marriage and its importance for family life and the bringing up of children”. If gay marriage becomes law then “its importance for family life and the bringing up of children” must be taught as part of sex education.
How would you characterise your views on the Bill in general?
In opposition

Our country has been founded on biblical precepts and to discount Gods word we go against all that holds us accountable.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

Not against the same sex couples, God loves us all, but we have boundaries and this is one that is not right.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

It is wrong

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition

It would be easy to say it is ok. I believe it is wrong.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

It is wrong!!
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Do not know enough about GRC to comment

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

It appaers that marginal groups in society are given more rights. We are labelled wrong just because we have our opinions that have a sound basis to live by THe inspired word of God.

Would you like to comment on the wider issue of freedom of speech?

Often held back from speaking out as elements of society twist the content so it seems one is against rather just having opinions. We need to be able to voice concerns without being held to ransom.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

There is always a knockon effect when we allow the laws to determine our behaviour rather than the laws being made to safeguard what is right.

Are you responding as...

a private individual; Christian

Alan Smith
9 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
There is no place for inequality in a modern Scotland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
All religions and none should be treated equally.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither
There is a place for both contracts. Some people may not like the historical connotations of the word marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No one should be forced to conduct a same sex marriage. Safeguards must be put in place for religious groups. Within their community beliefs should be respected but these beliefs cannot be allowed to impact on the wider community in a negative way.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Fiona Smith
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM GARY SMITH

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
This is a weighted question. Religious celebrants are not the norm in modern society. We are all Celebrants with different philosophies.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Let them have their concerns aired in the proper forum of debate with respect and with facts.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

Gary Smith
Humanist Society Scotland
23 August 2013
How would you characterise your views on the Bill in general?

In support

SNP Students believe that the right to marry the person you love is a human right that should extend to all Scots.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

SNP Students strongly support the introduction of same sex marriage in Scotland.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Campaigning body

Fraser Dick
SNP Students
23 August 2013
How would you characterise your views on the Bill in general?

In support

This is my third contribution to the call for evidence on the Bill. I have contributed as the Rabbi of Sukkat Shalom: Edinburgh Liberal Jewish Community, whose views are incorporated in to the submission of ScoJeC (Scottish Council of Jewish Communities), and I have written a submission on behalf of, and at the request of, the Jewish Gay and Lesbian Group (JGLG). This submission is my own personal response as the only Liberal Rabbi and marriage celebrant working in Scotland. I am strongly in support of the Bill and welcome it as a huge step forward for Scottish society!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

As an openly gay rabbi, who has worked for eight years (part time) for Scotland's first and only Liberal Jewish community, I am delighted that the time is nearing when same-sex couples will be able to publicly and legally enter into marriages. The loving

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I am broadly in support of the proposals in the Bill, although, as I have submitted before, I would have preferred greater freedom of conscience to be given to ministers who wish to conduct same-sex marriages but whose denominations (e.g. the Church of Sc

How would you characterise your views on civil partnerships changing to marriages?

In support

I support the proposals, but also strongly urge the acceptance of the alteration put forward by the Equality Network regarding civil partnerships solemnised outwith Scotland.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I strongly support this proposal.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

There are couples, both same-sex and opposite-sex, who are religiously committed but who find the history, language and symbolism of marriage objectionable for various reasons. I do not share these objections but I do respect them, and welcome the possibi

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I rejoice at the growing acceptance of transgender people signified in the Bill, but also strongly support the proposal of the Equality Network that the granting of a Gender Recognition Certificate should NOT be conditional on the permission of the partne

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebranta private individual

Rabbi Mark L Solomon
21 August 2013
How would you characterise your views on the Bill in general?

We would only comment on the fact that there is a potential loss of income to Local Authorities in respect of loss of fees for 'certificates of approval' and potential loss of 'ceremony income' due to the increased number of celebrants.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

We are not in a position to comment.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

We have concern about the potential loss of income to Local Authorities as a result of the introduction of 'belief' celebrants. A clear definition of "belief" is required. There should be mechanisms in place to ensure that this system is not unduly abused.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

No comment.

How would you characterise your views on civil partnerships changing to marriage?

No comment.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar?

There will still require to be a short Health and Safety inspection by the Registrar who will also satisfy themselves that the premises (venue) is suitable to hold the ceremony.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

We have concern about the potential loss of income to Local Authorities as a result of the introduction of ‘belief’ celebrants. A clear definition of “belief” is required. There should be mechanisms in place to ensure that this system is not unduly abused.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

No comment.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No comment

Would you like to comment on the wider issue of freedom of speech?

No comment

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

No comment

Teresa Stone
Licensing and Registration Manager
South Lanarkshire Council
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM CATH STAINSBY

My objections to same sex marriage are many. People should be free to enter into Civil partnerships if they wish, but marriage should remain between one man and woman.
People should have a right not to participate in any way, if that is their belief.

Receivers, chaplains, registrars should not be forced into taking any part in such so-called "manigis".

People who express disagreement about such unions are already facing problems. Please consider all aspects and amendments are
It is necessary to protect all badminton and each individual's right to free speech and debate.

Parents have definitely a parental right to remove children from lessons where same-sex marriage is being taught, and should be informed when such lessons are going to occur.

All legal rights are available to same-sex couples just now.
Why the need for change?
Please, please consider all peoples and every aspect of this subject.

Cath Stainsby
20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition
There should be the option for a non-denominational partnership

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In opposition

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
They are unfounded and unfair, the recognition of love between two people should be acceptable to all. Britney Spear’s 24 hour flings does worse!

Would you like to comment on the wider issue of freedom of speech?

There is no greater right in a democratic world!

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic

Stephen James McKelvie
St Andrews Aquarium
15 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition

Religious celebrants are highly qualified specialists in this field, unlike many belief celebrants who have little or no professional qualifications. Moreover, religious celebrants undertake serious and professional pre-marriage preparation with couples, ensuring they are fully aware of the implications of marriage. This is markedly absent in marriages solemnised by belief celebrants. This lack of preparation is bound to effect a couple’s understanding of the bond of marriage, rendering it a less permanent union. The deficiency of professional standards is already visible where funerals are conducted humanist celebrants. Pre and post care is lacking, as well as professional qualifications of celebrants dealing with emotionally charges human experiences.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In opposition

I am wholly in opposition to the theory and practice of same-sex marriage.

How would you characterise your views on civil partnerships changing to marriages?
In opposition

The most important legal rights are already conferred upon same-sex couples who have entered a civil marriage, thus rendering the 'rights' argument for marriage meaningless.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In opposition
It will lessen the solemnity and formality of marriage if this were to happen, and thus lessen the actual bond of marriages conducted in these irregular locations, at least in the mind of spouses.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

Civil partnerships may be registered through belief registration. However, the main religions of Scotland have already stated strong opposition to the very principle of same-sex marriage. This looks like an attempt to 'mimic' marriage through some new 're

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In opposition

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

It seems to me that the State is meddling in religious affairs. The main religious groups in Scotland vehemently oppose this Bill. Yet, included in this consultation are questions which undermine that consistent body of opposition. Right thinking people see that the legal rights which should be offered same-sex couples are already given in civil partnerships, and yet the Scottish Government is openly lobbying for this Bill through a rights-based framework. In truth, this Bill seeks to appease a small group within society who seek to achieve not more than social standing as a result of being included in marriage. This, to my mind, provides insufficient reasoning to amend the law in favour of a redefinition, particularly since is confers few new rights. The Government is needlessly incensing a huge group of society, and entire faith communities, which are normally politically and socially stable.

**Would you like to comment on the wider issue of freedom of speech?**

I am concerned that should this Bill go through parliament Catholic school teachers will be forced into endorsing same-sex marriage in the classroom, something which Catholic social teaching expressly forbids them from doing. I also fear that, in time, suits will be brought against religious ministers who either preach against homosexuality in general or who refuse to solemnise same-sex unions.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

Michael John Kane
St. Augustine's Church
18 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM ST BERNADETTE’S CHURCH LARBERT

How would you characterise your views on the Bill in general?

In opposition

Marriage is between one man and one woman, for the purpose of begetting and bringing up children. For a marriage to be valid, the couple need to obviously a man and a woman, the marriage is open to the potential of bearing children-which destroys the nonsense of the age argument-they need to be free to marry, ie not married to someone else, they need to be mature enough to know what they are doing, and they commit to be faithful to one another come what may unconditionally, and to support one another and their children, ie to accept the responsibilities of marriage. Same sex relationships therefore can never be classed as marriage and they are inherently closed to the begetting of children. Whatever the claimed intention of this bill, it will clearly undermine marriage itself

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Same sex marriage focuses on the desires of adults, falsely claimed to be "rights". This is at the expense of the rest of society, and especially children, who are entitled to a father and a mother. Already the law is being pre-empted, and adoption agencies have been put under pressure to comply with the new state imposed orthodoxy or close. In the debate in the HoL we have heard some very strange and alarming views expressed about marriage, such as fidelity in marriage is not necessary, only if it is important to the couple themselves. For the vast majority of folk fidelity is an absolute necessity in marriage, both because it is right and for their own and their children's and their spouses security. What do you think a child goes through if one of their parents goes off with another person?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

The agenda driving this legislation appears to be spearheaded by an appeal to homosexual "rights" (wants would be a more truthful word) but is also being quietly orchestrated by those who wish to drive religion and its practice right out of civil life. This question makes that quite clear

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Note that the celebrant is there as a witness to the marriage on behalf of the church and in Scotland, the state. The actual ministers of marriage are the couple, one to
another, but for the marriage to be valid, the conditions I have already mentioned must be met. Marriage is something the couple actively commit to, and accept their responsibilities, not a service the state provides to a passive accepting couple. So far as the Church is concerned it is against moral, never mind canon, law for its ministers to preside over a same sex so called wedding

**How would you characterise your views on civil partnerships changing to marriages?**

In opposition

Civil partnerships are a means of giving homosexual couples legal rights akin to marriage. The reason why marriage attracts certain rights and privileges is because they are required to carry out the duties and responsibilities of marriage, the most significant of which is the raising of children. In the case of same sex civil partnerships, these couples have been granted rights and privileges without the corresponding duties.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

Neither

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

The church recognises marriage as a special state, meeting the conditions as previously stated. Friendship is obviously a good thing, but is not the same thing as marriage. Sexual relations outside of marriage, whether heterosexual or homosexual.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

If a person is validly married then they remain married, even if they go under surgery to change sex. However, it is possible that in some cases the marriage may have not been entered into with the intention of committing for life, eg to test if they really were a particular sex. In that case, one of the validity conditions has not been fulfilled and the marriage therefore has never existed. Not saying this is their fault, but if they were confused as to what they really wanted, then this may well be the case

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

This is a huge issue. Already people and organisations who stand up for real marriage, families and children have been vilified and been removed from jobs and appointments. There is no debate, basically a tirade of abuse from the liberal and metropolitan elite. St Margaret's Families and Children's Society has come under
attack over its charitable status, despite the good work it has done over many years, and even the support of the Scottish Govt. There will be legal attacks on the Church (despite the so called protections) over its inability to take part in this travesty, and its position in defence of the family, marriage and children. Same sex marriage will be taught in schools as a state requirement, and teachers who object to it will be disciplined, and parents not allowed to withdraw their children from it. Imagine the feelings of a child from a normal family being taught that same sex couples have as god a relationship as their own parents. Expressing an opinion against same sex marriage will become a "hate crime", liable to legal penalties as well as a tirade of abuse. Conscience will go for nothing, all must comply with the new legislation. Councils will use the Public Sector Equality Act to over enforce the new orthodoxy, and to discriminate against those of their employees who do not accept it. In effect, the whole thing becomes a secular Test Act, under which a person is forced to demonstrate blind loyalty to the state, and its leaders rather than to religion and informed conscience.

Would you like to comment on the wider issue of freedom of speech?

See response to 12

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a faith/belief local group or congregation

Christopher G Ross
St Bernadette’s Church Larbert
19 August 2013
How would you characterise your views on the Bill in general?

In support

I support any proposals to bring equality between people and in particular support these moves to allow same-sex couples to enter into marriage. Vigilance is needed to ensure that there is only one institution of marriage.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

The current proposals certainly do not put belief celebrants on the same footing as religious celebrants. In particular, they appear to allow only groups of people who have a non-theistic worldview to band together to be recognised for the purpose of cele

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

The current proposed arrangements do not establish equality in the law. (See answer to previous question). The proposals lean too far towards trying to please those who are opposed in principle to all marriages of same-sex couples. It is unreasonable to expect a religious denomination to agree before opting in to the legislation. Some religious groups have a far lower expectation of conformity than the government seems to be trying to impose on them. Those trying to legislate seem to have forgotten that religious celebrants also have human rights. No-one can make anyone conduct any religious ceremony they don't want to conduct without infringing those rights. The human rights of celebrants are the means by which religious people cannot be forced to do a same-sex marriage against their will. The legislation is over prescriptive in this area. The principle that is now well accepted that religious people who object to same-sex marriage should not be forced to conduct them should have a corollary. It also should be the case that religious people who are currently able to celebrate marriages of straight couples should not be prevented in law from conducting same-sex marriages. The legislation in trying to protect the former is in danger of discriminating against the latter.
How would you characterise your views on civil partnerships changing to marriages?

In support

I support the idea that Civil Partnerships should be able to be changed to marriages. I believe that this should be possible with the minimal amount of paperwork and at no further cost to the couples involved.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

I support this. It should have happened years ago.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

I don't believe there is any call for the religious and belief registration of civil partnerships. I think that this is a contradiction in terms.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Fully supportive of this move - it rights an obvious wrong.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think that the process of moving towards this legislation has concentrated far too much on the "protections" for those who have concerns about same-sex marriage. The government needs to be clear that there is one institution of marriage. The government also needs to be clear that there should be no protection in law for anyone seeking to encourage prejudice and discrimination when working with young people. I am very concerned at the idea of extending "protection" in this area in schools. All who work with children in schools should be expected to teach respect for all who are married. It would be unacceptable to me for teachers to be paid by the state who were teaching that some people who have gone through a marriage ceremony were really not married at all.

Would you like to comment on the wider issue of freedom of speech?

I don't believe that people have an absolute right to freedom of speech in Scotland. For example, freedom of speech would be no defence for someone who was accused of encouraging racism in the classroom. Similarly, there are many situations where appealing to freedom of speech is an inappropriate defence when considering attitudes relating to LGBT people.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant
I am the Provost of St Mary's Cathedral, Scottish Episcopal Church, Glasgow

Kelvin Holdsworth
Provost
St Mary's Cathedral, Glasgow
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ryan Stenhouse
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM LAUREL STEVENS

How would you characterise your views on the Bill in general?
In support
I support this bill as a logical step forward to equality for all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I support the introduction of same-sex marriage as it makes no logical sense to have separate institutions for couples who wish to make a lifetime commitment based solely on the sex of the partners in the relationship.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
If by this you mean in the way that humanists can conduct legally-recognised marriages, then I think this is a positive thing.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
It seems a reasonable balance has been struck in the bill to protect the right of religious organisations who do not wish to solemnise same sex marriages.

How would you characterise your views on civil partnerships changing to marriages?
In support
I see no reason to object to a couple changing their civil partnership to a marriage, if they wish to do so.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
As with the previous question I have no strong view on this, but it seems like a reasonable proposal which would probably be welcomed by many couples.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

I support this in principle, as it would be unfortunate if a couple in which one person had transitioned or was transitioning had to divorce despite wanting to stay together. I disagree however with the requirement in the bill for the spouse of a transgender person to give consent before they can obtain gender recognition. This seems something that might prove an unnecessary obstacle to the transgender person.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the bill strikes the correct balance as proposed between protection of the rights of those who wish to have a same sex marriage and those individuals and organisations who oppose it.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Laurel Stevens
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a celebrant

GILLIAN F STEWART
HUMANIST SOCIETY SCOTLAND
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Maroanne Stewart
21 August 2013
How would you characterise your views on the Bill in general?

In support

I hate the old order, where women are chattles, white men are always right and anyone who doesn't fit into their tiny boxes is deemed lesser. Yes, we have been fighting against this for decades, but there is still some to go. I celebrate difference, individuality and freedom of choice for all.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

It's not anyone else's business, who we sleep with or choose to live with. I truly do not understand the sickness behind prejudice.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

They are the same!!!! the only problem with religion is that almost all of them are based upon manipulating the 'flock' with fear of death and judgement. How sick is that!!??

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

Don't think it's the government's business to outline the hows and wheres and who can celebrate - for any union, whether you call it marriage, hand-fasting or whatever. It's time this whole subject leapt forward about two millenia!

How would you characterise your views on civil partnerships changing to marriages?

Neither

Don't care, as I have no particular respect for the government having control over us versus the church - neither is very reliable.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

I think any personal celebration should be only in the hands of those who wish to make the promises. Where it happens is their choice, as it only effects their lives.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

I still think the difference between civil and religious joining is simply a result of the prejudice, ignorance and archaic attitudes our society. We need big changes in attitudes.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

Not our business, anyone who is brave enough and unhappy in their gender enough to change it should be respected snd understood.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

educate them!!!!!!!

**Would you like to comment on the wider issue of freedom of speech?**

What a wonderful idea!

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Are you responding as...

a private individual

Derby Stewart-Amsden
14 August 2013
How would you characterise your views on the Bill in general?

In opposition

A complete waste of valuable government time

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

I consider the union of one man and one woman to be the bedrock of a safe and secure society. To change this union known as marriage is not desirable or necessary. Same sex couples are adequately provided for and to call a male 'wife' or a female 'husband' diminishes the real meaning of these words.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I am a beliver but not religious and do not know how to answer this!!

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

Not adequate to protect those who do not wish to be involved.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

This is quite unnecessary and demeans the word marriage

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition

civil partnerships yes marriage no

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

I think this is probably playing with words.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

Neither

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I would like reassurance that registrars, ministers and teachers will not be penalised for sincerely held views about the sanctity of genuine marriage.

**Would you like to comment on the wider issue of freedom of speech?**

Yes, freedom of speech is being eroded in this country in favour of a vocal minority.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Just to say the changing of an age old custom MARRIAGE will in no way benefit this generation or the next.

**Are you responding as...**

a private individual
retired health visitor

Margaret Weir Stocks
26 July 2013
Q4. How would you characterise your views on the Bill in general?

Stonewall Scotland welcomes and strongly supports the Bill. We believe the Bill achieves the balance of furthering equality whilst respecting freedom of religion and freedom of speech.

Q5. How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

Stonewall Scotland welcomes the Marriage and Civil Partnership (Scotland) Bill. The extension of the legal form of marriage to same-sex couples and the removal of the requirement of married transgender individuals to divorce before gaining legal recognition of their gender is a huge step towards a fair and more equal Scotland. Recent polling by YouGov commissioned by Stonewall Scotland shows that two thirds (65 per cent) of Scots support extending civil and religious marriage to same-sex couples.

Q6. How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

We welcome the fact that the Bill makes it clear that belief organisations will be able to conduct marriages.

Q7. How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Stonewall Scotland supports the proposals for authorising religious and belief celebrants who wish to solemnise same-sex marriage. We believe that the opt-in approach outlined in the Bill is clear, fair and strikes the right balance between protections for religion and belief and furthering equality for lesbian, gay, bisexual and transgender people.

Stonewall Scotland and Stonewall GB have always been clear that we would not support any legal action taken against any religious body or individual celebrants to force them to solemnise same-sex marriages against their wishes.

Q8. How would you characterise your views on civil partnerships changing to marriage?

Stonewall Scotland agrees that couples should be able to convert their civil partnership to a marriage if they wish to do so. We also agree that on changing the civil partnership to a marriage, the marriage should be regarded as starting on the same day as the original civil partnership.
Stonewall Scotland believes there is no need for a second ceremony, unless the couple wish to have one, and any mechanism to effect this change should be simple and inexpensive.

Q9. How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar?

This isn’t an issue which specifically affects LGBT people.

Q10. How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Stonewall Scotland welcomes the flexibility this will bring. Some religious bodies may not wish to conduct same-sex marriages but may want to offer religious civil partnership ceremonies to same-sex couples. This proposal would also allow those LGBT people of faith who would prefer a civil partnership rather than marriage that option.

Q11. How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

We strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required to divorce. However, we would also ask the Committee and the Scottish Government to consider some key areas of concern for trans people with regard the Bill as it stands, in particular around the issue of spousal consent and allowing a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years.

Q12. Would you like to comment on the wider issues of protection for those in society who may have concerns about same sex marriage?

We believe the Bill is balanced and offers robust protections for those who have concerns about same-sex marriage.

It has been suggested that the Bill should allow civil registrars to opt out of conducting same-sex marriages. We strongly support the Scottish Government’s position that civil registrars should not be permitted to opt out of delivering a secular, publicly-funded service to same-sex couples.

Stonewall Scotland believes that such opt-outs risk serious wider public policy consequences as registrars and other public servants could then demand the right not to serve couples of different faiths or to decline to preside over mixed race marriages as a matter of conscience too.

In terms of concerns around education and same-sex marriage Stonewall Scotland is clear that whilst the introduction of same-sex marriage may raise questions about sexuality in the classroom it absolutely does not present schools with a new set of challenges or circumstances and as such there is no need for any new legislation.
We support the Government’s proposals not to amend guidance in a way that would allow parents to withdraw their children from any lessons where same-sex marriage or lesbian, gay, bisexual or transgender issues were discussed. We believe that the current discretionary exemptions given to parents are more than sufficient. However we also believe that the right of children and young people to receive relevant information is crucial.

With regard to denominational education, Stonewall Scotland understands and respects the need for these schools to be able to teach in accordance with their faith, however we do not believe that there is a tension between this, and a schools responsibility to discussing issues of sexuality in the classroom in a respectful and factual way. Our research Living Together, (2012) found that 92 per cent of people of faith stated that schools should tackle homophobic and transphobic bullying and we know from the faith schools that we work with that many are doing good work to tackle this bullying.

www.stonewallscotland.org.uk/LivingTogether

Stonewall Scotland agrees that there is no need to amend the law to allow schools and teachers to opt out of providing pupils with factual information about the legal existence of same-sex marriages. Stonewall Scotland’s The School Report (2012) highlights the harm done to young people by denying the existence of same-sex relationships; more than half of young lesbian, gay and bisexual pupils feel they are not ‘part of their school community’, half of them feel they are not achieving their best at school and seven in ten skip school at some point.

www.stonewallscotland.org.uk/SchoolReport

We believe that existing employment law and guidance is sufficient and does not need to be amended to provide any specific protections for teachers (or others, such as NHS chaplains) that have concerns about same-sex marriage. The General Teaching Council for Scotland’s Code of Professionalism and Conduct requirements on teachers is clear and fair.

We are clear that issues relating to same-sex marriage, same-sex relationships and homosexuality should be discussed in both Secondary and Primary settings in an age appropriate way. Stonewall’s 2009 research The Teachers’ Report shows that homophobia is commonplace in primary schools in Scotland with 44 per cent of primary school teachers saying children in their schools experience homophobic bullying. Our Different Families primary school resources enables teaching staff to deal with these issues and we believe that recognising the diversity of family life is important for preparing all young people for life in 21st century Scotland.

www.stonewallscotland.org.uk/TeachersReport

www.stonewallscotland.org.uk/DifferentFamilies
Q13. Would you like to comment on the wider issues of freedom of speech?

The Bill gives robust protections with regard freedom of speech. Those who disagree with same-sex marriage will still be entitled to hold that view and express that view publicly. The Lord Advocate’s guidance has been very clear on this issue and is welcome.

Q14. Would you like to comment on any wider issues in relation to the Bill that are not mentioned above?

We welcome the Scottish Government’s intention to legalise same-sex marriage and we urge the Parliament to pass the Bill without delay.

Colin Macfarlane
Director
Stonewall Scotland
23 August 2013
How would you characterise your views on the Bill in general?

In opposition

I think I'm thick but I see obvious differences between a male and female union and a same sex union. I am wondering if I am the only one to notice this though. As there are differences it is only but right that the differences are acknowledged. We call men men and women women because they are different. We call children children and adults adults because they are different. We call conservatives conservative and nationalists nationalists because they are different. All of these have similarities but that does not mean we call them the same thing. So why is this bill proposing to call two things which are similar but clearly different by only one name? I believe that there is legislation to ensure that male and female are treated equally but that legislation does not say we have to call them the same thing. I believe that the same principle should be used for this bill. By all means treat people equally but that does mean that things which have differences should be given the same name. If we are to continue down that road I suggest that at the next election we don't show any party differences but simply put the candidates name on the voting slip and state politician next to it rather than their chosen party, after they should all be treated equally.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

As above I am not saying my views are better than anyone else's and if same sex couples wan to have a relationship they can but as there are obvious differences these should be acknowledged. We are apparently a multi cultural society and we can embrace differences so if we can do that for culture we should be able to do it for relationships but we still give different cultures different names and that could easily be done in to this bill without meaning someone will be discriminated against. It strikes me that if someone wants to discriminate against a same sex couple they will do so whether the union is called a marriage or a same-age so this bill will not remove discrimination. Same sex couples can already have a civil partnership and the government assured us when these were introduced that it wouldn't lead to same sex marriage but that clearly wasn't true so why should I believe the government now when they say freedom of speech will be protected?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support
How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Any assurances being given by the government are totally worthless. As mentioned earlier the government said when civil partnerships were introduced that it would not lead to same sex marriage. Well that has turned out to be a lie so any assurances being given now are worthless. Even if so called protections are included I feel that some of the militant groups who oppose freedom of religion will take cases to the European court to challenge them. From looking at the replies to the original consultation there are some groups out there who feel anyone with a religious objection to same sex marriage should be silenced.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
Why is this question even on here? It seems to me that groups get more of a hearing than an individual and that is wrong as my opinion is equally as valid as someone seemingly responding on behalf of a group no matter if everyone in the group has given their view or not.

Andrew Strachan
20 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
I agree with the bill that no celebratant should be made to conduct a same-sex marriage ceremony if he/she does not want to.
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Elizabeth Sullivan
27 June 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Josh Sutherland
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think marriage is a contract between two people who promise to care for each other and build a life together. I think gender should have nothing to do with it and prefer
the idea that it is an institution that can be wholly separate from religious associations if desired.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Lynsey Sutherland
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

**Are you responding as...**

a private individual

Greg Swan  
20 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM JOHN R S TAIT

4. How would you characterise your views on the Bill in general?

Extremely absurd.

The Bill is making a forlorn attempt to change culture and society. Homosexual practice is abnormal and contrary to natural biological function. Same-sex marriage is based on the false and deeply flawed dictum of Kinsey that 'all desires are in-born, natural, morally equivalent and worthy of acceptance and support!'

Unlike any other human activity, sexual conduct is exempt from moral responsibility! Sexual morality is destroyed by the legal insertion of 'sexual orientation' which is taken to mean whatever the courts accept it to mean in every day use!

Genetic determinism is the mistaken belief that all human relationships can be boiled down to DNA so that people are merely 'robots' that are controlled by invisible signals from their DNA sequences! (Science and Nature)

Homosexual object choice is not predetermined by chromosomal tagging or brain functioning. The human male and female do not inherit an organised neurohormonal machinery of courtship and mating; nor do animals.

5. Same sex couples do not qualify for marriage because they are not equal to heterosexual couples. Marriage predates law, nation and church validated by prolonged history. The social experiment of same sex marriage is totally irresponsible. The fundamental human rights of children to Mum and Dad and the integrity of the nuclear family must not be compromised.

Teenagers will not readily forgive amoral authorities for domestic devastation as epitomised by the feral city riots.

6. The convictions of belief celebrants and religious celebrants must be honoured provided they teach that homoerotic behaviour is clearly prohibited in the Christian Bible

7. Marriage celebrants must only be authorised to solemnise opposite sex marriage.

8. Civil partnerships should never have been promulgated and do not qualify for marriage.

9. Civil marriage ceremonies are for heterosexual couples only

10. The sanctity of marriage must be recognised to exclude civil partnerships.

11. A full Gender Recognition Certificate is irrelevant to the permanency of marriage, the lifelong commitment between one man and one woman.
12. Churches and celebrants who refuse to 'marry' same-sex couples must be protected from litigation.

Human rights law has failed to protect faith-based adoption agencies.

The 'Human Rights Act' 1998 confirms the absolute right to have a child educated according to the wishes of the parent. Teachers must be free to teach the facts, namely:

There is no 'gay' gene (Science et al) and therefore homosexual practice is a chosen life style of sexual abnormality, contrary to original design.

There is no biological substrate (Endocrinology) for sexual orientation, a legal euphemism for sexual addiction.

Like all other addictions - alcohol, nicotine, drug abuse, paedophilia - it is an established pattern of habit-tolerance-dependancy-addiction.

Homosexuals may love one another but their domestic arrangements make no difference to the human future.

The law allows doctors and pharmacists a 'conscience clause' with regard to abortions.

Similarly teachers and registrars must be allowed to work to high ethical standards and not be compelled to work against their consciences. Just as the law protects atheist teachers from being compelled to teach religious education, so Christian teachers must be allowed to refrain from teaching same-sex marriage.

A skewed interpretation of the Equality Act must not jeopardise charitable status of religious groups.

There must be protections in equality law to ensure that Christian groups that oppose same-sex marriage are not treated less favourably by public authorities. Legislative change in the same-sex bill must be secured to allow people who hold traditional views about marriage to adopt or foster.

13. Freedom of speech is not addressed in the Government's Bill. Insidious encroaching totalitarianism is being experienced by police chaplins and housing managers. The democratic society in this country that owes so much to our Christian heritage must surely respect the historic and long-standing definition of marriage.

Amendments need to make clear that merely discussing or criticising same-sex marriage is not a form of discrimination for the purpose of equality law or a breach of public order legislation.

Christian ministers must continue to be free to quote the Bible and preach the Gospel. e.g. (1Corinthians 6:9-10)'Neither the sexually immoral nor idolaters nor
adulterers nor male prostitutes nor homosexual offenders ..will inherit the kingdom of God.' But there is joyful access for the repentant sinner.

14. Wider issues must include the lessons of history 'They who ignore history live to repeat its mistakes'.

The Health Protection Agency reported an increasing number of people were diagnosed with HIV last year. In particular the number of gay and bisexual men being diagnosed with HIV reached an "all-time high" in 2011.

The legal endorsement of notoriously promiscuous homosexual practice will provoke widespread sexually-transmitted infections. Sub-Sahara Africa where same-sex marriage has been legalised struggles with 53 million orphans from an epidemic of HIV. Aggressive predatory lust for homosexuality or 'sodomy' led to the destruction of Sodom and Gomorrah and the Roman Empire.

Legislators must be reminded of the highest legal authority:
   (Matthew 16:13) 'Jesus said On this rock of confession I will build my church and the gates of hell will not overcome it.'

   'The farther backward you can look, the further forward you are likely to see.'
   (Sir Winston Churchill)

John R S Tait
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Tesco Bank
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
Opt-in, celebrants should not be forced to go against their beliefs but they should be allowed to do it if they want to

How would you characterise your views on civil partnerships changing to marriages?
Neither
Some people want civil partnerships and some want equal marriage, they should be allowed both options

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

A private individual

Joe Thompson
15 August 2013
How would you characterise your views on the Bill in general?

In support

I believe that this bill (and any others like it in the world) will have the effect of further marginalising prejudice based on sexual orientation. If marriage between two people of any gender becomes legal, it will then become normal, and prejudice will be seen as even more undesirable. I also believe that two people who wish to commit to each other in this way should be allowed to do so. It is not so many years ago in some countries when marriage between black and white was frowned upon or was illegal, but for the most part that prejudice is now gone.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

See above. I believe that if two people wish to marry, they should be allowed to do so, and that gender should not be an issue. The purpose of marriage is to seal a commitment with a solemn promise, and gender should not be an obstacle.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Many people are outside a formal or organised religion, but their vows should be given equal status with those taken within a religion. The days when religious people were considered 'better' than those outside religion have gone, and this should be reflected in the status of celebrants.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I am not religious. There are elements of religious dogma which I find distasteful because they are not inclusive. Many in the Western world criticise the status of women in muslim countries, and yet support some exclusivites within some western churches. I would therefore be in favour of any legislation which leans towards inclusivity, which would include any opt in procedures. I would prefer the boot to be on the other foot, so that 'opt out' procedures were the default position.

How would you characterise your views on civil partnerships changing to marriages?
In support

I see no purpose in distinguishing between the two. Marriage in its present form can either be religious or civil. See my answer to 6

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I believe that marriage venues should be licensed as such, to avoid ceremonies being trivialised by gimmicky weddings.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If marriage is inclusive as discussed above, I see no purpose in continuing with civil partnerships - but if people want to register a civil partnership in such a way then that should be allowed.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Transgender people should be allowed to stay married if both parties agree. But transition must NOT be dependent on the permission of the partner; if that were to be the case, and permission was withheld the marriage would be unlikely to survive anyway.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Everyone is entitled to a view, and to express it, But same sex marriage is not going to impact on opposite sex marriage. I am not clear what those people with concerns wish to be protected from. We live in a society which expects its citizens to be tolerant of other peoples beliefs, but does not expect us to impose our beliefs on others - such imposition has been the downfall of many societies.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?
Are you responding as...

a private individual

Tim Thomson
15 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM AIMEE THORBURN

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

An example; Same sex marriage has been legal in Canada for about 8 years now and the country has neither sank into the sea nor exploded into flame. I think we’ll be ok.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual
A concerned Young Adult.

Aimee Thorburn
14 August 2013
How would you characterise your views on the Bill in general?

In support

I would say that the bill is a just cause as it is promoting equality for LGBTQ persons and for all other people as it does not just limit a civil partnership to those who identify as LGBTQ.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I feel that those that wish to be joined together through marriage or civil partnership should have the right to do as they wish as it creates a more equal and fairer society for the people of Scotland to live in.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

I feel that if those who wish to officially change their status from a civil partnership to marriage are in every right to do so.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

If persons wish to be married (be it religious or belief) they should be allowed to have a ceremony at whatever venue that the persons agree so long as it isn't performed within a religious ground that wishes not to hold the wedding.
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

If two persons do not want to be married or they do not like the label of marriage then they should still have the right to choose between a religious or belief ceremony as with the marriages.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

those who are transgender or go through the process of gender recognition should not have to feel as a lesser due to their stage in gender recognition, allowing the people to stay married allows them to feel more accepted and for people to be more progressive.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Religious leaders should not feel pressured in to allowing same sex marriage at their place of worship.

When one mentions "freedom of speech" it refers to the ability to say something without persecution so long as it isn't harmful to others, I feel that Scotland has been somewhat civil compared to other countries but they abuse the right of speech as they are able to publicly say that LGBTQ marriages are harmful to others. I feel that everyone should be able to speak but when it comes to talking about a group of persons they should be treated as others as it is hateful speech towards people.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

LGBT student

thomas timmins
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Susan Timothy
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I believe in equality.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I believe in equality.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
I believe civil partnerships should still be a separate option for homo and heterosexuals.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Equality cannot be achieved while whole churches/religions are allowed to refuse to conduct a civil marriage ceremony. Individuals should be allowed to refuse if there beliefs are that strong.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is essential, however individuals should not be able to victimise or grossly offend those who hold differing beliefs.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Darren Tod
22 August 2013
How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We have seen over the years that so-called protections often do not work in practice. And the European Courts are over-riding UK courts. Also, pressure is often put on
folk who take a moral stance to conform to the amoral or immoral "standards" of society. For instance, those who object to involvement in Abortion.

**Would you like to comment on the wider issue of freedom of speech?**

Already, people are being condemned for saying, graciously, that same-sex sexual practice is morally wrong; even though that moral standard has been in force for hundreds of years. So, where will free speech on this issue be in a few years time. It seems that many cannot or will not see that saying that certain practices are wrong (whether practices of heterosexual or homosexual) is not being unloving towards the people concerned. Nor is it discrimination to take a moral stand against wrong as understood in say, the Ten Commandments.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

The basic building block of society has for centuries been understood as the Family (husband and wife and children) and this is evidently natural. We in our day are destroying ourselves by our failure to promote and strengthen family life and by our lack of foresight. Other experiments as in Communist states that set aside the family ended in disaster and so will our neglect of family principles and values.

**Are you responding as...**

a faith/belief local group or congregation  
Church of Scotland minister

James Todd  
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Every marriage should be equal, the idea that some marriages are somehow superior because they are part of a religion is blatantly discriminatory.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Spousal consent should not be required for the granting of gender recognition, but should instead be required for the subsequent re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would
continue to be able to obtain a divorce in such circumstances, if they wished to end
the marriage. The bill is also currently missing a provision that was added to the
corresponding English legislation, allowing a person to obtain gender recognition
with simpler evidence requirements if they have been transitioned for at least six
years. When a person has been transitioned for a long time, it can be very difficult
indeed to obtain all the medical evidence that is required from people who have only
been transitioned two years. The doctors involved may have retired or even died. We
therefore believe that a provision for simpler medical evidence for long-term transitioned people should be added to the bill this would assist the Gender
Recognition Panel as well as applicants. The minimum age for applying for gender
recognition should also brought into line with the minimum age for marrying in
Scotland, that is, 16.

Would you like to comment on the wider issue of protections for those in
society who may have concerns about same sex marriage?

The protections are more than adequate.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is already adequately protected in law.

Would you like to comment on any other wider issues in relation to the Bill that
are not mentioned above?

Are you responding as...

a private individual

Margaret Tombs
18 August 2013
How would you characterise your views on the Bill in general?
In support
This Bill should have been introduced and passed a long time ago. It is ridiculous that this is even up for debate. The love between two human beings is not a political issue. It's a natural attraction.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
It's about time. I'm hoping that this Bill is passed.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither
Here's this thing: not every religion is against Homosexuality. Everyone's only focusing on what the Christians say. What about the other religions? Paganism is not against Homosexuality.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Protections from what? Same-sex marriage isn't going to harm or affect anyone else in the slightest. Legalising Equal Marriage won't cause the world to implode or bestiality to commence.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Rio Tomlinson-Curley
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I believe the introduction of same sex marriage is absolutely essential in our modern society. I want my relationship to be recognised and respected in the same way a mixed sex couple’s relationship and marriage is recognised and respected. I do not want my only option to be a civil partnership. I strongly support the Bill and campaign for equality. I am proud of who I am and the girl I love. I want to feel that pride for my country should this campaign for equality be successful.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ashley Toner
12 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

As a bisexual woman, I could marry a male partner, but could only enter a civil partnership with a female partner - the bill would remove this anomaly and treat both situations in the same way.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

I feel it is right that religious organisations that wish to solemnise same sex marriages should be allowed to do so as a religious freedom.

How would you characterise your views on civil partnerships changing to marriages?
In support

Yes, but equally those who wish to remain in a civil partnership should be allowed to do so. I would be in favour of civil partnerships being opened up to opposite sex couples who wanted them if they are to remain an option for same sex couples - equality must work both ways.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think it's right that religious organisations will not be forced to conduct same sex marriages, but that those acting for the state do not have this opt-out. I do not feel that same sex marriage will have any negative effect on those who are currently against it, any more than the marriage of two strangers would have an effect on an existing marriage.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Tamise Totterdell
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM STUART TURNBULL

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

The introduction of same-sex marriage through this legislation provides for the legal change required to ensure the social views of the Scottish people (and indeed a growing number of the western nations) are respected. It will provide the legitimacy of same-sex relationships amongst their peers as well as children, in addition to providing solid legal recognition of their relationship status.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

Whilst no faith group should feel obliged to register civil partnerships, and opt-in system should work, allowing those groups who wished to do so the ability to do it.
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

No faith group should be obliged to perform same-sex marriages. State registrars should administer the unions due to their role as public servants, they should serve ALL.

Would you like to comment on the wider issue of freedom of speech?

I feel that the introduction of same-sex marriage legislation in Scotland poses little threat to freedom of speech.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Stuart Turnbull
15 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those with concerns about same sex marriage should not be in a position where they are providing public services or officiating over legal proceedings. There should be room for those who wish to object to do so; however, this should not have an
affect on the legality of relationships out with their comfort zones. Views against the issue should not be allowed to appear more authoritative because they original from religious doctrine and should be subject to the same restrictions all members of society must adhere to. Religious opt-outs should not be permitted to hide behind their religious beliefs to preach hate and/or bigotry.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech is an important part of our society as a whole. Hate speech that masquerades behind the mask of religious teachings should be exposed for its true nature and appropriate action taken against those producing and printing/distributing this.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Yorath Turner
27 June 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM UNISON

How would you characterise your views on the Bill in general?
In support
UNISON agrees that the proposed legislation will improve sexual orientation and gender identity equality. It will also protect and extend freedom of religion and belief by giving religious and belief groups the right to decide for themselves whether or not to solemnise same-sex marriages.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In opposition
UNISON agrees with the proposal to establish belief ceremonies as a third type of ceremony, alongside religious and civil ceremonies, for getting married in Scotland. The Humanist Society Scotland already carries out more marriages than any religious group.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support
UNISON agrees with the proposals for authorising religious and belief celebrants who wish to solemnise same-sex marriage. Specifically, we agree with allowing same-sex marriage in civil, religious and belief ceremonies. We agree that religious and belief bodies should be able to conduct such ceremonies.

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
UNISON agrees with the government that less regulation is needed regarding where civil marriages and civil partnership ceremonies can take place. We therefore agree with the proposal to allow civil marriage and civil partnership ceremonies to take place a

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In opposition

UNISON agrees with the proposed approach to ensuring that religious and belief bodies and celebrants do not have to register civil partnerships.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In opposition

UNISON agrees with the Scottish Government’s aim of revising the gender recognition process so that people who are married or in a civil partnership can obtain gender recognition without having to divorce or dissolve their civil partnership if they and th

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

UNISON believes in freedom of speech and broadly agrees with the proposed approach. We agree with the guarantee in section 12 of the bill which makes clear that nothing in the part of the bill that introduces same-sex marriage affects a person’s rights to freedom of religion or freedom of speech. We believe that, through these measures, the legislation will provide equality in marriage law and will effectively protect and extend freedom of religion and speech.

Would you like to comment on the wider issue of freedom of speech?

9:UNISON believes in freedom of speech and broadly agrees with the proposed approach. We agree with the guarantee in section 12 of the bill which makes clear that nothing in the part of the bill that introduces same-sex marriage affects a person’s rights

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

another representative body
Trade Union

Eileen Dinning
UNISON
21 August 2013
The United Free Church of Scotland is grateful for the opportunity to comment on this Bill as it is considered by the Scottish Parliament.

We welcome moves by the Scottish Government to update the Marriage Scotland Act with regard to who may solemnise marriages, to address concerns over celebrants profiteering from the conduct of marriages and to take further steps to prevent sham marriages. We note that there is to be a further consultation on the qualifying requirements which should apply to religious and belief bodies which are authorised to solemnise marriages. However we are concerned that the proposed changes will not apply to the Church of Scotland whose ministers solemnise more marriages than any other Church. All other Churches along with other Religious and Belief Bodies will need to reapply to be authorized to conduct marriages but this will not apply to the Church of Scotland. We cannot understand why there is to be this fundamental inequality in how this matter is handled.

1. Church’s View of Marriage

a. The United Free Church always had a 'high view' of marriage and would regard it as 'the voluntary union for life of one man with one woman to the exclusion of all others'. This position was reaffirmed by our General Assembly of 2012 which stated that 'marriage is the union of one man and one woman.' Marriage is intended to be a lifelong commitment between one man and one woman. The Christian understanding of Marriage, as is traditionally stated in the Marriage ceremony, is that 'it is appointed for the well-being of human society, which 'can be strong and happy only where the marriage bond is held in honour'.

b. Indeed, we find that marriage has been universally embraced by diverse societies and cultures from the beginning of the human race as the union between a man and a woman and this has proved to be beneficial not only to the individuals in the union, but to their wider families and to society as a whole. The United Nations Declaration of Human Rights affirms that marriage is between a man and a woman.

2. Concern over the Proposed Changes

a. In the light of the above, the United Free Church of Scotland is opposed to the introduction of Same-Sex Marriage in Scotland. The changes being proposed in this Bill are not only inconsistent with Christian teaching but also go against many centuries of tradition in this country and around the world. The Scottish Government’s proposals would fundamentally change our understanding of marriage in our Scottish society as an institution with defined functions and social purposes and diminish it to being merely an individual’s right or entitlement. Once this precedent is established, marriage would then be subject to reappraisal, review and further change as minority groups seek “equality” for their own views and positions.
b. We should make clear that we accept the right of same sex couples to enter into partnerships recognised by the State and this has been possible for some years through the provision of Civil Partnerships. As a result, we do not consider same-sex marriage to be an 'equality' issue since same-sex couples in Civil Partnerships have all the rights of married couples. This seems to be confirmed in section 9 of the Bill, which refers to two civil partners changing their relationship by marrying. There is reference in the 'Policy Memorandum' page 17, paragraph 105 to 'civil partners (who) change their relationship to a marriage through administrative procedures'. It goes on to state 'The intention is that the effect would be the same as if the civil partners had changed their relationship by undergoing a marriage ceremony'. Such couples would be 'treated as having been married since they registered their civil partnership'. This confirms that the legal status of those in Civil Partnerships is the same as those who are married.

c. In the light of the above, we cannot understand why the Scottish Government (and the UK Government) has chosen to proceed with such contentious legislation and the inevitable upset and division which such legislation causes when it will not change the legal status of same-sex couples who are in Civil Partnerships.

3. Concerns over Freedom of Speech

a. The United Free Church welcomes Section 14 of the Bill dealing with Freedom of Speech in which it is made clear that the Scottish Government is committed to upholding and protecting human rights across society. It is confirmed that the Bill does not intend to affect the exercise
   • of the right in the European Convention of Human Rights to freedom of thought, conscience and religion;
   • of the right in the European Convention of Human Rights to freedom of expression;
   • of any equivalent right conferred by the rule of law.

b. However, as with any legislation, it will ultimately be for the Courts to decide on cases which are brought before them in the light of this Bill and no Parliament can give guarantees on what the outcome of such cases will be. We have become aware that in England, the Essex Chronicle of 2nd August 2013 carried a report with the headline 'Gay dads set to sue over Church same-sex marriage opt-out'. It went on to quote the two men saying 'The only way forward for us now is to make a challenge in the courts against the church'. Sadly such cases are likely to become more common in Scotland as well as England if this Bill goes ahead. We appreciate that efforts have been made in the legislation to safeguard the position of clergy and others connected with Churches. However it is clear that there can be no guarantees about the efficacy of these safeguards and it remains to be seen what transpires when such matters are challenged in Court.

c. If this legislation goes ahead then we are not convinced there are adequate safeguards being put in place to safeguard the position of those who do not
agree with the introduction of same-sex marriage. This includes not only many people connected with Churches of different denominations, but people of other Faiths and of none. However, our greater concern is over the impact the proposed legislation could have on Christians (and others) who are teachers, social workers etc where the Bill states that no additional safeguards will be introduced. The following was agreed at the United Free Church of Scotland General Assembly 2013:

“The General Assembly urge the Scottish Government to recognise the deeply held religious commitments on the issue of same-sex marriage and therefore to guarantee an adequate protection for freedom of speech and belief to protect the religious conscience of those particularly in teaching and social work with regard to local authorities; and more generally, so that people should not be disciplined for simply expressing their belief that marriage is between one man and one woman.”

4. Definition of Marriage

a. The United Free Church of Scotland shares the concerns raised by the Faculty of Advocates in their response to the Consultation on the proposed legislation in March 2013. As we have indicated above, Marriage has not required a definition previously because there has been a historical consensus about its meaning. However, if this legislation goes ahead, the lack of a definition is likely to cause difficulties within the legal system and confusion in society. We are concerned that in the Bill no attempt is made to define what will be meant by ‘Marriage’ if this legislation is approved. There is also a need for clarification on the difference between ‘Marriage’ and ‘Civil Partnership’.

5. Conclusion

Whilst the United Free Church of Scotland welcomes some aspects of this legislation, we are fundamentally opposed to the introduction of Same-Sex Marriage in Scotland and consider this to be an unnecessary piece of legislation since Civil Partnerships have been in existence for a number of years. We also have concerns over consequences for Freedom of Speech and over the lack of a definition of what will be meant by Marriage in future.

Rev John O Fulton
General Secretary
United Free Church of Scotland
20 August 2013
How would you characterise your views on the Bill in general?
In support

We support the introduction of equal marriage throughout Scotland and believe that the equal recognition of same sex partnerships is an essential facet for a fairer and more just Scotland.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Popular myth has it that, at St Andrews, a student is more likely to find the love of their life during their time here than at any other UK university. Whether that myth is true or not, the students at St Andrews firmly believe that love, whether between a man and a woman or between two people of the same gender, should be celebrated.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

We support the establishment of equal footing for belief celebrants and religious celebrants, as individuals should be able to fully express their belief or their faith in the form most appropriate for them. This change allows for the advancement of this ideal without any sacrifice to the quality of marriage.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

Of particular note, we are discouraged by the Scottish government’s current proposal to defer solely to religious bodies on the recognition of a celebrant’s legal authority to solemnise a marriage. We hope that, in any and all instances where a same sex couple and a minister, clergyman, pastor, priest, or other celebrant of a religious or belief body all collectively ascent to the solemnisation of a marriage within their religion or belief, the Scottish government will use its authority for temporary authorisation under section 12 to provide for all couples within Scotland to be able to solemnise their marriage with the consenting relevant religious or belief celebrant to them. The Scottish government cannot rest on the assertion that this proposed policy would avoid interference with religious doctrine. The proposed policy instead provides a tacit consent to a religious body to impose a contented perspective to its other celebrants. Where the government has gone through extraordinary lengths to affirm a right for religious and belief celebrants to
not be compelled to solemnise a marriage against their religion or belief, we hope that the government will similarly apply generous provisions to those that wish to.

**How would you characterise your views on civil partnerships changing to marriages?**

In support

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

We agree in the expansion of possibilities for a couple entering a civil marriage to be able to celebrate their love and register themselves at a designated place of importance to them.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

We see no reason to deny this opportunity to individuals who wish to enter into a civil partnership but also wish to hold a religious or belief ceremony to celebrate their partnership.

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

We fully support this provision to ensure the rights of transgendered persons to retain their marriage rights regardless of their point in the process of transitioning their gender.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

We are encouraged by the endorsement of the rights and freedoms of individuals advanced by this proposed legislation. We do hope, however, that specific note is taken to affirm that the doctrine of the freedom of speech should never be allowed to supersede the progress towards equal and fair treatment for all of Scotland’s people and that the freedom of speech is not a carte-blanche for an opportunity to discriminate, particularly for those in position of civil authority.
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

another representative body

Teddy Woodhouse
University of St Andrews Students' Association
21 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM UNIVERSITY OF WARWICK

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Joseph Jackson
University of Warwick
18 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Keli Unsworth
21 August 2013
How would you characterise your views on the Bill in general?

In support

Equality is equality - rights for one human are rights for another. If this bill moves us towards realising that, it absolutely must go forward in spite of those who believe not all humans deserve the same rights.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I'm in support of it, even if I don't expect to ever take advantage of it. To clarify: I'm gay, but even if this bill passes I will probably never marry in the contemporary understanding of the ceremony as, even if I wanted to make a statement of commitment to a partner, ‘marriage’ is tied up in religion, which I've long since left behind me. Opponents to the bill use this against the cause - they claim the change is unnecessary as very few people want it - but the reality is that as things currently stand, I'm not even allowed to make that choice. I want to be able to choose not to get married the same way thousands of straight couples choose not to get married: by choice, not by law. And ultimately, being able to make this choice will merely be a happy side product of something much more worthwhile - that those who are gay and religious will be able to make that statement of commitment in the first place.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In opposition

As stated earlier in the questionnaire, I believe marriage is more tied to religion than a civil partnership is, and if I were in a civil partnership I'd not want it to suddenly flip into being a marriage. Again, I'd like the ability to choose for myself whether that happened or not, which would require the option to be available to me, but not for it to be mandatory. Civil partnerships and marriages should be able to exist alongside each other, providing equal rights, rather than in opposition - in action they might be
identical but ideologically they are very different statements of commitment, which I could see being very important to people.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

Because c'mon, beach weddings are just the best thing.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

Neither

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

A gender change shouldn't nullify a marriage because, quite simply, you marry a person, not their genitals.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I don't understand what they think they need to be protected from, I only know they think that two people confirming their love and happiness together with friends and family in a ceremony that has demonstrated a remarkable flexibility with regards to its definition both legally and religiously over the course of thousands of years without yet falling apart is something they're not on board with. Perhaps they should be protected from history, as they're standing in its way and it isn't going to stop for them.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Ryan Vance
21 August 2013
How would you characterise your views on the Bill in general?

In support

Scotland has always been a country in advanced development of science, technology, culture, and education. It is adamant that they also become advanced in regards to social aspects; the fact that same sex marriage has yet to become a legally recognised concept is pitiful.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

If two adults are consenting to dedicate themselves to each other and gain the legal rights that come with marriage or civil partnership then their religious views (or lack thereof) should not prohibit them.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Celebrants should only solemnise opposite and same sex marriages if they are in support of these marriages. No celebrant should solemnise a marriage that he or she opposes.

How would you characterise your views on civil partnerships changing to marriages?

In opposition

Civil partnership should exist for couples who do not agree with marriage but want the same rights as a married couple, such as the rights of the spouse if the other spouse dies intestate.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

It is shameful and backwards to state that a transgender person's marriage would become null due to the change in their gender; their identity does not inhibit them from dedicating themselves to their marriage.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

If you can't say something nice don't say nothing at all.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an academic
a private individual

Jessica van der Watson
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Everyone should have the right to marry who they want

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

They may have concerns but that is their problem
Would you like to comment on the wider issue of freedom of speech?

na

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

na

Are you responding as...

a private individual

Astrid Waitz-Rainey
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

Anyone should be free to marry the person they love.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

As long as no religious organisation or celebrant is made to conduct same sex marriages against their will, I do not see why this is an issue.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The law should allow religious individuals and organisations who wish to conduct same sex marriages to do so, whilst at the same time not punishing those who do not wish to.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Eleanor Walker
22 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM ZAMANTHA WALKER

How would you characterise your views on the Bill in general?

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Personally I believe that any couple who wish to marry should be able to do so. Professionally as a Christian minister I know that people want - and need - a way of publicly making a commitment that has legal ramifications, both to affirm their love and to provide a framework for living.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

I am still not clear what 'belief celebrants' are. However I am certainly not opposed to celebrants being able to conduct weddings and solemnise marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

They seem well thought out. My only concern is that a lone voice can hold up a denomination unless there is room for congregational/ministerial conscience.

How would you characterise your views on civil partnerships changing to marriages?

In support

most gay couples I know who have entered a civil partnership really wanted to get married, but took this step as one that offered legal recognition. In popular parlance some already refer to themselves - or others refer to them - as 'married'.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
as a religious celebrant I have that freedom and do not see why civil ceremonies should not also exercise that freedom.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

It is appallingly cruel that currently transgender persons have to divorce. I will be pleased if this situation is rectified.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I really feel that that this is a dangerous area: why should there be protection for those opposed as they are not the ones who would be marrying or wanting to marry someone of the same sex? When people who were opposed to mixed race marriages were vocal should they have been given "protection'? To me this falls within the same category. Please do not bow down to fear or hatred or dubious theological argument. If there is any protection surely it should be to protect those who are making that commitment. After all marriage is a good thing for society in that two people make a lifelong public commitment.

**Would you like to comment on the wider issue of freedom of speech?**

I think freedom of speech is important but too often it is used as a weapon to assault others from, in this instance, being able to be together. And the vitriol so often displayed is not justified in employing an argument.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

Zamantha Walker

15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I don't understand the reasoning behind this question at all. Who exactly needs to be protected and why? Those with concerns about same sex marriage are surely not
threatened in any way at all by same sex couples who wish to marry! There is no threat to them as individuals and no threat to society as a whole.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a celebrant

Mary Wallace
Humanist Society Scotland
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Nicola Ward
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sarah Ward
21 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Being a gay women myself, the bill would mean a huge deal to me. It would allow me the chance to celebrate my love for another human being no matter the gender.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

In support

I feel it’s important as all should be given equal rights. I should be given the same rights as anyone else no matter their background, sexual orientation, etc. marriage means an even bigger step for the lgbt community and marriage would mean a huge step towards equality and same sex relationships may be taken more seriously.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a public body

Niamh Watson
14 August 2013
How would you characterise your views on the Bill in general?

In support

Giving gay couples the option to celebrate their relationship like equals in society is very important. Homosexuals getting married will not affect the rest of the country in a negative way, just as straight couples getting married does not affect the homosexuals in the country either. In a world which is striving for equality right now, whether it be wiping out racism, sexism etc, seems archaic or contradictory by depriving the homosexual community the opportunity to celebrate their relationship the same way as heterosexuals are able to.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

This is a topic very close to my heart. I am not personally in the mind-set of getting married in the next couple of years but I do hope that when I find someone I wish to spend the rest of my life with I shall be able to celebrate my love for him in a wedding ceremony with my friends and family there. If equality is to be celebrated then marriage equality needs to be put in place too.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I believe religious celebrations or non-religious celebrations should be allowed so long as the church is comfortable with it. I don't believe anyone should be forced to do something they're not comfortable with, but some homosexuals are religious so should be offered the chance to get married in their place of worship.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

Neither

I believe both should be available for everyone. Some people don't want to be married and would rather be in a civil partnership. I believe the choice should be available for everyone.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I think this is very important, if someone chooses to go through gender changes and their partner is supporting of them and their choice then I do not see why they should be forced to end their marriage to then start another.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Same sex marriage will affect those of the same sex getting married. It will allow loving couples who haven't been able to celebrate their love for each other in the same way to have the best day of their lives. Couples showing their love and being happy should not affect the other members of the country who have a problem with their relationship.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Oliver Watson
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I understand why religious societies have denied gay couples the right to marry. I understand why historic, undeveloped societies have denied gay couples the right to marry. However, we live in a developed democracy with a secular state and a culture of tolerance for different religions and traditional cultures. For us to truly believe that we are a fair, equal and enlightened democracy in those terms, we must make it legal for two consenting adults to marry. Their gender is irrelevant.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

We must face the reality that the traditional religions are not as prevalent in Scotland as they once were. Modern belief systems and philosophies now inform the choices of people of all ages where religion may have previously. With that in mind, the marriage, and marriage remains the legal and cultural bond we value most highly in a relationship between two people, must be something that a celebrant of any belief system can administer.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In opposition

Gay and straight couple should have the right to a civil partnership or a marriage.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Cailean Watt
14 August 2013
How would you characterise your views on the Bill in general?

In support

Overall I think the Bill is good news, however it doesn't provide the option for heterosexual couples to have a civil partnership. Marriage, as a social, legal and religious institution, has connotations that some people in society are not comfortable with i.e the traditional rights, obligations and roles in marriage. Therefore I strongly believe that there should be an option for heterosexual couples to have a civil partnership.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I think that in a modern progressive country it is only fair and reasonable that we regard all committed relationships between two people as equal and therefore they should have the same recognition by the state.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I think it is absolutely essential that in a progressive country belief celebrants have the same status as religious celebrants. A poll carried out for the Humanist Society Scotland on 18/1/11 should that when asked the Scottish census question, ‘What religion, religious denomination or body do you belong to?’. In response, 42% of the adult population in Scotland said ‘None’. Therefore I believe that the time is right to end religious privilege in Scotland and give full equality to those who wish to officiate ceremonies for citizens that are non religious.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Yes I think this is clear and fair to everyone.

How would you characterise your views on civil partnerships changing to marriages?

In support
Yes I think sex same couples should be able to change their civil partnership into a marriage. However I also believe that heterosexual couples should be given the opportunity to have civil partnerships and be able to change their marriage into a civil partnership.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

I agree with these proposals entirely. I think that couples should be allowed the chance to have their marriage recognised at a place which they may hold in special regard or have an affinity with.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I agree that religious bodies who oppose same sex marriage should not be forced to conduct them and should be given exemption. Moreover I do not think registrars working for local authorities should receive the same protection has religious bodies since they are carrying out a duty in a paid capacity on behalf of a local authority and therefore should not be able to discriminate against people because of their own personal beliefs.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Conor Watt
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In opposition

This seems like a contradiction to me. If a couple want a religious ceremony then by definition it isn't 'civil'. The only circumstance I can see this applying is where a couple wanted a religious marriage but were refused by the religious organisation

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
These so-called 'protections' just seem like making allowances for people to discriminate. These bullies should be educated, it is the bullied who need protection.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Stewart Watts
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mark Webster
21 August 2013
How would you characterise your views on the Bill in general?

In support

I support the bill for it is my belief that irrespective of gender those who are in love should have the right to marry under Scottish law and be given the same rights as their fellow scots

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I wholeheartedly believe that this is a fundamental human right and it makes me incredibly sad that I even have to write this passage to declare my support for I am yet to see one reason which is not religious which would give substantial reason behind not passing this bill

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

For me religion and law should never be together for this is how we end up in these sorts of dilemmas, I completely appreciate those who have beliefs one of my best friends is an evangelical pastor but that belief should not be infringed onto mass society

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I think it should be up to each religious body to decide whether they wish to conduct the ceremony though I think to save any heartache for prospective married couples that if the opt in procedure was to be implemented there should be a clear list made available of who this is. Getting married is stressful enough without the extra confusion of if a specific religious body allows it so this must be made clear

How would you characterise your views on civil partnerships changing to marriages?

In support

I don't know if whoever is reading this has ever been to a civil partnership but the moment the registrar says I now pronounce you civil partners always make me wince
and realise how far back we actually sit on the issue considering countries less liberal in other areas (south Africa for one) has same sex marriage. A civil partnership was a nice idea in terms of bridging the gap of social development but enough is enough loving someone because of their gender should not mean you have to be limited to a lesser state

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

Neither

My answer on this is very dependent on the religious part. If you are proposing that the bill would mean a couple couldn’t get married in a religious premise even if the church and the couple agreed then I am against this in terms of allowing same sex couples to marry anywhere in general I think that is only right considering at the moment, in Glasgow at least, most of the marriages take place in park circus and there is very little room to personalise. Your wedding day is supposed to be the best day of your life and I know for me I have horses and would want a cart etc and I certainly wouldn't want to marry in Glasgow city centre just a few minutes from where I live but currently if I had to get married I'd have very little choice

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Kimberley weir
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Stephen Weir
23 August 2013
How would you characterise your views on the Bill in general?

In support

All people should be treated equally and with respect and have the same opportunity as everyone else to live a happy life in a committed relationship with all distinctions removed so that one group of people does not get ostracised or made to feel different simply by how they were born.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

The benefits of marriage are plain to see, removing distinctions or offering the choice between a civil partnership and full marriage for LGBT people would enhance the lives of so many Scots and reassure them that they are fully equal citizens.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

A religion is an organised belief system that is not based on any actual documented evidence to support their claims, not one single religion has ever in modern history been able to prove a single supernatural event, thus I don't believe a large group of

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Except I personally believe that anyone of a particular faith should be guaranteed a same sex marriage, why should we force the majority of Muslim, evangelical or Church of England (who can't opt in) to either change their faith or not get a marriage because their religious leaders are bigoted against LGBT people in the majority of cases within these conservative ideologies?

How would you characterise your views on civil partnerships changing to marriages?

In support

If people prefer to call their commitment marriage, then so be it, perhaps they will have an additional ceremony enhancing the economy.
How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

A religious institution is not required to make a life long commitment, speaking inside a church is no different to speaking outside one.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

We should not deny people of a particularly conservative faith civil partnerships in the same way we should not effectively deny them marriages simply because the registrar opts out.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

That's a horrible practise that should be stricken out of the law ASAP for the heart breaking discrimination that it throws on the transgendered, married, community.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

everyone is entitled to a view, however when that view is a negative one about a group of people that is called discrimination. If we are talking about protections for people who hold such views then what about protecting people who believe that believe interracial marriage is wrong? or that all immigrants should "go home"? replace the word gay/same sex marriage with interracial marriage/black rights/womens rights/minority rights and a whole host of other things and suddenly the idea of giving these people "protections" is not so palatable for some reason. Allowing these people protections to opt out of dealing with LGBT people is condoning this discrimination. Can a priest/pastor/Registrar opt out of marrying a black man and white women, no. can they opt out of marrying people for any other reason, no. Why should we afford them this condonement of their discrimination? We shouldn't.

Would you like to comment on the wider issue of freedom of speech?

Freedom of speech should be celebrated, it is a crowning achievement as a country which provides checks and balances against tyranny, bigotry, exploitation and corruption. discrimination should be stamped out. free speech can become discrimination when it is used against a person on assumption and prejudice, and not against an idea. This is why one can make any comment about any prophet, book or dogma without fear or reprisal, but turn that same scrutiny against a follower
of that prophet, the author of that book (with threatening and unfounded statements) then we can class it is discrimination.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

It is time as a country that we take that step to base every bill and law we make on principles based on secular, equality and reason based arguments.

**Are you responding as...**

- an academic
- a private individual

Stephen Welsh
14 August 2013
How would you characterise your views on the Bill in general?
Neither

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
Neither

This Council supports the proposal providing the proposed rigorous checks on celebrants by the NRS are approved as part of the Bill.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

Support subject to the proposed rigorous checks on celebrants by the NRS are approved as part of the Bill.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

This is a practical solution to the issue.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

It is very important that the local authority, as an employer, is able to make appropriate risk assessments on suitability of the premises and can refuse if premises are not deemed to be safe or fit for purpose. The agreement should therefore be between the local authority and the couple and not an individual registrar as is suggested in this question.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Neither

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a public body

George Hawthorn
West Dumbartonshire Council
10 July 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

In respect of the Transgender provisions we fully endorse the submission of the Equality Network and what they have reasonably argued for which ensure both human rights and simple dignity is afforded all parties to the recognition of status.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
No

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

an LGBT group  
We are the West of Scotland LGBT Forum

David Thomas  
West of Scotland LGBT Forum  
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
Neither

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

- a private individual
- Member of LGBT community

Hannah Westbury
15 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Nikki white
21 August 2013
How would you characterise your views on the Bill in general?
In opposition

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In opposition

keep it as civil partnership so as to retain the term 'marriage' for heterosexual marriage intended to be lifelong

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?
In opposition

the wellbeing of society is enhanced by children being brought up, as the norm, in a monogamous heterosexual faithful lifelong union. It is jeopardised if this is lost, as the Bill proposes

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
Neither

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
Neither
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Those who have a faith position on these things in all walks of life eg education, registrars of marriages, religious leaders, ought to be given protection allowing them to state and explain their position without jeopardising their employment

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Peter White
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ross Whyte
14 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
no

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

john wilcox
23 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

I think this provision is essential so that modern Scotland provides parity of esteem for same-sex couples and the Scottish State does not imply that same-sex relationships are somehow inferior to opposite-sex relationships by forcibly consigning them to a category made up simply to deny them the right to marry. It is not the place of Scots law to force couples to live by the tenets of a particular religion or to make value judgements about stable, loving relationships between two people.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

I believe that people's beliefs should be able to be freely expressed in their marriage ceremony, whether they are religious, humanistic or something else entirely.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

Organisations should be free to decide whether to solemnise only mixed-sex marriages, or same-sex marriages. Religious freedom must work both ways, there should be freedom from and freedom to, and the bill gets the balance right. I agree with the Equality Network that a small amendment is needed to section 11(2) of the bill, in order to give those religious and belief bodies that want to, the option of using the gender-free form of the marriage ceremony, in section 11(2)(g), for mixed-sex couples who would prefer that form. This is particularly important for mixed-sex couples where one or both is transgender or intersex. Religious bodies that wish to always use the husband and wife gendered form of the marriage ceremony should be free to continue to do so.

How would you characterise your views on civil partnerships changing to marriages?
In support
I think the process provided for this should be simple, and ideally free. Couples should have the option of having a ceremony if they wish (and pay the associated costs), but this should not be compulsory.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

I think it is for couples and celebrants to decide where marriages should take place not the Government. I abhor the English system where registration is of locations not people, because it limits freedom of choice unnecessarily.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

I do not think this option will be particularly popular but it may allow some religious bodies a degree of doctrinal flexibility, where they cannot reconcile their faith to same-sex marriage but could agree to recognise civil partnership.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

This is one of the key injustices that will be corrected by this legislation. I am however in firm agreement with the Equality Network the spousal veto should operate on the remarriage not on the gender recognition certificate and that the evidence required from long transitioned people should be less in line with the English legislation.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I believe that the law as it stands both in terms of statute and the ECHR already provides more than adequate protection for those people who don't believe in same sex marriage. The argument that dissent will be crushed by force of law (rather than by society, which is what has happened to racism and is actually what is happening to homophobia) is, I feel, a straw man erected by opponents of the bill in order to generate opposition to its principles. Any additional provision in the bill would be in the form of a "for the avoidance of doubt" clause, which would by its very nature be redundant and unnecessary. I feel the ambition of those who push for such clauses is simply to get the statute law to agree that their view is a good and valid one to hold, which is not an appropriate thing for the law to do.
Would you like to comment on the wider issue of freedom of speech?

This bill will have no legal impact on freedom of speech. Any chilling effect spoken of by opponents is related rather to society's decreased acceptance of homophobia and increasing realisation that LGBT people, are just normal people and don't merit the stigma which has for so long been attached to them. We don't tolerate racism, why must we tolerate homophobia?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I believe that this bill must include mixed sex civil partnerships in order to create true equality or at least provision for this to be reviewed like the English Act. I also hope that the Scottish Government will petition to Westminster government to equalise the pension arrangements.

Are you responding as...

a private individual

Daniel Wilkes
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM SUE WILKINSON

How would you characterise your views on the Bill in general?

In support

I strongly support and welcome the Bill. It will bring Scotland into line with the new marriage equality provisions in England & Wales.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I strongly support and welcome this, as long as it means that same-sex couples can marry on the same basis as different-sex couples.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

I strongly support and welcome this.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Opt-in procedures seem the right way to balance equality and religious freedom.

How would you characterise your views on civil partnerships changing to marriages?

In support

It should be a choice whether to 'upgrade' to marriage or remain as civil partners - and it should be as simple as possible to do the former. Some thought needs to be give as to how couples who are civilly partnered elsewhere will be enabled to marry in Scotland.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

This would maximise freedom of choice.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

I strongly support and welcome this. However, a married trans person should not have to get the consent of their spouse to obtain gender recognition. And the age for applying for gender recognition should be in line with the age for marrying.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I think the Bill strikes a good balance between equality and religious freedom. Civil officials (e.g. registrars, local government officials, NHS personnel) should not be able to opt out. Teachers should not be able to opt out of talking about same-sex marriage on the grounds of personal opposition - they should be required to give factual answers about its availability/legality.

Would you like to comment on the wider issue of freedom of speech?

The Bill contains appropriate protections for freedom of religion. Disagreeing publicly with same-sex marriage is fine - as long as it does not constitute 'hate speech', or incite action against gay people in any way.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I would like to see FULL equality in relationship recognition: ie civil partnerships for different-sex couples as well as marriage for same-sex couples. I therefore welcome the Scottish government's commitment to review CP law (paralleling that of the English government). I would also like to see the Scottish government review issues surrounding the definition of adultery, and around inequities in pension provision.

Are you responding as...

an academic
a private individual

Sue Wilkinson
23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

All marriage should be on an equal footing.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

I am concerned, however, that couples in a civil partnership registered outside of Scotland are not covered by this and would like to see an amendment to the bill to allow these couples to marry in Scotland without first dissolving their civil partnership.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support
However, I would like to see a change from the current requirement that the spouse must support the gender recognition in order for it to take place, to a system where gender recognition should be available without this, but agreement from the spouse should be sought for the marriage to continue only.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

I think the protections of religious views in the bill are rightly strong, but would object to similar protections being applied to civil marriage ceremonies where the registrar acts on behalf of the state. I am very concerned that the bill should not allow for discrimination in teaching. There should not be an opt-out for teachers in addressing the subject of same sex marriage. Teachers should teach the facts of the society we live in, not their personal views.

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

I would like to see greater provision made in the bill for the equality of transgender people in the sphere of marriage and civil partnerships. I would also like to see lobbying of the UK Parliament by The Scottish Parliament to ensure that pension rights are equal for all married couples, irrelevant of gender.

**Are you responding as...**

a private individual

Anna Williams
18 August 2013
How would you characterise your views on the Bill in general?

In support

By now we realise that punishing gay people for being gay has not turned us into heterosexuals, nor it ever will.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

Not only does it remove the last vestige of discrimination in social status and financial terms, it has implications for children being raised by adoptive or blood parents to know their parents are legally married. There is no more reason to put the stamp of unworthiness upon such children than there ever was to stigmatise children born out of wedlock as "illegitimate".

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Civil Marriage is a secular matter, but if religions or other beliefs want to perform same sex marriages, then so long as the happy couple sign the government’s register, it’s perfectly reasonable to give their commitment equal status.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

They should not be treated with less dignity or respect just because they are a same sex couple.

How would you characterise your views on civil partnerships changing to marriages?

In support

If they want it, let them do it. I think there should be a resolemnisation however, as they are different.

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

If two people love each other enough to want to swear mutual fidelity in front of a crowd of friends and family, I see no reason to stand in their way.

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

Same as last answer, if they want to swear mutual fidelity before witnesses, I see no reason to deny them that.

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Since the gender will become irrelevant after the bill passes, then this question no long has relevance.

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

None of this affects them, unless it is part of their job to conduct such ceremonies. Then I favour redeploying them elsewhere in the same organisation, certainly not dismissal, which would be unfair and provocative.

Would you like to comment on the wider issue of freedom of speech?

Aside from obvious legal curtailments like Defamation, Perjury, Fraud, Vilification, Incitement to Crime etc, I believe that people should be able to speak their mind freely on both sides (or more) of the issue."The truth will out".

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

I applaud Scotland in general and the SNP in particular for this important and final visionary step to bring to an end the centuries old persecution of homosexuals.

Are you responding as...

an academic
a private individual

Derek Williams
14 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM DAVID WILSON

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

David Wilson
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

Fiona Wilson
23 August 2013
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM HANNAH WILSON

How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Hannah Wilson
14 August 2013
How would you characterise your views on the Bill in general?
In support
I'm gay and I want the same human rights as heterosexual couples!

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support
I should be allowed to marry my gf if I want. It's people's human rights!

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support
I don't care what the church thinks about same sex marriage and the law should not be based on what the church thinks. If they don't want to marry us, it's fine by me.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Fine by me!

How would you characterise your views on civil partnerships changing to marriages?
In support
Human rights! Nothing else to be said!

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support
Sounds good to me

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support
How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

It's human rights, you wouldn't like it if the tables were turned. Just cause we're gay isn't going to affect your marriage...and if it does there's a serious problem in your own relationship. Don't blame gays!

**Would you like to comment on the wider issue of freedom of speech?**

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

**Are you responding as...**

a private individual

Hazel Wilson
13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

How would you characterise your views on civil partnerships changing to marriages?

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

patrick wilson
21 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Sophie Wilson
22 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Humanist celebrants in Scotland can already conduct legally-recognised marriages; I'm happy that the bill clarifies that in the law, and makes clear that other philosophical belief organisations can also apply to conduct marriages.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

Section 11(2) of the bill requires a small amendment in order to give bodies that want to the option of using the gender-free form of the marriage ceremony (section 11(2)(g)) for mixed-sex couples who would prefer it. This is particularly important where one or both members of a mixed-sex couple is transgender. Those religious bodies that always wish to use the husband and wife gendered form of the marriage ceremony should be free to do so.

How would you characterise your views on civil partnerships changing to marriages?

In support

I do have a concern that couples who are already in a civil partnership can only marry in Scotland if their civil partnership was registered in Scotland. The lightweight administrative procedure for changing to a marriage can only work with civil partnerships registered here in Scotland, but there's no reason why couples in a civil partnership registered elsewhere should not be allowed to marry in Scotland. The bill in its current form causes real problems for couples who registered a civil partnership abroad and then moved to Scotland who want to marry. They will first dissolve their civil partnership in order to do so, but that requires proving that the civil partnership has irretrievably broken down by living apart for a year. It is very unfair to ask civil partners to do that in order to marry. If the country where they registered their civil partnership does not allow same-sex marriage, they would need to dissolve
their civil partnership there in a similar way before coming back to Scotland to marry. The practical result will be that the couple will effectively be barred from marrying in Scotland, which is morally wrong.

**How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?**

In support

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In support

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I strongly support the principle of allowing transgender people who are married to obtain gender recognition without being required by the state to divorce, but the bill as it stands requires a number of amendments before it is fit for practice. The bill currently would require a married person to get their spouse's consent to obtain gender recognition. The spouse can thus effectively “vetoâ€”the trans person’s gender recognition â€“ or force the trans person to first apply for divorce. If the spouses have a difficult relationship, the divorce proceedings could take a long time, during which the trans person is unable to access their human right to legal recognition of their true gender. Since a trans person applying for gender recognition must have already been living in their acquired gender for at least two years, obtaining gender recognition does not change the practical nature of their marriage. But it does free the trans person from discrimination by bringing their legal status into line with reality. That should be available with or without the spouse’s consent, because it is a personal matter for the trans person and has no direct effect on their spouse. The only time the spouse's consent is appropriate is for the re-registration of the marriage after gender recognition. Therefore, spousal consent should not a requisite for granting gender recognition, but should be required instead for the re-registration of the marriage and the issue of a new marriage certificate. As at present, the non-trans spouse would continue to be able to obtain a divorce in such circumstances, if they wished to end the marriage. The bill is also currently missing any provision for a person to obtain gender recognition with simpler evidence requirements if they have been transitioned for at least six years, something included in the corresponding English legislation. It can be very difficult for a person who has been transitioned for a long time to obtain all the medical evidence required from people who have only been transitioned two years. The doctors involved may have retired or even died. Hence a provision for simpler medical evidence for long-term transitioned people should be added to the bill, as it would assist both applicants and the Gender Recognition Panel.
Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

The current level of protections offered by the bill are plenty. To add more would restrict the ability of same-sex couples to be married in the way that they want. Adding a provision for civil registrars to opt-out of performing same-sex marriages would be entirely inappropriate as they are carrying out a civil function on behalf of the state. Public service providers (civil registrars, local government, the NHS, etc.) should never be allowed to pick and choose which parts of the public they are willing to serve. Teachers should also not have the right to opt out of mentioning same-sex marriage if a pupil asks about it or it comes up in class. Likewise, parents should not be able to remove their children from any class where same-sex marriage might be mentioned. Teachers are employed to teach facts, not their personal views, and should answer questions factually. No teacher will be required to say that they personally agree with same-sex marriage, but all teachers must treat all pupils with respect, whatever their family arrangements especially in the case of pupils with same-sex married parents. It would be unworkable to allow opt-outs from lessons where same-sex marriage is mentioned. Opt-outs are not available from lessons where divorce is mentioned, even though the topic is equally controversial for some people.

Would you like to comment on the wider issue of freedom of speech?

The idea that the bill will limit freedom of speech is laughable. People will still be able to express their disagreement with same sex marriage in public. The case of Smith v. Trafford Housing Trust clearly shows that it is illegal for an employer to take action against an employee simply because they make public statements that they disagree with same-sex marriage.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Currently, the regulation of private sector pension schemes is reserved to Westminster. Under current rules these schemes will be allowed to pay much smaller survivor’s pensions to people in same-sex marriages than to those in mixed-sex marriages. This is a clear case of discrimination. The UK Government have the power to change the rules on this by statutory instrument, and I strongly believe that they should do that once the review is complete.

Are you responding as...

a private individual

Stew Wilson
14 August 2013
How would you characterise your views on the Bill in general?

In support

I strongly believe in equality for all, on the same legal footing, regardless of their ethnicity, religion, gender or sexuality.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

I am in full agreement. While opponents of this bill have cited freedom of speech and warned that they believe that their Civil Liberties would be infringed by the passing of this bill, I believe that this is a smokescreen and an appalling point of view. A person cannot expect to enjoy freedom if they achieve that by discriminating against others based upon prejudices and not allowing others access to the same legal status purely because they hold irrational beliefs about what is normal and what is beyond the pale.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

Please see above.

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

I am a little concerned at the idea of opt-in in as much as does this mean certain organisations or individuals are allowed to opt-out on religious/personal grounds?

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support
How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

I am unsure as to what they require protecting from. Those who have concerns are already protected and currently enjoy a privileged status in society - i.e. legal recognition of heterosexual marriages. No part of the Bill is threatening to take that away. For those who object on personal or religious grounds I think this is dangerous ground. Would we allow a Doctor or Nurse to refuse to treat anyone because of their sexuality, gender or ethnicity? Anyone working with the public who did this would be quite rightly sanctioned. My personal feeling is that a same-sex couple would not ask a Church to carry out a marriage ceremony if they felt the individual or organisation were only doing it under duress.

Would you like to comment on the wider issue of freedom of speech?

I've commented on this earlier. I believe in freedom of speech, wholeheartedly. However, freedom of speech comes with responsibilities. If my exercising of my freedom of speech negatively affects individuals in ways beyond merely being offended but instead leaves groups or individuals on lesser legal footings then that is not freedom of speech that we are respecting but the right to have a prejudice or bias upheld.

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Andy Wood
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Mark Woodsford-Dean
23 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

1) Will the Bill benefit some people? - Yes  2) Will there be detriments to others - No  3) Bill should become law.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

I support the conscience clause allowing opt-out of individuals who are already approved celebrants, but the opt in procedures deny the conscience of celebrants to conduct marriages if their organisation has opted out, effectively denied them that right.  i.e. the conscience clause only works one way

How would you characterise your views on civil partnerships changing to marriages?

In support

But there should be no cost to the individuals concerned. Having been discriminated against it is adding insult to injury to make them pay to correct an injustice done to them

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

Let the the love flow!

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

We are in danger of codifying discrimination by allowing the conscience clause to operate in only one way. Sexuality is as intrinsic as ethnic origin, gender and disability (religion, like politics is a choice) The opponents of the bill seem to be demanding in laws relating to sexuality there should be special dispensation for discriminatory language and behaviour. These calls should be resisted

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Ross Wright
29 June 2013
How would you characterise your views on the Bill in general?

In opposition

Marriage is as presently defined is for heterosexual couples in a loving life long commitment involving procreation, nurturing any offspring to adulthood. It is the method in nature to ensure the survival of the human race. Homosexual couples have not been selected for this purpose as is clear in the percentage of homosexuals in the human race - approx 2%. It is not clear what new legal rights that same sex couples would receive in marriage as opposed to civil partnerships.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In opposition

Marriage involves any children which may be born through the union of a man and a woman. It is the care of these children which is paramount. It is not clear what commitment there will be between two men/women in this regard.

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In opposition

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In opposition

How would you characterise your views on civil partnerships changing to marriages?

In opposition

In as much as civil partnerships do not claim to be marriages but are a commitment between a man and a woman to live in a loving relationship with all the protection that the law of the land gives to them. This is equivalent to the protections given to those who are married and changing a title is of no significance

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In opposition
I object to the question. Because it lacks clarity. If you are referring to civil partnerships I am quite happy that they conduct the ceremony anywhere other than religious premises.

**How would you characterise your views on allowing the religious and belief registration of civil partnerships?**

In opposition

**How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?**

In support

I have clear knowledge of a similar situation.

**Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?**

Currently a homosexual couple is planning to go to court to force churches to host gay weddings. It is likely that this will be settled by the European Court of Human rights. Any protections attempted by Scottish Law are likely to be overturned. Human rights law has not protected adoption agencies. Article 9 in the European court of Human rights, i.e. the right of freedom of thought, conscience and religion has not provided protection in the face of other rights. Teachers should not be compelled to teach about same sexed marriage and parents should be allowed to withdraw their children when such lessons are being taught. Parents must have the legal right to know when such lessons are going to be taught. Legislation must be put in place to protect people in employment giving them freedom of speech and security of employment and freedom to opt out in procedures concerned with same sex marriage. Police should be thoroughly educated in the legislation which results so that false arrests do not take place because of their ignorance or prejudice. There is ample evidence that this takes place. No one should be prevented from adopting or fostering because they hold to the current definition of marriage and this needs to written into law and must be legislative change.

**Would you like to comment on the wider issue of freedom of speech?**

Freedom of speech must be protected at all costs so that in society people may agree to differ. Education does not thrive where freedom of speech is not the rule. Society becomes totalitarian, corrupt, repressive and controlling. Democracy begins to be akin to a political dictatorship. Freedom of speech must be legislatively secure.

**Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?**

Charitable status must not be removed from charities who disagree with same sexed marriage. This includes religious groups who do so much caring work in society and without whose support social services would not be able to cope, particularly in
urban situations. The law should be amended to embody the protection of such charities and secure their charitable status.

Are you responding as...

a private individual

Ralph Wylie
13 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
In support

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Calum Wyllie
14 August 2013
How would you characterise your views on the Bill in general?

In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

Neither

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

Neither

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

Neither

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...
a private individual

Lynzi Young
22 August 2013
How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?
In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?
In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?
Neither

How would you characterise your views on civil partnerships changing to marriages?
In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?
In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?
In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?
In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?

Would you like to comment on the wider issue of freedom of speech?
Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

M C G Young
17 August 2013
How would you characterise your views on the Bill in general?

In support

The bill grants equality one protected characteristics group of people without taking away any rights from another. Hence, I believe this is a progressive legislation.

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can marry each other?

In support

How would you characterise your views on putting belief celebrants on the same footing as religious celebrants?

In support

How would you characterise your views on the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage (including the opt-in procedures)?

In support

How would you characterise your views on civil partnerships changing to marriages?

In support

How would you characterise your views on allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and registrar?

In support

How would you characterise your views on allowing the religious and belief registration of civil partnerships?

In support

How would you characterise your views on allowing transgender persons to stay married when obtaining a full Gender Recognition Certificate, which provides legal recognition in the acquired gender?

In support

Would you like to comment on the wider issue of protections for those in society who may have concerns about same sex marriage?
There is room for everyone in this world.

Would you like to comment on the wider issue of freedom of speech?

Would you like to comment on any other wider issues in relation to the Bill that are not mentioned above?

Are you responding as...

a private individual

Hristo Zdravkov
22 August 2013
Delegated Powers and Law Reform Committee

51st Report, 2013 (Session 4)

Marriage and Civil Partnership (Scotland) Bill

Published by the Scottish Parliament on 2 October 2013
Delegated Powers and Law Reform Committee

Remit and membership

Remit:

1. The remit of the Delegated Powers and Law Reform Committee is to consider and report on—
   (a) any—
   (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
   (ii) [deleted]
   (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
   (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
   (c) general questions relating to powers to make subordinate legislation;
   (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
   (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and
   (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.
   (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
   (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

Membership:

Christian Allard
Richard Baker
Nigel Don (Convener)
Mike MacKenzie
Margaret McCulloch
John Scott
Stewart Stevenson (Deputy Convener)
Committee Clerking Team:

Clerk to the Committee
Euan Donald

Assistant Clerk
Elizabeth White

Support Manager
Daren Pratt
Delegated Powers and Law Reform Committee

51st Report, 2013 (Session 4)

Marriage and Civil Partnership (Scotland) Bill

The Committee reports to the Parliament as follows—

1. At its meetings on 3 and 10 September and 1 October 2013 the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Marriage and Civil Partnership (Scotland) Bill at stage 1 ("the Bill")¹. The Committee submits this report to the lead committee for the Bill under Rule 9.6.2 of Standing Orders.

2. The Scottish Government provided the Parliament with a memorandum on the delegated powers provisions in the Bill ("the DPM")².

OVERVIEW OF BILL

3. This Bill was introduced by the Scottish Government on 26 June 2013. The Equal Opportunities Committee is the lead Committee.

4. The Bill makes changes to the law on the solemnisation of marriage and civil partnerships. It makes changes to the law on gender recognition, matrimonial proceedings and other matters as a result of the changes which are made to marriage and civil partnership. The primary change which the Bill makes is to introduce same sex marriage. It does so through amendments to the Marriage (Scotland) Act 1977 ("the 1977 Act"). The Bill also makes provision for the registration of religious civil partnerships and belief civil partnerships by amendment to the Civil Partnership Act 2004 ("the 2004 Act"); but it does not introduce opposite sex civil partnership.

¹ Marriage and Civil Partnership (Scotland) Bill [as introduced] available here: http://www.scottish.parliament.uk/S4_Bills/Marriage%20and%20Civil%20Partnership%20(Scotland)%20Bill/b36s4-introd.pdf

² Marriage and Civil Partnership (Scotland) Bill Delegated Powers Memorandum available here: http://www.scottish.parliament.uk/S4_Bills/Marriage_and_Civil_Partnership_DPM.pdf
5. The Committee considered each of the delegated powers in the Bill.

6. At its first consideration of the Bill, the Committee determined that it did not need to draw the attention of the Parliament to the following delegated powers:

   Section 4(8) & (9) – meaning of marriage and related expressions in enactments & documents

   Section 9(4) & (5) – effect of marriage between civil partners in a qualifying civil partnership

   Section 10(2)(a)(ii) (new section 8(1)(a)(ii) of the 1977 Act) – persons who may solemnise marriage: power to prescribe religious or belief bodies whose celebrants are authorised to solemnise opposite sex marriage

   Section 10(2)(b) (new section 8(1B)(a)(i) of the 1977 Act) – persons who may solemnise marriage: power to prescribe religious or belief bodies whose celebrants are authorised to solemnise same sex marriage

   Section 10(2)(b) (new section 8(1E) of the 1977 Act) – Persons who may solemnise marriage: power in relation to qualifying requirements for bodies to meet before they can be prescribed so their celebrants are authorised to solemnise marriage

   Section 11(2)(e) (new section 9(2A) of the 1977 Act) – Registration of nominated persons as celebrants: power in relation to qualifying requirements for nominating bodies to meet when putting forward persons to the Registrar General to be empowered to solemnise marriage

   Section 12(2)(b) (new section 12(1D) of the 1977 Act) – Temporary authorisation of celebrants: power on qualifying requirements in relation to temporary celebrants

   Section 16(2) – the marriage schedule

   Section 22(13) (new section 94A(1)(a)(i) of the 2004 Act) – Registration of civil partnership: power to prescribe religious or belief bodies whose celebrants are authorised to register civil partnerships

   Section 22(13) (new section 94A(5) of the 2004 Act) – Registration of civil partnership: power to specify qualifying requirements for bodies to meet before they can be prescribed so their celebrants are authorised to register civil partnerships

   Section 22(13) (new section 94B(3) of the 2004 Act) – Registration of civil partnership: power to specify qualifying requirements for nominating bodies to meet when putting forward persons to the Registrar General to be empowered to register civil partnership
Section 22(13) (new section 94E(4) of the 2004 Act) – Registration of civil partnership: power to specify qualifying requirements in relation to temporary authorisations to register civil partnerships

Section 22(15) (new section 95ZA(1) of the 2004 Act) – Registration of civil partnership: prescribed forms requiring delivery of civil partnership schedule

Section 31 – ancillary provision

Section 32(2) – commencement

Schedule 1 paragraph 1(4) (new Schedule 1B paragraph 2 of the Domicile and Matrimonial Proceedings Act 1973) – jurisdiction in proceedings relating to same sex marriages

Schedule 2 paragraph 8 (new paragraph 20A of Schedule 3 to the Gender Recognition Act 2004) – registration: change of gender of married persons or civil partners.

7. The Committee also determined that it did not need to draw the attention of the Parliament to the following powers to issue guidance:

Section 15(2) (new section 3(4C) of the 1977 Act) – power of district registrar to require evidence of nationality: marriage

Section 23 (new section 88(10) of the 2004 Act) – power of district registrar to require evidence of nationality: civil partnership

8. At its meeting on 3 September the Committee agreed to take oral evidence on the Bill from Scottish Government officials.

9. The Committee’s comments and, where appropriate, recommendations on the delegated powers in the Bill which were considered in the oral evidence session on 10 September\(^3\) are detailed below. The first power concerns the proposed administrative procedure for the conversion of civil partnerships to marriage. The remaining powers concern changes to the law on the effect of a change of gender on marriage or civil partnership.

**CONVERTING CIVIL PARTNERSHIP TO MARRIAGE**

**Section 8(1) – change of qualifying civil partnership to marriage**

**Power conferred on:** the Scottish Ministers

**Power exercisable by:** regulations

**Parliamentary procedure:** negative procedure unless textually amending primary legislation when affirmative procedure

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10. Persons who are in a “qualifying” civil partnership are to be able to marry each other by going through a marriage ceremony under the 1977 Act as amended by the Bill. Section 9 sets out the effect of such a marriage. It provides that the civil partnership ends on the date of the marriage and the parties are to be treated as having been married from the date of registration of the civil partnership.

11. Section 8 proposes that there should be an alternative mechanism for converting qualifying civil partnerships to marriage in the form of an administrative process rather than through the full solemnisation of the marriage. It confers power on the Scottish Ministers to make regulations about this procedure. Regulations can include provision about the application process, the information or evidence to be provided in support of an application and can confer functions in relation to applications and charge fees.

12. Before making regulations under this section the Scottish Ministers must consult the Registrar General. The power includes the power to make ancillary provision and to textually amend primary legislation. Where the power is used to amend primary legislation then it is subject to the affirmative procedure. Otherwise it is subject to the negative procedure.

13. The Committee was concerned that section 8(2)(g) allows the Scottish Ministers to make provision about the **effect** of a qualifying civil partnership changing into a marriage through this procedure. Given that the Bill itself sets out the effect of converting to marriage through a marriage ceremony the Committee was unclear why Ministers required power to make provision about the effect of an “administrative conversion” and why it was not the same.

14. The Committee probed what was meant by **effect** in these circumstances. The Scottish Government officials clarified that the effect which could be prescribed was not the effect of being married but the effect of the process of changing from the state of being in a civil partnership to the state of being married.

15. The Committee welcomed this clarification and then sought re-assurance that there would be no difference between the effect of converting a qualifying civil partnership to marriage through a full marriage ceremony or through the proposed administrative route. It also sought an explanation as to why the provisions in section 9 of the Bill could not simply apply regardless of the manner of the conversion.

16. Simon Stockwell, Team Leader, Family Law and Property, Scottish Government responded:

> “In essence, the policy intention is that there should be no difference in effect. It is intended that when changing a civil partnership to a marriage under the administrative route that is established under section 8, the effect will be exactly the same as a marriage ceremony under section 9… there will be no difference. It will not matter whether you marry through an administrative
route or in a ceremony; once you are in the marriage, the effect will be exactly the same.”

17. Given this response and the narrow policy intention the Committee questioned why the power in section 8(2)(g) was drawn so widely. Simon Stockwell explained that the power was drawn widely so as to ensure that Ministers were able to do everything they need to do. He further explained that provision may need to be made for specific circumstances such as the treatment of matrimonial property. The Committee notes from the DPM that it is intended that the power in section 9(4) would be used to deal with such situations in relation to solemnised marriages. But the power in section 9(4) can only disapply or modify the general effect of section 9. So that power is more limited in scope than the power in section 8(2)(g) which is not limited by any connection to section 9; despite that being the stated policy intention.

18. Given that the power in section 8(2)(g) is framed widely enough to permit a different approach to section 9 the Committee queried the justification given for the choice of procedure. Such regulations will be subject to the negative procedure if they do not textually amend primary legislation. The Committee asked whether the affirmative procedure had been considered. Simon Stockwell explained:

“Obviously, we considered the possibility of using the affirmative procedure – we considered all the potential procedures – but we concluded that, on the whole, because the process is reasonably straightforward and is mirrored in provisions in the bill, negative procedure would be appropriate except for when we are amending primary legislation. However, I accept that arguments could be made the other way.”

19. The Committee welcomes the Scottish Government’s assurances that the power in section 8(2)(g) is intended to be used to replicate the provision made by section 9 of the Bill (including any delegated legislation under that section). It notes that the Scottish Government therefore intends that persons converting their civil partnership to marriage through the administrative mechanism will be treated in the same manner as those who go through a marriage ceremony under the 1977 Act.

20. Nevertheless, the Committee’s role is to consider the whole range of powers sought and not just the manner in which the Government of the day intends to use them. Here the Scottish Government is clear as to the policy that is to be achieved. There is no suggestion that the policy requires some inherent flexibility beyond being able to deliver that policy fully and effectively.

21. The Committee considers that in such cases powers should be drawn no more widely than necessary, while taking into account the possibility that additional provision may be required to ensure the proposed regulations work appropriately within the framework of the law on marriage and civil partnership. The Committee is also not clear why section 9 could not simply be applied to any

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procedure established under section 8 if the intention is that there should be no
difference between the effect of either route to marriage.

22. **The Committee therefore invites the Scottish Government to reconsider**
whether the power in section 8(2)(g) is necessary or is broader than required
to deliver the intended policy of replicating the effect of section 9.

23. **If the Scottish Government considers that the power in section 8(2)(g)**
remains necessary then the Committee is of the view that the higher level of
scrutiny afforded by the affirmative procedure is merited given the scope of
the power and the potential for it to make different effect to that contained in
section 9.

EFFECT OF CHANGE OF GENDER ON MARRIAGE OR CIVIL PARTNERSHIP

24. Part 4 of the Bill concerns the effect of a change in the gender of a party to a
Scottish marriage or a Scottish civil partnership. The Gender Recognition Act 2004
sets out how persons may have a change in gender legally recognised. This is a
two stage process. Where an interim gender recognition certificate is issued the
status of the applicant’s gender is not affected but the issue of the certificate
triggers other effects. One such effect is to entitle the holder of the certificate or
their spouse or civil partner to obtain a divorce or to dissolve the civil partnership.
A person’s change in gender is only legally recognised when a full gender
recognition certificate is issued.

25. It is not currently possible for a married person or for a party to a civil
partnership to remain in that legal relationship if they change gender and their
spouse or partner does not. That is because the nature of the relationship would
then be incompatible with the nature of marriage or civil partnership. The Gender
Recognition Act 2004 therefore only allows a full recognition certificate to be
issued to persons who are not in a legal relationship or where both parties to the
relationship change gender at the same time. With the introduction of same sex
marriage the change in gender of one of the parties to a marriage would no longer
be an obstacle to the legal relationship continuing should both parties agree since
a marriage could comprise spouses of the same or opposite gender. Civil partners
could not remain in a civil partnership in such circumstances since they would then
be of opposite genders. However, it would be possible for them to marry, as
indeed it would be as at present.

26. The Scottish Government’s policy is that where only one party to a legally
recognised relationship changes gender the couple should be able to remain in a
legally recognised relationship if they wish to do so. The Bill makes provision for
the possibility of the conversion of civil partnerships to marriage in such
circumstances or for the recognition that a marriage has changed from an opposite
sex marriage to a same sex marriage or vice versa.
Section 28(1) – renewed marriage or civil partnership following issue of full gender recognition certificate

Power conferred on: the Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: negative procedure unless textually amending primary legislation when affirmative procedure

27. Section 28 confers power on the Scottish Ministers to make provision about the solemnisation of a “renewed marriage” or the registration of a “renewed civil partnership” following on from the issue of a full gender recognition certificate to one or both of the parties to a marriage or both parties to a civil partnership. Before making regulations the Scottish Ministers must consult the Registrar General. Section 28(2)(h) allows the Scottish Ministers to make provision about the effect of entering into a renewed marriage or a renewed civil partnership.

28. The regulations may include ancillary provision, may apply the 1977 or the 2004 Acts with or without modifications and can amend any legislation. Unless the regulations amend primary legislation (when they are subject to the affirmative procedure) they are subject to the negative procedure.

29. The Committee was not clear what the effect of a “renewed marriage” or a “renewed civil partnership” was to be. As it appeared that the marriage or civil partnership would continue unaffected the Committee was not clear what any change in effect there would be and therefore why there was a need to make provision about the effect of any change.

30. The Scottish Government confirmed that there was to be no change in effect in these circumstances. As Simon Stockwell explained:

“The legal status is that a couple would be regarded as married or in a civil partnership but would not need to go through the marriage or the civil partnership ceremony to achieve that status. The bill already has a provision that states that when a couple undergo gender recognition, their marriage or civil partnership will continue. The legal effect of section 28 is simply to allow them to have a ceremony to reflect their newly acquired genders; it is not meant to change the legal status of their marriage or civil partnership.”

31. The Scottish Government explained that it was important to provide a means by which persons who change gender can obtain legal recognition of their newly acquired gender within their existing relationship. It was also important not to inadvertently disclose that a person has changed gender through the terms of their marriage or civil partnership certificate.

32. The Committee respects and supports these principles, however it does not accept that the Scottish Government has made out a satisfactory case for the power in section 28(2)(h). By contrast with the similar power in section 8(2)(g) discussed above, as the Government points out there is no change in status.

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Paragraphs 9 and 10 of schedule 2 to the bill already provide for the continuity of a marriage or a civil partnership in such circumstances.

33. It was suggested that when regulations are made under section 28 it may be considered necessary to make express provision for the continuation of the marriage or civil partnership in those circumstances for the avoidance of doubt. If doubt as to the effect is a real possibility then the Committee considers that is a matter of principle which should be addressed directly in the Bill.

34. The question of whether persons should be offered the opportunity to re-register their marriage or civil partnership through the formal route of a ceremony in addition to the administrative mechanism proposed by the power in paragraph 8 of schedule 2 to the bill is a matter of policy for the Parliament and not the Committee. However, it is clear from the Government’s evidence that the ceremony is not intended to have any distinct legal effect. The parties remain in the same legal relationship. This can be distinguished from marriage ceremonies under section 20 of the 1977 Act where persons who have entered into a marriage abroad are treated for the purposes of the new Scottish ceremony “as if they had not already gone through a marriage ceremony with one another”.

35. The Committee therefore is not clear that the need for the power in section 28(2)(h) is justified and invites the Government to reflect on whether it should be removed. If further clarification is required as to the continuation of renewed marriages or renewed civil partnerships then it should be provided in the Bill itself. If amendments to the 1977 or 2004 Act are required to enable those Acts to operate properly then the Committee would be happy to consider those powers further but it remains unclear what further provision about effect is required.

36. If further justification for provision about effect can be given then, in line with its consideration of the power in section 8(2)(g) the Committee considers such a power should be subject to the affirmative procedure.

Schedule 2 (paragraph 6) (new section 5D of the Gender Recognition Act 2004) – change of gender of married person or civil partners: additional circumstances

Power conferred on: the Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure unless textually amending primary legislation when affirmative procedure

Provision

37. As noted above, it is not currently possible for parties to a civil partnership to remain in that partnership where one of them changes gender. Sections 4(2)(c) and 5C of the Gender Recognition Act provide that a full gender recognition certificate can only be issued to a person in a civil partnership where both parties

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qualify for recognition of their change in gender at the same time. This will remain
the position once the Bill is in force.

38. However, the Bill provides a route by which civil partners may stay in a
legally recognised relationship after one of the parties changes gender. If the civil
partners convert their civil partnership to a marriage (either before or after the
issue of an interim gender recognition certificate) then new section 4C of the
Gender Recognition Act provides that a full gender recognition certificate can be
issued to the party changing gender provided their spouse consents to the
marriage continuing.

39. The Scottish Government intends to provide an alternative procedure to such
couples through an administrative route. This is provided in new section 5D of the
Gender Recognition Act 2004 which is inserted by paragraph 6 of schedule 2 to
the Bill. This section confers power on the Scottish Ministers "to provide for the
issue of a full gender recognition certificate in additional circumstances to those
specified in section 4(2)(c) or 5C". The power includes the ability to make provision
about the effect of issuing a full gender recognition certificate to the applicant.
Subsection (4) specifically explains that this can include provision for changing the
civil partnership into a marriage. The power also permits Ministers to modify any
legislation. It is proposed that it is subject to the negative procedure unless it
amends primary legislation when it is subject to the affirmative procedure.

40. The Committee always considers carefully whether the subject matter of
powers is appropriate for subordinate legislation. In relation to new section 5D the
Government explains in the DPM that the more streamlined procedures envisaged
"may be detailed and so it is appropriate for them to be included in an order rather
than on the face of the Bill". The Committee accepts that detailed technical
provisions or administrative procedures are generally suitable for delegation to
subordinate legislation. However, the Committee considers that the power in
section 5D is not just procedural. It permits Ministers to specify when a full gender
recognition certificate can be issued to persons who are in a civil partnership. The
route to that may be procedural but the underlying question of when such a
certificate can be issued is a significant legal issue.

41. The Committee questioned why the power was available to permit the issuing
of a full gender recognition certificate in any "additional circumstances" and
whether examples of what was envisaged could be given. In response the Scottish
Government indicated that:

"We are struggling with that at the moment...What we are wondering with
this power is whether there are simpler ways to allow a civil partner to obtain
gender recognition and change to a marriage at the same time."\(^8\)

42. It was clear from the evidence that the difficulties which the Government is
currently seeking to resolve result from recognition that the desire for a simpler
administrative procedure should not be permitted to undermine the current policy
underpinning the Gender Recognition Act 2004. The Scottish Government is

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considering a number of possible means by which this simpler process could be achieved but has not yet identified its preferred solution.

43. The Committee has concerns as to whether a valid case for the delegation of power in the terms set out in section 5D has been met. The Committee notes that the power only has application to circumstances in which one member of a protected Scottish civil partnership is changing gender and the partners wish to remain in a legally recognised relationship. The circumstances in which the power can be used are therefore very specific. Nevertheless, the power allows the Scottish Ministers to set out additional circumstances in which a full gender recognition certificate can be issued. The intention may be that the circumstances are completion of an administrative process which results in converting the civil partnership to a marriage but the power is not restricted to that alone.

44. The Committee considers that the issue of a full gender recognition certificate is such a sensitive and significant matter that it should be regulated by the Parliament in primary legislation. The Committee notes that this remains the case at present and the Scottish Ministers do not currently have executive power to amend those circumstances. The proposed power is therefore unusual.

45. The Committee questions whether it is appropriate for the Scottish Ministers to be given power to specify any additional circumstances in which a full gender recognition certificate may be issued and would prefer that matter to be set out on the face of the Bill. The Committee therefore recommends that the Government bring forward amendments to address this issue during the passage of the Bill.

46. It may be that a way could be found to allow the Scottish Ministers the flexibility to prescribe the steps involved in the administrative process in subordinate legislation but to enshrine the principle that a full gender recognition certificate can be issued following conversion of civil partnership to marriage through the prescribed administrative process in primary legislation. This may address the Committee’s concerns.

47. The Committee recognises of course that the question of whether the powers sought by Ministers should be granted is a matter for the Parliament as a whole to decide. If the Parliament wishes to proceed on this basis notwithstanding the Committee’s concerns, the Committee recommends that the power should be subject to the affirmative procedure as a minimum level of scrutiny. Given that it was clear from the Scottish Government’s evidence there are a number of possible different options available, the Committee considers that a requirement for consultation on a draft laid before the Parliament would also be appropriate.

48. The Committee notes that as presently drafted the Bill proposes that the affirmative procedure should apply where the exercise of the power in section 5D makes amendment to “primary legislation”. We understand this to mean that the affirmative procedure is to apply where amendments are made either to Acts of Scottish Parliament (“ASPs”) or to Acts of the UK Parliament. However, the current drafting does not achieve this effect since “Act” in the context of the Gender Recognition Act 2004 does not include
ASPs. If the Government is not minded to accept either of the Committee’s recommendations in paragraphs 45 or 47 then the Committee considers that the Government requires to modify paragraph 12 of schedule 2 to the Bill to apply the affirmative procedure to regulations which make amendments to ASPs. The Committee understands that the Government accepts this would be necessary to deliver the policy intention.
Present:

Christian Allard
Mary Fee (Committee Substitute)
Margaret McCulloch
Stewart Stevenson (Deputy Convener)

Nigel Don (Convener)
Mike MacKenzie
John Scott

Apologies were received from Richard Baker.

**Marriage and Civil Partnership (Scotland) Bill:** The Committee took evidence on the Bill at Stage 1 from—

Simon Stockwell, Team Leader, Family and Property Law; Julia McCombie, Policy Officer, Family and Property Law; Francesca Morton, Solicitor, Scottish Government Legal Directorate, Scottish Government.

**Marriage and Civil Partnership (Scotland) Bill (in private):** The Committee considered the evidence it heard earlier in the meeting.
Marriage and Civil Partnership (Scotland) Bill: Stage 1

10:10

The Convener: Agenda item 3 is stage 1 consideration of the Marriage and Civil Partnership (Scotland) Bill, and is an opportunity for members to ask Scottish Government officials questions about it. I welcome to the meeting Simon Stockwell, team leader, and Julia McCombie, policy officer, from the family and property law team; and Francesca Morton, who is a solicitor from the Scottish Government legal directorate. I thank the witnesses for coming along to answer our questions, which we will proceed straight to. The first is from Mary Fee.

Mary Fee: I have a brief question about sections 8 and 9 on the change from a qualifying civil partnership to a marriage. Section 8(2)(g) refers to “the effect of a qualifying civil partnership changing into a marriage in accordance with provision” that is made under section 8(1), and section 9 itself is entitled, “Effect of marriage between civil partners in a qualifying civil partnership”.

What is the difference between the use of “effect” in section 8 and section 9? If section 8 does what section 9 says—or, indeed, vice versa—why have both sections been included?

Simon Stockwell (Scottish Government): In essence, the policy intention is that there should be no difference in effect. It is intended that when changing a civil partnership to a marriage under the administrative route that is established under section 8, the effect will be exactly the same as a marriage ceremony under section 9. Our intention is also that any regulations that will be made under section 8(2)(g) will mirror the provisions in, say, section 9. In other words, the policy intention is, as I have said, that there will be no difference. It will not matter whether you marry through an administrative route or in a ceremony; once you are in the marriage, the effect will be exactly the same.

Mary Fee: That was very helpful.

Mike MacKenzie (Highlands and Islands) (SNP): Good morning. The delegated powers memorandum offers examples of consequential changes that might be required to other legislation to accommodate the change in status or to ensure that obligations remain the same, notwithstanding the change. Can you clarify how you envisage that power being used?
Simon Stockwell: Which paragraph of the delegated powers memorandum are you referring to?

Mike MacKenzie: I understand that a number of examples are given in the memorandum; I am simply asking about your general sense of any consequential changes that might be required.

Simon Stockwell: Given that, in broad terms, the rights and responsibilities of civil partners and those of married couples are very similar, much of the debate around the bill relates to people’s ability to say that they are married instead of being in a civil partnership.

However, although the rights and responsibilities in both instances are generally the same, they differ in respect of, for example, pensions. The fact is that married couples can have greater pension rights than civil partners, and our intention is for same-sex married couples to be treated the same as civil partners in relation to pensions. We might, in due course, need to make provision to achieve that policy intention and ensure that civil partners and same-sex married couples are treated the same for pensions purposes. That might require a contrary provision in the bill; after all, we would normally say that married couples should be treated the same whether they are in same-sex or opposite-sex marriage but—as I have said—there are differences, such as in pensions.

Mike MacKenzie: Are you able to point to legislation that is within the province of the Scottish Parliament with regard to pensions, for instance?

10:15

Simon Stockwell: Most provisions in respect of pensions are reserved to Westminster, but the Scottish Government has some executive devolution in relation to pension schemes for the police, the fire service, local government employees, teachers and another group that I have forgotten. The Scottish Public Pensions Agency also has a role in the administration of some small pension schemes, including those of Scottish Enterprise and Highlands and Islands Enterprise. We might need to make changes in those areas to ensure that same-sex married couples are treated the same as civil partners.

Mike MacKenzie: There appears to be no limit on the power at section 8(2)(g). Can you explain why that power has been drawn so widely?

Simon Stockwell: The power is drawn widely simply to ensure that we can do everything that we need to do. Clearly, we need to reflect the provisions in section 9. For example, in Scotland the financial provision on divorce is based largely on the matrimonial property that a couple has acquired during the marriage. If a couple should divorce after they have changed a civil partnership to a marriage, we would want to ensure that any property that they acquired during the civil partnership also counted when they divorced, otherwise there could be strange results. If, for example, a couple had bought a house during the civil partnership, changed the relationship to a marriage and subsequently divorced, there might be a risk that that property would not count as matrimonial property for the purposes of Scots divorce law. The intention is to ensure that, in such examples, everything that the couple did during the civil partnership also counts towards the marriage.

Mike MacKenzie: Given the apparent breadth of the power, was any consideration given to applying the affirmative procedure?

Simon Stockwell: Yes. Obviously, the affirmative procedure will apply if we are modifying any enactments. If there are changes to primary legislation, the affirmative procedure will apply. Obviously, we considered the possibility of using affirmative procedure—we considered all the potential procedures—but we concluded that, on the whole, because the process is reasonably straightforward and is mirrored in provisions in the bill, negative procedure would be appropriate except for when we were amending primary legislation. However, I accept that arguments could be made the other way.

The Convener: You said that the intention is that the effect of the two arrangements will be the same. However, I still cannot see why you need to have provisions that would explain the effect of a marriage or civil partnership in the first place, because that is surely a state—a relationship—that does not need to have its effects modified.

Simon Stockwell: I have just given an example. If we were just to say that the qualifying civil partnership is a marriage, a question would arise about the matrimonial property regime, for example. Section 9(1)(b) says:

"the civil partners are to be treated as having been married to each other since the date on which the qualifying civil partnership was registered".

That will ensure that the matrimonial property regime covers the period when they were in the qualifying civil partnership. We would want to do something similar in respect of civil partners who change under the administrative route in section 8, in order to ensure that any property that they had acquired in the civil partnership would count if they should divorce later on.

The Convener: So, it would be fair to say that the effects that you want to legislate on are the effects of the change from one state to another,
rather than the state from which they came or the state to which they go, because, surely, the effect of being married is the effect of being married.

Simon Stockwell: Yes, the effect of being married is, indeed, that you are married. However, what does that mean in terms of being in the marriage? When does it date from? Are there other provisions to which we need to make specific reference in order to ensure that a couple is granted full rights and responsibilities?

The Convener: It is about the effect of the transformation from one to the other.

Simon Stockwell: Yes—it is about the effect of becoming married.

The Convener: I am grateful for that clarification.

Margaret McCulloch: Good morning. There are three parts to my question. Can you explain the legal implications of a renewed marriage ceremony or renewed civil partnership ceremony? What status would a renewed marriage or civil partnership have, and are they to be understood as new legal concepts?

Simon Stockwell: The legal status is that a couple would be regarded as married or in a civil partnership, but would not need to go through the marriage or the civil partnership ceremony to achieve that status. The bill already has a provision that states that when a couple undergo gender recognition, their marriage or civil partnership will continue. The legal effect of section 28 is simply to allow them to have a ceremony to reflect their newly acquired genders; it is not meant to change the legal status of their marriage or civil partnership. There would not be any obligation on a couple to undergo a renewed marriage or civil partnership ceremony; it is one option that would be open to them, if they wished to take it up, after they had acquired gender recognition.

To an extent, we are borrowing from provisions that are already in place in the Marriage (Scotland) Act 1977. From memory, I think that section 20 of that act allows a couple who married overseas, but whose marriage is of doubtful validity, to have a second marriage ceremony in Scotland.

The situation that we are discussing is not quite the same; we are saying that the couple will continue in their marriage or civil partnership. However, we are borrowing the broad concept that they could, if they wanted to, have a second ceremony in Scotland to reflect their acquired genders. Their status would be that they would simply continue to be married or in the civil partnership, as they would have been before they entered into the renewed marriage or civil partnership. Their status would not change.

That is one way of enabling a couple to get a revised marriage or civil partnership certificate that reflects their newly acquired gender. Obviously, they would have married or entered into the civil partnership in their previous genders. The new provision will allow them to have a marriage or civil partnership certificate that reflects their acquired genders.

One of the key things that we are trying to do in the bill generally in respect of transgender people is to avoid outing them inadvertently. With the provision and other provisions in the bill, we are trying to ensure that any certificates that a couple has are as close as possible to other certificates that are held by married people or people in civil partnerships, in order to avoid outing transgender people as trans.

John Scott (Ayr) (Con): We are interested to know about the power at section 28(2)(h) to make provision “about the effect of entering into a renewed marriage or ... partnership.”

Can you explain—perhaps you already have; I am not entirely sure—to the committee the intention behind that power? What sort of provision will it be used to make?

Simon Stockwell: The intention was to address any requirement to make provision for the effect of having a renewed marriage or civil partnership. That was the sort of area that we were looking at. We have continued with key stakeholders to discuss use of section 28. At the moment, our thinking is that we might not need to use section 28(2)(h) because—as I said earlier—the effect of a couple’s entering into a renewed marriage or civil partnership will be that they will continue in their marriage or civil partnership. We might need to say that in regulations, if we make any, for the avoidance of doubt.

I do not think that we need to make specific provision beyond that, in terms of the effect of entering into a renewed marriage or civil partnership, because the effect in practice will be that the couple would simply continue in their current relationship.

John Scott: Is it envisaged that the power in section 28(2)(h) might alter a person’s legal status?

Simon Stockwell: We do not intend to alter people’s legal status. Once a person has acquired their full gender recognition certificate from the gender recognition panel, they will be legally recognised in their acquired gender and can then have a renewed marriage or civil partnership. We would not be changing their legal status by any provision made under that power.
John Scott: Given the potential significance of the power, was consideration given to applying the affirmative procedure at all times and not just when the primary legislation is to be modified?

Simon Stockwell: Yes—we considered the possibility of applying the affirmative procedure but, in general terms, the provision is mainly about the ceremony that people will need to go through for a renewed marriage or civil partnership. Traditionally, where the issue just relates to the ceremony that a couple has to go through, such changes would be subject to the negative procedure. I understand, however, that the committee might take a different view. I made the same point in response to Mr MacKenzie’s question.

John Scott: Was consideration given to providing in the bill detail on, or clarification of, the status of a renewed marriage or renewed civil partnership?

Simon Stockwell: We did not necessarily consider doing that in the bill. We have tried to provide explanatory material in the delegated powers memorandum. In broad terms, what we are doing in this respect is similar to what we are doing elsewhere in the bill in relation to changing civil partnerships to marriages. There are two routes for that—an administrative route and a ceremony route. In this case, the couple are not changing and are staying in their relationship, but it is a similar concept in that, again, there will be two routes for recognising their acquired gender. They can either have a renewed marriage or civil partnership ceremony to reflect their acquired gender, or there is provision elsewhere in the bill so that changes can be made to marriage and civil partnership certificates through the administrative route. We follow a similar concept throughout the bill. The circumstances vary, but the concept is the same.

John Scott: It is pretty fundamental.

Simon Stockwell: I accept that any provision that has the effect of changing somebody’s legal status would be fundamental. Yes.

John Scott: You argue, however, that the provision will not change their legal status, and that is your justification for not putting it in the bill.

Simon Stockwell: Yes. There is no intention here to change people’s legal status. Other provisions in the bill allow people to change a civil partnership to a marriage and there are provisions in respect of gender recognition that go into considerable detail on how a couple can acquire a full gender recognition certificate and stay in the marriage or civil partnership. Those are pretty fundamental principles in the bill. Gender recognition is a major feature in the bill because it is very important for the number of people whom it affects.

We have quite a lot of detail elsewhere in the bill on those issues; I am not sure that we would necessarily accept that we need more. There is already quite a lot of detail on what the regulations provide for.

John Scott: Many thanks.

The Convener: I would like to pursue John Scott’s point a little. It is just possible to look at all the detail, all the transformations and all the options and to draw the conclusion that, because there will be different ways of doing things, there will be different states. If there are actually only two—or arguably three, if we include being single—why do we not just say so? Why do we not make it clear in the bill that there are only those states and that, regardless of how people get between one and the other, they are the same? I just wonder whether it might be worth saying that.

Simon Stockwell: That would have been an alternative approach. It depends, obviously, on our view of how best to do it. As I said to Mr Scott, in general, for such changes, we have provided two routes—the administrative route and the ceremony route—and provision is made within sections of the bill to reflect that.

However, on the high-level policy, I am happy to say that we will not have different types of civil partners or marriages, depending on what route they have gone through. The message is that, once people are married, they are married. In that respect, it is similar to what happens with marriage ceremonies. People can have a religious ceremony or a civil ceremony, but once they are in the marriage, they are married. It does not matter how they got there. It will be the same in this case.

The Convener: Right. Our last set of questions comes from Stewart Stevenson.

Stewart Stevenson (Banffshire and Buchan Coast) (SNP): My questions are on changes to the Gender Recognition Act 2004, and particularly on paragraph 6 of schedule 2 to the bill, which inserts new section 5D into the 2004 act. First, what circumstances are covered by the phrase “additional circumstances”? It might not be possible to give a definitive and complete list, but some examples might be of modest help.

10:30

Simon Stockwell: Yes, Mr Stevenson. We are struggling with that at the moment. Currently, the bill includes a couple of ways in which a civil partner can obtain gender recognition and change the relationship to a marriage.
Civil partners who are undergoing gender recognition need to change their relationship to a marriage, because we are not introducing opposite-sex civil partnerships. The exception to that is if both civil partners change gender at the same time. They can stay in their relationship because they are staying in a same-sex relationship.

Stewart Stevenson: I will pick up on that immediately. They can stay in their civil partnership as distinct from their relationship.

Simon Stockwell: Yes, indeed. That is quite right.

Stewart Stevenson: "Relationship" is an informal word that you are accidentally using.

Simon Stockwell: That is quite right. They could stay in a relationship even if they did not stay in a civil partnership.

What we are wondering with this power is whether there are simpler ways to allow a civil partner to obtain gender recognition and change to a marriage at the same time. The consultation paper set out one option, which was that a civil partner would apply to the gender recognition panel for gender recognition, obtain an interim gender recognition certificate in the normal way, use that certificate to get married, and thus have the change to the marriage status there and then. They would use the interim gender recognition certificate, which would show their acquired gender rather than their previous gender. There are arguments against that, the most pressing of which is whether it would give an additional status to interim gender recognition certificates that we would not want to give them. However, that is one potential use of the power.

A variation on that is to allow the couple to get married with the acquired gender after they have received the full gender recognition certificate, but that certificate would not be signed off formally until they got married. There is an argument against that as well, as it raises questions about the nature of the full gender recognition certificate.

We are going through similar options, but the aim of the power is really to see whether we can devise a procedure that would enable somebody in a civil partnership to obtain gender recognition and change to marriage in fewer steps than the current number, given that we are not introducing opposite-sex civil partnerships.

Stewart Stevenson: That leads neatly to my next question. Given that the complications that we are struggling with seem to derive from the impermissibility under the legislation for people who become of opposite gender to remain civil partners, was there a drafting or legal difficulty that inhibited the provision in the bill or elsewhere of civil partnerships of people of opposite genders, or was that a policy decision?

Simon Stockwell: Obviously, the policy is that the bill is not introducing opposite-sex civil partnerships. The cabinet secretary has announced a review of civil partnerships, in which that option and other options in relation to civil partnerships will clearly be looked at. Given that that is the general policy in relation to opposite-sex civil partnerships, we would not want a situation in which a person in a civil partnership could somehow claim to be in an opposite-sex civil partnership. The provisions reflect the fact that there is currently no intention of introducing opposite-sex civil partnerships.

Stewart Stevenson: For clarity, Mr Stockwell, you are not suggesting as an official that you would be unable to provide in a reasonable way for legislation that allowed civil partners to be of opposite genders. In other words, at this stage, the issue is purely a policy issue rather than an issue that lies with practical difficulties.

Simon Stockwell: In my experience, Mr Stevenson, parliamentary draftsmen can do anything, so if the policy was that we wanted to introduce opposite-sex civil partnerships, I am sure that they could produce provisions within the usual timescale. It is a matter of policy that we are not introducing opposite-sex civil partnerships, rather than a matter of drafting or law.

Stewart Stevenson: Right. That is helpful.

John Scott: My question is about that issue. As it is a matter of policy, I am not sure that we can stray into it, although the convener said earlier that he would not be too sore on those of us who strayed into such questions.

Simon Stockwell: I am happy to answer your question, Mr Scott.

John Scott: By not introducing opposite-sex civil partnerships, are you in some way disadvantaging those of opposite sex who wish to enter into civil partnerships?

The Convener: That is quite clearly a policy decision. To be fair to Mr Stockwell, I do not think that he is required to answer that question in the context of this committee. We might well find that he will be required to answer it in another committee, but it is not an issue for us. My point was that we need to understand the policy if we are to understand the detail of the questions that we have before us.

Simon Stockwell: The simple answer is that the cabinet secretary has announced that there will be a review of civil partnerships that will look at them in the round, whether it be opposite-sex civil partnerships, stopping new entrants into civil partnerships or any other variation in relation to
partnerships. That is the simple answer to the question.

Stewart Stevenson: Has the cabinet secretary given a timetable for the review? In particular, is there an expectation that the review could be completed prior to the deadline for lodging stage 3 amendments for the bill?

Simon Stockwell: No, it will not be completed by then.

Stewart Stevenson: We already know that it will not be.

Simon Stockwell: It will not be. That is not the intention. We have begun the process and the cabinet secretary has written to ask the other party spokespersons for their views on the terms of remit of the review. We intend to publish the terms of remit fairly soon, but the bulk of the work during the next six months will concentrate on this bill, and the review will start in earnest once the bill has been passed.

Stewart Stevenson: Thank you.

The Convener: Thank you. As there are no further questions, I think that that is it. I thank the witnesses for their time.

Simon Stockwell: Very grateful, Mr Don.

The Convener: The committee will suspend for a couple of minutes to allow people to draw breath.

10:36

Meeting suspended.
WRITTEN SUBMISSIONS TO FINANCE COMMITTEE

East Ayrshire Council
Glasgow City Council
National Records of Scotland
Scottish Borders Council
South Lanarkshire Council
Stirling Council
West Dunbartonshire Council
Please note that in respect of the above noted, and having reviewed the content of
the memorandum I do not have any concerns over the financial aspects of the Bill in
relation to this Council.

Craig McArthur
Head of Finance
East Ayrshire Council
Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?

1. A response was submitted in March.

If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?

2. In preparation for the proposed change we have a transitional arrangement in place where by existing Licences are renewed with a nil fee, Grant (New) Applications still pay the fee.

3. The fee charged is a very small part of the overall income to the Licensing Service and a very small part of the Council’s overall income.

4. Changes proposed through the Bill would require additional training for Registrars but advice and guidance would be available from the National Records of Scotland so we do not foresee any additional costs to the council.

5. Once the change has been implemented then it would allow Registrars to be on an equal footing to other ceremony officiates. It would mean therefore that Registrars would be able to conduct ceremonies at a wider range of venues than those currently on offer.
Consultation
Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?
1. NRS officials work closely with Scottish Government colleagues leading on the Bill and contributed to the drafting of the consultation papers.

Do you believe your comments on the financial assumptions have been accurately reflected in the FM?
2. Yes, NRS provided estimates of the likely financial impact in the relevant areas concerning NRS interests.

Did you have sufficient time to contribute to the consultation exercise?
3. No additional contribution was necessary because we had the opportunity to contribute in the drafting of the consultation paper itself.

Costs
If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?
4. Yes, NRS provided the estimated costs totalling £200k

Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?
5. Yes.

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?
6. Yes, NRS estimates that the costs can be met from existing resources.

Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?
7. Yes.

Wider Issues
Do you believe that the FM reasonably captures costs associated with the Bill? If not, which other costs might be incurred and by whom?
8. Yes.
Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

9. Yes, there will be future costs associated with the provisions contained in section 8 of the Bill, should a new administrative procedure be introduced that would allow parties to a qualifying civil partnership to change their civil partnership to a marriage. Work is underway to establish how such a procedure might work, but it is not possible to predict any associated costs at this early stage.
FINANCE COMMITTEE
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL FINANCIAL MEMORANDUM

SUBMISSION FROM SCOTTISH BORDERS COUNCIL

Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?
1. We did not participate in the earlier consultation as we had no objections or concerns relating to the proposals.

Do you believe your comments on the financial assumptions have been accurately reflected in the FM?
2. N/A

Did you have sufficient time to contribute to the consultation exercise?
3. Timescales offered to digest and respond to the consultation were indeed sufficient.

Costs
If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?
4. Any financial implications within Scottish Borders Council relating to these changes within the Civil Partnerships and Marriage Bill have been accurately reflected within the FM.

Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?
5. Estimated costs set out in the FM do appear to cover all aspects.

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?
6. Legal and Democratic Services confirm there will be no structure change with the loss of income which currently stands around £3k per annum. They will adjust general budget pressures and being a small authority there is a core staff requirement which will not reduce as a result of this change.

Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?
7. Due to the nature of the change there is no previous example available to accurately estimate costs and does show levels of uncertainty accurately.
Wider Issues

Do you believe that the FM reasonably captures costs associated with the Bill? If not, which other costs might be incurred and by whom?

8. It would be useful to have more information available regarding the management and responsibility of administering the changes for registered Civil Partnerships changing to a religious version. There is no clear direction if this will be handled by the Local Authority or National Records of Scotland.

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these?

9. No.
FINANCE COMMITTEE

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL FINANCIAL MEMORANDUM

SUBMISSION FROM SOUTH LANARKSHIRE COUNCIL

Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?
1. Yes, we did. No, we did not comment on the financial assumptions. Due to the limited number of approvals and temporary approvals issued, the financial impact on the Council will be less than £5,000 per annum. However, it should be noted that with ‘celebrants’ being extended to include ‘belief’ organisations this could also result in a reduction of income from ‘ceremonies’.

Do you believe your comments on the financial assumptions have been accurately reflected in the FM?
2. Only in respect of the removal of ‘approvals’.

Did you have sufficient time to contribute to the consultation exercise?
3. Yes

Costs

If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?
4. Yes, but on the assumption that there will be no costs associated with any necessary upgrades to the ‘FER’ system

Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?
5. We cannot comment for other Local Authorities. In respect of South Lanarkshire impact will be as above

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?
6. With the abolition of Civil Marriage Approvals and the extension of venues where marriages can take place the registrar will still have to carry out some kind of Health and Safety inspection to ensure that the premises/venues are suitable. A charge will require to be made for such a visit. This would not apply to premises which are already licensed under different legislation, eg hotels. This will go some way to recouping the stated loss of income.

7. If the ‘FER’ system needs upgraded to reflect the changes in legislation it is presumed that this cost will, as is usually the case, be met by National Records of Scotland.
8. There could be a further impact on income derived from ‘ceremonies’ due to the effect of permitting representatives from ‘belief’ organisations to carry out ceremonies.

Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

9. With the exception of responses to question 1 and 6 would appear to reflect costs affecting South Lanarkshire Council. However, there could be hidden IT costs due to any potential FER upgrades.

Wider Issues
Do you believe that the FM reasonable captures costs associated with the Bill? If not, which other costs might be incurred and by whom?

10. See response to Q6 above.

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

11. Not known at this time.
Consultation

Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?

1. I passed on my comments regarding this Bill but not in respect of the financial assumptions made.

Do you believe your comments on the financial assumptions have been accurately reflected in the FM?

2. N/A

Did you have sufficient time to contribute to the consultation exercise?

3. Yes

Costs

If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?

4. Possibly, however I’m not sure the following has been taken into account:

   The additional cost of a license has often put off potential wedding parties from having a civil marriage and they tend to book a Humanist Celebrant instead. As well as this, several venues within our local authority area refuse to purchase a license for civil ceremonies and encourage their wedding parties to book a Humanist Celebrant instead, as they regard this as still offering a ‘non religious’ ceremony without the added expense of a license. Given this information, as well as the saving made by staff being relieved of carrying out a licensing function, I am hopeful that the abolition of the licensing fees will result in an increase in civil ceremonies, therefore helping to maintain the fees received by Local Authorities.

Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?

5. As far as I’m able to comment, they appear to be a reasonable estimate.

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?

6. As far as I’m able to comment, I am content that any costs our organisation incurs with the Bill can met.
Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?

7. I am unable to comment

Wider Issues
Do you believe that the FM reasonably captures costs associated with the Bill? If not, which other costs might be incurred and by whom?

8. Purely from a Local Authority point of view, I believe the FM reasonably captures costs associated with the Bill. I am unable to comment on Scottish Government or NRS costs.

Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

9. As with any changes, we should always be prepared for costs that may not have been anticipated.
Did you take part in either of the Scottish Government consultation exercises which preceded the Bill and, if so, did you comment on the financial assumptions made?
1. No

Do you believe your comments on the financial assumptions have been accurately reflected in the FM?
2. Not applicable

Did you have sufficient time to contribute to the consultation exercise?
3. Yes

Costs
If the Bill has any financial implications for your organisation, do you believe that these have been accurately reflected in the FM? If not, please provide details?
4. Yes

Do you consider that the estimated costs and savings set out in the FM and projected over 15 years for each service are reasonable and accurate?
5. This seems a reasonable estimate but given the number of variables which are likely to impact on these figures it is impossible to comment on their accuracy without further detailed analysis."

If relevant, are you content that your organisation can meet the financial costs associated with the Bill which your organisation will incur? If not, how do you think these costs should be met?
6. Yes

Does the FM accurately reflect the margins of uncertainty associated with the estimates and the timescales over which such costs would be expected to arise?
7. It is a reasonable attempt at doing so, however the "pent-up" demand may be significantly higher than anticipated.

Wider Issues
Do you believe that the FM reasonably captures costs associated with the Bill? If not, which other costs might be incurred and by whom?
8. Yes
Do you believe that there may be future costs associated with the Bill, for example through subordinate legislation? If so, is it possible to quantify these costs?

9. These may be but difficult to calculate until any such future legislation is drafted.

10. One further specific comment would be that the statutory fee for same sex marriage and for the transfer an existing civil partnership to a same sex marriage should be the same as the statutory marriage fee.
Marriage and Civil Partnership (Scotland) Bill: The Cabinet Secretary for Health and Wellbeing (Alex Neil) moved S4M-08327—That the Parliament agrees to the general principles of the Marriage and Civil Partnership (Scotland) Bill.

After debate, the motion was agreed to ((DT) by division: For 98, Against 15, Abstentions 5).
Marriage and Civil Partnership (Scotland) Bill: Stage 1

The Presiding Officer (Tricia Marwick): The next item of business is a debate on motion S4M-08327, in the name of Alex Neil, on the Marriage and Civil Partnership (Scotland) Bill.

16:58

The Cabinet Secretary for Health and Wellbeing (Alex Neil): The Marriage and Civil Partnership (Scotland) Bill will make a number of changes to the law on marriage and civil partnership, but the centrepiece is obviously the legalisation of same-sex marriage, which will allow all people in Scotland who love each other the same opportunity to have their marriage recognised in the eyes of the law. That will create a more tolerant society in Scotland and will mean that there are genuine equal rights in respect of marriage across the entire community.

The bill provides that married transgender people will be able to obtain gender recognition and stay married, thereby removing the need to divorce. That provision will make a huge beneficial difference to the lives of transgender people and their spouses. I will turn later to the detail of the bill and, in particular, to the points that the Equal Opportunities Committee’s report raises.

Before doing so, I will give a brief general overview of the provisions in the bill. The bill contains a number of changes to marriage law that have been planned for some time, and some other changes to ensure that marriage ceremonies in Scotland continue to be carried out with due solemnity and dignity.

The bill also provides greater flexibility on where civil marriage ceremonies can take place; it will permit civil marriage ceremonies to take place at any location that is agreed between the couple and the registration authority, as long as that place is not religious premises.

The bill also clarifies the position of belief celebrants and puts them on the same footing as religious celebrants. That is a welcome change that acknowledges the role that humanists, for example, play in solemnising marriage in Scotland.

The bill will increase flexibility in relation to civil partnerships and will allow the religious or belief registration of civil partnership where the religious or belief body is happy to take part.

While providing greater freedom and flexibility for couples generally, the bill will also ensure that marriage procedures in Scotland remain rigorous. For example, the bill clarifies the offence of
bigamy, and a number of other provisions in the bill show that we in Scotland will not tolerate sham or forced marriages, which are real problems in Scotland today, so I pay tribute to registrars and others across Scotland who are vigilant in tackling those issues.

The bill will extend the normal notice period for marriage and for civil partnership from 14 days to 28 days. That reflects the reality of the length of time it can take to check that a person is eligible to marry or to enter into a civil partnership. It will also be a deterrent to sham marriages. The bill will allow district registrars to require specified nationality evidence when a couple is seeking to enter into a marriage or a civil partnership. Such information may be needed for a variety of reasons, for example for statistical reasons. Again, requiring such evidence could combat sham and forced marriages.

The bill will also empower ministers to make regulations on qualifying requirements for religious and belief bodies to meet before their celebrants can be authorised to solemnise marriages or to register civil partnerships. Scotland has a rich diversity of religious and belief bodies that can solemnise marriage. That is very welcome, but it also means that we need to make certain that the dignity and solemnity of the ceremonies are upheld. The qualifying requirements could cover such issues as the requirement not to carry out ceremonies for profit or gain and the requirement to have an awareness of forced and sham marriages.

We will consult widely with religious and belief bodies and with others before we make any regulations. I know that religious and belief bodies share our determination to ensure that marriage ceremonies remain dignified. Equally, though, the state must not interfere with the internal workings of religious and belief bodies, so we need to ensure that a reasonable balance is struck.

Chic Brodie (South Scotland) (SNP): What provisions are there in the bill to avoid situations in extremis that may occur when one party challenges the other, which could possibly force action that is contrary to article 9 of the European convention on human rights?

Alex Neil: I will go into detail on such issues later when I discuss the recommendations from the Equal Opportunities Committee.

I have already referred to same-sex marriage. Respect for religious beliefs and views has also been at the heart of our work on same-sex marriage and we have consulted twice. We have not consulted more on any bill that has passed through Parliament than we have consulted on this measure.

There has also, of course, been detailed examination of the bill at stage 1 by the Equal Opportunities Committee, led initially by Mary Fee and now by Margaret McCulloch.

Alex Johnstone (North East Scotland) (Con): Can the minister clarify at this point exactly how he intends to deal with the issue of the 4,100 consultation submissions that were—through no fault of his—apparently lost?

Alex Neil: We have found the submissions and we will put them on the website. As Alex Johnstone said, they were not lost through any fault of the Scottish Government. There was a technical hitch on the part of the people who submitted those 4,100 submissions.

I know that the detailed examination of the bill by the Equal Opportunities Committee has been challenging, so I pay tribute to all the members of the committee—in particular Margaret McCulloch and Mary Fee, who have been the two conveners of the committee during that period.

Throughout the consultations and the stage 1 process, the Government has acknowledged the diversity and strength of religious beliefs. In the foreword to the first consultation, my predecessor Nicola Sturgeon emphasised that "This Government believes in religious tolerance and the freedom to worship."

We recognise—although we disagree with them—that some people of faith sincerely believe that marriage should be between, and only between, one man and one woman. There is a vigorous and respectful debate on same-sex marriage in many religious bodies, as there is across society and in Parliament. Some religious and belief bodies wish to solemnise same-sex marriage, and the bill provides a balanced and fair package.

Richard Lyle (Central Scotland) (SNP): As the cabinet secretary knows, my wife and I adopted our daughter some 30 years ago. Would he agree with me that because my wife and I do not support same-sex marriage we would not be allowed to adopt today, or that questions would be asked of our suitability to adopt or even to foster? Where are the equal rights of people like us?

Alex Neil: Believing in or opposing same-sex marriage is in itself no barrier to adoption. I am happy to write to Richard Lyle to clarify the law on adoption in relation to same-sex marriage.

Murdo Fraser (Mid Scotland and Fife) (Con): The cabinet secretary will know that a Roman Catholic adoption agency is currently having its charitable status threatened because it does not recognise same-sex couples. What guarantees can he give us that, if the bill is passed, faith groups and service providers that do not recognise
same-sex marriage will not, similarly, have their charitable status in any way questioned?

Alex Neil: That matter is currently under legal appeal. Therefore, it would be inappropriate for me to comment on that particular example. I am happy to clarify such matters more generally, either during tonight’s debate or by writing to Murdo Fraser.

The bill establishes an opt-in system for religious and belief bodies in relation to same-sex marriage and civil partnerships, and makes it clear that there is no duty to opt in. The bill will impose no duty on any person who is an approved celebrant to solemnise same-sex marriages or to register civil partnerships. In addition, the United Kingdom Equality Act 2010 will be amended to protect individual celebrants who refuse to solemnise same-sex marriage from court actions claiming discrimination. Same-sex marriage will not be introduced in Scotland until the amendment to the 2010 act has been secured—as I believe it will be. We have reached agreement with the UK Government about the amendment to the Equality Act 2010, and we have published a detailed statement on what is planned.

As we have indicated, the amendments that will be made will also cover other persons who play an integral part in the religious or belief aspects of the marriage or civil partnership ceremony. They will protect persons who control use of religious or belief premises and who refuse to allow those premises to be used for same-sex marriage or civil partnership ceremonies.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): At present, the state dictates what the position of each religious denomination should be on the matter: it explicitly does not allow them to marry people of the same sex who wish to enter into a marriage. Does the cabinet secretary agree with me that the Government’s approach is to empower religions to make a decision and that, in that sense, it is about the freedom of religion?

Alex Neil: Absolutely; a number of religious organisations and churches are very much in favour of the proposed legislation—the Quakers being a good example. Until now, they have not been allowed to carry out same-sex marriages, and they want to be allowed to do so.

We have carefully considered the need for wider protections across society as a whole. The issues are challenging ones, and we have to respect religious beliefs while ensuring that there is no discrimination against lesbian, gay, bisexual and transgender communities or individuals.

We need to avoid interfering with the employer-employee relationship. We need to balance parental rights in areas such as education with the right of the child to receive a full and comprehensive education. Therefore, the protections that we are introducing more generally are a mixture of legislation and guidance.

The bill has provision at section 14 that makes it clear that the introduction of same-sex marriage will have no impact on existing rights to freedom of speech, thought, conscience and religion. In addition, the Lord Advocate has issued prosecution guidance that makes it clear that “criticism of same sex marriage or homosexuality is not in itself an offence”, and that “Views expressed or comments made in relation to same sex marriage in ways which do not incite hatred or violence towards a particular person or group” of people “and which do not cause or intend to cause public disorder will not be the subject of criminal prosecution.”

Moreover, the vigorous debate on same-sex marriage during our consultations and while the bill has been with Parliament shows that freedom of speech is very much alive and well.

John Mason (Glasgow Shettleston) (SNP): Does the cabinet secretary agree with the Queen’s counsel who told the Equal Opportunities Committee that legally the guidance will have no binding effect?

Alex Neil: I do not agree at all. The guidance is from the chief prosecutor to every prosecutor in Scotland. In my view, to say that it will have no impact is absolute nonsense. Of course it will have an impact—it says what will and will not be prosecuted in Scotland. I think that that is the right approach.

With regard to education, after seeking views on updating the guidance on the conduct of relationships, sexual health and parenthood education, we have received around 60 responses and are currently considering the points that have been made by those who have commented on the draft guidance. We have said that, where teachers have concerns about educational material that they might be asked to use, they should raise those concerns with the school or the local authority. We believe that to be the right local approach; after all, such detailed issues are best discussed and resolved at local level, rather than being dealt with through our trying to dictate from the centre. There is also existing guidance reflecting the professional standards that teachers have to meet when giving classes. Similarly, we have indicated that we are opposed to a legislative opt-out from same-sex marriage for civil registrars, and that any issues or concerns should be dealt with at local level by employers.

Turning to the Equal Opportunities Committee’s stage 1 report, I note that the committee has
asked us to take account of stakeholders’ views on matters such as protection of celebrants. We will, of course, do that. That we have kept an open mind throughout the bill process is, I believe, shown by the balanced package that we have put forward.

As for the committee’s other recommendations, we will consider the point about the distinctions between religious marriage and belief marriage. As the committee noted, we considered those points following the second consultation, but coming up with designations that please everyone is not a straightforward matter. The committee has suggested that couples in a non-Scottish civil partnership should be able to change their relationship to a marriage in Scotland. Although we need to respect non-Scottish jurisdictions as well as to ensure that we do not cause confusion with regard to a couple’s civil status, we will consider in detail the point that the committee has raised.

We have also written to a number of religious bodies to seek their views on a change to gender-neutral marriage ceremonies. However, we have concerns about the committee’s recommendation on spousal consent. It is spousal consent to decide to stay in a marriage—and it takes two to stay in a marriage. As the committee has noted; 

“spouses of people seeking gender recognition may find themselves in circumstances that are very difficult to face”.

That said, we will consider the point further with the aim of balancing everyone’s rights.

On long-term transitioned people, we will seek to lodge an amendment at stage 2 to introduce provisions similar to those that were added to the UK legislation in the House of Lords. Finally, we will respond in detail with regard to lowering the age at which applications can be made to the gender recognition panel. We need more medical and psychological evidence of the potential effect of any possible change, but I recognise the points that were made in evidence to the committee and acknowledge the need for the Government to give further thought to the issue.

In conclusion, I strongly urge my fellow MSPs to vote for a bill that will make sensible improvements to marriage and civil partnership law, that provides greater flexibility for couples who are seeking to get married or enter into a civil partnership, and which will introduce same-sex marriage, which will further promote equality and diversity in our society while respecting the views of those who do not wish to take part.

I believe that the bill’s provisions will improve our society in Scotland and make it much more civilised in its treatment of LGBT people. I look forward to the debate and ask my colleagues to support the bill’s general principles at the vote at 8 pm tonight. [Applause.]

I move,

That the Parliament agrees to the general principles of the Marriage and Civil Partnership (Scotland) Bill.

The Presiding Officer: I remind people in the gallery not to applaud.

17:15

Margaret McCulloch (Central Scotland) (Lab): I welcome the opportunity to speak on behalf of the Equal Opportunities Committee, following our stage 1 report on the Marriage and Civil Partnership (Scotland) Bill.

Before I introduce the report and speak about our conclusions, I extend my thanks to the clerks, all my committee colleagues and the members of the other committees that considered the bill—the Finance Committee and the Delegated Powers and Law Reform Committee. I also thank everyone who responded to our call for written evidence and all those who took part in oral evidence sessions in September and October. All of us on the committee recognise the validity, strength and sincerity of the views that we received on this clearly emotive issue. I am personally grateful for the sensitive and respectful way in which those views were presented by witnesses and then considered by committee members. I hope that the wider debate about same-sex marriage will proceed in the same dignified way.

The committee noted the differing views that were expressed in evidence on the meaning and purpose of marriage. We considered evidence from faith groups and from LGBT people on the perceptions and understanding of marriage, and we heard from a number of witnesses about rights-based arguments and social attitudes.

Margaret Mitchell (Central Scotland) (Con): Will Margaret McCulloch give way?

Margaret McCulloch: No—I do not have time. I have a lot to get through on the report.

Some witnesses emphasised the concept of complementarity between men and women. The Catholic parliamentary office, on behalf of the Bishops Conference of Scotland, wrote:

“The complementarity of male and female, and their unique role in the transmission of life, underscores the reality of marriage as a natural social environment for the birth and growth of every person.”

John Deighan, from the Catholic parliamentary office, described complementarity as the “inherent essence” of and “rational basis” for marriage. However, John Phillips, who was representing the
Religious Society of Friends—the Quakers—gave a different perspective. He said:

“For us, the crucial thing is the complementarity between two individuals who are making a committed relationship with each other.”—[Official Report, Equal Opportunities Committee, 5 September 2013; c 1382.]

Tim Hopkins, from the Equality Network, said:

“Our view is that the bill is about love—and marriage is about love. I think if you ask most married couples what their marriage is about they will say that it is about love, a commitment to each other and, if they have children, their family. All those things apply to same-sex couples, as well.”—[Official Report, Equal Opportunities Committee, 5 September 2013; c 1382.]

Colin Macfarlane, from Stonewall Scotland, says that the bill is

“about much more than the complementarity issue”

and that it is

“about how gay people are viewed in society and about being equal in the eyes of the law.”—[Official Report, Equal Opportunities Committee, 5 September; c 1382.]

Indeed, we gave a great deal of consideration to equal recognition, human rights and public attitudes. Dr Kelly Kollman highlighted to us the "transformative" power of rights-based arguments in the debate.

I am aware that many of the responses to the Scottish Government’s consultation did not favour the bill. That point was made to the committee in written and oral evidence from John Deighan. However, Ross Wright from the Humanist Society Scotland commented that a consultation "not a referendum". Professor John Curtice, from the University of Strathclyde, advised that we

"should not look to consultations as a way of understanding the balance of public opinion”,

but that we should instead look to

"the structure of public opinion"—[Official Report, Equal Opportunities Committee, 19 September; c 1516.]

and technical issues with bills and proposals. There was a huge amount of diversity as well as depth in the views that we received, so I hope that the whole range of opinions is adequately reflected in the report.

The committee also noted varying views among stakeholders on the approach that the bill takes to protecting celebrants of faith, as well as the freedom of religious organisations to conduct legal marriages that are in keeping with their own doctrines. We heard differing views on the opt-in approach for religious and belief celebrants, on protections for service providers and on concerns about attrition. In our report, we asked the Scottish Government to consider that range of views during the amending stages of the bill.

Under the Marriage (Scotland) Act 1977, there are two types of marriage ceremony: civil and religious. Since 2005, humanist celebrants have been authorised under a provision of the 1997 act that was designed for temporary authorisation of religious celebrants. The bill would retain two categories, but would redefine non-civil marriage ceremonies as "religious or belief" ceremonies, to capture a wider range of beliefs and to put religious and belief celebrants on the same legal footing.

Ephraim Borowski of the Scottish Council of Jewish Communities considers that there is a distinction between religious and belief ceremonies, and so believes that belief ceremonies should form a third category. The committee notes the Scottish Government’s explanation for why the bill retains two ceremony categories, but we have sought the Scottish Government’s views on an amendment to the bill.

The committee took a range of evidence on civil partnerships, including evidence on the difference between marriage and civil partnerships, the treatment in the bill of civil partnerships that have been registered abroad, and the future of civil partnerships in Scotland. We note that the Scottish Government plans to consider issues relating to reform of civil partnerships, including civil partnerships for opposite-sex couples, in its forthcoming review.

Should same-sex marriage be introduced, there would be a procedure for converting civil partnerships into marriage. We believe that couples who enter into civil partnerships abroad, who would have to dissolve their partnerships before marrying here, should have similar rights to that procedure as couples whose civil partnerships have been conducted in Scotland.

The committee noted the Scottish Government’s position that it has struck the right balance regarding gender-neutral ceremonies, and that allowing such ceremonies could cause problems for denominations that might not want to use gender-neutral marriage declarations. However, we believe that it should be possible to allow gender-neutral language, which is why we call on the Scottish Government to reconsider its position.

We note evidence that calls for the requirement for spousal consent to be removed from the gender recognition process. The spouses of people who seek gender recognition may find themselves in circumstances that are difficult to face and we have not received specific evidence from their perspective. However, we believe that the non-transitioning spouse’s personal choice is sufficiently protected by the automatic grounds for divorce that are triggered by his or her partner seeking gender recognition. We also believe that the requirement of spousal consent for gender
recognise, also known as the spousal veto, is unnecessary and should be removed.

We have drawn two further conclusions regarding gender recognition issues that were raised in evidence. First, we have welcomed the Scottish Government’s willingness to consult on difficulties that are faced by long-term transitioned people, in particular around evidence requirements, with a view to amending the bill at stage 2. Secondly, we have noted representations that were made by the Scottish Transgender Alliance about lowering the age at which a person can secure gender recognition. We accept that it may not be possible to deal with those issues effectively in the bill, but I feel nonetheless that it is important to highlight them to Parliament.

The committee took evidence on how the bill could impact on other areas of life, including the education system and chaplaincy in public services. We heard from John Brown, from the Scottish Catholic Education Service, and Michael Calwell, from the Family Education Trust, who spoke about the conflict between different views of marriage and the implications that they fear it could have for teaching in schools. However, when asked whether the bill would have an impact on how teachers teach in the classroom, Stephen McCrossan of the Educational Institute of Scotland said:

“I do not think that the bill will have a significant impact on the way in which teachers teach in the classroom. We simply see the bill as another strand in equality and diversity, promoting equal opportunities and challenging discrimination.”—[Official Report, Equal Opportunities Committee, 26 September 2013; c 1534.]

On behalf of the committee, I draw Parliament’s attention to the views that were expressed regarding the relationship between the bill and public services, and to the recommendations that were made by the Delegated Powers and Law Reform Committee, which we note and support.

To paraphrase Robert Louis Stevenson, we agree to differ, for agreeing to differ is a form of agreement, rather than a form of difference. The majority of the committee supports the general principles of the bill and recommends that Parliament approve the bill at stage 1. A minority of the committee does not support the bill. Those members either disagree in principle or are not convinced that adequate protections are in place. However, we are unanimous in supporting the right of individual members to decide on the bill as a matter of conscience.

On a personal note, I know what my conscience tells me; I associate myself with the majority view that is expressed in the report. I back the general principles of the bill and I hope that there is a majority in favour of equal marriage when we vote at decision time tonight.

17:25

Jackie Baillie (Dumbarton) (Lab): I am pleased to participate in this stage 1 debate on the Marriage and Civil Partnership (Scotland) Bill. At the outset, I commend the Scottish Government unreservedly—not something that I do terribly often—for its work on the bill. I also commend the members and clerks of the Equal Opportunities Committee for their diligence in scrutinising the bill at stage 1. I associate myself with the cabinet secretary’s remarks about Mary Fee, the former convener of the committee, and Margaret McCulloch, the current convener.

Undoubtedly, there has been a volume of evidence in favour of and against the bill, and the committee's stage 1 report is a comprehensive record of that evidence and the process of the committee's consideration. The report notes that the majority of the committee supports the general principles of the bill, but the convener was right to remind us that the decision will be a matter for individual members, as I believe that all parties have agreed that there will be a free vote. Ultimately, it is a matter for each of us in the Parliament.

I therefore recommend that all members read the stage 1 report. I know that it is long, but it helps to set out the arguments and, where there are concerns, the scope for amendments. I will come on to consider some of those concerns. For me, though, the bill is about equality, fairness, social justice and the values that were instilled in me by my parents, my community and society. For many of us, the bill is also about how we see ourselves as a nation and how others see us. It is about the values that we hold and whether Scotland is indeed a confident progressive nation where equality is truly valued.

Most members will have received a considerable volume of correspondence on equal marriage, both for and against. Many of the arguments are detailed and the views are passionately held. Some members even received emails as we were walking into the chamber, never mind late last night. I thank people for giving their time and energy to inform the debate.

It is true that attitudes in Scotland are changing. The Scottish social attitudes survey in 2002 showed that 41 per cent of people were in favour of same-sex marriage and 19 per cent were against. In the same social attitudes survey, but this time in 2010, the proportion of people who were in favour of same-sex marriage had risen to 61 per cent. A shift of 20 per cent in opinion on any issue in such a short space of time is, frankly, astonishing. If we begin to unpack the detail, we find that support for equal marriage can be found in those who are religious, in people from across all income groups and all geographic areas of
Scotland. The support cuts right across our country and right across our society.

In the survey, 55 per cent of those who identified themselves as Catholic supported same-sex marriage and 21 per cent were opposed. Among Scottish Presbyterians, 50 per cent supported same-sex marriage and 25 per cent were against. Of those living in the most deprived areas, 67 per cent support same-sex marriage, while the figure for those who live in the most affluent areas is 63 per cent. Frankly, it makes no difference whether someone lives in urban or rural Scotland, because support for same-sex marriage is roughly the same and consistently above 60 per cent. There is no doubt about current public attitudes.

I read with much interest the evidence to the committee from Professor John Curtice, whom many members will know better for inhabiting television studios in the wee small hours of the morning, sharing his wisdom on elections and voting behaviour. He described to the committee a cultural shift in Britain over the past 30 years. According to Professor Curtice, in 1983, 62 per cent of the population believed that same-sex relationships were mostly or always wrong. That figure has dropped to 28 per cent, which is quite extraordinary. His explanation for that shift is that it is young people who increasingly support same-sex marriage. The Equality Network backs that up and tells us that support for same-sex marriage is highest among those who are under 55. I, like many in this chamber, take it as a compliment that the then president, Cavaco Silva, signed it off and there have been same-sex marriages ever since.

Interestingly, when I asked one Portuguese friend, who is quite religious, about the legislation he said, “It is about love. There should be no difference whether it is a man or a woman or they are the same sex; it is whether they love each other that really matters.”

When the Parliament passed a law on civil partnerships, we took a huge step forward. Same-sex couples had the legal rights associated with marriage. However, I recognise that that, for some, falls far short of marriage in which their love and commitment is fully recognised. The Equality Network talks about a gold standard; for me, it is a matter of equality and fairness.

For a host of reasons, I believe that equal marriage is an idea whose time has come and I will support the general principles of the bill. That said, very few in this chamber are deaf to the concerns that have been raised. The principal area of concern appears to relate to the protections put in place by the Scottish Government. It is the case that no religious or belief body can be forced to perform a same-sex marriage. It is also the case that celebrants will not be forced to perform a same-sex marriage if it is against their beliefs. I agree. Those are matters of doctrine and belief that are properly for the church and not the state.

Mark McDonald (Aberdeen Donside) (SNP): Will the member give way?

Jackie Baillie: I will in a second.

Religions can and do refuse to marry people. That is a matter for them; it is not proposed that that will change.

Mark McDonald: The member has just made my point, which is that churches are already able to choose who they marry.

Jackie Baillie: I am never keen to give up time to the member, but I am glad that we are in agreement.

I welcome that point because it is important. However, I acknowledge that some people are concerned that even those protections might be challenged in the courts. I therefore very much welcome the arrangement between the Scottish and UK Governments to amend the UK Equality Act 2010. The 2010 act contains provisions about not discriminating when providing a service, with exemptions for religious and belief bodies that apply in certain circumstances. The Scottish Government has rightly sought the protection to be more comprehensive by asking for a further amendment that would help to allay fears about challenges being brought on grounds of discrimination. It is helpful that an agreement has
been reached with the UK Government on that point.

Concerns have also been expressed about whether it would affect someone's employment if they held views that were opposed to same-sex marriage. The example most often cited is that teachers would be somehow forced out of their job if they refused to teach about same-sex marriage because they were fundamentally opposed to it. I think that we all acknowledge that teachers deal with difficult situations every day in schools. In the main, they do so sensitively—they balance their beliefs with the needs of the child or children before them. It would be wrong to put something in the bill when education circulars and guidance have served us extremely well in the past.

Existing legislative provision allows parents to withdraw their children from religious education. Existing guidance allows parents to withdraw their children from sexual health education. I welcome the Scottish Government's proposal to update that guidance to reflect the introduction of same-sex marriage. Faith aspects of the curriculum in Catholic schools will continue to be a matter for the Scottish Catholic Education Service. However, it is important for the Scottish Government to review any suggested impact on education, to make doubly sure of the position. Like many other members, I have received thoughtful letters from teachers who support the proposal and teachers who are concerned about how to deal with same-sex marriage, so updated guidance will undoubtedly be helpful.

I have no doubt that amendments will be lodged with the aim of respecting the right of those who, as a result of their religious beliefs, take the traditional view of marriage as being between a man and a woman. Concerns have also been highlighted about freedom of speech. I note that the Lord Advocate has published guidance on the matter, which refers to provisions in the European Convention on Human Rights and the Charter of Fundamental Rights of the European Union on the right to freedom of thought, conscience and religion, along with freedom of expression. However, concerns remain. It is right for the Parliament to explore the subject again and ensure that the arrangements are robust.

The committee has also asked the Scottish Government to look again at the gender recognition provisions in the bill and at policy areas such as gender-neutral language and spousal consent for gender recognition. I have not had time to explore in detail all the issues that the committee raised but, Presiding Officer, you will have the fortune—or misfortune, depending on your view—to hear from me again in the closing speeches.

I hope that members will support the bill's general principles at decision time. We and the Scottish Government have work to do to improve the bill and make it more robust. We must have adequate protections that genuinely address people's concerns, but it is time for change. It is time to support equal marriage.

17:37

Ruth Davidson (Glasgow) (Con): The debate is not easy and it was never going to be. When areas of love meet the law and when belief, commitment and faith collide with legislation, the waters will always be difficult to navigate. I therefore commend all the contributors to the debate in the past months and years who have sought to make thoughtful comments, to elevate the ideas and to temper the language. People have displayed a respect for beliefs that differ from their own and have recognised that those beliefs are just as sincerely held. I hope that that temperance will continue this evening, to demonstrate that, although this may be a fledgling Parliament, it has maturity.

It is precisely because of the nature of the debate that I believe that the bill is a matter of conscience. That is why, like members of other parties, Scottish Conservative members have been given a free vote.

Today, I speak on behalf of only myself. I have no doubt that this could be the most personal speech that I will ever make in the chamber. I hope to explain why I support the broadest principle of the bill—the principle of extending marriage.

I believe in that principle because I believe in marriage. I believe that marriage is a good thing. I saw the evidence of that every day growing up in a house that was full of love. My family had the stresses and strains that are common to all, but there was never any doubt, question or fear in my mind that our togetherness was in any way insecure.

The bedrock of that stability and security was my parents' marriage. That stability helped me and my sister to flourish and have confidence that we could be whoever we wanted to be. After more than 40 years of marriage, my parents still love each other. I look at what they have and I want that too, and I want it to be recognised in the same way. That recognition matters.

Presiding Officer, from childhood, you have known without even thinking that if you found someone you loved and who loved you in return, you would have the right to marry them. The same unthinking right to marry extends to the cabinet secretary, the Labour Party leader and the Liberal Democrat leader. I want that right to extend to not
just me but the thousands of people across Scotland who are told that the law says no and that they cannot marry the love of their life. They are not allowed and, unless we change the law, they will never be allowed.

It does matter. It matters that a whole section of our society is told that they can have the facsimile of civil partnership but they cannot have the real thing. It is not for them. Their love is something different and something less. Their commitment is denied.

I do not want the next generation of young gay people to grow up as I did, believing that marriage is something that they can never have. With this bill, we have the opportunity to change that, and to change the attitudes and stigma that being lesbian, gay, bisexual or transgender can still evoke, and that can cause so much harm.

Jamie Hepburn: I thank Ruth Davidson for giving way during her very eloquent contribution; I am enjoying it very much. She spoke about the next generation. I am the father of two very young children. I do not know what their sexual orientation will be, but if they grow up and have a same-sex attraction, and if the Parliament fails to pass the proposed legislation that is before us today, what would the member suggest that I should say to them in future if they want to be married? How does she think that I could look them in the face and say that this Parliament missed the opportunity to give them that right?

Ruth Davidson: I would hope that their father would have helped to vote them that opportunity. Talking about the next generation is important because it is those people we must think about.

Last year, the University of Cambridge conducted a huge body of research called “The School Report”. The researchers spoke to hundreds of LGBT pupils from across the UK who were open about their sexuality. The majority said that they were the victims of homophobic bullying and that it happened to them in their schools. More than half of the respondents deliberately self-harmed. Nearly a quarter had attempted to take their own life on at least one occasion.

These are our children and they are made to feel so much guilt, shame and despair. We have an opportunity today to make it better for them. At the moment, we tell these young people, “You are good enough to serve in our armed forces. You are good enough to care in our hospitals. You are good enough to teach in our schools. But you are not good enough to marry the person you love and who loves you in return.” We tell them that they are something different, something less, something other, and that the dream and gold standard of marriage does not apply to them. They do not get to have it. That apartheid message, that “same but different” or alien quality, and that otherness is reflected in every hurtful comment, slander, exclusion and abuse, whether it takes place in the school playground, on the factory floor, or in the local pub.

That is why the bill matters to those people who will directly benefit from it, such as those couples who are eager to commit their relationship in marriage and who should be allowed to do so. More than that, it matters to the future nature of our country. We have an opportunity today to tell our nation’s children that, no matter where they live and no matter who they love, there is nothing that they cannot do. We will wipe away the last legal barrier that says that they are something less than their peers. We can help them to walk taller into the playground tomorrow and to face their accuser down knowing that the Parliament of their country has stood up for them and said that they are every bit as good as every one of their classmates. They will know that their Parliament has said that they deserve the same rights as everyone else.

I believe in marriage. I believe that it is a good thing and something to be celebrated, and I want everyone in Scotland to know that marriage is important to them. I support the principles of this bill.

The Presiding Officer: We now move to the open debate. I have 20 members who wish to take part in the debate. I am absolutely determined that those who have already indicated their wish to take part will be heard. The debate is unique because it is a free vote and I want as many voices as possible to be heard. To allow everyone to get in who has already indicated that they wish to speak, I can allow the first number of speakers to have six minutes, and thereafter, speeches will be five minutes. The Presiding Officer will tell you when that change occurs.

17:44

Marco Biagi (Edinburgh Central) (SNP): Thank you, Presiding Officer. I apologise for not noticing earlier that we were running slightly ahead of schedule.

As is becoming clear to everyone, the bill that we are debating is different from the bills about which we debate policy or the intricacies of law. Speaking personally, as Ruth Davidson did, I can only feel that the Marriage and Civil Partnership (Scotland) Bill is much more immediate and more fundamental, and that it deals with the question of my civil rights. After consideration, I concluded that my remarks, too, ought to reflect that.

It will not come as a surprise to anyone that, when I was young and my classmates started to notice girls, I started to notice boys. I was afraid. I
looked at our society and I did not see myself looking back, whether in our institutions, such as marriage, in what was regarded in public debate at the time as good and moral, or even in how our society portrayed itself in fiction, in which any representation of same-sex attraction made the subject matter adult, to be ranked alongside pornography and violence. When all that I saw or knew of gay people was Julian Clary, Kenneth Williams or Graham Norton, I—a boy from a chip shop in Dunbartonshire—did not see myself. I could only conclude that I was different from normal and that what I was was less deserving as a result.

Today, this chamber can add a new tile to the great interlocking mosaic of our society that has been built up steadily, one piece at a time, since the Wolfenden report of 1957. Same-sex marriage will not be the last piece to be added to that mosaic. The bill is not the finished article, not least for the transgendered, but today we can further build a picture of our society that generations of young people to come can look at and see themselves in. People of faith, whether gay or straight, must see themselves in that image, too, because it would be perverse to expand the freedom to express sexuality only at the cost of the freedom to practise faith. Both are fundamental cornerstones of a humane society, and the dichotomy between them is a false one.

Amending UK equality laws puts beyond doubt any concern that churches could be forced to hold same-sex marriages by domestic law. Anyone can speculate about hypothetical European challenges, but the ECHR includes specific protection for freedom of religious practice. I quote:

“There would ... be a quite a hurdle and a strong protection under article 9 if churches can prove that they are not part of the state.”

“...The Church of Scotland is not and has never been a department of the state”—[Official Report, Equal Opportunities Committee, 19 September 2013; c 1495, 1494.]

Those are not my words, but those of Aidan O’Neill QC, when, as legal adviser to the campaign against the bill, he gave evidence to the Equal Opportunities Committee. If the Kirk is not classed as a department of state, which faith would be? The Equality and Human Rights Commission and Karon Monaghan, who is a human rights law specialist, formed part of the consensus that the protections were strong and that the freedom of religion was genuine.

However, we do not have to speculate. Nine countries in Europe have already legalised same-sex marriage and not one has seen churches being forced to hold such marriages. That fact was confirmed to the Equal Opportunities Committee not once, not twice, but three times over by different witnesses.

Above all, we must not be drawn by the remote and hypothetical challenge to religious freedom to such an extent that we overlook the very tangible, very real and very much on-going violation of personal freedom that is the exclusion of people of same-sex attraction from expressing their love through marriage, which is the institution that our society considers to be the paragon of commitment.

Civil partnerships were a welcome step, but they remind me of the ladies degrees that were offered before women were admitted to Scotland’s universities on an equal footing for the first time in 1892. Those degrees were progressive for their time—they opened the door—but who today would argue that a women-only degree was a substitute for allowing women to study on the same terms as men? Civil partnerships are “separate but equal”, which is always separate and never equal. They are not enough.

If we were to surprise everyone and to vote down the bill today, who would we be to continue to infringe the freedom of those progressive faiths such as Scotland’s Quakers and Scotland’s Unitarians that sincerely consider same-sex ceremonies to be part of their understanding of what marriage is and should be?

Alison McInnes (North East Scotland) (LD): Is the member aware that last month marked the 50th anniversary of the publication of a book called “Towards a Quaker View of Sex”? That book said:

“Surely it is the nature and quality of a relationship that matters: one must not judge it by its outward appearance but by its inner worth. Homosexual affection can be as selfless as heterosexual affection, and therefore we cannot see that it is in some way morally worse.”

Does the member agree that that conclusion, which was unprecedented for its time, is still significantly more advanced and progressive than some of the views that some people have expressed during the debate on the bill?

Marco Biagi: I very much agree with the sentiment that was expressed, although I speak up for Unitarians, who have also been performing same-sex blessings since the 1950s. There is plenty of progress all round.

If we were to vote down the bill, who would we be to say that the understanding of the sacrament of marriage held by other faiths that do not share that view should be allowed and the views of the Quakers and Unitarians should be forbidden unless we somehow believed that same-sex relationships were intrinsically different, wrong and worthy of legal proscription?
I cannot bring myself to believe that any member subscribes to that view, but I will tell members a secret: I did once. The shame of those days has now given way to a shame that I fought those feelings for such a long time. Sadly, I know too many who still fight them—people young and old whose lives are a daily denial. I do not have to imagine how it feels to live like that because I remember it.

When I came out, I stopped looking at those around me and wishing that I was the same as them. Instead, I started to wish that I had the same rights as them—the same right to love, marry and dream of what might be.

The bill grants people throughout Scotland that right and the freedom to be true to their faith and to their love. I implore all members to join together and endorse it. For all those people, young and old, what a sign that would be.

The Presiding Officer: I remind members that the debate will be really tight if I am to get everybody in. I urge them—beg them, in fact—to keep to their time limits.

17:51

Mary Fee (West Scotland) (Lab): The debate is truly historic and long overdue. I am delighted to take part in it as a supporter of LGBT rights. It will also come as no surprise that I will be saying “I do.”

I pay compliments to the Equality Network, the Transgender Alliance, Stonewall Scotland and all the equality groups that played their part in the campaign that now results in the Parliament making its first vote on the bill that will make marriage equal in Scotland. The debate has often been contentious, particularly when played out in the media, and I am sure that all members will be sincere and courteous in their deliberations.

The Scottish Parliament was established to promote the values of social justice and tackle inequality. Since its inception, it has acted against social and moral inequality by repealing section 28, levelling the age of consent, allowing same-sex couples to adopt and foster, and introducing legislation to ensure that LGBT people are protected under hate crime laws. It is only right that we extend to LGBT citizens the rights and freedoms that many of us take for granted each day.

I ask the opponents of the bill who comment that civil partnerships were introduced for LGBT people whether the suffragettes were happy when the Representation of the People Act 1918 was introduced, allowing women over 30 to vote. No, they were not. They fought for a further decade to enfranchise all women and equalise the voting ages of men and women.

Lesbian, gay, bisexual and transgender couples who wish to marry should be able to do so. They should not be told that they must accept the current two-tier discriminatory system. Adapting our marriage laws will end that discrimination with no impact on any other marriage.

Our society has become increasingly liberal since 1999, and attitudes towards the LGBT community are changing, even if it sometimes feels as though they are doing so at a snail’s pace. Support for equal marriage is at an all-time high, and my vote will represent the majority of correspondence that I have received from constituents in West Scotland.

Although it is widely recognised and documented that attitudes are changing, the levels of stigma and discrimination towards LGBT people remain unacceptably high. Like many, I believe that same-sex marriage will help to tackle and reduce prejudice.

I will address the specifics of the bill and the Equal Opportunities Committee’s stage 1 report. Changes still need to be made and it is likely that amendments will be lodged that improve the opportunity to increase equality. However, I welcome the consideration of the Scottish Government and the Equal Opportunities Committee to report on issues such as gender recognition difficulties faced by long-term transitioned people and civil partnerships performed in another country.

The committee report also raises questions about the meaning and purpose of marriage. Those who are against the bill argue that the complementarity of a man and a woman is the basis of marriage, but that suggests that the basis of marriage is really about procreating. As we know all too well, the ability to create a child does not automatically create a perfect parent or, indeed, an ideal family unit. It seems that some people are living in a different society from the rest of us, and outdated values give no justice to the children of today.

As I said earlier, we have become more liberal. The number of single-parent families is increasing, and they are becoming more accepted as the norm. Suggesting that marriage is the basis for a stable environment for raising a family adds to the stigma that many single parents feel and it does no service to the tremendous work and support that many single-parent families do and give every week.

Marriage is a commitment between two loving and consenting adults; whether to have children after being married, or indeed before or never, is a decision solely for the couple, no matter how the
family is created. The legislation allowing same-sex couples to adopt, which came into force in 2009, was long overdue, but it gave the right to offer a child a safe, stable and loving home.

Having been married for 36 years and having raised two children, I strive to understand how introducing the bill takes anything away from my marriage. I agreed with the First Minister, for probably the first and perhaps the last time, when he stated at the Scottish Government Cabinet meeting in Renfrew last year:

“I personally struggle to see whose freedoms are being infringed by the move towards this legislation.”

It is right that freedom of thought, freedom of religion and freedom of speech are protected. However, at what point does one person’s freedom override the equality of others? As many supporters of the bill have said, there are enough safeguards for people to express their view, as long as it is not seen to be hateful or discriminatory.

The bill is a step, if not a leap, towards ensuring equal rights for all Scots. I hope that it will add to the important and crucial work carried out to tackle inequality and discrimination. I look forward to casting my vote in support of the bill.

17:57

John Mason (Glasgow Shettleston) (SNP): I am very grateful to have the opportunity to take part in this debate today.

Clearly, we are dealing with a sensitive subject, and there has been a certain amount of strident language in the media from people at both ends of the spectrum. However, it was encouraging that in committee there was a generally reasonable tone from both committee members and witnesses. That tone was important because, whether Scotland is devolved or independent, we must be able to disagree among ourselves in a civilised way. I believe that that is what this Parliament is for.

We do not all need to be the same as each other and we do not all need to agree on one point of view. I want what I hope we all want, which is a pluralistic and inclusive Scotland that is made up of a wide variety of people and groups, and in which people of different backgrounds and orientations, and people with traditional faiths or none, can all belong and feel at home.

I think that we have to note as well that Parliament therefore needs to tread wisely if it is to keep all the people of Scotland on board.

Patrick Harvie (Glasgow) (Green): Does the member accept that, as well as some people on both sides of the argument having strong feelings on it, there are an awful lot of people out there who are just puzzled that we have not got over this already?

John Mason: There are people puzzled because we have not got over it already, and there are people puzzled about why we are looking at it when they think that there are other things that are more important.

We need to deal with this subject sensitively—I think that Ruth Davidson gave us a tremendous example of that—as we are talking about personal relationships. We have people who have a relationship with a partner whom they love and who want the right to marry them; we have people in a loving marriage relationship who feel that the proposed changes could devalue that relationship; and we have people like me who have a relationship with Jesus and want to show our love for him. Let us all accept that and try at least to tolerate a range of views.

There are two main arguments against the bill: one is on the principle that marriage is between a man and a woman and the second is about whether adequate safeguards are in place for those who disagree.

The latter is a concern that comes on top of the feeling of some religious people that they are being increasingly marginalised in society. On the first, the argument is that the word “marriage” has had a recognised meaning for a very long time. Some would argue that Parliament cannot or should not change that meaning. By widening the meaning, it dilutes the value.

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): Will the member take an intervention?

John Mason: No. I am sorry but I have to get on.

From a personal perspective, I have a lot of sympathy for that argument. However, that raises the question of how much my faith as a personal position should decide how I vote on an issue such as this. Coming from a Baptist perspective, I believe strongly in the separation of church and state. While state has responsibility for restricting some actions and behaviour, it cannot ultimately impose values on people.

For me, therefore, the crucial arguments are around the protections for those who disagree with same-sex marriage, whether they are denominations, celebrants, or public sector or other workers. We have assurances from the
Scottish and Westminster Governments that all is safe and full protection is in place. However, there remain a number of concerns.

First, the Equality Act 2010 does not say that all protected characteristics are equal; nor does it say how conflicts between different characteristics are to be decided. As a result, the courts have to decide which rights are most important. The perception among many religious people is that religion and belief often come at the bottom of the pile.

Secondly, the European Court of Human Rights can trump the UK and Scottish Governments. We heard at committee that the ECHR will not get involved if there is no such thing as same-sex marriage but, once same-sex marriage is permitted, will it switch to making it compulsory for churches and others to take part?

If churches are considered to be providing a public service, the courts could act against them for providing that service only to some and not to others. That is effectively what has happened with adoption agencies. At the time that adoption by same-sex couples was permitted, well-meaning assurances were given that no agency would be forced to take part. However, we now have the situation where the Office of the Scottish Charity Regulator states that an agency cannot be a charity if it refuses to take part. Will permission turn to compulsion in a few years’ time? That is the concern of many of us.

We looked at that issue in committee and received different legal views about what might happen in future. Members might have seen in the Equality Network’s briefing that Karon Monaghan QC said that it is “inconceivable” that the European Court would overturn the protections. However, that is only one half of the story.

The other half is what Aidan O’Neill QC said, which was:

“If marriage is extended to same-sex couples, it will become a human rights requirement that there be equality of treatment and regard. In a sense, that is what is important about the Marriage and Civil Partnership (Scotland) Bill—it shifts the position in that regard.”

He went on to say:

“Therefore, I think that the Equality Act 2010 leaves open the possibility of conflict”.—[Official Report, Equal Opportunities Committee, 19 September 2013; c 1500-01.]

Not for the first time, we get a variety of legal opinion from a variety of legal experts. There is doubt whether the protections in place are robust; there are certainly no guarantees.

In a similarly controversial area, namely abortion, there is specific provision for national health service workers to be able to choose whether to take part. That seems to me to be a reasonable compromise. The NHS as a whole provides the service, but individuals are given reasonable accommodation. If the bill is to go forward, I would like to see similar increased protection for the individual conscience and belief of public sector and other workers.

I do not seek to impose Christian values on what is an increasingly secular society; nor do I seek to restrict the rights of anyone in society. I seek equality for each person in society, but I remain unconvinced by the assurances given and therefore I will vote against the bill.

18:03

Elaine Smith (Coatbridge and Chryston) (Lab): A week past on Saturday, as the constituency member for Coatbridge and Chryston I hosted the Conforti Institute’s intercultural dialogue conference here, which included delegates from home and abroad, gay, straight, Catholic, humanist, Protestant and pagan. They all recognised that we have to share this planet for the short time that we are here and that, while we may not all agree on issues such as same-sex marriage, we can surely disagree in a respectful fashion. Indeed, Alex Neil asked that the debate “be conducted in a good spirit and civilised manner, with respect on all sides.”

Since I indicated that I did not intend to support the redefinition of marriage, my religion has been disparaged, I have been branded homophobic and bigoted, I have been likened to the Ku Klux Klan and it was suggested that I be burned at the stake as a witch.

The irony is that I spent 12 years serving on the Equal Opportunities Committee, when we removed section 2A, permitted same-sex adoption and introduced civil partnerships. No one accused me of homophobia then—indeed, quite the opposite.

Most of the people who have engaged with me on the issue are not homophobic. They have the sincerely held beliefs that marriage means one man and one woman as the social construct that forms the basis of family life and that, by altering that reality, the state will fundamentally affect our society with as yet unknown consequences.

Catholics and other Christians who believe that marriage is a sacrament cannot support the redefinition. Of the 77,000 respondents to the Government’s consultation, which is the biggest response ever, 67 per cent were against redefining it. Those people need a voice in the Parliament tonight.

As we have heard, amendments to the Equality Act 2010 will be sought to try to protect the clergy from legal action. That clearly recognises that
court cases are likely, but those protections should be for everyone. Freedom of worship and freedom of religion are two different things, and both need to be protected. Section 14 of the bill could be amended to give wider protection, but I am not convinced that that would be unassailable. In evidence, Alex Neil said:

“Sometimes, it depends on the judge.”—[Official Report, Equal Opportunities Committee, 3 October 2013; c 1597.]

Previously, we were given promises by ministers that they did not foresee unintended consequences of same-sex adoption and that Catholic adoption agencies specifically would be able to continue their work. I was in the chamber then and voted for the legislation on that basis. We now know that that is not the case, and the closure of agencies means that many children will suffer as a consequence.

The problem with the threat of legal challenges is that the churches cannot afford to fight them, even if they ultimately win. Both the Catholic church and the Church of Scotland have therefore stated that they may be forced to separate religious ceremonies from state ceremonies. The consequence of that would be that thousands of heterosexual couples would need to get married in a registry office and then seek a religious blessing so that a few same-sex couples would have the full ceremony in a church. Those who support the bill and think that it will have no impact on them and most of us who just want to live and let live need to understand that they may be directly affected.

The Minister for Parliamentary Business (Joe FitzPatrick): Will the member take an intervention?

Elaine Smith: I do not have time.

There are wider implications and consequences, both intended and unintended. Aidan O’Neill QC’s legal opinion says that parents with children in faith schools could be affected, and teachers, chaplains, registrars and other public sector workers may be subject to disciplinary action.

Despite Government promises, no additional measures have as yet been included to safeguard freedom of speech and religion. The Lord Advocate’s guidance to prosecutors for those who oppose same-sex marriage also gives cause for concern and suggests the expectation of legal challenges.

As the constituency MSP for Coatbridge and Chryston, I have been approached by hundreds of constituents who have asked me, either individually or as part of the numerous local religious organisations, to vote against the bill. It does not seem that many members will speak against it, but MSPs have a responsibility to ensure to the best of their ability that they are not introducing legislation that will have consequences—albeit perhaps unintended—that will negatively impact on society.

Some members may believe that, as a result of signing a pledge, they must support the bill. Indeed, it is worrying that the director of the Equality Network claimed in Holyrood magazine a few weeks ago that

“Over two-thirds of MSPs have now signed the Equality Network’s ‘Equal Marriage Pledge’ committing themselves to voting in favour of same-sex marriage.”

It is important to clarify that signing a pledge and voting for legislation are two very different things. Members signed that pledge before they set eyes on the legislation or before they scrutinised the proposal. The bill may well have detrimental consequences for many people, and their representatives need to be clear about that when they vote.

The committee report deals with the oral evidence, but it seems to be silent on the vast amounts of written evidence, including mine. In my submission, I cited Professor Tom Gallagher, who is a gay man who lives with his partner of 31 years and is the author of “Divided Scotland: Ethnic Friction & Christian Crisis”. He had hoped to give oral evidence, but he was not called. He would like his remarks to be put on the record. He said:

“The arrival of gay marriage only benefits a small group of activists, who have the ear of part of the media, the civil service & of politicians who naively think there are a few votes in it for them. Some gays and lesbians feel they have been hijacked by these campaigners. Many more are bound to be upset by the hurt caused to un-bioged fellow citizens as they see one of mankind’s most important social structures—marriage—become a battleground in schools & almost certainly the courts. This is no liberation for gay Scots: instead it creates unnecessary distrust between them and a large swathe of the population.”

Patrick Harvie: Will the member take an intervention?

The Deputy Presiding Officer (John Scott): The member is in her last minute.

Elaine Smith: In conclusion, my considered view is that, while attempting to tackle a perceived inequality, we will create the conditions for discrimination and legal action against many of our citizens. In perhaps striving for an enlightened position that makes everything for the best in the best of all possible worlds, the bill will bring consequences that will have a detrimental impact on our fragile society.

I hope that MSPs have not been bounced into voting yes because of the fear of being branded homophobic, because they signed a pledge or because they have not reflected on all the arguments presented to the Government and the committee.
The Deputy Presiding Officer: You must draw to a close, please.

Elaine Smith: I have no doubt that the majority of MSPs who vote for the bill will do so with good intentions, but unfortunately, as Karl Marx pointed out in “Capital” with regard to unforeseen consequences, the way to hell is paved with good intentions. I will be voting no this evening.

18:10

Kevin Stewart (Aberdeen Central) (SNP): First, I would like to thank all those folks who took the time to write to me and let me know their views on the issue. An overwhelming majority of those of my constituents who have corresponded with me have said that I should vote in favour of the bill today.

I would like to read part of an email that I received. It says:

“As a gay teenager I cannot state strongly enough the impact that marriage equality would have on me personally, and the wider community. The majority of the political spectrum in Scotland stand by the principle of equality. I ask only that you adhere to it now.”

That email made me think of my teenage years. I became a teenager the year after homosexuality was decriminalised in Scotland, I was a teenager at the time of section 28 and I was a teenager at the time when some horrendous things were said about HIV being a “gay plague”. Society seemed to me to be hostile towards gay people.

At that point, I decided to play it straight, or at least to try to. I denied my sexual orientation throughout my teens and most of my 20s. I only told some of my close friends at the tail end of my 20s that I was gay. I did not tell my parents that until I was 39, which is something that I really regret and feel guilty about. I kind of slighted them, because their reaction was the same as it had always been in life—unequivocal love.

I believe in traditional marriage. I think that it has served me well in terms of the parents that I have, the grandparents that I have, and had, and my brother and sister. It has served people so well that I believe it should be extended to all people. I think that that is only right.

On religious tolerance, I have great respect for all views and I can understand why some folk have taken the stance that they have taken. However, Mr Mason talked about religious folk feeling marginalised. I think that we have to take account of folk who have felt marginalised for oh so many years, and actually get this right here today. [Applause.]

I have absolutely no malice for those who intend to vote no or abstain today, but I urge them to think of their children and grandchildren, who may well turn out to be lesbian, gay, bisexual or transgender. We should give them the right to share the happiness and love and the trials and tribulations of marriage. I urge members, please, to support the bill today.

18:14

Jim Hume (South Scotland) (LD): This is one of those historic days not just for the Parliament but for Scotland as a whole. The past years have seen a massive change in the perception of same-sex couples. It has been legal for some years now to be openly gay, whereas in previous generations people were at risk of persecution and conviction. Gay people can now serve openly in the armed forces and, of course, we are proud of all who are brave enough to do so to keep us safe at home. Same-sex couples can now adopt and have the joy and the responsibilities that that brings.

This is not just another bill. It is a reform that demonstrates that our Scottish society values everyone, whatever their sexuality and their relationships.

I will not argue that all Scotland or even all members of this Parliament think that we should allow same-sex marriage, but I think that Scotland is changing. In 2002, 41 per cent of the Scottish people agreed that same-sex couples should be allowed to marry, and just eight years later the proportion had risen to 61 per cent. The Equal Opportunities Committee’s call for evidence attracted 1,300 responses, and 75 per cent of respondents were positive about equal marriage—a clear majority. There is clearly growing support for equal marriage. If my bulging in-box is anything to go by, by far the majority are in favour of equal marriage. There is no unanimity of course, but there is a clear majority in favour.

It will not surprise members that Liberal Democrats will support the bill as it goes through the Parliament. Our constitution says:

“The Liberal Democrats exist to build and safeguard a fair, free and open society, in which we seek to balance the fundamental values of liberty, equality and community, and in which no one shall be enslaved by poverty, ignorance or conformity.”

We made equal marriage our party policy in 2010. I think that we were the first major party to do so. We submitted a positive response to the consultation, in which we said that Scotland can prove to the world that it is one of the fairest and most equal places in which to live.

The progress that we have made, for example by allowing gay people to serve in the forces, makes it more difficult to accept that there should be any barrier to a religious body that is willing to do so marrying two people who have religious
beliefs and who feel strongly enough to want to accord their relationship the sanctity of marriage.

I emphasise that the religious body must be willing. I know that there are concerns that religious bodies, whatever their denomination, might be forced on human rights grounds to marry people whom they do not want to marry, but I simply do not buy that. I am aware of churches that would not marry opposite-sex couples, for example because the couple were not regular attenders. I know of no case in which such a couple would take a church to court; they would simply go to a church that was happy enough to sanctify their relationship. I cannot envisage a same-sex couple having any joy in taking a religious body to court on human rights grounds. It is worth noting that the Scottish Human Rights Commission support the bill.

The bill makes clear that no religious body will be required to solemnise a same-sex marriage and that even if a religious body opts in, individual celebrants will be under no obligation to marry a same-sex couple. We believe in freedom of expression, which extends to religious bodies, whether they want to opt in or out of equal marriage.

I mentioned the Liberal Democrats’ support for liberty, fairness and equality and said that we will support the bill. It is worth noting work that is going on elsewhere in the UK. Under the Protection of Freedoms Act 2012, a previous conviction for a homosexual act can be deleted. There has been a change to allow gay men to give blood and there has been an end to deporting gay asylum seekers to countries that would torture them for being gay. The UK Government encourages sports organisations to sign up to its sports charter, which calls for an end to homophobia and transphobia. There is also the UK Government’s Marriage (Same Sex Couples) Act 2013. I am sure that members—at least some of them, anyway—will applaud the positive difference that Liberal Democrats in coalition have made on equal rights for all.

I am proud to be a member of the Scottish Parliament while the bill is going through, albeit that we are not the first country in Europe to legislate for equal marriage. Westminster is ahead of us, and Belgium, France, Sweden, Denmark, the Netherlands, Spain and Iceland have legislated, as have 16 of the 50 states of the United States of America. The bill’s progress today will prove that Scotland is a fairer and more equal country, in which we can all be proud to live.

18:19

Joan McAlpine (South Scotland) (SNP): I will vote for the bill, because I think that it is underpinned by tolerance, recognition and respect. It is about the fundamental human right to love and to express that love publicly, in a declaration of commitment that cannot be dismissed as second class or second best.

The bill is a mark of how far we have come on the issue of equality in a relatively short period of time. It is only a few decades ago, in my own lifetime, that homosexuality was criminalised, and people lived double lives and lived in fear of exposure, blackmail and sometimes even imprisonment. We should never forget that such hazards remain very real in other countries where human rights are denied on the basis of sexuality and often gender.

The language that is used by a small number of people outside the chamber in the wider debate on equal marriage has on occasion become polarised. We have heard the preposterous allegation that gay unions are tainted, and similarly we have seen those who have asked for reassurances in respect of their religious beliefs dismissed as homophobic. That language is not helpful, and I do not think that it reflects where the majority of the population stand on the issue.

I support equal marriage in principle, but one of my reasons for speaking in the debate is personal. Like many people of my generation, I did not, when I was growing up in a very religious Roman Catholic family in a small Scottish town, know anyone who was gay. My first encounter with homosexuality was in 1975, when Thames Television broadcast “The Naked Civil Servant” in which John Hurt portrays Quentin Crisp. Although it was a breakthrough in the sense that it was a sympathetic film, it gave a stereotyped and almost caricaturish portrayal of homosexuality as outrageous and eccentric: something that was outside the mainstream. However, within a few years of that film, everything had changed. Suddenly we all knew someone in our own family or wider circle of friends who was openly gay. In my case, my cousin and close childhood friend Cal came out at the age of 18, and through him I formed many firm friendships with gay men in particular that have lasted a lifetime.

It is perhaps not surprising, given my age and liberal outlook, that I was happy to accept my friend’s sexuality. What is more significant is that the older people in our family, who had very strong religious beliefs and grew up in a far more socially conservative age in the 1950s and 1960s, also accepted his sexuality. I am not saying that it happened overnight or that there was no awkwardness—or that there were not aunties whispering in private, “I just wish he’d meet a nice
girl”—but there was public acceptance. There were joint invitations and Christmas cards, and family gatherings, and over time—as in many, many families—having a gay couple was utterly unremarkable. It was mainstream.

When my cousin Cal died of cancer at the age of 50 three years ago, we grieved as a family, and his male partner was treated with the same consideration and sympathy as any heterosexual partner who had suffered such a loss would have been. The family saw the devoted nursing care that he gave to Cal in his last weeks, and at the funeral he was the chief mourner.

That is not to say that the older members of the family, in their 70s, 80s and 90s, had abandoned in any way their strong religious beliefs, but, just as they said a silent prayer at the humanist funeral, they had reached an accommodation with the partnership that was based on love, and loyalty and basic human decency.

That is why I believe that those harsh voices speaking out against the legislation are not typical of lay members of the Christian church-going population. The vast majority of religiously observant people—even those in churches that are officially against equal marriage—will accept this change in practice, just as they have accepted their gay friends and family members. They judge people on the basis of their character, not their sexuality. They ask, “Are they kind, loyal, generous and fair?” and “Are they a good son or daughter?” That is what matters to most of us.

I welcome the fact that the Equality Act 2010 will be amended to further protect individual celebrants who do not wish to carry out same-sex marriage but who belong to a religious body that has opted to do so. That is about tolerance. Just as I do not believe that those with religious views opposing equal marriage should dictate the law, I do not believe that the law should impose my values on religious denominations.

I conclude by reflecting on Margaret McCulloch’s comment when she spoke for the committee earlier that the committee would “agree to differ”. As we move forward, I think that society as a whole will agree to differ, and in doing so they are agreeing to respect difference: difference in sexuality. That is a mark of our tolerance.

This piece of legislation is about the journey that we have made as a society. Although we have heard a lot today about marginalisation and alienation, and people feeling bullied and excluded, my personal experience is that the bill will bring the law into line with real life and real families. We are actually a much more tolerant society than this debate has sometimes given the impression we are.

18:24

Alex Johnstone (North East Scotland) (Con):
I have heard many of my colleagues who are in the chamber today being asked why they got involved in politics. The most common answer is that they got involved in politics because they wanted to change the world. My most usual answer is that I got involved in politics because I thought that the world was changing too fast and I wanted to slow it down a bit. Perhaps that is the definition of conservative with a small c.

When I look at the proposals contained in the bill I see some specific issues that I hope to have time to address later, but I also see a general principle, which is to change the way in which we view marriage and to extend that to a greater, more complete range of people in our society. That is a principle that, at heart, I believe to be sound. My problem, however, is with the effect on the overall balance of our views on marriage and with why we have chosen to act in this way at this time to the exclusion of other possibilities.

I view marriage as an important cornerstone of our families and our society as a whole. During my lifetime, I have seen society begin to fall apart. I have seen families in instability, and I have seen individual children raised in difficult circumstances as a result. That is why I would argue that one of the priorities of the Parliament should be to strengthen families, to find ways to reinforce marriage and to reverse the trends of half a century and more in order to gain that stability. That is why I worry that we are making this policy a wrong priority at the wrong time.

During the conduct of its inquiry, the Equal Opportunities Committee, its members and all those who came before it treated the whole issue with a very high degree of mutual respect and maturity. The evidence that was given and the debate that took place were of the highest standard, and I commend the report that the committee produced. However, during its preparation and while we were taking evidence, I found that I had to dispute one or two issues.

Professor Curtice spoke about the level of public support. True enough—opinion polls indicate that support for the change is growing rapidly in society. I believe that similar polls also indicate that that is largely because people no longer have the care to commit to a particular policy. It may not be that people care more; it may be that people actually care less.

We have spoken about the redefinition of marriage. Other members have mentioned traditional marriage as a key element of what we have discussed. I believe that traditional marriage can be undermined by the proposed change. As a result, I ask the minister to say something either
during the debate or before stage 2 about the other proposals that he has brought forward, such as the forthcoming review of same-sex civil partnerships. Is there any way that, during that process, he can consider how we might lend a hand to those people within families who require support to enjoy greater stability?

Elaine Smith raised the issue of tolerance. She was concerned that, once she had made her opinion public, she had suffered as a result. I have found that there is an extent, within the broader argument, to which that can happen—I have had some interesting emails—but that is just a measure of the passion that people hold within the debate. We need to promote tolerance through the debate, and we must ensure that it does not become a one-way street. It is important that that tolerance continues.

There is a requirement to protect the freedom of those who disagree with the change in legislation, whether they be religious bodies or staff in our public bodies, particularly teachers in our schools. I am worried that if we get this wrong we will create a situation that has certain parallels with the debate on section 28, which resulted in teachers, parents and pupils facing some very difficult circumstances.

John Finnie (Highlands and Islands) (Ind): Will the member give way?

The Deputy Presiding Officer: I am afraid that the member is in his last minute.

Alex Johnstone: I am sorry—I am coming to a conclusion.

Although I will not support the bill as a whole, I am prepared to support a number of proposed amendments to it. However, I am concerned about proposals to lower the age at which the gender recognition process can begin. I will seek further information on the matter and will most likely oppose any change in the Government’s policy in that respect.

The Deputy Presiding Officer: You should be drawing to a close, Mr Johnstone.

Alex Johnstone: I understand the equality and diversity arguments that are contained within and surround the bill, but I want to ensure that we also achieve stability and security in our families and our society and I believe that, by broadening the bill’s perspective, the Government could achieve so much more.

18:31

Nigel Don (Angus North and Mearns) (SNP): I am grateful to the Equal Opportunities Committee for its careful consideration of the bill and the report that it has produced. Of course, for those who are not on the committee in question, it is only when we get to see the stage 1 report that we get a sense of the issues that have generated discussion and the areas of detail that need to be addressed.

The committee heard a great deal of evidence that same-sex couples feel that they are discriminated against; indeed, the same point has been very well and movingly articulated by members this evening. That view has to be respected—and I do respect it. However, I ask members to bear with me while I take a slightly different tack from what has come before and see where it takes us.

It seems to me that what is being proposed is not very different from a civil partnership. The present differences between civil partnerships and marriages are helpfully outlined in paragraph 214 of the report and essentially relate to pension rights and international recognition. However, revising the law on marriage is not the only way of dealing with such issues. Of course, pension rights are reserved and can be worked through only in co-operation with the Westminster Government, and it is clear that a significant amount of work needs to be done to resolve the matter. International recognition is important, but I simply point out that a couple in a civil partnership who wish to move abroad ought to be in a position to marry there, if that is desirable, and I am not convinced that it is our duty to accommodate every nuance of other jurisdictions’ law in our own.

Patrick Harvie: Will the member give way?

Nigel Don: The member must forgive me if I make some progress. I will come back to him if I can.

Having been around for millennia, the traditional view of marriage has worked rather well as the basis of family relationships in societies around the world. In the Christian faith, it is not just a practical policy but also hugely symbolic—and I want members to understand that. Jesus’ death and resurrection are central to the Almighty’s redemptive purpose for his people, while the church—that is, his people—is described as the bride of Christ many times in the Bible. The differences between the two parties could hardly be clearer; equally, their complementarity is evident from the fact that it is those very people—the Christian church—who demonstrate the outworking of Christ’s love to each generation. That is why the so-called traditional view of marriage actually matters to the Christian church. Some will say that marriage is only a word—and they would be right. However, words have meaning and I am in no hurry to change the meaning of a word in our law when so much has been attached to it in our literature and liturgy.
Much of the evidence given to the committee relates to protections for those who do not want to have to celebrate same-sex marriages. I hope members will understand from what I have said that such views can be held without any feelings of homophobia; indeed, concern has also been expressed about the position of teachers.

I note first of all the general belief among witnesses that the proposed protections are strong but, secondly, the doubts that remain about the robustness of those protections, particularly in the context of European law and how that might develop over time. What is clear is that if the bill is enacted substantially as drafted the meaning of marriage will have been radically altered.

The cabinet secretary says that he will not regard his marriage as having been diminished by what is proposed. I understand his view and, indeed, hold a similar view about my own relationship with my wife. However, I remind members that a set is not defined by its present population but by its boundaries. What is being proposed will change marriage as an institution—and that will alter the context for everyone in the future. As Mr Spock would have put it, “It’s marriage, Jim, but not as we know it.”

Joe FitzPatrick: I respect the right of everyone of a religion to hold their views, but does the member acknowledge that the current legislation—the law—discriminates against me and other LGBT people in Scotland?

Nigel Don: I would prefer to acknowledge that it distinguishes, because heterosexual and homosexual relationships are dealt with differently. It seems to me—I had hoped that the member would have picked this up—that those differences are what we should address. Those issues of pension rights and international recognition should be dealt with. My concern is that we are focusing on this one word, and I hope that, from what I have said previously—I encourage members to read it in the Official Report—members recognise that there are reasons for being concerned simply about that word.

Patrick Harvie: Will the member give way?

Marco Biagi: Will the member give way?

Nigel Don: I will give way to Patrick Harvie.

Patrick Harvie: It is interesting that the member seems to place great emphasis on the value of that word in relation to his own marriage, whereas in discussing the merits of civil partnership he talks about not an essential difference, but a technical one. Why should those of us who place value in that word and to whose lives its cultural meaning is relevant not also enjoy the freedom to express it?

Nigel Don: I am absolutely clear that they can, and I think that they will. I am asking members to understand that there are reasons why, within a biblical theology, people in the Christian church feel that that word has another meaning—that is all. That is the historical position.

Kevin Stewart: Will the member give way?

The Deputy Presiding Officer: The member is in his last minute.

Nigel Don: Gosh! My speech is going to have to be shortened.

The future of civil partnerships is already under review. I wonder why we are in such a hurry to change the meaning of marriage at the moment, when many of the issues—some of which were picked up in the Delegated Powers and Law Reform Committee—could have been much more easily dealt with had we rationalised civil partnerships across same-sex and opposite-sex relationships. I encourage the minister to consider whether it might be better to do that before we implement the bill because, had that been done, it might have reduced some of the problems.

The Deputy Presiding Officer: Sadly, we now have to move to five-minute speeches.

18:37

Drew Smith (Glasgow) (Lab): Members bring a range of experiences, ideas and beliefs to the chamber, but it is always worth reminding ourselves that, although they might not always seem to do so, our debates and judgments affect how real people live their lives, the opportunities that they have and their sense of the value that society places on them.

The issue of equal marriage rights was raised with me during the 2011 election campaign, when I strongly supported the references to it in my party’s manifesto. Nevertheless, I had perhaps not thought through the reasons why I felt that way about it—my response was instinctual. I was first asked my views on the issue a few days after the election and, over time, I have found myself being asked about it more and more often. As I thought more about it and listened to others expressing their views, I came to understand my own feelings about it a bit more clearly. In the course of the wider debate that led up to the introduction of the bill, I remembered someone whom I had not forgotten but the extent of whose influence on the view that I had thought was instinctual I had not realised.

Like the majority of the Scottish population, I strongly support the provisions of the bill. I have also, at various times, pressed the cabinet secretary—and, indeed, his predecessor—to hurry along. Therefore, I am very pleased that we have
got to this point and hope that we will follow the example of England and Wales and the many other countries that have created equal marriage. I believe that marriage rights are an issue of equality, and I feel strongly that the current position of civil partnerships, which I supported at the time and was proud of my party for having taken the lead in introducing, is not quite enough. Although there is little difference between civil partnerships and marriage in terms of legal rights, the fact that civil partnerships preclude the right of gay people of faith to commit themselves to each other in a religious service is discriminatory. I hope that one of the major achievements of the bill will be to remove that discrimination.

Equality does not mean that everything must be the same; equally, difference should not be imposed on identical things. Same-sex relationships may be different from opposite-sex relationships, but are all relationships not different and unique? Do they not all share the same basic principle: love for another human being and a desire to commit to spending your life with that person? I do not think that the state has the right to draw a distinction between human partnerships that human beings do not draw themselves, and to me that is fundamentally what the bill is about and why I support it.

In 2000, this Parliament repealed section 28—section 2A—which it did in advance of the rest of the UK. Looking back, we can see that the repeal of section 28 was a victory for equality, but it did not come without cost, just as the years of various discriminatory laws did not come without cost and just as that cost still exists in many parts of the world, as Joan McAlpine rightly highlighted. There are members in the chamber who will have celebrated that victory and they might also recall some of the pain of that debate: the things that were said that can never be unsaid and the people who pushed ahead and, in my view, have never been properly recognised for their efforts.

When section 28 was debated by the Parliament, I was still at school—a religious school—and I recall what was said. I recall talking to classmates about the leaflets that were going through our parents’ doors, the newspaper headlines and the things that were said on the school bus.

I mentioned that I thought of someone in the context of this debate. I remember a girl—a young woman—in my year at school, who one evening appeared on the TV news, which was rather unexpected. She spoke out and, to many of us, she became the first person we knew to come out. She did it by asking a very simple and powerful question: what right do others have to make a judgment about me and my life or to make a distinction about who I am and what I am? That was in the context of the section 28 debate.

There are many things that I could say about the detail of the bill, and others are rightly saying them. I celebrate the fact that this may be the last major legal change required to remove discrimination against lesbian, gay and bisexual people from our law, and I am very privileged to be in this place, at this time, to support it. I will follow the amendments at stage 2 and I will support efforts to improve the bill. It is probably not the last major piece of legislation for transgender people, but it is a significant step on the way.

I will oppose any change to the bill that could threaten a new section 28, however well intentioned people may be on that issue. I do not want a situation in which there is a campaign to come back to the bill because of a section that is inserted at stage 2.

I do not know whether the woman that I mentioned has sent one of us an email asking us to support this legislation or if she has put her activism behind her.

The Deputy Presiding Officer: You must close, please.

Drew Smith: However, I will vote tonight for her, as much as for any of the other good reasons—and I thank Ruth Davidson for giving a voice to those reasons. It is thanks to that woman and many people I have met in the course of this campaign that a generation of people will be able to grow up, fall in love and get married, not with the world not caring who they get married to, but with the world recognising the partnership that they make rather than differentiating their relationship.

I am very grateful to support the general principles of the bill.

The Deputy Presiding Officer: Again, my apologies: we have to cut the debate back to five-minute speeches.

Christian Allard (North East Scotland) (SNP): I thank Mary Fee, the previous convener of the Equal Opportunities Committee, who welcomed me to the committee when we first considered the bill. A few months later, I welcomed Margaret McCulloch as our new convener.

Before I come to the detail of the recommendations that we made in our report, I thank all the members of the committee for their warm welcome and for the way that we worked together on the bill. I echo the words of Alex Johnstone and John Mason when I say that we agreed to disagree and then moved forward.
We made a couple of recommendations on registration of celebrants. The first came from the evidence of Ephraim Borowski of the Scottish Council of Jewish Communities, who addressed the definition of non-civil marriages, particularly in the context of humanist marriages. We feel that it is important to reflect the distinction between religious ceremonies and belief ceremonies, which is why we ask the Scottish Government its views on the suggested amendment on the redefinition of non-civil marriages.

Ross White of the Humanist Society Scotland gave evidence and commented on the Church of Scotland’s preferential status in law. We ask the Government to clarify its view on the claim that the Church of Scotland has a privileged status in marriage law.

A lot was said about the Government’s forthcoming review of civil partnerships and we heard the cabinet secretary today reassure us that the review will come soon. We note the Scottish Government’s plan to consider issues relating to civil partnerships, including opposite-sex civil partnerships.

To understand better the reasons behind the bill, we did a fair bit of travelling when taking evidence. Believe me, the international perspective was always there. Under the bill, same-sex couples who have entered into a civil partnership in another country will have to dissolve their partnership before being permitted to marry here in Scotland. The committee feels that such couples should be able to convert their civil partnership to a marriage, just as couples whose civil partnerships were conducted in Scotland will be able to do.

The Scottish Government believes that allowing gender-neutral ceremonies could cause problems for denominations that might not want to use a gender-neutral marriage declaration when marrying an opposite-sex couple. We kind of disagree, and we would like the Government to reconsider. It should be possible to allow a choice of gender-neutral or gender-specific language for marriage declarations.

Professor John Curtice told us how much public opinion has changed regarding attitudes towards same-sex relationships. I am pleased that a lot of our work was to recognise the change of gender for married persons or civil partners, as I feel that attitudes towards transgender communities have not yet changed as much as I would like. James Morton of the Scottish Transgender Alliance told us about his proposal for an amendment to the bill to make sure that a spouse cannot stop his or her partner’s gender recognition. James said that for someone to have their gender identity legally recognised and respected by their Government is a human right and something that no one should be able to stop.

We considered how spouses of people seeking gender recognition might find the process difficult, although an important point is that we have not received any evidence from their perspective. After long consideration, we came to the conclusion that the non-transitioning spouse’s personal choice is sufficiently protected by the automatic grounds for divorce that are triggered by his or her partner seeking gender recognition. In the report, we ask for the requirement for spousal consent for gender recognition to be removed.

We received evidence about lowering the age requirement to change gender. James Morton said:

“Transgender people aged 16 or 17 will remain discriminated against under the bill as drafted”.—[Official Report, Equal Opportunities Committee, 5 September 2013; c 1391.] We do not think that we have enough evidence on lowering the age requirement, which is why we have asked the Government to provide a detailed response on the issue in advance of stage 2.

To conclude, I would like to share a thought about how the world has moved on. As members must know by now, I was raised on a chicken farm in Burgundy in France. I clearly remember the day my father told me about one of his regular customers, a farmer who lived in the remote village with his partner. I was struck by the way that my father spoke about this couple, with great respect and in a friendly tone. I disagree with Elaine Smith, who talked about a small group of activists, because I would not consider that couple, deep in rural France, to be a small group of activists. I wonder what happened to them, and I wonder how much those two farmers—those two men—would have liked to get married, like every other farming couple in rural France many decades ago.

18:48

Patrick Harvie (Glasgow) (Green): Thank you, Presiding Officer, for the privilege of taking part in this debate. I also thank several of the speakers who have given a very personal take on the issue—Kevin Stewart, Marco Biagi and, in particular, Ruth Davidson. In 10 years as a member of the Parliament, I have never so enthusiastically applauded a Conservative speech. I am always open to a new experience, of course.

Members might be a little surprised that my personal circumstances place me in what I regard as impeccably neutral territory on the issue: I am single, I am bisexual, I have no idea whether I will have a long-term relationship with a man or a woman in future and I have no idea whether I
would want to get married. Certainly, I do not personally regard marriage as a gold standard; I regard it as one of the many options on family status that people will make a choice between on the basis of their values and not the values that we would impose on them.

The arguments that we have heard against the bill have been many and varied. Some have been frankly spurious and silly, such as the one that goes, “Well, you know, you can get married already, just to somebody of the opposite sex.” I cannot believe how frequently I have heard that nonsensical and demeaning argument.

Some arguments have been mischievous. There have been deliberate attempts to whip up ungrounded fears about ministers in the Church of Scotland being dragged off by the police, taken to the courts and prosecuted for refusing to marry same-sex couples.

Some of the arguments against the legislation have simply been curious, such as the view that, from the starting point of religious freedom, the law ought to tell churches who they may not be allowed to marry. It seems to me that the argument for religious freedom must be in favour of what the Government is trying to achieve with the bill, which is to permit but not compel.

Some arguments against the legislation are serious and we should not ignore them—quite the contrary. There has been serious opposition to pretty much every step that has been taken in the equalities story over many generations. Certain voices have opposed every step towards LGBT equality, from decriminalisation onwards. Those serious arguments absolutely must not be ignored but must be confronted and defeated because they assert, whether in religious or other terms, the lesser worth, dignity, status or value of LGBT people and our relationships. Those arguments should be and deserve to be defeated. In more than 20 years of volunteering, working or campaigning on many of those issues, I have in all honesty never heard a coherent moral argument in favour of the view that same-sex relationships are of lesser worth or status or that they are morally wrong. I have heard many such arguments rooted in homophobia but none in a coherent moral case.

Some of the arguments that I have heard fall under the heading “I'm not homophobic, but”. That amounts to someone saying that they are not homophobic but they are concerned that one day they might need to treat LGBT people as though they were their equals. On that basis, we have heard demands for so-called protections to be built into the legislation—protections from the indignity of having to treat other people as equals. If we look at the evidence that we heard on the call for those protections, were we to give in to the demands, that would amount to a rolling back of 10 or 15 years of legislative and cultural progress towards equality. We should hold the line against those demands absolutely.

I was proud of Scotland’s Parliament—not as an MSP but as a citizen—not only when it repealed section 28 but when it held the line against the forces of social conservatism and homophobia and did not give in to the demands for concessions. We should be equally proud today and over the months to come not only of passing the legislation but of holding the line against demands for amendments that would weaken the principle of equality. We should also listen seriously to the calls for amendments on issues that members have mentioned, such as the spousal veto, overseas civil partnerships, gender neutral language and gender recognition for younger people. If we do that, we will deserve the pride of many Scottish citizens when we pass the bill at stage 3.

18:53

Jim Eadie (Edinburgh Southern) (SNP): The bill before us concerns an issue that is deeply close to my heart, as it is for other members and for our fellow citizens who have joined us in the gallery this evening.

Ruth Davidson was right to say that the debate is a sign of the growing maturity of the Parliament. The bill is about marriage, but its passage into law will also represent the culmination of decades of struggle for equality for lesbians and gay men, as well as bisexual and transgender people.

Let us not forget that, as recently in our history as 1980, homosexual relations between two men remained illegal, while the very concept of relations between two women did not exist in law. In truth, to be lesbian or gay in Scotland—I can speak only from my experience—was to inhabit a cold and inhospitable place. To come out at that time was to face rejection from friends, family and work colleagues; it was also to risk opprobrium and, in some cases, violence. There were precious few positive role models in the media or in our communities, and it seemed that the further one travelled from metropolitan Glasgow or cosmopolitan Edinburgh, the harsher and the colder that climate became.

Many people chose to leave Scotland rather than stay to face the discrimination and prejudice that were, sadly, a hallmark in much of Scottish society at that time. Thankfully, the culture and temperature have changed. To have had this debate even 10 years ago would have been unthinkable. I believe that, in time, the passage of the bill will enjoy widespread acceptance in our society.
The challenge for those of us who make our laws is not to do what is popular—to stick our finger in the air and see which way the wind is blowing—but to represent our constituents, to listen to the voice of our conscience and to do what is right. I believe that the bill is right and that it commands the public’s support.

In the years since 1980, much progress has been made towards equality through employment legislation, the lifting of the armed forces ban, an equal age of consent, adoption rights and this Parliament’s introduction of a law to outlaw hate crime. However, the struggle for equality has not yet been won. That is why the bill and the debate are so important to so many of us.

In the context of the debate, the most significant change has been the introduction of civil partnerships, which have undoubtedly enhanced the lives of many same-sex couples across the country by conferring on them many of the rights that married couples enjoy. However, a civil partnership is a legal contract; it is not marriage.

My constituents have written in their hundreds to urge me to support the bill and I have been moved and humbled by their testimony. One woman wrote to say:

“I am a practising Catholic who is a strong supporter of same-sex marriage and would very much want my voice to be heard”.

One man urged me to support the bill to end what he called

“government supported prejudice against gay people as second class Scots.”

Another constituent contacted me to say:

“I simply cannot understand what harm it does to anyone if two other people decide to get married. What possible grounds can there be to object to the legislation”? The reason cannot be freedom of religion, because the bill enshrines protection for denominations that oppose same-sex marriage on the ground of theology. At the Equal Opportunities Committee, I asked:

“Has your denomination been compelled to perform same-sex marriage in any of the countries that have introduced same-sex marriage?”

and the Catholic Church’s representative said:

“The Catholic Church has not.”—[Official Report, Equal Opportunities Committee, 5 September 2013; c 1432.]

Let us be clear: no synagogue, mosque, temple or church—whether of the Catholic or reformed tradition—will be forced to conduct same-sex marriages. The bill will not undermine freedom of religion. We will enhance freedom of religion by allowing faiths that recognise same-sex marriage as part of their understanding of God’s love for all people to conduct such ceremonies.

The objection to the bill cannot relate to the need to protect traditional marriage, as marriage has evolved over time. Today, who would defend the subjugation of women in marriage as expressed in the 18th century by a Lord Justice Clerk, Lord Braxfield, when he said that “in law a wife has no person”?

Traditional marriage has evolved to recognise the rights of women and allow divorce and it has always evolved to reflect social mores.

The objection to the bill cannot be that it represents an attack on marriage. On the contrary, how can that be the case when it will meet the desire of thousands of loving couples to be brought within the ambit of marriage? Contrary to what Alex Johnstone said, the bill will strengthen marriage.

Scotland is no longer the cold and inhospitable place that I described. Tonight, we have the opportunity to take a further significant step as a society to recognise that love is love, whether it involves a man and a woman, a man and a man or a woman and a woman.

The Deputy Presiding Officer: You should draw to a close, please.

Jim Eadie: The bill offers a state and social affirmation of the right of two people who love each other to proclaim that love before the world. This is a wonderful opportunity for the Parliament to signal to the world the type of country that we want Scotland to be—one that is open, tolerant and generous to all.

The time for equality in Scotland has arrived.

The Deputy Presiding Officer: You must close, please.

Jim Eadie: The time for marriage equality is now.

18:59

Elaine Murray (Dumfriesshire) (Lab): I am pleased to speak in the stage 1 debate on the bill. I am not a member of the Equal Opportunities Committee, but I have opposed discrimination that is based on people’s sexual orientation since I was a student, which was about 40 years ago. That was in the bleak and inhospitable place that Jim Eadie just spoke about, where sex between men was still illegal, where lesbianism was not recognised because—apparently—Queen Victoria did not think that it could happen, where same-sex partners rarely dared to express their affection publicly, where coming out to the family was a major difficulty for many gay people, and where the popular terminology that was used to describe gay people was derogatory and offensive. I found
all that to be totally abhorrent, as were apartheid and racial segregation, which existed at the same time.

I have had many representations on the bill from constituents, many of whom have been supportive and many who oppose the bill. To constituents who have asked me to vote against the bill because it redefines marriage, I apologise, but I do not agree with their arguments, and I will explain why. To those who told me that they will not vote for me—well, that is their prerogative.

The view that marriage is solely the union of a man and a woman for procreation is outdated and simplistic; there has always been a lot more to marriage than that. For monarchs and powerful families, marriage created and cemented alliances. For others, it represented respectability and the division of labour and responsibilities between men and women. Until recently, as Jim Eadie said, women were the possessions of their husbands. Marriage signified that the woman belonged to the man so that no one else could have a sexual relationship with her and the man could be sure that the children were his.

In these more egalitarian times, marriage is a public declaration of love and of the intention that the relationship will be permanent. It might or might not involve children. If it does, those children might or might not be the biological children of both or either of the parents. Many of us—myself included—have been married more than once; indeed, my oldest lad was at my second wedding. Many other people have stable long-term relationships and bring up their families without feeling the need to be married. Many families consist of one parent bringing up their children with the support of relatives and friends.

The bill will enable people of the same gender who want to make that public declaration of love and permanence in a religious ceremony that reflects their faith to do so. I also support the Government’s proposal for an opt-in process and I welcome the assurances that have been given. However, some of my constituents’ representations have expressed concern about possible discrimination against people of faith. The cabinet secretary talked about circulating letters to certain members; I wonder whether he could circulate that information to all MSPs so that we can offer reassurance to constituents who have been in touch with us.

Other members have reflected on how far we have come in the past 40 years. If someone had told me 40 years ago that a Conservative Prime Minister in the UK Parliament would promote equal marriage, I simply would not have believed them. I am proud of Scotland’s journey, I am proud that more than 60 per cent of Scots now agree with equal marriage, and I am proud that three quarters of those who responded to the committee’s consultation also agree.

As a young woman, I read books that described the experiences of gay people, including Radclyffe Hall’s “The Well of Loneliness” and Gore Vidal’s “The City and the Pillar”. They were stories of tragedy, but the story of being LGBT today should no longer be a tragedy.

I remind people who say that civil partnerships should be enough of the 1976 hit by the Tom Robinson Band “(Sing if You’re) Glad to be Gay”, which, despite its cheerful title, spoke of police harassment, beatings, and insults, and ended with—I will not say the word—the b’s “are legal now; what more are they after?”

Well, like most people, they want equality.

I will support the bill at stage 1 and I hope that it makes its way through Parliament into legislation. It will not mean the end of discrimination against LGBT people, but it will be an expression by this Parliament of the will to treat people equally and not to discriminate on the basis of sexual orientation or the sexual identity that a person is born with.

When I was young, people used to think that being LGBT was a choice, or something their mum or their school did, but people are born that way. A person who is born LGBT does not make the choice to be that, any more than I made the choice to grow to only five foot one. [Applause.]

The Presiding Officer (Tricia Marwick): Ms Murray, can you bring your remarks to a close please?

Elaine Murray: It is just part of the glorious diversity of human beings. Legislation should treat people equally and not discriminate on the basis of sexual orientation or gender identity, any more than on the basis of gender, race or faith. The Government is getting that balance right. I am pleased to support the bill, and I am so proud of the progress that we have made in Scotland during my lifetime.

19:04

Linda Fabiani (East Kilbride) (SNP): That description “of the glorious diversity of human beings” from Elaine Murray just sums everything up. That was great.

I am pleased to take part in the debate today because I feel that it has been a long time coming, although that might be a mark of my own frustration about things. I looked back at the debate that took place during the passing of the
2004 legislation for civil partnerships, and at that time, I asked:

“How can anyone sit here and say that it is equality if same-sex couples are not allowed to manifest their faith in the same way that mixed-sex couples can?”—[Official Report, 3 June 2004; c 8935.]

even if the minister is happy to carry out the ceremony? I still feel that way. I just cannot get my head round the idea that some people should be treated differently from others; it just very, very wrong.

However, it may well be that, although I saw civil partnerships as a temporary solution that ought to be quickly overtaken, it was right at the time that that step was taken, so that we could move on. The figures that Jackie Baillie cited on how social attitudes have changed perhaps indicate that it was correct to introduce civil partnerships.

I have been struck by the amount of personal testimony that has been given; members have been extremely brave. No one need get their notebook out—I am not about to say anything stunning—but I would like to illustrate how time moves on and attitudes change. Thirty-odd years ago, my standing up and saying, “You know what? I’m not married. I live in sin,” might have been as stunning as saying the things that we have heard from neighbours and from other people I met for a couple of years because I was ashamed of it. According to social mores at the time, a child’s parents getting divorced was extremely shocking.

What we are doing today is extremely important and represents a natural step forward. I hope that we get to the point—when I am no longer here—when someone, in the course of explaining to Parliament something that had been taboo for many years, says, “You’ll never guess what. It’s not that long ago that same-sex marriages were something that people found it really difficult to talk about. People found it hard to say that they were in a same-sex relationship because that was what was right for them.” To me, the issue is just about equality—straight, simple equality. It is about accepting people the way they are. Why cannot everyone just accept people the way they are if they are not hurting anyone else? It is extremely simple.

That brings me on to the spousal veto. I had intended to talk about it more, but I am aware that other members want to speak. I was pleased to hear the minister say in his opening remarks that he would look at the spousal veto on legal gender recognition, whereby the spouse of a person who has been through the whole process can still prevent them from having their gender legally recognised. That must be looked at, so I am glad that the minister said that he would do so.

I would like to give due recognition to everyone who has worked so hard for same-sex marriage. There is a great wee book called “Six Reasons to Support Equal Marriage” by the Equality Network. What struck me when I looked through it was how happy everyone in it looks—it is such a happy document—and when we were standing outside in the wet mud getting our photographs taken earlier today, it struck me how happy everyone is that the bill is going ahead. Let us not lose that sentiment. We should be extremely happy that we are moving forward in such a way.

It is true that we still have a way to go, but what we are doing today is very good for Parliament and—in the longer term, even though some may not feel that way now—for everyone in it. It is also very good for Scotland, and we should celebrate that.

19:08

Margaret Mitchell (Central Scotland) (Con): In this important debate about same-sex marriage—which is more often referred to as equal marriage—it is worth taking a moment to set the debate in context. The Equal Opportunities Committee is the lead committee for consideration of the bill and it has the formal remit of considering and reporting on matters that relate to equal opportunities, which include the prevention, elimination or regulation of discrimination between persons on the grounds of, among other things, gender, marital status, race, disability, age, sexual orientation and religion.

The proposition that is before us today is that the belief that is traditionally, if not exclusively, held by members of the Christian faith and other religions—that marriage is a relationship between a man and a woman—discriminates against same-sex couples and therefore the law must be changed to allow equal marriage. That is a dangerous distortion of equality. Equal opportunities celebrates diversity. In that context, equality is not about seeking to make everyone the same but is, in essence, about elimination of discrimination and concentration on fairness and diversity. Equal marriage sets two equality strands—sexual orientation and religious belief—in competition with each other.

Mark McDonald: Will Margaret Mitchell give way?

Margaret Mitchell: My view is in the minority and, if Mark McDonald does not mind, I will use the time that is available to me to develop it coherently.
The decriminalisation of homosexuality in 1980 was an important milestone in tackling the historic discrimination against LGBT people, but same-sex couples in stable and loving relationships still had no legal rights vis-à-vis their partners for many years. If one partner was hospitalised, the other had no legal right to be given any information about their illness or care because they were deemed not to be a relative. The Civil Partnership Act 2004, together with the inclusion of same-sex cohabiters in the Family Law (Scotland) Act 2006, ended that terrible injustice. Provision was made to recognise legal rights to, for example, inheritance and property ownership for same-sex couples.

The point is that discrimination has been addressed, as I have described. In seeking to go further and to redefine marriage, the Government is blurring the distinction between state or civil provision, in which it has a role to play, and religious belief and teaching, in which it does not.

Furthermore, people who believe passionately in the sanctity of marriage between a man and a woman have felt empathy with the LGBT community and have supported and campaigned to eliminate discrimination against it. They did so because that is the fair and right thing to do, despite warnings and fears being voiced that marriage would be undermined. Those same people now find that there is little reciprocal empathy and, sometimes, little tolerance for their views.

With the attempt to redefine marriage, the pendulum has swung too far. Passing the bill will do nothing to address the totally unacceptable abuse of LGBT individuals, which still exists and includes, for example, instances of homosexuals within the Asian community being forced into heterosexual marriages.

However, if the bill is passed, people who oppose same-sex marriage and who already feel inhibited in expressing that view will, ultimately, be more apprehensive about expressing their religious beliefs—regardless of the well-intentioned proposals for safeguards.

There is nothing remotely fair about seeking to dismiss and diminish the deeply held convictions and religious beliefs of thousands of people in Scotland who attend church, temple or mosque, who work hard to do their best for their families and who go about their everyday business without imposing their views on anyone else. That is why I will vote against the bill.

19:14

James Dornan (Glasgow Cathcart) (SNP): We are all hugely influenced by our early experiences. I was fortunate in mine: I come from a conscientious, working-class, Irish Catholic family steeped in social awareness and was taught from an early age that perceived difference mattered not a jot and that we were all Jock Tamson’s bairns.

That maxim has stood me in good stead over the years, and that is why I will support the bill at decision time. It is not because I have had a number of emails that say I should support it. If anything, on balance, I have probably had more against it than for it. I will vote on the basis of what I believe to be right and because of some personal experiences.

This is a huge step for the Parliament and for Scotland. We have talked about the bill being a good thing for the Scottish Parliament, but I think that it is a good thing for the country. We pride ourselves on our values of equality, fairness and social justice, as Jackie Baillie said earlier, and I think that the bill is a perfect example of those.

We have talked about safeguards and the bill has safeguards for celebrants, both religious and belief celebrants. We are not forcing anyone. The bill is about religious freedom, because it will allow certain religions to opt in or to opt out: they do not need to do same-sex marriages and nobody is forcing anyone. I have two sons who are both married and neither of them will feel less married if my brother can get married to his partner. That kind of argument is ridiculous.

I am a bit older than some of the earlier speakers who gave very eloquent speeches, such as Ruth Davidson, Marco Biagi and Kevin Stewart. I remember what it was like for people who were gay when I was growing up, although we did not really know who they were, because they were in the shadows. My brother Michael was 15 when he came out, but the situation was so bad in Glasgow and Scotland at the time that he never came out to us. He waited until he was 17, then he went down to London and started a new life. He met a guy and went over to Portugal with him. He had to do that because of the Scotland that we lived in at the time, yet people say that we should not be moving on.

The bill is a good thing. There are no losers in this; there are only winners. I completely understand that people have different views. I completely understand that people with a religious perspective might have concerns about the bill. The interesting thing for me is that Michael was more religious than me and kept his faith much longer than I did, even though he was being discriminated against by his church. Religion should not be a barrier to accepting the bill, which is highly important legislation.

Michael created a life for himself outwith his homeland. He is in Portugal with his partner of 39
years. I am delighted to say that I phoned him up last night and said, “Michael, guess what I’m doing? I’m going to use you in a speech in the Parliament tomorrow.” He said “Oh, again. Right.” So, he is comfortable with it.

He told me a wee while ago that he was thinking of getting married. He and his partner have been together for 39 years, which is a fairly long engagement, but they have decided that now is probably the time to get married. I suspect that part of the reason for that is that none of us is getting any younger, so they are looking to make sure that everything is right for when one of them goes, and so on. It is great that they are getting married but, unfortunately, they have to do it in Lisbon.

I hope that any member of my family, or anybody I know of a younger generation who is homosexual—gay or lesbian—will be able to get married in Scotland. I do not know whether the party whip is in the chamber. He is. Hello, Joe, I will speak to you. I will be looking for that day off to go to Lisbon to see my brother getting married. It would be much easier if he was getting married in Glasgow or Edinburgh. The bill is a great thing.

When I spoke to my brother last night, I said to him that I was going to use him in this speech and he said to me, “Oh? Okay. Coincidentally, James, I’m going in tomorrow to sign the papers so that we can organise the day that the marriage gets celebrated.” His marriage is coming soon and same-sex marriage will be coming soon in this country. I am confident that we will vote yes tonight and I am confident that when we get to stage 3 the bill will become law. Scotland will be a much better place for it.

19:18

Anne McTaggart (Glasgow) (Lab): As an MSP representing the large, diverse and multicultural region of Glasgow, I believe that it is part of my duty to tackle prejudice, intolerance and discrimination in all forms, not only because prejudice impacts on the lives of those who experience it, but because it holds us back as a nation.

The passing of the bill will have both legal and symbolic significance for LGBT people and their families, who are often on the receiving end of prejudice and discrimination. As Ruth Davidson said in her eloquent speech, recent research tells us that one in four young people who identify as gay, lesbian or bisexual have seriously contemplated or attempted suicide. That figure is a disgrace in modern Scotland. I truly believe that by eliminating some remaining differences, we can remove the stigma that affects so many of our young people.

As has been mentioned, access to civil partnerships was a huge, commendable step forward, but it ensured that a division between same-sex and mixed-sex couples carried on into the 21st century. I believe that opening up the institution of marriage would achieve true legal equality for the first time. I recognise that equality does not mean that we all have to be the same, but in my view it means sharing the institution of marriage with those who have suffered discrimination, oppression and persecution for centuries.

I also believe that the principle of equality should be extended to heterosexual couples who would like their relationship to be recognised in a different way. I have argued that civil partnerships should be extended to mixed-sex couples who choose to celebrate their relationship in a civil or secular ceremony outside of traditional marriage. As a consequence of denying heterosexual people access to civil partnerships, we are, once again, segregating couples based on their sexual orientation. That is outdated and it is something that the bill should seek to remove fully from our society.

I recognise that the proposal of same-sex marriage is challenging to many people of faith and to some of our religious organisations. I have Christian values and I understand the view that marriage is an institution specific to the relationship between one man and one woman. Although I do not share that view, I passionately believe that those who hold it should be free to express it. That is why I am reassured to note that no religious organisation will be forced to perform same-sex marriages against its will and that religious freedoms will be protected by the bill.

Attitudes are changing. In Parliaments throughout the world, greater recognition for same-sex couples is high on the agenda. We should not be left behind on the issue and I look forward to being part of the Parliament that brought this long overdue legislation to the people of Scotland.

19:22

Richard Lyle (Central Scotland) (SNP): Presiding Officer, I thank you for the opportunity to take part in the debate.

I have been contacted by a large proportion of my constituents about the Marriage and Civil Partnership (Scotland) Bill, the majority of whom are opposed to the bill. My constituent Ronnie Mathieson questions why we are redefining a word—marriage—that once meant one thing to mean something different. He suggests that all previous literature, text books, records, legislation, poetry, plays, songs and so on will have to be
dated and have footnotes to explain the change of Scottish terminology. He suggested in an email to me that there already appears to be a legal challenge to the watertight safeguards in the similar English legislation. Will this bill be watertight? I do not think so, and many others repeat that observation.

I heard from my constituent Mrs Morris, who is concerned that people who do not support same-sex marriage will suffer in the workplace. Other constituents, such as Ms Young, have concerns that ministers of religion could be prosecuted for refusing to marry same-sex couples.

I asked the cabinet secretary about adoption earlier. I had a letter from my constituent Anne McCool, who said:

"I would ask you to look very carefully at the introduction of safeguards for people who believe in the existing definition of marriage. There is a danger that foster carers or adopters may be classed as unsuitable because of their opposition to same-sex marriage. The government's suggested solutions for fostering guidance is not good enough. I would be grateful if you would highlight the following concerns.

(A) That a clause be inserted in the Bill that views on the nature of marriage should not be considered during the approval process for foster carers and adopters

(B) That a statutory safeguard should be introduced into the Children and Young People (Scotland) Bill to ensure that people think about same-sex marriage does not influence decisions on their applications to be adoptive parents."

As I said earlier, 30 years ago I was an adoptive parent and, because of my views, I do not think that I would have passed.

Margaret McCulloch: Will the member take an intervention?

Richard Lyle: No. I do not have time.

My wife’s minister, the Rev Derek Hughes, recently emailed us stating that, as the bill stands, it will place supporters of traditional marriage in conflict with equality laws. He went on to say that, at the very least, amendments need to be introduced to the bill to protect ministers, chaplains, teachers and registrars, among others, who will find themselves in an uncomfortable situation when forced to choose between their deeply held religious views and the proposed new law.

In light of that, many of my constituents feel that the section of the bill that is meant to be designed to protect those who speak out against same-sex marriage is not fit for purpose and should be amended to specify clearly that it is not against the law to criticise same-sex marriage.

Rest assured that, when the bill is passed, it will be tested to the limit. Adoption will be tested, and people who want to adopt will be questioned on their views, as I suggested earlier.

I remind members about the response to the specific question in the Scottish Government’s consultation on whether same-sex marriage should be allowed. Some 64 per cent of responses from within Scotland said that it should not be. Furthermore, the Scotland for Marriage petition, which opposes the redefinition of marriage, has recently passed the 53,000 signature mark. That demonstrates the enormous strength of feeling on the issue. Based on the figures that have been given to members, Scotland does not support the bill.

The Presiding Officer: I am sorry, but you need to start to wind up.

Richard Lyle: I know that the bill will be passed eventually, but that does not prevent me from voicing my constituents’ concerns. I intend to vote against the bill, conscious of the fact that I have stood up for my constituents and presented their views.

The Presiding Officer: John Finnie is the final member to speak in the open debate. You have four minutes, please.

19:26

John Finnie (Highlands and Islands) (Ind): Thank you, Presiding Officer. I apologise to you and the cabinet secretary for missing the opening remarks.

I am a member of the committee that put together the report, which reflects a wide range of views. It is very important that all voices are heard.

My colleague John Mason, who is also a member of the committee, talked about the importance of the bill in negative terms, if I heard him correctly. For me, there is little more important than equality and fairness and, for that reason, I fully endorse the bill.

A number of members have talked about changed attitudes. That is reflected in attitudes to gender, disability, race and sexual orientation. As a police officer who commenced work in the mid-1970s, I learned laws about homosexuality that seem bizarre and are totally unacceptable nowadays.

The Equality Network’s recent briefing says that marriage equality “matters to LGBT people”. That is very apparent, and we have heard powerful testimonies from Ruth Davidson, Marco Biagi, Kevin Stewart, Jim Eadie and other members.

I have received many communications from people of faith and I hope that I showed that I was respectful of their views. Those views were clearly individual ones. There were individual
I am sure that the faith groups recognise that attitudes have changed, not least to things such as mixed-race marriages and divorcees. If members check the Official Report, they will see that Professor John Curtice talked about the “liberalisation of attitudes even among regular worshippers.”—[Official Report, Equal Opportunities Committee, 19 September 2013; c 1518.]

It is clear that there is no requirement to marry same-sex couples and that protection is afforded to faith groups by article 9 of the ECHR. I, for one, commend the legislative co-operation with the UK Government on aspects of that. I hope that faith groups will participate at some future point, and I commend the humanists, Quakers, Unitarians, liberal Jews and others.

Not much has been said about registrars; I thought that more would have been said about them. They are public servants and should complete public duty. We would not tolerate people saying that they would not participate in conducting a mixed-race marriage so, frankly, they need to get on with it.

There has been a lot of talk about the nature of communications. Unlike Margaret Mitchell, I have not found opponents to be inhibited in any way in their contact with me. I have received individually written letters, mass postcards and personal representations. Some people have strange obsessions with physical acts. I found reading about some of them to be very uncomfortable. Like many others today, I got a communication that started, “Dear Frequent Sinner”. Uniquely, however, when I tried to explain things to someone in the range of other parliamentary work, I got back, “Nice work, Satan.” It is important to recognise that there are genuine, strongly held views on both sides and that those remarks are not representative of all the faith organisations.

Other members have touched on the issues that the Scottish Transgender Alliance raised; time will not permit me to go into them. I commend the cabinet secretary for his comment that he will think further about those issues. There are a number of issues and they are challenging to discuss, not least the age aspect, but I was reassured by what I heard from the cabinet secretary at the Equal Opportunities Committee and I look forward to those issues being addressed.

The future will not be without challenges, but it must be without prejudice. The bill will make Scotland fairer and more equal and, I hope, an enlightened and inclusive nation. Equality in love, and the opportunity for that love to be publicly displayed via marriage, must trump intolerance and inequality, and that will happen if we support the general principles of the bill tonight.

19:30

John Lamont (Ettrick, Roxburgh and Berwickshire) (Con): Few matters in politics today have evoked such emotive engagement as the issue of same-sex marriage. Engagement has taken place at all levels and indeed across all parts of Scottish society. It has taken place between constituents and their elected representatives, between those elected representatives and, of course, between the people of Scotland. Wherever that engagement has taken place, we have found passionate, profound and deeply held views on all sides of the debate.

I speak today as a Church of Scotland elder as well as a Conservative. I therefore understand the anxiety that the proposals for same-sex marriage are causing churches and religious groups across Scotland, but I also understand and share the desire for religion to remain relevant in our modern, 21st century, progressive society. Religion is not, after all, afraid of change. It has responded in the past to changing conditions and standards, and the religions that many of us celebrate and enjoy in our lives today are products of the environment that they operate in.

We do not even have to go back as far as Leviticus and its proclamations on footballs made of pig skin, beard trimming and bowl-shaped haircuts to prove that point. In the New Testament, Mark is seemingly unequivocal in his opposition to divorce, as is Timothy in his prohibition of the wearing of pearls and gold. Religion has moved on from those times. Indeed, it has done so repeatedly, time and time again, and when it did it was right that the state recognised and facilitated that evolution. That is a point that I would like to stress.

I have heard opposition to the same-sex marriage proposals on the basis that they represent an unjustified and unwarranted interference in the affairs of religion by the Government, or by the state. That could not be further from being the case. If religions do not want to embrace this gradual tide of change, they will not be forced to do so. If anything, the bill will give religions greater freedom and greater autonomy by allowing them to pursue the agenda and the pace of change that they believe to be right when it comes to same-sex marriage.

If the change is no change, that would be, in my view, a sad state of affairs. I believe that our country, our society and our religions would be worse off for that, but I recognise that it is a religious and not a political decision. Our role as
politicians here today is limited to deciding whether we should enable that process of change, whatever it may be, to occur. I believe that such change is not only right but inevitable. Religion and the church do not exist in a vacuum. Indeed, they cannot if they are to remain relevant in our society and to continue to act as a credible force for good in our world.

That is why I urge those who oppose the proposals that we are debating tonight to seriously and critically examine the reasons for their opposition to same-sex marriage and to ask themselves whether they want their religion, their church and their society to fail to embrace change, the time for which has surely come.

Patrick Harvie: Will the member also acknowledge that most marriages that are conducted in Scotland are already civil or indeed conducted by the Humanist Society, and so even those who have concerns about the impact on religion should be supporting the bill because of the opportunity for people to have civil marriages on the basis of equality?

John Lamont: That is my point. The bill allows the religions and the churches to opt in or opt out as they require and as they want, and to develop at their own pace.

It remains my view that the proposal is about consistency more than it is about equality. Marriage is permitted for one set of individuals, and there has to be a very good reason if we are to exclude another set of individuals. I believe that, in order to be consistent, and because society accepts same-sex relationships, there is no good reason to exclude them from marriage—certainly not on the basis of what sex the person whom someone falls in love with happens to be.

When I travel around my constituency and visit schools or meet young constituents, the idea of opposition to the bill is met with what I can only describe as bafflement. My experience has been that the younger generation supports the proposal's aims in overwhelming numbers. If religion does not evolve, and if the state does not allow it to evolve when it wants to do so, we risk excluding those younger voices from a tradition that is woven intrinsically into the basic fabric of our society. In his eloquent speech in the debate on same-sex marriage in the House of Lords, the Earl of Courtown warned of the danger and implored his fellow peers to "allow the next generation not to reject the traditions of yesteryear but to build the traditions of the future."—[Official Report, House of Lords, 3 June 2013; c 1042.]

His words are as true here as they were in Westminster.

Our society has found itself at similar crossroads before now. In the past 20 years we have debated, passionately and often robustly, section 28, the lowering of the age of consent, gay adoptions and civil partnerships. In each case, I am proud that our progressive democratic tradition eventually prevailed. Today, we in the Scottish Parliament have the opportunity to add our voices to that tradition and the privilege of contributing to our society's progress.

I will vote for the bill. It is the right thing to do for our country, it is the right thing to do for our church, and it is the right thing to do to strengthen the wonderful institution of marriage.

19:36

Jackie Baillie: In the main, this has been a good and mature debate. I was struck by many of the speeches, as I am sure that many members were. Some members spoke from a very personal perspective and others made humorous speeches. I have no time to mention them all, but I will attempt to cover some of the territory.

Ruth Davidson was right when she said that marriage is a good thing—I have been married for almost 30 years, and I keep telling myself that it is a good thing. She was right to talk about the value of extending marriage as an institution. She made a personal and powerful contribution to the debate, which should give us all pause for thought. What we do tonight matters for the future nature of our country and for our young people.

Marco Biagi talked about how he felt as he grew up. I know the area where he grew up, and it can sometimes be pretty unforgiving. He talked about how he was made to feel different and somehow less deserving. His testimony of his personal journey richly informed our debate.

I will disagree with Mary Fee, which is always a dangerous thing to do. She said that attitudes are changing at a snail's pace. I think that she is wrong. Society's attitudes are changing much faster than we are able to keep up with them. In the 2002 Scottish social attitudes survey, 41 per cent of people were in favour of same-sex marriage. By 2010, a mere eight years later, 61 per cent favoured same-sex marriage. A 20 per cent shift in opinion, on any issue, in such a short time is hugely significant.

John Mason talked about the importance of tolerating different points of view. Our debates in the Parliament are often robust, and rightly so, but we need to move forward together. His concern, which is shared by some people inside and outside the Parliament, is that the protections are not sufficiently robust. I might well think that they are sufficiently robust, but I know that the cabinet secretary will want to look at the matter, so that we are assured that the provisions that he makes with
the UK Government to amend the Equality Act 2010 are indeed sufficiently robust.

However, I am mindful that in the 10 European countries that I listed earlier—the Netherlands, Belgium, Spain, Portugal, Norway, Sweden, Iceland, Denmark, France, and, most recently, England and Wales—which have all passed same-sex marriage laws, no religious or belief body or celebrant has been forced to conduct a same-sex marriage. I accept that same-sex marriage legislation was introduced only recently in England and Wales, but no such claim can be made of the other countries. Same-sex marriage legislation was passed in the Netherlands in 2001, in Belgium in 2003 and in Spain in 2005—I could go on, but just in the countries that I mentioned the laws were passed 12 years ago, 10 years ago and eight years ago respectively, which is quite a period over which to be able to judge whether the protections are sufficiently robust and whether any church or celebrant has been forced to do something.

**John Mason:** I take Jackie Baillie’s point with regard to marriage specifically, but will she accept that some of the assurances for adoption agencies have proved not to be solid over time?

**Jackie Baillie:** Many countries are moving in the direction of wanting to ensure that there is more equality and are taking appropriate steps forward, but ultimately it is a matter of equality. Of course we need to ensure that protections are in place, but that does not remove the need to ensure that we operate as an equal nation.

Some members, such as Elaine Smith, Richard Lyle and Margaret Mitchell, have spoken against the bill. I respect their right to hold a different view, but I think that they are—quite simply—wrong. Margaret McCluskey spoke about agreeing to differ, and Joan McAlpine rightly picked up on that theme.

Our society is actually quite mature. We do not always agree with one another—one needs only to look at the chamber to see the truth of that—but we can walk out of the chamber and still work together.

**Bob Doris (Glasgow) (SNP):** Will the member give way?

**Jackie Baillie:** I will in a moment.

Joan McAlpine was right to reflect that our society will do just that. We are tolerant of one another, and we come to accommodations with one another—that is life, and that is how we live it.

I am happy to give way to Bob Doris.

**Bob Doris:** I have listened with interest to the vast majority of this afternoon’s debate. Does Ms Baillie agree that the debate is not about the competing interests of traditional and modern views of marriage? The reason why I will vote yes this evening is that this piece of legislation allows everyone’s views of marriage to be reflected in statute in Scotland.

**Jackie Baillie:** I could not agree more. Jim Eadie, like Bob Doris, set out—in a very powerful speech—how the bill will expand freedom for belief organisations that want to marry same-sex couples, and how it will strengthen marriage. I agree completely with Bob Doris, which must be a first for him.

Drew Smith and Patrick Harvie spoke about repealing section 28 and our pride in doing so; I thank Drew for making me feel old and reminding me that he was at school then. He is right to remember that the repeal of section 28 was not without consequences—often serious—for members of the LGBT community, as they had to deal with some of the hysteria and homophobic bullying that surrounded it. We need to ensure that that does not happen again.

James Dornan mentioned the bill’s ability to strengthen marriage and spoke about the experience of his brother Michael; we all look forward to receiving our invitations to the wedding in Lisbon, now that we know about it.

The debate has been extraordinarily interesting. Elaine Murray and Patrick Harvie remarked on how extraordinary it was that there was agreement across the chamber—indeed, Patrick noted that it was probably the first time that he has applauded Ruth Davidson with such enthusiasm. That may well be true for many of us. It is not often that I find myself in complete agreement with Alex Neil and Mark McDonald—and even, for goodness’ sake, Kevin Stewart; it must be a truly historic day.

Elaine Murray was right to remind us about the glorious diversity of human beings, even those whom she described as being vertically challenged. We are all different, and that is what makes us all so interesting. Whatever that difference is, we should be tolerant of one another, but we should respect and celebrate our difference, because that is the tapestry of our nation.

For me, and for many members on all sides of the chamber, the legislation is about equality, fairness, social justice and values that I believe we all share. I know that some may be hesitating tonight, but I ask them to think for a moment. What if your son or daughter is unsure about their sexuality? What if they have a same-sex partner? Do you really want to deny them the opportunity to marry? I hope not.

I urge all members to support the general principles of the bill to ensure that the next generation can marry the person they love.
The Presiding Officer: I call on Alex Neil to wind up the debate. Cabinet secretary, you can continue until 7.56 pm.

19:44

Alex Neil: That will not be a problem, Presiding Officer.

I begin by reminding the Parliament what the Equal Opportunities Committee said in its report. The committee hoped that members of the Parliament would

“approach the Stage 1 decision with the same dignified tenor as our evidence sessions and with due respect for a diversity of views.”

Everybody who has spoken has tried to live up to that ideal, and I think that this has been one of the most powerful debates that the Parliament has ever held. It is a real tribute to the Parliament.

We have heard some wonderful speeches, from Ruth Davidson and many others, some of which have been very powerful indeed, putting the case for the bill. There have also been powerful speeches putting the case against.

I will begin by dealing with two fairly fundamental points that have been raised by those who do not feel that they can vote for the bill tonight. First, I emphasise that there are essentially two aspects to marriage: there is the religious aspect and there is the state law aspect. What we are dealing with tonight is the state law aspect of marriage. We believe that the state should recognise marriage between same-sex couples as well as between mixed-sex couples.

The bill does not in any way interfere with any religious or belief body's approach to marriage. Indeed, there is only one way in which it even touches on it, and that is that churches and other religious organisations such as the Unitarians and the Quakers will now be able to have same-sex marriages, which they want to carry out, carried out on their premises under their religion. Those marriages will now be recognised by the state. Beyond that, the proposed legislation has no other impact on marriage as carried out by, defined by, exercised by or recognised by such bodies.

Secondly, we are not redefining marriage. I refer to Mary Fee’s point, and I have heard the First Minister say this—and many of us would agree: the bill does not in any way redefine our marriage. It does extend the eligibility for marriage, which is the key point of the proposed legislation. People in Scotland who have been ineligible for marriage will now be eligible for marriage and for that marriage, and the love that it represents, to be recognised by the state and by those religious bodies—and only those religious bodies—who want to recognise those marriages out of their own choice.

Jamie McGrigor (Highlands and Islands) (Con): I thank the minister for his usual magnanimity in allowing me an intervention.

I wish to put down a marker in this debate. A substantial number of my constituents in the Highlands and Islands have expressed to me their concerns that sections that are designed to protect teachers, parents, ministers, foster parents, registrars and public sector workers who hold what I could call traditional views will not be strong enough and that they might be open to legal challenge, including at European level.

What specific guarantees can the minister give that legal safeguards will be watertight? My constituents are very anxious for that reassurance. Can the minister give it to them?

Alex Neil: Absolutely. Let me explain exactly why.

We are giving four sets of guarantees. First, there are the guarantees in the proposed legislation itself. Probably the biggest single guarantee is that, in order to carry out same-sex marriage, any religious organisation, belief organisation or celebrant has to opt in. It is their decision to opt in, and they obviously cannot be forced to opt in.

That is the case not just for the organisation. As the bill states, if, for example, the Church of Scotland changed its mind and agreed to recognise, participate in and carry out same-sex marriages, but its own celebrants—its own ministers—did not wish to do so, those ministers would still have the right not to opt in.

The rights of the organisation, religious body or belief body, as well as those of the individual celebrant, are absolutely guaranteed under the bill, which is totally compatible with the European convention on human rights. If it had not been, the Presiding Officer would not have approved it as competent proposed legislation.

Secondly—and on top of that—there are the amendments that we have agreed with Jamie McGrigor’s own UK Government. Maria Miller and I have been working very closely on this matter, and we have agreed amendments to the Equality Act 2010 that will underline all the relevant protections for those who take a different view or do not want to participate in same-sex marriages. In fact, some aspects actually go slightly further than the protections that were built in during the passage of the UK legislation.

The third protection is in relation to education. My friend the Cabinet Secretary for Education and Lifelong Learning is at this very moment consulting on the legislation’s impact on educational guidance. He will announce the outcome of that consultation within the next two to three months.
The final protection is the Lord Advocate’s guidance to all prosecutors in Scotland, which has already been published and which absolutely, explicitly and unequivocally guarantees the rights of those people who are opposed to the principle of same-sex marriage and those who do not wish to participate in or carry out such marriages.

In short, we are providing not just one but four sets of protections specifically for this legislation. I believe that to be a very reasonable balance between extending the freedom and rights of those who are entitled to marry and extending and guaranteeing protections for those who disagree with the policy and do not wish to carry out same-sex marriages.

Annabel Goldie (West Scotland) (Con): Like John Lamont, I speak as an elder of the Church of Scotland and I propose to vote for the bill this evening.

I am concerned about the level of protection afforded to, say, an individual celebrant from a religious community that has opted in but who chooses to opt out. As I read it, the relevant amendment to the Equality Act 2010 says that a person controlling the use of religious or belief premises will not contravene the act by refusing to allow the premises to be used for a same-sex marriage or a civil partnership.

However, we might be talking not about a person within the Church of Scotland but about a collective entity such as a congregational board. It might also be that, after a request to participate in a same-sex marriage is declined, a subsequent request to use the church premises for a reception is also declined. Is that also covered by this protection?

Alex Neil: Yes, it is and I must also inform the chamber that I intend to issue the legal text of the proposed amendments to the 2010 act before the completion of stage 2. Obviously, we have to agree the legal text with the lawyers in London as well as the lawyers here, but if members look at the protections in our bill alongside the text of the amendments to the 2010 act, they will see that the protections are unequivocally unchallengeable with regard to the individuals and the churches in question. Indeed, the protections extend to organists, who are essential to a church ceremony. If an organist turns round and says, “I refuse to play the organ at a same-sex marriage ceremony”, they, too, will be protected from any prosecution. This is the most comprehensive set of protections imaginable for any piece of legislation that we have ever introduced.

As a result—and I thank Jackie Baillie for emphasising this point—I think that we have achieved a balanced package. On the one hand, we are extending the freedom and rights of those who wish to engage in same-sex marriage and, on the other, we are putting in place all these protections for people who are either against it in principle or who do not want to participate.

Hanzala Malik (Glasgow) (Lab): Will the cabinet secretary give way?

Alex Neil: Of course I will.

The Presiding Officer: As briefly as possible, please, Mr Malik.

Hanzala Malik: What protection can you guarantee if someone challenges our decision in the European Court and we lose?

Alex Neil: We are very clear that there is no chance of a successful appeal to the European Court. Apart from anything else, the European convention on human rights does not give someone the right to same-sex marriage in the first place. There are also other reasons, which I do not have time to go into tonight, why we are absolutely sure that any appeal to the European Court would not be successful.

In summary, I believe that the bill is—as Jackie Baillie and others have said—a balanced package that allows freedom and rights to be exercised by those who at present cannot exercise them, without in any way diminishing or threatening the rights and freedoms of those who take a different point of view.

More importantly, as many speakers have pointed out, it is not the text of the bill that matters but the message that it sends out about 21st-century Scotland. We are joining those 16 states in America, those nine European countries, our friends south of the border and all the other countries, including South Africa, that have already passed legislation to provide a modern framework of legislation relating to marriage that recognises the equality of all our people. As Rabbie said, we are all Jock Tamson’s bairns, and all the bairns are entitled to exactly the same treatment throughout our law, now including marriage law.

This is a historic day for Scotland. Future generations will look back and congratulate the Parliament on passing this progressive piece of legislation. [Applause.]
The Presiding Officer: The next question is, that motion S4M-08327, in the name of Alex Neil, on the Marriage and Civil Partnership (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For
Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allard, Christian (North East Scotland) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
The result of the division is: For 98, Against 15, Abstentions 5.

Motion agreed to,
That the Parliament agrees to the general principles of the Marriage and Civil Partnership (Scotland) Bill.

[Applause.]

Meeting closed at 20:10.
Background

1. The Committee reported on the delegated powers in the Marriage and Civil Partnership (Scotland) Bill\(^1\) on 2 October in its 51st report of 2013.

2. The response from the Scottish Government to the report is reproduced at the annex.

Scottish Government response

*Section 8(2)(g) – change of qualifying civil partnership to marriage*

3. Section 8 provides for the conversion of a qualifying civil partnership to marriage in the form of an administrative process rather than through a full marriage ceremony.

4. The administrative process will be set out in regulations made by the Scottish Ministers. Section 8(2)(g) allows Scottish Ministers to make provision in those regulations about the effect of a conversion through an administrative procedure. Section 9 of the Bill sets out the effect of converting a qualifying civil partnership to marriage through a marriage ceremony.

5. In oral evidence to the Committee, the Scottish Government stated its intention that the effect of either of the aforementioned routes to marriage should be exactly the same.

6. In its stage 1 report, therefore, the Committee questioned why the power at section 8(2)(g) was necessary. The Committee considered that, given the Government’s stated intention that there should be no difference in the effect of either route to marriage, section 9 could have been applied to both types of converted marriage.

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\(^1\) Marriage and Civil Partnership (Scotland) Bill [as introduced] available here: [http://www.scottish.parliament.uk/S4_Bills/Marriage%20and%20Civil%20Partnership%20(Scotland)%20Bill/b36s4-introd.pdf](http://www.scottish.parliament.uk/S4_Bills/Marriage%20and%20Civil%20Partnership%20(Scotland)%20Bill/b36s4-introd.pdf)
7. In its response, the Government indicated that it would lodge amendments at stage 2 which would remove the power at section 8(2)(g), confirming that the powers at section 9 could be applied to both types of converted marriage.

8. The Government also confirmed that it would bring forward amendments which would set out details of the effects of changing a civil partnership to a marriage through the administrative route on the face of the Bill rather than through subordinate legislation.

Section 28: renewed marriage or civil partnership following issue of full gender recognition certificate

9. Section 28(2)(h) allows Scottish Ministers to make provision about the effect of entering into a renewed marriage or a renewed civil partnership following on from the issue of a full gender recognition certificate (which legally recognises a change in gender) to one or both of the parties to a marriage or both parties to a civil partnership.

10. In oral evidence to the Committee, the Scottish Government clarified that a renewed marriage or civil partnership ceremony is not intended to have any distinct legal effect and that the parties involved would remain in the same legal relationship following such a ceremony. In its report therefore, the Committee invited the Scottish Government to reflect on whether the power was necessary.

11. In response to the report, the Government agreed that the power at section 28(2)(h) is unnecessary, and committed to bringing forward amendments at stage 2 to remove it.

Schedule 2 (paragraph 6) (new section 5D of the Gender Recognition Act 2004): change of gender or married person or civil partners: additional circumstances

12. Persons who wish to change gender may do so by applying for recognition of their new gender under the Gender Recognition Act 2004. A person’s change in gender is only legally recognised when a full gender recognition certificate is used under that Act. New sections 4(2)(c) and 5C of the 2004 Act introduced by the Bill will provide that a full gender recognition certificate can only be issued to a person in a civil partnership where both parties to the partnership qualify for recognition of their change in gender at the same time. This is because if only one party to the partnership changes gender the parties will be of opposite sex; and members of the opposite sex cannot form a civil partnership.

13. However, the Bill provides that if the civil partners convert their civil partnership to a same sex marriage prior to the change in gender of one of the parties, a full gender recognition certificate can be issued to that party provided their spouse consents to the marriage continuing.

14. New section 5D of the 2004 Act, which is inserted by paragraph 6 of schedule 2 to the Bill, is intended to provide for this process to take place via an administrative route rather than a formal ceremony. This will be set out in subordinate legislation but the power to issue a full certificate is not restricted to the specific circumstances of administrative marriage. Rather the power allows the Scottish Ministers “to provide
for the issue of a full gender recognition certificate in additional circumstances to those specified in section 4(2)(c) or 5C. The power includes the ability to make provision about the effect of issuing a full gender recognition certificate to the applicant. Subsection (4) specifically explains that this can include provision for changing the civil partnership into a marriage.

15. The Committee was concerned that, although the power may be intended to make provision for the issue of gender recognition certificates following conversion to a marriage through an administrative procedure, it is not restricted in this way. In its report therefore, the Committee questioned whether it was appropriate that Scottish Ministers could determine any additional circumstances in which a full gender recognition certificate could be issued. In other words the Committee considered that the power was too widely drawn and in particular greatly exceeded the scope required by Ministers to deal with the issue in question.

16. At a broader level of principle the Committee considered the issue of gender recognition certificates to be a matter of significance and sensitivity which requires a high level of parliamentary scrutiny and consideration. The Committee therefore questioned whether Ministers should be given the power at all and stated that it would prefer that the Parliament dealt with the matter in the Bill.

17. However, in reaching this view the Committee also recognised that it may not be possible for the Government to resolve the practical difficulties which it alluded to in its evidence within the legislative timetable which the Government had set. Therefore if the Government was not able to resolve the matter by amendment during the passage of the Bill the Committee recommended that a very high level of scrutiny be applied to the powers. It recommended that the power be subject to the affirmative procedure in all cases and that there should be a statutory requirement for consultation on a draft instrument.

18. In its response to the Committee, the Scottish Government stated that it did not intend to set out these details on the face of the Bill. It did commit, however, to consulting further with stakeholders in order to determine whether the process could be streamlined.

19. The Government also stated its intention to lodge amendments at stage 2 which would require Ministers to carry out a public consultation on any draft orders made under section 5D. Further details of the intended consultation are set out in the Government’s response to the Committee’s report which is reproduced at the annex of this paper.

20. Finally, following a recommendation by the Committee, the Scottish Government agreed to lodge amendments at stage 2 which would make all orders under section 5D subject to the affirmative procedure.

**Conclusion**

21. Members are invited to make any comments they wish on the Bill at this stage. Given the Scottish Government’s commitment to bring forward amendments, it is probable that the Committee will have a further opportunity to consider the Bill after stage 2.
Recommendation

22. Members are invited to note the Scottish Government's response on the Bill and to make any comments they wish at this stage.
Correspondence from the Scottish Government, dated 12 November 2013:

Section 8(2)(g): change of qualifying civil partnership to marriage

1. The Government agrees with points made by the Committee at paragraph 21 of the report. As the Committee indicates, the Government’s intention is that the effect of changing a civil partnership to a marriage through the administrative route will be the same as changing a civil partnership to a marriage through undergoing a marriage ceremony. Therefore, the type of provision contained in section 9 can also be applied in relation to marriages established under procedures set up under section 8.

2. As a result, the Government will lodge amendments at Stage 2 to remove section 8(2)(g) and to make provision in the Bill itself on the effect of changing a civil partnership to a marriage through the administrative route.

Section 28: renewed marriage or civil partnership following issue of full gender recognition certificate

3. As the Committee indicates, the renewed marriage or civil partnership ceremony is not intended to have any distinct legal effect. Paragraphs 9 and 10 of schedule 2 to the Bill provide that the continuity of marriages and civil partnerships are unaffected by the issuing of a full gender recognition certificate.

4. Therefore, the Government agrees that the power in section 28 to make provision through regulations about the effect of entering into a renewed marriage or civil partnership ceremony should be removed. The Government will lodge amendments at Stage 2 accordingly.

Schedule 2 (paragraph 6) (new section 5D of the Gender Recognition Act 2004): change of gender or married person or civil partners: additional circumstances

5. The Government does not consider it can accept the recommendation at paragraph 45 of the report. We have had discussions with stakeholders on additional procedures that could apply to establish a more streamlined procedure for persons in a civil partnership to obtain a full gender recognition certificate. These discussions will continue further and, in addition, the Government would wish to consult more widely.

6. However, the Government does agree that the power is significant. Therefore, following paragraph 47 of the report, the Government will lodge amendments at Stage 2 so that all orders made under the new section 5D are subject to the affirmative procedure. As the Committee itself noted, this means that the potential amendment outlined at paragraph 48 has been superseded.
7. The Government will also lodge amendments so that there is a statutory requirement for the Scottish Ministers to carry out a public consultation in relation to a copy of a draft order made under the new section 5D. The Government intends to make a specific commitment to consult the Gender Recognition Panel on draft orders (in addition to the existing requirement to consult the Registrar General for Scotland) and to consult such other persons, or groups of persons, as the Scottish Ministers consider appropriate. This latter group would include bodies representing persons seeking gender recognition and would also include bodies representing family lawyers.

8. Consultation on draft orders would follow usual Scottish Government practice for public consultations. This means that:

- The consultation will be published on the Government’s website.
- There will be a minimum of 12 weeks for the consultation period.
- The responses will be published on the Government’s website (subject to any confidentiality requests and to redacting any defamatory or offensive comments).
- An analysis of the responses will be published.
- A report on the consultation will be published.
Present:

Richard Baker          Bruce Crawford (Committee Substitute)
Mike MacKenzie         Margaret McCulloch
Stuart McMillan (Deputy Convener) John Scott
Stewart Stevenson

Apologies were received from Nigel Don (Convener).

Marriage and Civil Partnership (Scotland) Bill: The Committee considered the Scottish Government’s response to its Stage 1 Report.
Marriage and Civil Partnership (Scotland) Bill: After Stage 1

11:15

The Deputy Convener: Agenda item 7 is consideration of the Scottish Government’s response to the committee’s stage 1 report on the Marriage and Civil Partnership (Scotland) Bill. Members have seen the briefing paper and the response from the Scottish Government. Do members have any comments?

Members: No.

The Deputy Convener: Are we content to note the response and, if necessary, to reconsider the bill after stage 2?

Members indicated agreement.
Introduction

1. This paper provides the Government response to the Stage 1 report by the Equal Opportunities Committee of the Scottish Parliament on the Marriage and Civil Partnership (Scotland) Bill. The Government is also taking this opportunity to update the Committee on some issues arising.

Protections and freedom of expression

General

2. As requested by the Committee at paragraph 206, the Government will take account of views expressed by consultees in relation to protections and freedom of expression. The Government does consider that we have the balance right in relation to furthering the rights of LGBT people and protecting those people and bodies with religious beliefs and faith who have expressed concerns about same sex marriage.

Equality Act amendment

3. Separately, the Government is providing the Committee with a draft of the planned amendments to the Equality Act 2010, and an accompanying Explanatory Note, on protection of religious and belief celebrants and others.¹

Education guidance

4. The Committee drew the Parliament’s attention to the views expressed as regards the relationship between the Bill and public services, including educational matters. On education, the Committee will be aware that the Government recently sought views on draft guidance on relationships education.²

5. We had just over 60 responses from organisations and individuals, primarily organisations.

6. The two main areas that attracted attention are:

6.1 Paragraph 10 on teachers, children and young people not being made to do something against their conscience.

6.2 Paragraph 16 on parental right of withdrawal from specific lessons on sexual health education.

¹ The statement agreed between the UK and Scottish Governments on the amendments to the Equality Act 2010 is at http://www.scotland.gov.uk/Resource/0042/00426318.pdf
² The draft guidance is at http://www.scotland.gov.uk/Publications/2013/09/7899
7. Officials have met with everyone who requested a meeting, including:

- Steven McCrossan, Equalities Officer at the Educational Institute of Scotland.
- Michael McGrath, Director of Scottish Catholic Education Service.
- Members of the Sexual Health Promotion Specialists within the NHS.
- Members of the Executive Leads for NHS Health Boards.
- Scottish Marriage Care.
- LGBT Youth Scotland.
- CARE Scotland.
- Scotland’s Commissioner for Children and Young People.

8. We are starting to analyse the responses. We will discuss the responses and possible changes to the draft with colleagues in Education Scotland and Health Scotland. We will go back to key stakeholders in the New Year to discuss potential changes to the draft.

Registration of celebrants

Religious and belief marriage

9. The Government has considered the point raised by the Scottish Council of Jewish Communities (SCoJeC) on references to religious and belief marriage. As recorded in paragraph 208 of the Committee’s report, SCoJeC suggested that references in the legislation should be changed from “religious or belief marriage” to “religious marriage or belief marriage”. The Government outlined the reasons for the current approach, which was adopted following the consultation on the draft Bill, in the Policy Memorandum for the Bill. As paragraph 209 of the Committee’s report summarised, paragraphs 19 and 20 of the Policy Memorandum said that:

- In some cases, it can be difficult to determine whether a body is a religious body or a belief body. This suggested that it would be logical to have a religious or belief category.
- A number of those responding to the consultation on the draft Bill suggested that it would be confusing to have three categories, which was a further reason for having two categories rather than three.

10. More detail on points raised on this issue by those responding to the consultation on the draft Bill can be found in the analysis of responses.

11. The Humanist Society Scotland (HSS) have commented to the Government on the potential change to the Bill to refer to “religious marriage or belief marriage”. HSS have concerns with this approach as it could be seen as implying that there are

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3 The Policy Memorandum is at http://www.scottish.parliament.uk/S4_Bills/Marriage%20and%20Civil%20Partnership%20(Scotland)%20Bill/b36s4-introd-pm.pdf

4 The analysis is at http://www.scotland.gov.uk/Publications/2013/06/2782/5 – see paragraphs 4.10 to 4.16 for the comments on belief ceremonies.
legal differences between a “religious marriage” and a “belief marriage”. HSS also consider that there should be a specific reference to belief celebrants in the Bill, in the same way as there are references to religious titles such as minister and priest.

12. The Government considers that it is difficult to reach a designation which suits all religious and belief bodies. The Government’s view is that the current designation in the Bill strikes the right balance and ensures respect for religious and belief bodies. Any changes might be contentious and it is unlikely that any changes would be agreed by all. Under these circumstances, therefore, the Government is not planning any amendments to the Bill in respect of the designation of religious or belief ceremonies.

Other points

13. The Government is continuing to consider other points raised by SCoJeC and the Church of Scotland in evidence given to Committee. In particular, SCoJeC raised issues about celebrants recognised by different branches of Judaism (where there are different views on same sex marriage) and about the temporary authorisation of celebrants. The Church of Scotland have suggested that the Bill should be amended so that celebrants are “recognised” rather than “authorised”.

Different branches of Judaism

14. SCoJeC drew attention to section 10 of the Bill which inserts new section 8(1B)(a)(i) into the Marriage (Scotland) Act 1977. One potential concern is that a celebrant “recognised” by a body will not be protected. SCoJeC gave the example of an Orthodox Rabbi recognised by a Liberal Jewish community as entitled to solemnise same sex marriages on their behalf, even though the Orthodox Jewish community by which the Rabbi was employed was firmly opposed to the celebration of same sex marriage. SCoJeC noted the same issue could arise in relation to the registration of civil partnership.

15. The Government considers the proposed amendments to the Equality Act 2010 will protect the celebrant. A key aim of the amendment is to provide that a religious or belief celebrant does not contravene section 29 of the 2010 Act (on discrimination in the provision of services) by refusing to solemnise a same sex marriage or register a civil partnership for the reason that the marriage or civil partnership is a legally recognised union of a same sex couple.

16. In addition, section 10 of the Bill inserts section 8(1D) into the 1977 Act. Section 8(1D)(c) provides that the Bill does not impose a duty on any person to apply for temporary authorisation to solemnise marriages between persons of the same sex. Section 8(1D)(d) provides that nothing in the Bill imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages. Section 94A(3) of the Civil Partnership Act 2004, inserted by section 22(13) of the Bill, makes similar provision in respect of civil partnerships.

17. We have also considered this scenario from the perspective of a religious body. If an Orthodox Rabbi chose to solemnise a same sex marriage on behalf of a
Liberal Jewish community even though the Orthodox Jewish community is opposed to same sex marriage, we consider that that would be a matter between the Rabbi and the Orthodox Jewish community which employed him.

**Temporary celebrants**

18. On temporary authorisation, SCoJeC have raised a point about a same sex couple who wish a Rabbi from abroad to solemnise their marriage. Such a Rabbi would probably be authorised under section 12 of the Marriage (Scotland) Act 1977. SCoJeC noted similar issues could arise in the registration of civil partnerships.

19. Section 12 of the Bill amends section 12 of the 1977 Act. SCoJeC have noted the requirement (in what will become section 12(1C) of the 1977 Act) for a person seeking authorisation to be “a member” of a body either prescribed by regulations so its celebrants can solemnise same sex marriage or of a body which has nominated members to the Registrar General to solemnise same sex marriages. SCoJeC have noted that some small bodies or bodies based abroad may not be prescribed and may not have nominated members.

20. Authorisations under section 12 of the 1977 Act fall into two categories. Under section 12(1)(a), the Registrar General may authorise a person to solemnise “a marriage or marriages specified in the authorisation”. Section 12(1)(b) covers authorisation of “marriages during such period as shall be specified in the authorisation”.

21. The requirements in new section 12(1C) apply only to authorisations for a period under section 12(1)(b) of the 1977 Act. They do not apply to authorisations to solemnise a specified marriage or marriages under section 12(1)(a) of the 1977 Act.

22. This means that under the Bill as drafted, a Rabbi from outwith Scotland who wished to solemnise a marriage or marriages in Scotland could seek authorisation under section 12(1)(a) of the 1977 Act even though he or she is not a member of a body prescribed to solemnise same sex marriage in Scotland or of a body which has nominated members to the Registrar General to solemnise same sex marriages. Similarly, section 94E(1)(a) of the Civil Partnership Act 2004, inserted by section 22(13) of the Bill, makes similar provision on the temporary authorisation of religious or belief celebrants to register civil partnerships.

23. The Registrar General’s usual practice when a celebrant seeks authorisation under section 12(1)(a) is to ask for letters of support from the body of which the celebrant is a member. He proposes to continue in that approach following the introduction of same sex marriage and the religious and belief registration of civil partnerships.

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5 In this regard, the Scottish Government notes that the fourth bullet of paragraph 92 of the Policy Memorandum could have been clearer. The Government apologises for any confusion caused.
Recognising or authorising celebrants

24. The Church of Scotland have suggested that it would provide greater protection from legal challenges if celebrants were “recognised” to solemnise marriages (and register civil partnerships) rather than “authorised”. The Government is considering this point further but, as indicated to Committee when we gave oral evidence, our initial view is that the proposal would not make a practical difference\(^6\).

The status of the Church of Scotland

25. The Committee asked for the Government’s view on the opinion expressed by the Humanist Society Scotland that the treatment in marriage law of the Church of Scotland affords it a privileged status.

26. There are a variety of ways in which celebrants can be authorised to solemnise marriage. The Church of Scotland is named in the 1977 Act which means that its ministers\(^7\) are automatically authorised to solemnise opposite sex marriage. This reflects the Church’s status as a national Church. Other celebrants are authorised through belonging to a religious body prescribed in regulations; through being nominated by a religious body to the Registrar General; or through being granted temporary authorisation by the Registrar General.

27. When a religious or belief marriage ceremony takes place, it presumably does not matter to the couple how the celebrant was authorised.

28. The system of authorisation in the 1977 Act is replicated for the solemnisation of same sex marriage and the registration of civil partnerships except that the Church of Scotland is not named in the Bill in respect of the solemnisation of same sex marriage and the registration of civil partnerships. This reflects that the Church of Scotland has indicated that it would not intend to take part in the solemnisation of same sex marriage and the registration of civil partnerships. If the Church of Scotland should subsequently decide to take part – and any such decision would be entirely a matter for the Church of Scotland – celebrants could be authorised by, for example, being nominated by the Church to the Registrar General.

29. The Bill does allow Ministers to introduce qualifying requirements for religious and belief bodies to meet before their celebrants can solemnise marriage. The key aim of the qualifying requirements is to ensure that marriages are conducted in a dignified and solemn manner – not for profit or gain – and to tackle sham and forced marriages. As noted in paragraph 69 of the Policy Memorandum, the qualifying requirements will not formally apply to the Church of Scotland in relation to opposite sex marriage given their position in the 1977 Act.


\(^7\) And, in future, by virtue of section 18 of the Bill, deacons.
30. However, although the Church of Scotland disagree with the Government on many aspects of the Bill, they share the Government’s determination to tackle forced and sham marriage and they agree that marriage ceremonies in Scotland should be carried out with due solemnity and dignity. Therefore, the Government would intend to work with the Church of Scotland – and other denominations - when we consider the details in relation to the qualifying requirements. The Church of Scotland carry out the largest number of religious marriage ceremonies in Scotland and the Government would certainly want to listen to their practical knowledge and expertise in this area.

Civil partnerships

31. The Committee recommended at paragraph 247 that if same sex marriage is introduced, couples in civil partnerships registered outwith Scotland should be able to change their relationship to marriage.

32. The Government has carefully considered this issue, which is not straightforward. The Government does consider that any changes in this area would involve persons in a non-Scottish civil partnership marrying in Scotland to change their relationship (i.e. under section 7 of the Bill) rather than using the administrative route (i.e. under section 8 of the Bill). It would not be possible to use the administrative route as the original paperwork for the civil partnership would not be held in Scotland.

33. On the one hand, the Government recognises the points raised about the difficulties a couple resident in Scotland might face if they are in a civil partnership registered outwith Scotland; wish to change their relationship to a marriage but the jurisdiction where the civil partnership was registered has not made arrangements so that civil partnerships can change to marriages. The Government appreciates the points made about the potential need to dissolve the civil partnership (even though the relationship has not broken down); about potential succession issues if one of the couple should happen to die between dissolution and marrying; about potential immigration issues and about the potential impact on transgender people.

34. On the other hand, the Government has concerns about the possibility of a couple having two civil statuses (i.e. married and in a civil partnership), and the potential confusion this could cause for the couple themselves. If the Bill were amended to allow persons in a non-Scottish civil partnership to change that relationship to a marriage by marrying in Scotland, we would not be able to make any provision on how the relationship would be regarded in the original jurisdiction: that would be a matter for the home jurisdiction.

35. There is no guarantee that jurisdictions outwith Scotland would recognise that the civil partnership has changed to a marriage.

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8 Written evidence to the House of Commons when the UK Bill was going through outlines issues which can arise when a couple have two civil statuses: http://www.publications.parliament.uk/pa/cm201213/cmpublic/marriage/memo/m18.htm
36. It is also not clear how such a marriage would be recognised within the UK. For example, if a couple in a civil partnership from Northern Ireland changed their relationship to a marriage in Scotland and then moved to England or Wales, the UK Government might face a difficult choice as to whether to recognise the relationship as a Northern Ireland civil partnership or a Scottish marriage. (There may also be a question of whether the UK Government would recognise the relationship as a civil partnership or as a marriage for reserved purposes in Scotland).

37. The couple might also be committing bigamy depending on what the legislation where they entered into their civil partnership provides. (It does appear that they would not be committing bigamy under Scots law).

38. In addition, if the couple subsequently divorced in Scotland, it is uncertain if that divorce would be recognised in the home jurisdiction if the home jurisdiction continued to recognise the original civil partnership rather than the marriage. It is also possible to imagine a scenario, if a couple split up, of a divorce action taking place in Scotland and an action to dissolve the original civil partnership taking place in the home jurisdiction.

39. The Scottish Government also needs to consider the views of the home jurisdiction. This is a challenging issue. The wishes of the couple and the views of the home jurisdiction may be different. Both are entitled to be heard. If the Scottish Government should allow marriages to take place in Scotland of persons in non-Scottish civil partnerships and the other jurisdiction objected, that might, at least in theory, raise issues about the general recognition of Scottish marriages outwith Scotland.

40. As indicated in oral evidence to Committee, the start date for any marriage established by changing a non-Scottish civil partnership might be different to the start date of the original civil partnership. In particular, civil partnership legislation was commenced in the UK on 5 December 2005. As a result, it seems unlikely that we could recognise any period in an overseas same sex relationship that was before 5 December 2005.

41. There would also be a need to consider whether Scotland should be prepared to allow all same sex civil partners from anywhere in the world to marry here or just those who are ordinarily resident here. On the one hand, allowing all civil partners from across the world to marry here would appear to be the most liberal regime in the world and might raise concerns from overseas jurisdictions. On the other hand, introducing a residence requirement would be unusual in Scots marriage law.

42. A further policy option might be just to change non-Scottish civil partnerships to marriages when a couple resident in Scotland are unable to do so in the jurisdiction where they recognised their partnership. It does appear that, generally, a couple wishing to change their civil partnership to a marriage would be best doing so in the home jurisdiction for the civil partnership, where possible, as this would avoid the potential complication of two civil statuses. Another potential policy option would be for Scotland to change civil partnerships to marriages when the other jurisdiction was content for this to happen.
43. Given the issues outlined above, the Government has lodged an amendment to the Bill which would allow Ministers to extend by Order the category of civil partners who could change their civil partnership in Scotland by having a marriage ceremony here. This would enable civil partners in a partnership registered outwith Scotland to marry here. The Order-making approach will enable the Government to consult fully and to consider the issues in detail. Any such Order would be subject to affirmative resolution procedures. The Government would intend to consult in 2014 on whether or not to make such an Order and, if so, who it should cover. This consultation will form part of our work on the review of civil partnerships. Regardless of whether or not an Order is made, the Government would intend to report to Parliament on the outcome of the consultation.

Change of gender of married persons or civil partners

Gender-neutral marriage declarations

44. The Committee recommended at paragraph 279 that “it should be possible to allow a choice of gender-neutral or gender-specific language for marriage declarations” and called on the Scottish Government to reconsider its position. Following this recommendation, the Government wrote to the Scottish Churches Parliamentary Office, the Muslim Council of Scotland and SCoJeC to seek views. The standard terms of this letter is attached at Appendix A.

45. A response by the Free Church of Scotland is at Appendix B and a response by the Muslim Council of Scotland is at Appendix C.

46. The Free Church of Scotland has said that “the proposed amendment, which would introduce the option for gender neutral language in marriage ceremonies, is frankly ridiculous and insulting to all who hold a traditional view of marriage.”

47. The Muslim Council of Scotland have said that in Islamic marriages “the declaration has to be gender specific, husband and wife, and cannot be gender neutral. If the government is to go ahead with the EOC recommendation then it must be clearly emphasized that there is no obligation on any religious body or celebrant to use the gender neutral terms”.

48. The Humanist Society Scotland have advised us that they support the option of gender neutral marriage ceremonies.

49. The United Reformed Church have advised us that “the option of using non-gender specific language for a marriage service is welcome from the point of view of the URC Church & Society Committee whose watchword throughout about marriage vis-à-vis the proposed legislation has been ‘permissive-not-prescriptive’”.

50. The Salvation Army have said that as the proposed change does not affect the wording that their celebrants would use they see no need to raise objections.

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9 The remit for this review is at http://www.scotland.gov.uk/Resource/0043/00434010.pdf
51. The perspective of the national team of the Baptist Union of Scotland, who are responsible for the list of Baptist Ministers authorised to conduct weddings, is that of being against the use of inclusive language. They feel it is a further step in undermining the very nature of marriage of being between one man and one woman. The national team have indicated that as with all Baptist comments this is simply the view of that particular group and other Baptists will hold a contrary position.

52. The Government notes the concerns expressed by some bodies. The Government considers that no religious body should be required to use gender neutral marriage declarations. Therefore, the Government has lodged an amendment to the Bill so that so that religious and belief bodies who are nominating celebrants to the Registrar General could choose to use the following types of marriage declarations in opposite sex marriages:

- Declarations which refer to “husband and wife”.
- Declarations which refer to marriage and the couple being married.
- Either or both of these types of declarations.

Spousal consent

53. The Committee said at paragraph 280:

“...We note evidence calling for the requirement for spousal consent to be removed from the gender recognition process. We accept the Scottish Government’s view that, whilst the non-transitioning spouse has at least two years to take action, it may be the application to the panel that makes a non-transitioning spouse consider his or her options. We realise that spouses of people seeking gender recognition may find themselves in circumstances that are very difficult to face and that we have not received evidence from their perspective. However, we believe that the non-transitioning spouse’s personal choice is sufficiently protected by the automatic grounds for divorce triggered by his or her partner’s seeking gender recognition. We therefore believe the requirement for spousal consent for gender recognition is unnecessary and should be removed”.

54. The Government does not consider this to be a straightforward issue. Our comments are outlined below.

55. First of all, the spousal consent is to staying in the marriage, not to the applicant receiving gender recognition. This can be seen in the definition of “statutory declaration of consent” added to the Gender Recognition Act 2004 by paragraph 2(c) of schedule 2 to the Bill. This definition is:

“in relation to the issuing of a gender recognition certificate to a person, means a statutory declaration by the person’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate”.

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10 As outlined in the letter at Appendix A, the 1977 Act only lays down legislative provision on marriage declarations in cases where bodies nominate celebrants to the Registrar General.
56. Where the spouse does not consent to the marriage continuing, the applicant receives an interim Gender Recognition Certificate (GRC). This can then be used to divorce. It has been suggested that such divorces can take a long time. However, the Scottish Government has considered this issue. Statistics we have from 2010 to 2012 show:

**Simplified Divorces**

The mean average for a simplified divorce was found to be approximately 38 days. The majority take around 30 days.

We have examined the time taken on one divorce on the ground of the issue of an interim GRC. This took 27 days.

**Ordinary Divorces**

The mean average for an ordinary divorce was found to be approximately 240 days. The majority take between 50 – 100 days.

For both simplified and ordinary divorces there were some cases which took much longer than the mean which has skewed the data. (Of course, there may be good reasons for a divorce taking some time, such as a dispute about the welfare of the children or about financial provision).

57. The Government considers that, as the Committee indicates, the non-transitioning spouse will often be protected by the provision in the Gender Recognition Act 2004 which lays down that the applicant for gender recognition has to live in the acquired gender for 2 years to be successful in an application to the Gender Recognition Panel (GRP). However, the Scottish Government does not consider that this will always be the case, for the following reasons:

57.1 As the Committee mentions, it may be the application to the GRP that makes a non-transitioning spouse consider his or her options.

57.2 The applicant for gender recognition and the non-transitioning spouse may separate but not divorce and so the non-transitioning spouse may not know about the application to the GRP.

57.3 The parties to the marriage may have different perceptions of the two year period of living in an acquired gender.

57.4 There is no guarantee that a non-transitioning spouse choosing to divorce would wish to use the basis of unreasonable behaviour. Most divorces in Scotland are on the basis of two years' non-cohabitation.

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11 In Scotland, divorce under simplified procedures can be obtained where the basis of the divorce is non-cohabitation or the issue of an interim GRC; there are no claims for financial provision and no children under 16. More information is on the Scottish Court Service website at [http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership](http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership).

12 [http://www.scotland.gov.uk/Publications/2012/12/9263/5](http://www.scotland.gov.uk/Publications/2012/12/9263/5) See figure 8.
57.5 It is possible to apply to the GRP on the basis of having changed gender in the law of a country or territory outside the UK (section 1(1)(b) of the 2004 Act refers). In these cases, the requirement to live in the acquired gender for two years does not apply\(^{13}\). It is likely that the spouse in this scenario would want the marriage to continue but we cannot guarantee that.

57.6 Once the Bill allows married people to apply to the GRP and obtain a full GRC, there may be applications from married persons who have been waiting for the marriage bar to be removed. This means spouses may need to consider if they want the marriage to continue after the full GRC is issued – a decision they cannot take now given the current legislation.

57.7 A similar point arises in relation to the planned reintroduction of “fast track” for long-term transitioned people.

58. The question then arising is what the non-transitioning spouse is being protected against. Under the Bill, the continuity of a marriage is not affected by the issuing of a full GRC: see paragraph 9 of schedule 2 to the Bill. Therefore, once a full GRC is issued, any marriage changes legally from opposite sex to same sex (or, in future, it may change from same sex to opposite sex, given that persons in a same sex marriage will, of course, be eligible to apply to the GRP).

59. Therefore, if spousal consent is removed it is possible that the spouse of a person who has received a full GRC could be in a same sex (or opposite sex) marriage without wanting to be in a same sex (or opposite sex) marriage. The implications of that are unclear. In many cases, the non-transitioning spouse may just accept the situation especially as he or she may have known for some years that the other spouse was transitioning. However, the Scottish Government does not consider that we can guarantee this will always be the case. There may be cases of non-transitioning spouses who, as outlined above, are not protected by the two year period and who may not want to be in a same sex or opposite sex marriage.

60. Given the points set out above, the Government considers that there is a need to ensure that the non-transitioning spouse should be involved in a decision about the marriage continuing. That is why the Bill is drafted the way it is just now.

61. The Government is aware of a potential amendment to the Bill proposed by the Scottish Transgender Alliance. This amendment would enable a transgender person who does not have the consent of their spouse to apply to the sheriff court for a full GRC.

62. This Government considers that to ensure a non-transitioning spouse would be involved in a decision about the marriage continuing, the non-transitioning spouse would have to be notified if an application were made to the sheriff for a full GRC after an interim GRC had been issued.

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\(^{13}\) Information from the GRP on the process is at [http://www.justice.gov.uk/tribunals/gender-recognition-panel/overseas-application-process](http://www.justice.gov.uk/tribunals/gender-recognition-panel/overseas-application-process)
63. Notification would ensure that he or she knows what is happening in relation to the marriage. Notifying the non-transitioning spouse would also enable him or her to offer views on what is proposed. For example, if the spouse is content for the marriage to become same sex while he or she considers whether or not to stay in it, notification would give the non-transitioning spouse a chance to say so.

64. Therefore, the Government is considering lodging an amendment. This would allow an application to be made to the sheriff for a full GRC. However, to ensure a balance of rights, the sheriff could only grant the application where there is a good reason to do so such as where the sheriff considers that the non-transitioning spouse is deliberately delaying divorce proceedings in an unreasonable way (this might also have the benefit of concentrating minds) or the sheriff considers that there are other good reasons for granting a full GRC.

65. The Government intends to lodge an amendment to the Bill along similar lines to the provisions at Part 2 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013. This would allow long-term transitioned people, in certain circumstances, to obtain gender recognition through providing alternative evidence to the GRP.

66. In preparing an amendment, the Government has had to bear in mind that the Marriage and Civil Partnership (Scotland) Bill is about marriage and civil partnership, rather than about gender recognition more generally.

67. Therefore, the Government’s current thinking is that the amendment would relate to persons:

- who are or have been in a marriage solemnised in Scotland or in a civil partnership registered in Scotland;
- have been living in the acquired gender for at least 6 years before the commencement of relevant provisions in the Scottish Bill (The provisions are designed for those who could have used the previous “fast-track” at section 27 of the Gender Recognition Act 2004 but did not do so because of the current requirement to divorce before obtaining a full GRC. Section 27 has now “sunsetted” and is no longer available);
- are still living in the acquired gender when the application is made;
- intend to continue to live in the acquired gender until death;

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14 Under the Bill, the non-transitioning spouse is notified by the GRP only when he or she has agreed to stay in the marriage: see inserted section 3(6E) to the Gender Recognition Act 2004, as inserted by paragraph 3 of schedule 2 to the Bill.

15 Schedule 5 to the Marriage (Same Sex Couples) Act 2013 is at http://www.legislation.gov.uk/ukpga/2013/30/schedule/5/enacted

16 This would include marriages solemnised and civil partnerships registered overseas by UK consuls or through the armed forces where the couple elected Scotland as the relevant part of the UK.
• have or have had gender dysphoria or have undergone surgery for the purpose of modifying sexual characteristics;

• who are ordinarily resident in Scotland.

68. In addition, the amendment could give Ministers an order making power so that medical treatment, or certain types of medical treatment, could be accepted as evidence. This would continue to include having undergone surgery. The Government would intend to consult in 2014 on whether or not to make such an order and, if so, what type of order should be made.

Age for gender recognition

69. The Committee asked for a detailed response on representations about lowering the age requirement for gender recognition.

70. The Gender Recognition Act 2004 provides at section 1 that an applicant to the GRP must be at least 18. When the application is made on the basis of living in the other gender (rather than having changed gender under the law of a country or territory outwith the UK), the applicant, to be successful, must have lived in the acquired gender for at least two years.

71. The Scottish Government considers that the following points support the current minimum age of 18:

• The advice when the Gender Recognition Act 2004 was going through Parliament was that most adolescents would reach sexual maturity at the age of 16 (this also being the age of consent to sexual intercourse). With that in mind, the age for applications was set at 18 because that was the earliest age at which a person who had begun living in their acquired gender would meet the two year requirement after having reached sexual maturity.

• Some children may well be capable of making decisions about their gender identity before 16. However, we believe it is better to have a clear minimum age which applies to all rather than to allow variation. This ensures that the law is easy to understand and apply.

• It could be difficult for a child to show that between the ages of 14 and 16 they had been living full time and exclusively in their acquired gender (the Panel look to things like drivers' licences, household bills and passports with the person's gender appropriate name on it).

72. The Government accepts a number of points made in evidence to the Committee, such as:

• It may be possible to use other documents to show that a person has been living in an acquired gender for 2 years.

• It is possible in Scotland to marry at 16 (or enter a civil partnership at 16) without parental consent.

• If the bill as drafted is passed, someone who enters into a marriage when they are 16 would have to wait until 18 to get their GRC and would then need to take steps if they wished to re-register the marriage in the acquired gender.
• The Age of Legal Capacity (Scotland) Act 1991 assumes generally that a person has legal capacity at 16.

73. A clinician working at Sandyford Services in Glasgow\(^\text{17}\) has advised that he works with under 18s referred to Sandyford from across Scotland with gender issues.

74. Of the 57 cases he has been working with in the last year (Nov 12 - Oct 13), 25% were aged 15 at the time of referral, and 31% were 14 or less. While some of these young people are still in the early stages of thinking about their gender and transitioning, others are much further down the line and have already been doing this for some time, taking on the identity of their perceived gender and going on to formally change their name, attending school/college as such, and very much living as that person in all aspects of their life. The clinician has advised that with respect to discussions around the GRC, a number of young people he works with will have been living in the acquired gender for at least 2 years well before they become 18.

75. The Government has also looked at the report by the Irish Gender Recognition Advisory Group\(^\text{18}\). This recommended a minimum age of 18. Paragraph 5.4 says:

"There is evidence in the literature and from other countries – notably the United States and Germany – that under-age children with parental support are undergoing treatments to support their desire to live in the opposite gender. From a strictly medical point of view, early – pre-puberty – treatment simplifies the eventual full transition to the other gender. Bodily characteristics may be modified by the administration of treatments that block the undesirable hormones – for example, boys who wish to become females will not develop the typical male bodily characteristics if treated with male hormone blockers. This would increase the eventual likely success of the transition to female.

However, mental health professionals advised the Group to exercise great caution if considering reducing the minimum qualification age. There is evidence from the literature that minors who desire a gender change frequently change their minds as they reach adulthood. One mental health professional advised that the living in role period should be extended to possibly three years for persons aged 18 years at the time of application".

76. The Irish Children’s Ombudsman is arguing against a minimum age of 18 and says that there should be provision in Ireland for a gender recognition mechanism for those under the age of 18.\(^\text{19}\)

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77. The Scottish Government can see merit in the arguments in favour of reducing the age at which a person may apply to the GRP. However, this is a difficult area. Children and young people are a vulnerable group and children and young people who are uncomfortable with their gender identity may be particularly vulnerable.

78. Changing one’s legal sex is a particularly significant decision. Before granting a GRC, the GRP must be satisfied that the applicant intends to live in the acquired gender until death. We understand that a small proportion of people who undergo gender recognition may later wish to revert to their originally allocated sex. We have no evidence at the moment about whether a 14 year old is more or less likely than a 16 year old to wish to change back to his or her originally allocated sex.

79. Clearly, the Marriage and Civil Partnership (Scotland) Bill is about marriage and civil partnership rather than gender recognition. The Government has not consulted on changing the minimum age for applying to the GRP. The Government considers that it would need to do so and would need to obtain more evidence from medical professionals, the GRP, transgender groups and others of the benefits and dis-benefits of being able to apply to the GRP at age 16.

**Delegated powers**

80. The Government has responded to the report by the Delegated Powers and Law Reform Committee. In summary, the Government has:

- Lodged amendments to remove section 8(2)(g) of the Bill and clarify that persons changing their relationship from a civil partnership to a marriage will have the same rights and responsibilities regardless of whether they change through having a marriage ceremony or through the administrative route.
- Lodged an amendment to remove section 28(2)(h) of the Bill. As indicated in paragraph 58 above, provision on the continuity of a marriage following the issue of a full GRC is made through paragraph 9 of schedule 2 to the Bill. Similarly, provision on the continuity of a civil partnership following the issue of a full GRC (where both parties are transitioning) is made through paragraph 10 of schedule 2 to the Bill.
- Lodged an amendment so that all orders made under section 5D of the Gender Recognition Act 2004 (as inserted by paragraph 6 of schedule 2 to the Bill) are subject to affirmative resolution procedures.

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20 The Government’s response can be found at [http://www.scottish.parliament.uk/S4_SubordinateLegislationCommittee/20131126Papers.pdf](http://www.scottish.parliament.uk/S4_SubordinateLegislationCommittee/20131126Papers.pdf) [Paper DPLR/S4/13/30/3]

21 As indicated in paragraphs 31 to 41 above, these rights may have to be more limited if persons in a non-Scottish civil partnership should be allowed to change their relationship to a marriage by getting married in Scotland as there will be limits about what we can provide about the non-Scottish relationship.
Consultation responses

82. The Government has noted the terms of paragraph 2 of the Committee’s report. We are pleased that the Committee is satisfied with the Government’s position on consultation responses collected by Scotland for Marriage which were not successfully transmitted to the Scottish Government. The Government received the responses on 13 November. We will keep the Committee informed of the outcome of our consideration of the points made.

Scottish Government
December 2013
APPENDIX A: LETTER BY SCOTTISH GOVERNMENT ON MARRIAGE DECLARATIONS

18 November 2013

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
MARRIAGE DECLARATIONS

Introduction

1. I am writing to see the views of your members about a possible amendment to the Marriage and Civil Partnership (Scotland) Bill suggested by the Equal Opportunities Committee. The amendment would relate to marriage declarations for opposite sex marriages. Given Parliamentary timetables, I would be grateful for views by close on Friday 29 November: I apologise for the rush.

2. The Bill and accompanying documents are at http://www.scottish.parliament.uk/parliamentarybusiness/Bills/64983.aspx and the Committee’s Stage 1 report is at http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/Reports/eoR-13-05w-rev2.pdf The points on marriage declarations are at paragraphs 251 to 254 of the report and the recommendation is at paragraph 279.

Background

3. As you know, there are four ways in which celebrants can be authorised to solemnise marriage:

• Church of Scotland Ministers (and, in future, deacons, by virtue of section 18 of the Bill) are directly authorised by virtue of section 8 of the Marriage (Scotland) Act 1977 (the 1977 Act) itself.
• A number of religious bodies (for convenience, a list is attached at Annex A) have been prescribed by a Statutory Instrument made under section 8 of the 1977 Act so that their celebrants can solemnise marriage. (In future, by virtue of the Bill, Ministers will have the power to prescribe belief bodies as well).
• Religious bodies (and, in future, by virtue of the Bill, belief bodies) other than the Church of Scotland and those prescribed by regulations may nominate celebrants under section 9 of the 1977 Act to the Registrar General for approval.
• The Registrar General may grant temporary authorisations under section 12 of the 1977 Act.

4. The Bill retains this system for opposite sex marriage. A separate and similar system is established for same sex marriage (the main difference is that the Church of Scotland celebrants will not be directly authorised by the 1977 Act to solemnise same sex marriage).

5. In relation to celebrants nominated to the Registrar General under section 9, section 9(2)(b) of the 1977 Act provides that the Registrar General shall reject a
nomination if in his opinion the marriage ceremony used by the nominating body “is not of an appropriate form”. Section 9(3) then makes provision that “a marriage ceremony is of an appropriate form if it includes, and is no way inconsistent with:

“(a) a declaration by the parties, in the presence of each other, the celebrant and two witnesses, that they accept each other as husband and wife; and

(b) a declaration by the celebrant, after the declaration mentioned in paragraph (a) of this subsection, that the parties are then husband and wife.”

6. This declaration is only in the legislation in respect of bodies who nominate celebrants to the Registrar General. The aim of the declaration is to ensure that the couple agree (in the presence of each other, the celebrant and two witnesses) to marry each other and the celebrants then declares the couple to be married.

7. The Scottish Government is aware that the Church of Scotland has made its own provision on marriage declarations. Bodies that are prescribed by the Statutory Instrument made under section 8 of the 1977 Act so that their celebrants can solemnise marriage will also have made their own provisions. Celebrants who are authorised on a temporary basis under section 12 are advised by National Records for Scotland that they should follow the declarations contained in section 9(3) of the 1977 Act.

Changes made by the Bill and suggestion for further changes.

8. Section 11(2)(g) of the Bill introduces a new form of marriage declarations for same sex ceremonies. These are:

(a) a declaration by the parties, in the presence of each other, the celebrant and two witnesses, that they accept each other in marriage; and

(b) a declaration by the celebrant, after the declaration mentioned in paragraph (a), that the parties are then married.

9. The suggestion from the Committee is that these declarations should also be made available for opposite sex couples.

10. The Government considers that there may be merit in this proposal. The particular point raised at the Committee relates to transgender people. In addition, there may be other couples who would not wish to use “husband and wife”. There may, for example, be a view from some couples that this is not in line with gender equality.

11. Equally, though, the Government recognises that some religious bodies and couples would wish to use the terms “husband and wife” in marriage declarations.

12. Therefore, the Government is considering whether to lodge amendments to amend section 9 of the 1977 Act so that religious bodies who are nominating celebrants to the Registrar General could choose to use the following types of marriage declarations in opposite sex marriages:
• The “husband and wife” declarations at section 9(3) of the 1977 Act.
• The gender neutral terms at section 11(2)(g) of the Bill.

13. The body could choose to use either or both of these types of declarations, as it saw fit.

14. In addition, it is anticipated that any amendment would ensure that the declarations by the couple and the celebrant do not have to follow the same form. That is, a body may wish to use the term “husband and wife” in the declarations made by the couple getting married but gender neutral terms in the declaration made by the celebrant (or vice-versa). The Government sees no objection to bodies choosing to do this.

15. There would be no obligation on any religious body to use gender neutral terms.

16. If an amendment were made to the Bill in respect of religious bodies who are nominating celebrants to the Registrar General, the Registrar General would intend in due course to reflect the terms of the new provisions when issuing guidance to temporary celebrants.

Conclusion

17. I would be grateful for your views and the views of your members on this potential amendment. I am happy to discuss with you and with any of your members.

LIST OF RELIGIOUS BODIES CURRENTLY PRESCRIBED BY STATUTORY INSTRUMENT SO THEIR CELEBRANTS ARE AUTHORISED TO SOLEMNISE MARRIAGE

• Baptist Union of Scotland.
• Congregational Union of Scotland.
• Episcopal Church in Scotland and other Anglican Communion Churches
• Free Church of Scotland
• Free Presbyterian Church of Scotland
• Hebrew Congregation
• Methodist Church in Scotland
• Religious Society of Friends
• Roman Catholic Church
• Salvation Army
• Scottish Unitarian Association
• United Free Church of Scotland
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
MARRIAGE DECLARATIONS

I am writing in response to your letter of 18 November to SCPO. We are grateful for the chance to comment on the proposed amendment on marriage declarations.

The Free Church of Scotland believes that the proposed amendment, which would introduce the option for gender neutral language in marriage ceremonies, is frankly ridiculous and insulting to all who hold a traditional view of marriage.

The Free Church believes that marriage is the union of one man with one woman and we would not, under any circumstances, use gender neutral language in a marriage ceremony. We are completely opposed to this further dismantling of the marriage ceremony to the lowest common denominator. The idea that a celebrant could use gender specific language and the man and woman being married could use gender neutral language is yet another example of the utter confusion that the Marriage Bill is creating.

We are told the recommendation from the EOC is being proposed to meet the needs of transgender people who wish to marry. We can safely assume that this is a tiny group of people whose perceived desires are being catered for in the legislation. We would ask that the government would make equal provision in the legislation for the freedom of speech and conscience of public sector workers, teachers and all others for whom the introduction of same sex marriage is contrary to their religious or personal beliefs.

Yours faithfully
APPENDIX C: MARRIAGE DECLARATIONS: RESPONSE BY THE MUSLIM COUNCIL OF SCOTLAND

We, MCS, note points in your letter of 18 November 2013 and welcome the opportunity to give our views on the EOC recommended amendment.

We have the following comments to make:

1- An Islamic marriage can only be between a man and a woman and the procedure is consistent with the conditions mentioned in your letter item 5.

2- The aim of the declaration is to ensure that the couple, a man and a woman, agree (in the presence of each other, the celebrant and at a minimum of two witnesses) to marry each other and the celebrants then declares the couple to be married as husband and wife.

3- The declaration has to be gender specific, husband and wife, and can not be gender neutral.

If the government is to go ahead with the EOC recommendation then it must be clearly emphasized that there is no obligation on any religious body or celebrant to use the gender neutral terms.
16 December 2013

Dear Douglas

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
AMENDMENTS TO THE EQUALITY ACT 2010

1. As you will be aware, the Scottish Government has agreed with the UK Government that, as a consequence of the Marriage and Civil Partnership (Scotland) Bill, amendments are required to the Equality Act 2010 (“the 2010 Act”)\(^1\). These amendments are designed to protect religious and belief bodies, celebrants and others carrying out religious and belief functions at marriage and civil partnership ceremonies.

2. I now attach **draft** amendments along with a draft Explanatory Note. These amendments will form part of an Order under section 104 of the Scotland Act 1998 to be taken forward at Westminster after the Bill completes its passage in the Scottish Parliament, assuming that the Bill is approved by Parliament. Please note that the drafting could change before the section 104 Order is laid at Westminster.

3. The draft amendments would protect the following from court actions claiming discrimination:

   - An employee of a secular body (e.g., a chaplain at a university) who would normally carry out marriages for other employees but refuses to officiate at a same sex marriage or a civil partnership because the couple are same sex.
   - A celebrant who refuses to register a civil partnership because the celebrant reasonably believes that one of the parties has changed gender. (There is existing provision in the 2010 Act ensuring that an approved celebrant does not have to carry out a marriage where he or she reasonably believes that one of the parties has changed gender).
   - A celebrant who refuses to solemnise a same sex marriage or register a civil partnership because the marriage or civil partnership is between a same sex couple.

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\(^1\) The statement agreed between the UK and Scottish Governments is at [http://www.scotland.gov.uk/Resource/0042/00426318.pdf](http://www.scotland.gov.uk/Resource/0042/00426318.pdf)
• Other people who refuse to participate in a religious or belief aspect of a marriage or civil partnership ceremony because the marriage or civil partnership is between a same sex couple.
• A religious or belief organisation and persons in the organisation who decide that premises they own or control should not be used for same sex marriages or the registration of civil partnerships because these are same sex relationships.

4. The Scottish Government is considering, with the UK Government, whether the amendments also need to cover cases where a denomination opts in, makes it clear that some of its celebrants will not take part and there is then a legal challenge against the denomination (rather than the celebrant) about some of its celebrants not taking part.

5 I am happy to answer any questions arising.

Yours sincerely

SIMON STOCKWELL
Family and Property Law
PART 1
MODIFICATIONS OF THE EQUALITY ACT 2010

1 Modifications of the Equality Act 2010

(1) The Equality Act 2010 is amended as follows.

(2) In section 110 (liability of employees and agents), after subsection (5B) insert—

“(5C) A does not contravene this section by refusing to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

(5D) A does not contravene this section by refusing to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(5E) Subsections (5C) and (5D) apply only if A is an approved celebrant.

(5F) Expressions used in subsections (5C) to (5E) have the same meaning as in paragraph 25B of Schedule 3.”.

(3) In Schedule 3 (services and public functions: exceptions)—

(a) before paragraph 25 insert—

“PART 6ZA
MARRIAGE AND CIVIL PARTNERSHIP: SCOTLAND”,

(b) in paragraph 25, after sub-paragraph (2) insert—

“(3) An approved celebrant (A) does not contravene section 29, so far as relating to gender reassignment discrimination, only by refusing to register the civil partnership of a person (B) if A reasonably believes that B’s gender has become the acquired gender under the Gender Recognition Act 2004.

(4) In sub-paragraph (3) “approved celebrant” has the meaning given in section 94A(4)(a) of the Civil Partnership Act 2004.”, and

(c) after paragraph 25A insert—

“PART 6B
SAME SEX MARRIAGE AND CIVIL PARTNERSHIP: SCOTLAND

25B Same sex marriage and civil partnership: Scotland

(1) An approved celebrant does not contravene section 29 only by refusing to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

(2) An approved celebrant does not contravene section 29 only by refusing to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(3) A person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the solemnising of a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.
(4) A person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the registration of a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(5) In this paragraph—

“approved celebrant”—

(a) in relation to solemnising a marriage, has the meaning given in section 8(2)(a) of the Marriage (Scotland) Act 1977,

(b) in relation to registering a civil partnership, has the meaning given in section 94A(4)(a) of the Civil Partnership Act 2004,

“relevant Scottish civil partnership” means a religious or belief civil partnership within the meaning of section 94A(4)(b) of the Civil Partnership Act 2004,

“relevant Scottish marriage” means a religious or belief marriage of two persons of the same sex within the meaning of section 8(2)(a) of the Marriage (Scotland) Act 1977.”.

(4) In Schedule 23 (general exceptions), in paragraph 2, after sub-paragraph (9) insert—

“(9A) An organisation does not contravene Part 3, 4 or 7 only by refusing to allow premises owned or controlled by the organisation to be used—

(a) to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex,

(b) to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(9B) A person (or an association of persons) does not contravene Part 3, 4 or 7 only by refusing to allow premises owned or controlled by the person (or the association) for the purposes of an organisation to be used—

(a) to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex,

(b) to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(9C) In sub-paragraphs (9A) and (9B), “relevant Scottish marriage” and “relevant Scottish civil partnership” have the same meaning as in paragraph 25B of Schedule 3.”.
EXPLANATORY NOTES TO THE PROPOSED MODIFICATIONS TO THE EQUALITY ACT 2010 DESIGNED TO PROTECT RELIGIOUS AND BELief BODIES, CELEBRANTS AND OTHERS

Introduction

1. These Explanatory Notes have been prepared by the Scottish Government to assist the reader of the draft modifications to the Equality Act 2010 ("the 2010 Act"). These draft modifications are designed to protect religious and belief bodies, celebrants and others who do not wish to take part in the solemnisation of a religious or belief marriage or the registration of a religious or belief civil partnership on the ground that it is of a same sex couple.

2. As the proposed modifications are reserved, the intention is that amendments to the 2010 Act will be included in an Order under section 104 of the Scotland Act 1998 ("the 1998 Act"). Section 104 of the 1998 Act gives UK Ministers the power to make consequential changes following an Act of the Scottish Parliament. The draft Order will be laid before the UK Parliament at Westminster.

3. The attached draft amendments to the 2010 Act follow the publication of a detailed statement agreed between the UK and Scottish Government on the intended approach.1

The modifications

4. Article 1(2) inserts new subsections (5C) to (5F) into section 110 of the 2010 Act.

5. Section 110(1) of the 2010 Act makes an employee, or an agent for a principal, personally liable for unlawful acts they commit in the course of their employment, or under the authority of a principal, for which their employer or principal could also be held liable.

6. New subsections (5C) and (5D) provide that an individual cannot be held personally liable under the 2010 Act for a refusal to solemnise a same sex marriage or register a civil partnership where the reason is that the marriage or civil partnership is between two persons of the same sex.

7. New subsection (5E) provides that this protection only applies to an “approved celebrant”. By virtue of new subsection (5F), the definition of “approved celebrant” in new paragraph 25B of Schedule 3 to the 2010 Act (new paragraph 25B forms part of these draft modifications) also applies to the amendments made to section 110 of the 2010 Act. The definition of “approved celebrant” covers religious and belief celebrants of marriages and of civil partnerships.

Example

A chaplain employed by a university is asked to solemnise the marriage of an employee of the university with a person of the same sex. Although his religious body has opted into marriage of same sex couples, he refuses because he does not wish to marry a same sex couple. This is lawful. The university makes alternative arrangements by finding an alternative chaplain to solemnise the marriage.

8. Article 1(3) adds provisions to Schedule 3 to the 2010 Act. Schedule 3 to the 2010 Act has a number of exceptions to the general requirements in the 2010 Act in relation to the provision of services and the exercise of public functions.

1 This statement is at http://www.scotland.gov.uk/Resource/0042/00426318.pdf
9. Paragraph 25 in Schedule 3 already has an exception in respect of an approved celebrant not having to solemnise a marriage if the celebrant reasonably believes one of the parties to the proposed marriage has acquired a gender under the Gender Recognition Act 2004. The new paragraph 25(3) extends this protection to celebrants who register religious or belief civil partnerships, following their introduction. The new paragraph 25(4) defines approved celebrants to mean religious and belief celebrants.

10. The new paragraph 25B(1) and (2) provide that an approved celebrant does not contravene section 29 of the 2010 Act by refusing to solemnise a marriage or register a civil partnership because it is of a same sex couple. “Approved celebrant” is defined in new paragraph 25B(5) so as to mean a religious or belief celebrant. This provision protects religious and belief celebrants who do not wish to solemnise same sex marriage or register a civil partnership, even though their religious or belief body has opted in.

Example

A religious body opts into the solemnisation of marriage of same sex couples but makes it clear that it respects the views of those within the body who do not wish to take part. One of the body’s ministers does not approve of same sex marriage and does not wish to solemnise such a marriage. This would be lawful. The religious body arranges for an alternative minister to conduct the marriage ceremony for the same sex couple.

11. The new paragraph 25B(3) and (4) provide that a person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the solemnising of a marriage or the registration of a civil partnership because the ceremony is between two persons of the same sex. In this context, “religious or belief ceremony” refers to a religious or belief activity which forms part of the marriage solemnisation or the civil partnership registration.

Examples

An organist who usually plays hymns at wedding services at a church does not wish to play at a wedding service of a same sex couple. This would be lawful because he is carrying out a religious ceremony (i.e. activity) which forms part of the marriage service.

A commercial photographer is asked to photograph a wedding of a same sex couple. It would be unlawful sexual orientation discrimination for her to refuse because she does not approve of marriage of same sex couples. This is because she is not carrying out a religious or belief activity.

A volunteer flower arranger who usually decorates the place of worship for wedding services refuses to do so for a wedding of a same sex couple because she does not approve of such marriages. She is not carrying out a religious or belief activity but her refusal would nonetheless be lawful because she is not considered to be providing a service to the public or a section of the public, so it is not covered by the 2010 Act. If a commercial flower arranger asked by a same sex couple to decorate their wedding venue refused to do so because he does not approve of marriage of same sex couples, this would be unlawful sexual orientation discrimination. This is because he is not carrying out a religious or belief activity and the service he provides is to the public and so is covered by the 2010 Act.


14. Sub-paragraph (9A) provides that a religious or belief organisation does not contravene Part 3 (services and public functions), Part 4 (premises) and Part 7 (associations) of the 2010 Act by refusing to allow premises it owns or controls to be used for same sex marriages or the registration of civil partnerships because these are same sex relationships.

Example

A religious or belief body which has opted in to same sex marriage and the registration of civil partnership decides a particular building should not be used for the solemnisation of same sex marriage or the registration of civil partnership because the local congregation disagrees with same sex relationships. This would be lawful.

15. Sub-paragraph (9B) provides that a person or association of persons does not contravene Parts 3, 4 or Part 7 of the 2010 Act in certain circumstances. These circumstances are a refusal to allow premises, which the person or association owns or controls for the purposes of an organisation, to be used for same sex marriages or the registration of civil partnerships because these are same sex relationships.

Example

A local church committee decides that its building should not be used for the solemnisation of same sex marriage or the registration of civil partnership, even though its religious body has opted in, because it disagrees with same sex relationships. This would be lawful. It is for the religious body to make its own arrangements on who decides how local premises should, or should not, be used.

16. Sub-paragraph (9C) provides definitions of “relevant Scottish marriage” and “relevant Scottish civil partnership”. These relate, respectively, to a religious or belief same sex marriage and a religious or belief civil partnership.

Scottish Government
December 2013
1st Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 6       Schedule 1
Sections 7 to 27      Schedule 2
Sections 28 to 33     Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 4

Alex Neil

1 In section 4, page 4, line 18, after <married> insert <or in a purported marriage>

Alex Neil

2 In section 4, page 4, line 19, after <marriage> insert <or purported marriage>

Alex Neil

3 In section 4, page 4, line 20, after <marriage> insert <or purported marriage>

Alex Neil

4 In section 4, page 4, line 25, at end insert—
   <( ) may make different provision for different purposes,>

Alex Neil

5 In section 4, page 4, line 27, at end insert—
   <( ) may modify any enactment (including this Act),>

Alex Neil

6 In section 4, page 4, line 28, after <is> insert <(except where subsection (9A) applies)>

Alex Neil

7 In section 4, page 4, line 28, at end insert—
   <(9A) An order under subsection (8) which adds to, replaces or omits any part of the text of an
   Act is subject to the affirmative procedure,>
Section 5

Alex Neil
8 In section 5, page 5, leave out lines 20 to 22

After section 6

Alex Neil
9 After section 6, insert—

<Reset: abolition of defence

(1) Any rule of law under which a wife who receives or conceals goods stolen by her husband does not commit the offence of reset ceases to apply.

(2) Subsection (1) applies only in relation to things done after the day on which this section comes into force.>

Section 7

Marco Biagi
10 In section 7, page 6, line 1, leave out from <qualifying> to <5(6)> in line 2 and insert <civil partnership>

Marco Biagi
11 In section 7, page 6, line 4, at end insert—

<( ) in subsection (5), after paragraph (ii)(c) of the proviso (inserted by section 3(2)(c) of this Act), insert “; or

(d) if no such certificate has been issued only by reason of the fact that the parties to the intended marriage have registered an overseas relationship which is treated in Scotland by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004 as a civil partnership between them.”.>

Marco Biagi
12 In section 7, page 6, line 6, leave out <qualifying>

Marco Biagi
13 In section 7, page 6, line 9, leave out from <“qualifying”> to end of line 20 and insert <civil partnership means—

(a) a civil partnership registered under the law of any part of the United Kingdom; and

(b) an overseas relationship which is treated in Scotland by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004 as a civil partnership.”>
After section 7

Alex Neil

14 After section 7, insert—

<Power to modify meaning of “qualifying civil partnership”>

(1) The Scottish Ministers may by order modify the meaning of “qualifying civil partnership” given by section 5(6) of the 1977 Act (as inserted by section 7(3)(b) of this Act) so as to include civil partnerships registered outside Scotland.

(2) An order under subsection (1)—

(a) may make different provision for different purposes,
(b) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
(c) may modify any enactment (including this Act),
(d) is subject to the affirmative procedure.

(3) Before laying a draft of an order under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult the following persons on a copy of the proposed draft order—

(a) the Registrar General of Births, Deaths and Marriages for Scotland, and
(b) such other persons as the Scottish Ministers consider appropriate.>

Section 8

Alex Neil

15 In section 8, page 6, leave out lines 37 and 38

Alex Neil

16 In section 8, page 7, line 6, at end insert—

<( ) may make different provision for different purposes,>

Marco Biagi

17 In section 8, page 7, line 13, leave out subsection (7) and insert—

<(7) For the purposes of this section a “qualifying civil partnership” is a civil partnership which—

(a) was registered in Scotland, and
(b) has not been dissolved, annulled or ended by death.

(8) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the 2004 Act is to be treated for the purposes of subsection (7)(a) as having been registered in Scotland if—

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order, and
(b) details of the civil partnership have been sent to the Registrar General of Births, Deaths and Marriages for Scotland.

Section 9

Alex Neil

19 In section 9, page 7, leave out lines 16 to 19 and insert—

(A1) This section applies where civil partners in a qualifying civil partnership (within the meaning of section 5(6) of the 1977 Act)—

(a) marry in accordance with that Act, or

(b) change their civil partnership into a marriage in accordance with provision made under section 8(1).

(1) Where this section applies—

(a) the qualifying civil partnership ends on the date on which—

(i) the marriage was solemnised, or

(ii) the change took effect, and>

Marco Biagi

18 In section 9, page 7, line 16, leave out <civil partners in a qualifying> and insert <two persons in a>

Marco Biagi

20 In section 9, page 7, line 18, leave out <qualifying>

Marco Biagi

21 In section 9, page 7, line 21, leave out <qualifying>

Marco Biagi

22 In section 9, page 7, line 21, at end insert <under the law of any part of the United Kingdom or the date on which the persons are treated in Scotland by virtue of Chapter 2 of Part 5 of the 2004 Act as having formed their civil partnership.>

Marco Biagi

23 In section 9, page 8, line 3, leave out <qualifying>

Marco Biagi

24 In section 9, page 8, line 7, leave out <qualifying>
Section 10

Alex Neil

25 In section 10, page 8, line 30, leave out <after “marriage” insert “between”> and insert <for “marriages” substitute “marriage between”>

John Mason

38 In section 10, page 9, line 29, insert at end—

<( ) For the avoidance of doubt—

(a) no religious or belief body may be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—

(i) make a request referred to in subsection (1C)(a);

(ii) nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;

(b) no person may be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex.>

Section 11

Alex Neil

26 In section 11, page 11, line 6, after <sexes”,> insert—

<( ) in paragraph (a), for the words from “witnesses,” to “wife;” substitute “witnesses—

(i) that they accept each other as husband and wife;

(ii) that they accept each other in marriage; or

(iii) either or both of sub-paragraphs (i) and (ii);”,

( ) in paragraph (b), for the words from “subsection,” to “wife,” substitute “subsection—

(i) that the parties are then husband and wife;

(ii) that the parties are then married; or

(iii) either or both of sub-paragraphs (i) and (ii);”>

After section 14

John Mason

39 After section 14, insert—
<Protecting expression of belief in marriage between persons of different sex

For the avoidance of doubt, a belief in marriage as a voluntary union between one man and one woman to the exclusion of all others for life is a belief worthy of respect in a democratic society.>

Siobhan McMahon

40 After section 14, insert—

<Same sex marriage: protection for district registrars

(1) For the avoidance of doubt, nothing in this Act imposes a duty on a person mentioned in subsection (2)—

(a) to solemnise a marriage between persons of the same sex,

(b) to be present at or participate in a marriage between persons of the same sex,

where the reason for not carrying out an activity mentioned in paragraph (a) or (b) is that the person holds the belief mentioned in subsection (3).

(2) The person is a district registrar or assistant registrar appointed under section 17 of the 1977 Act.

(3) The belief is that marriage may only be between one man and one woman.>

Siobhan McMahon

41 After section 14, insert—

<Protection of freedom of expression: public authority employees

(1) A public authority must take steps to ensure that, in carrying out its functions, the belief of an employee of the authority mentioned in subsection (3) is respected.

(2) For the avoidance of doubt, where a public authority offers services, no employee is under a duty to—

(a) provide such services,

(b) assist in the provision of such services,

where the reason for not so providing or assisting is that the employee holds the belief mentioned in subsection (3).

(3) The belief is that marriage may only be between one man and one woman.

(4) For the purposes of subsection (1), a public authority is a body listed in schedule 1 to the Freedom of Information (Scotland) Act 2002.>

Siobhan McMahon

42 After section 14, insert—

<Protection of freedom of expression: public authority functions

(1) For the avoidance of doubt, a public authority must not—

(a) withhold a service or the use of a facility from a person,

(b) terminate the provision of a service to, or the use of a facility by, a person,
(c) alter the terms on which a service is provided, or a facility is used, to the
detriment of the person,

where the reason for taking the action mentioned in paragraph (a), (b) or (c) is that the
person holds the belief mentioned in subsection (2).

(2) The belief is that marriage may only be between one man and one woman.

(3) For the purposes of subsection (1), a public authority is a body listed in schedule 1 to the

Richard Lyle

43 After section 14, insert—

<Protection of freedom of expression: adoption and fostering>

(1) For the avoidance of doubt, the views of a relevant person on whether marriage may be
between persons of the same sex may not be considered—

(a) by an adoption agency when considering whether to approve a person as an
adopter under or by virtue of the Adoption and Children (Scotland) Act 2007,

(b) by a court in coming to a decision relating to the adoption of a child under or by
virtue of the Adoption and Children (Scotland) Act 2007,

(c) by a local authority when considering whether to approve a person as a foster
carer under the Looked After Children (Scotland) Regulations 2009.

(2) For the purposes of subsection (1) a “relevant person”—

(a) under paragraph (a) and (b) is a prospective adopter,

(b) under paragraph (c) is a prospective foster carer.

Richard Lyle

44 After section 14, insert—

<Same sex marriage: protection of charitable status>

In section 8 of the Charities and Trustee Investment (Scotland) Act 2005 (public
benefit), after subsection (2) insert—

“(2A) For the avoidance of doubt, a disbenefit is not incurred or likely to be incurred
by the public in consequence of a body holding a belief as mentioned in
subsection (2B).

(2B) The belief is that marriage may only be between one man and one woman.”.

Richard Lyle

45 After section 14, insert—

<Protection of freedom of expression: threatening or abusive behaviour>

(1) The Criminal Justice and Licensing Act (Scotland) 2010 is amended as follows.

(2) In section 38, after subsection (3) insert—

“(3A) For the avoidance of doubt, any discussion or criticism of marriage which
concerns the sex of the parties to marriage must not be taken of itself to be an
offence under subsection (1).”.
Richard Lyle

46 After section 14, insert—

<Protection of freedom of expression: offensive behaviour at regulated football matches>

(1) The Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 is amended as follows.

(2) In section 1, after subsection (5) insert—

“(5A) For the avoidance of doubt, any discussion or criticism of marriage which concerns the sex of the parties to marriage must not be taken of itself to be an offence under subsection (1).”.

Alex Johnstone

47 After section 14, insert—

<Indemnification of losses arising from certain legal proceedings>

(1) This section applies where any relevant legal proceedings are brought against a person (“person A”) by or on behalf of another person (“person B”).

(2) The Scottish Ministers must indemnify person A against any net financial losses incurred by person A as a result of the relevant legal proceedings.

(3) For the purposes of subsection (2), person A’s net financial losses are to be calculated by—

(a) adding together—

(i) the amount paid by person A in respect of person A’s own legal costs in connection with the relevant legal proceedings,

(ii) any other costs incurred by person A as a direct result of the relevant legal proceedings, and

(iii) any sums which person A has been ordered to pay to person B as a result of the relevant legal proceedings, and

(b) subtracting from the total obtained under paragraph (a) any sums which person B has been ordered to pay person A as a result of the relevant legal proceedings.

(4) In this section, “relevant legal proceedings” means any legal proceedings arising from a claim that person A has discriminated against another person by virtue of person A holding or acting on the belief that marriage may only be between one man and one woman.”.

Section 21

Alex Neil

27 In section 21, page 16, line 8, at end insert—

<( ) In subsection (1), before paragraph (a) insert—

“(za) an action for declarator of marriage;”.

>
After section 21

John Mason

After section 21, insert—

CHAPTER

REVIEW OF SAME SEX MARRIAGE

Review of effect of same sex marriage

(1) The Scottish Ministers must, before the end of the 5 year period, review—

(a) the effects of the introduction of marriage of persons of the same sex (“same sex marriage”),
(b) the operation of the provisions on same sex marriage in this Act,
and lay before the Scottish Parliament a report of the review.

(2) The review must, in particular, consider—

(a) the operation and effect of section 8(1D) of the 1977 Act (inserted by section 10(2)(b) of this Act),
(b) the operation and effect of section 14 of this Act,
(c) any court proceedings relating to the operation or effect of any provision relating to same sex marriage.

(3) In carrying out a review under this section, the Scottish Ministers must consult such persons as they consider appropriate.

(4) The Scottish Ministers must, as soon as practicable after the report has been laid before the Parliament, publish the report in such manner as they consider appropriate.

(5) In this section—

“court proceedings” includes proceedings of—

(a) an employment tribunal within the meaning of section 1 of the Employment Tribunal Act 1996,
(b) an Employment Appeal Tribunal within the meaning of section 20 of the Employment Tribunal Act 1996,
(b) the European Court of Human Rights,
(c) the European Court of Justice,

“the 5 year period” means the period of 5 years beginning with the day on which any provision relating to same sex marriage comes into force.

Schedule 2

Alex Neil

In schedule 2, page 42, line 13, leave out <Registrar General for Scotland> and insert <following persons on a copy of the proposed draft order—

(a) the Registrar General for Scotland,
(b) the Gender Recognition Panel, and
(c) such other persons as the Scottish Ministers consider appropriate>

Alex Neil
29 In schedule 2, page 42, line 20, after <spouse> insert <or civil partner>

Alex Neil
30 In schedule 2, page 42, leave out line 31

Alex Neil
31 In schedule 2, page 42, line 37, at end insert—

<(< ) Regulations under sub-paragraph (1) may in particular make provision for fees to be payable in respect of things done under the regulations.>

Alex Neil
32 In schedule 2, page 42, line 37, at end insert—

<(< ) Regulations under sub-paragraph (1) may make different provision for different cases or circumstances.>

Alex Neil
33 In schedule 2, page 43, line 31, after <20A> insert <of Schedule 3>

Alex Neil
34 In schedule 2, page 43, line 33, leave out from <which> to <Act> in line 34

Section 28

Alex Neil
35 In section 28, page 30, leave out lines 29 and 30

After section 29

Alex Neil
36 After section 29, insert—

<Form of register of marriages

In section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (regulations), after subsection (1) insert—

“(1A) Regulations prescribing the form of a register of marriages under section 32 may make different provision for different cases or circumstances.”>
Section 31

Alex Neil

In section 31, page 31, line 28, at end insert—

<( ) An order under subsection (1) may make different provision for different purposes.>

Section 32

John Mason

In section 32, page 32, line 2, at end insert—

<(2A) The day appointed for the provisions for the marriage of persons of the same sex to come into force must be a day after the day when amendments to the Equality Act 2010 to give effect to the amendments mentioned in subsection (2B) have been or are being brought into force.

(2B) The amendments are—

(a) in section 10 (religion or belief), after subsection (3), insert—

“(3A) For the avoidance of doubt, the protected characteristic of religion or belief may include a belief that marriage may only be between a man and a woman.”,

(b) in section 149 (public sector equality duty), after subsection (9), insert—

“(9A) Compliance with the duties in this section requires ensuring that a belief that marriage may only be between a man and a woman is respected and that no person may suffer any detriment as a result of holding or expressing such a belief.”>
Marriage and Civil Partnership (Scotland) Bill

1st Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated on the first day of Stage 2 consideration, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

**Operation of rules of law concerning purported marriage**

1, 2, 3

**Powers to make subordinate legislation: power to make different provision for different purposes, consultation, procedure etc.**

4, 5, 6, 7, 16, 28, 32, 34, 36, 37

**Abolition of spouse’s defence to charge of reset**

8, 9

**Changing civil partnerships to marriage: civil partnerships registered outside Scotland**

10, 11, 12, 13, 14, 17, 18, 20, 21, 22, 23, 24

*Note*: amendments 18 and 20 in this group are pre-empted by amendment 19 in the next group

**Power to provide for effect of changing civil partnership into marriage or of renewed marriage or civil partnership following change of gender**

15, 19, 35

*Note*: amendment 19 in this group pre-empts amendments 18 and 20 in the previous group

**Corrections and other minor amendments**

25, 27, 30, 33

**No power to compel religious or belief bodies to carry out same sex marriages**

38
Language used in marriage declarations  
26

Effect of holding belief that marriage is between persons of different sexes: general  
39, 43, 44

Effect of holding belief that marriage is between persons of different sexes: public sector employees and services  
40, 41, 42

Holding belief that marriage is between persons of different sexes not to constitute commission of certain offences  
45, 46

Indemnification of losses arising from certain legal actions  
47

Review of effects of introduction of same sex marriage  
48

Appeals against issue of gender recognition certificate  
29

Registration of qualifying Scottish marriages and civil partnerships: power to charge fees  
31

No commencement of same sex marriage provisions until certain amendments to Equality Act 2010 in place  
49
Present:

Christian Allard  Marco Biagi (Deputy Convener)
John Finnie    Alex Johnstone
John Mason    Margaret McCulloch (Convener)
Siobhan McMahon

Also present: Alex Neil, Cabinet Secretary for Health and Wellbeing and Richard Lyle

Marriage and Civil Partnership (Scotland) Bill: The Committee considered the Bill at Stage 2 (Day 1).

The following amendments were agreed to (without division): 1, 2, 3, 4, 5, 6, 7, 8, 9, 14, 15, 16, 19, 25 and 26.

The following amendments were disagreed to (by division)—
38 (For 3, Against 4, Abstentions 0)
39 (For 3, Against 4, Abstentions 0)
40 (For 3, Against 4, Abstentions 0)
41 (For 3, Against 4, Abstentions 0)
42 (For 3, Against 4, Abstentions 0)
43 (For 3, Against 4, Abstentions 0)
44 (For 3, Against 4, Abstentions 0)
45 (For 2, Against 4, Abstentions 1)
46 (For 2, Against 5, Abstentions 0)

Amendment 10 was moved and, no member having objected, withdrawn.

The following amendments were pre-empted: 18 and 20.

The following amendments were not moved: 11, 12, 13, 17, 21, 22, 23, and 24.

The following provisions were agreed to without amendment: sections 1, 2, 3, 6, schedule 1, and sections 7, 12, 13 and 14.

The following provisions were agreed to as amended: sections 4, 5, 8, 9, 10 and 11.

The Committee ended consideration of the Bill for the day, amendment 47 having been moved but not disposed of.
Marriage and Civil Partnership (Scotland) Bill: Stage 2

09:01
The Convener: Item 2 is day 1 of the committee’s stage 2 consideration of the Marriage and Civil Partnership (Scotland) Bill. I welcome to the meeting Alex Neil, the Cabinet Secretary for Health and Wellbeing, and his officials. The officials are not permitted to participate in the formal proceedings. Richard Lyle will join us later to speak to his amendments.

Everyone should have a copy of the bill as introduced, the first marshalled list of amendments and the first list of groupings of amendments. We will not go beyond chapter 4 of part 1 today. There will be one debate on each group of amendments. Any amendments that we do not reach this morning will be dealt with at our next meeting, on 16 January.

For each debate, I will call the member who lodged the first amendment in the group to speak to and move that amendment and to speak to all the other amendments in the group. All other members with amendments in the group, including the cabinet secretary, if relevant, will then be asked to speak to them. Members who have not lodged amendments in the group but who wish to speak should indicate as much by catching my attention or the attention of the clerks.

After the debate on each group, I will check whether the member who moved the first amendment in the group wishes to press it to a vote or to withdraw it. If they wish to press it, I will put the question. If a member wishes to withdraw their amendment after it has been moved, they must seek approval to do so. If any member objects, the committee will immediately move to the vote on the amendment.

If any member does not want to move their amendment when it is called, they should say, “Not moved.” Members should also note that any other MSP—by which I mean not just a committee member—may move the amendment. If no one moves it, I will immediately move to the next amendment on the marshalled list.

Only committee members are allowed to vote. As voting in any division is by a show of hands, it is important that members keep their hands clearly raised until the clerk has recorded the vote.

As the committee is required to indicate formally that it has considered and agreed to each section of the bill, I will put the question on each section at the appropriate time.

We now move to consideration of amendments.
Sections 1 to 3 agreed to.

Section 4—Meaning of marriage and related expressions in enactments and documents

The Convener: The first group of amendments is on operation of rules of law concerning purported marriage. Amendment 1, in the name of the cabinet secretary, is grouped with amendments 2 and 3.

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Amendments 1 to 3 were lodged at the suggestion of stakeholders, and I will explain why. Section 4 ensures that references to marriage in existing legislation generally refer to both opposite-sex and same-sex marriage. In addition, section 4(6) ensures that, when being married or having been married is relevant to the operation of a common-law rule, any such rule will apply equally to opposite-sex and same-sex marriage.

It was suggested to us that section 4(6) needed to be extended to refer to “purported marriage”. In particular, that could be relevant in relation to marriage by cohabitation with habit and repute, which is the last form of irregular marriage that is still recognised in Scotland. Marriage by cohabitation with habit and repute has largely been abolished in Scotland, but we still recognise cases in which a couple erroneously believe themselves to have been married overseas and, after one of them dies, it transpires that the marriage was not valid. We proposed the complete abolition of such recognition in the consultation on the draft bill, but consultees raised concerns and, as a result, we did not proceed with the proposed abolition.

The amendments ensure that the concept of marriage by cohabitation with habit and repute in certain overseas cases extends to any same-sex marriages. Having decided to keep the concept, we need to ensure that it covers same-sex marriages and opposite-sex marriages.

I move amendment 1.

Alex Johnstone: I take the opportunity to ask the minister to explain in greater detail the meaning of the word “purported” and to indicate clearly that there is no possibility that an interpretation of the word might take the effect of the amendments beyond what is intended.

Alex Neil: The word “purported” refers only to the description that I gave. It is recognised in law for when people think that they have been married overseas and the surviving spouse of someone who has died still believes that the marriage took place. The definition that I gave when I moved amendment 1 is tightly worded.

The Convener: As there are no other questions, I ask the cabinet secretary to wind up.

Alex Neil: I do not think that that is necessary. In the interests of time, I waive my right to wind up.

Amendment 1 agreed to.

Amendments 2 and 3 moved—[Alex Neil]—and agreed to.

The Convener: We move on to powers to make subordinate legislation—power to make different provision for different purposes, consultation, procedure etc. Amendment 4, in the name of the cabinet secretary, is grouped with amendments 5 to 7, 16, 28, 32, 34, 36 and 37.

Alex Neil: I will explain why we lodged the group of amendments, all of which are fairly technical. First, I will deal with amendments 4 to 7. Section 4 ensures that references to marriage in existing legislation generally refer to opposite-sex and same-sex marriage. The bill contains an order-making power to enable ministers, when necessary, to make contrary provision. In some cases, ministers might need to amend primary legislation and make different provision for different purposes. For example, we might need to use the powers in relation to devolved matters in public sector pensions and, when doing so, we might need to make specific provision to ensure that the spouses of transgender people do not lose out when their spouses acquire a new gender.

Amendment 4 will ensure that any order under section 4 may make different provision for different purposes. Amendment 5 will ensure that an order can amend primary and secondary legislation. Amendments 6 and 7 will ensure that any order to amend primary legislation is subject to the affirmative procedure, which is in line with usual practice.

Amendment 16 relates to regulations on the procedures for the administrative route for changing civil partnerships that are registered in Scotland into marriages. When the administrative route is used, the couple’s identity may need to be checked. The amendment allows different provision to be made for different purposes so that the regulations have the flexibility to apply different procedures to identity checks when the couple now live outwith Scotland.

Amendments 28 and 34 relate to the order-making powers in proposed new section 5D of the Gender Recognition Act 2004, which paragraph 6 of schedule 2 to the bill will insert. Those powers relate to establishing a more streamlined procedure for persons in a civil partnership to obtain gender recognition.

The amendments follow comments by the Delegated Powers and Law Reform Committee.
Amendment 28 extends the current consultation requirement in relation to any order and inserts a more detailed procedure. Amendment 34 ensures that the affirmative procedure will apply to all orders that are made under proposed new section 5D of the 2004 Act.

Amendment 32 amends the regulation-making power on the registration of marriages and civil partnerships following the issue of the full gender recognition certificate. The amendment ensures that regulations can make different provision for different cases or circumstances. For example, different provision might be needed when the person who is receiving the full gender recognition certificate was married or entered a civil partnership in Scotland but was not born here.

Amendment 36 amends section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965, on regulations about matters such as the form of registers for marriages. The amendment ensures that regulations that prescribe the form of a register of marriages may make different provision for different cases or different circumstances.

Amendment 37 amends the order-making power at section 31 of the bill on ancillary provision so that an order under that section can make different provision for different purposes. That might be needed for cases in which persons who married or entered a civil partnership here now live outwith Scotland, for example.

I move amendment 4.

Amendment 4 agreed to.

Amendments 5 to 7 moved—[Alex Neil]—and agreed to.

Section 4, as amended, agreed to.

Section 5—Same sex marriage: further provision

The Convener: Group 3 is on abolition of spouse’s defence to charge of reset. Amendment 8, in the name of the cabinet secretary, is grouped with amendment 9.

Alex Neil: Amendments 8 and 9 remove the existing provision on reset and abolish the defence that currently exists in certain circumstances for wives. Reset is a crime that relates to the handling of stolen goods. Currently, a wife cannot be charged with reset for receiving or concealing goods that have been stolen by her husband unless she makes a trade of the crime and has taken an active part in the disposal. That defence for wives appears to come from the view that a wife has to cherish and protect her husband and it appears to be based on an old-fashioned view of the relations between the sexes.

Originally, we considered that we should just not extend the defence to cases in which two women get married but, on reflection, it seems to be more sensible and straightforward to repeal the defence altogether. In case anybody is relying on the defence, the repeal will take effect only from the day after the relevant provision in the bill comes into force.

I move amendment 8.

09:15

The Convener: Do members have questions?

Alex Johnstone: I have a quick one, for my own comfort. Is it true to say that, in such a circumstance, a straightforward defence of lack of knowledge or implication could be used? I want to ensure that we do not simply incriminate wives by repealing the law.

Alex Neil: The assumption is fair.

Marco Biagi: I welcome amendment 8. I think that we were all surprised by the anachronism when we read the bill. I am glad that the initial approach has been changed and that we are getting rid of the provision entirely.

Amendment 8 agreed to.

Section 5, as amended, agreed to.

Section 6 agreed to.

Schedule 1 agreed to.

After section 6

Amendment 9 moved—[Alex Neil]—and agreed to.

Section 7—Marriage between civil partners in qualifying civil partnerships

The Convener: The next group is on changing civil partnerships to marriage—civil partnerships registered outside Scotland. Amendment 10, in the name of Marco Biagi, is grouped with amendments 11 to 14, 17, 18 and 20 to 24. If amendment 19, in the subsequent group, is agreed to, amendments 18 and 20 will be pre-empted and cannot be called.

Marco Biagi: The bill will allow people who are already in civil partnerships to replace their civil partnership relationship with a marriage. However, that applies to people whose civil partnerships were registered in Scotland. Amendment 10, in the name of Marco Biagi, is grouped with amendments 11 to 14, 17, 18 and 20 to 24. If amendment 19, in the subsequent group, is agreed to, amendments 18 and 20 will be pre-empted and cannot be called.

Marco Biagi: The bill will allow people who are already in civil partnerships to replace their civil partnership relationship with a marriage. However, that applies to people whose civil partnerships were registered in Scotland. During the consultation and the committee’s deliberations, we were made aware of a couple from New Jersey who are now resident in Scotland and who had registered, in their home jurisdiction, a domestic partnership, which is recognised here as a civil partnership. Such couples would be excluded from replacing their civil partnership with marriage,
even though they are resident in Scotland. The amendments in my name would give people with foreign civil partnerships the option of marriage here.

I am glad that the Government has taken a similar view and has lodged amendments that have the same flavour. The changes to the bill—that is, to primary legislation—that I propose represent a do-it-now approach, whereas the Government’s proposal on order-making powers is a do-it-later approach. I am well aware that it can be wise to delay so that we get things right, so I look forward to hearing what the cabinet secretary will say about his approach.

I want to cover a few aspects of the amendments in my name. I think that the concern about the order-making approach is that an order might be incomplete; it might include requirements about residence in Scotland or exclude people who have the option of replacing their civil partnership with a marriage in their home jurisdiction. The Government response to the committee suggested both examples. I have difficulty with the idea of making someone go back to their home jurisdiction to replace a civil partnership with marriage.

Similarly, we offer marriage and divorce to anyone in the world, regardless of their residence, so I would be concerned if there were an exception in terms of civil partnerships. I hope that the cabinet secretary will address that and tell us what he intends to do if the committee agrees to amendment 14 and the order-making approach.

It would be important for changes that were made under an order-making power to come into force at the same time as the rest of the bill, so that the couple from New Jersey who live in Scotland could get married at the same time as the same-sex couple from Scotland who live next door.

As the bill stands, a same-sex couple who have a civil partnership under Irish law who came here would not be able to get married, whereas a couple from Poland, who cannot have a civil partnership in their home jurisdiction, could come here and get married. That seems to be an arbitrary distinction, which we should address. Anyone can marry and anyone can divorce, but we have no guarantee of recognition by other jurisdictions of same-sex marriages that have been conducted in Scotland. To use the Ireland and Poland example again, should the Irish couple be able to get married here, they could go back to Ireland, and their relationship would be recognised as a civil partnership; the Polish couple could get married here and go back to Poland, where their relationship would not be recognised.

There are inevitably complications with anything associated with the cross-border recognition of same-sex marriages. There will be people who are not in foreign civil partnerships who live in Scotland and get married here, and who then have issues with recognition when they go abroad. That is another area that the Government has addressed, and about which I hope the cabinet secretary will talk when he has his moment.

We have two options for finding a solution. Let us ensure that we do not get into greater complexity just for the sake of it, and that we find the most efficient solution. We have just taken up a very efficient solution to get rid of reset: rather than create an extra exception, we got rid of it entirely. If, however, greater complexity is needed, I am open to the cabinet secretary’s arguments, so I hand over to him to make the case for his approach.

I move amendment 10.

Alex Neil: As Marco Biagi has just said, his amendments relate to couples who are in civil partnerships that have been registered outside Scotland changing the relationship to marriage. Amendment 14, in my name, relates to exactly that issue. As it stands, the bill will create two ways for a couple who are in a civil partnership that is registered in Scotland to change their relationship to a marriage. The couple will be able to have a marriage ceremony or to change the relationship through an administrative route, the details of which will be laid down in regulations.

The committee took evidence to say that couples in civil partnerships that have been registered outwith Scotland should be able to change their civil partnership to a marriage here, and recommended that that be made possible. The Government has great sympathy with that suggestion, but a number of detailed points need to be considered. First, couples in civil partnerships that are registered outwith Scotland could not change their relationship to marriage through the administrative route because, quite simply, we do not hold the original paperwork.

On the detailed points that were made to the committee, we agreed that it would be odd to have to dissolve a relationship that had not broken down in order to change that relationship to a marriage. On the other hand, we are concerned about the risk to the couple themselves of having a dual status of being in a civil partnership and being married. There is no guarantee that other jurisdictions will accept that a civil partnership has been changed to a marriage in Scotland, so the couple might be married here but in a civil partnership elsewhere.

John Mason: Will the minister give way?
Alex Neil: Could I finish this introduction? I will then take questions.

It is not clear how such a marriage would be recognised in the United Kingdom. For example, if a couple in a civil partnership from Northern Ireland changed their relationship to a marriage in Scotland and then moved to England or Wales, the UK Government might face the difficult choice whether to recognise the relationship as a Northern Ireland civil partnership or as a Scottish marriage. In addition, if the couple subsequently divorced in Scotland, it is uncertain whether that divorce would be recognised in the home jurisdiction, which might continue to recognise the original civil partnership.

It is also possible to imagine a scenario in which a couple split up, with a divorce action taking place in Scotland and an action to dissolve the original civil partnership taking place in the home jurisdiction. The Scottish Government needs to consider the views of the home jurisdiction. The wishes of the couple and the views of the home jurisdiction may be different, and both are entitled to have their views heard. If Scotland were to allow marriages of persons in non-Scottish civil partnerships and the other jurisdiction objected, that might—at least in theory—raise issues about the general recognition of Scottish marriages with Scotland. There is also a need to consider whether Scotland should be prepared to allow all same-sex partners from anywhere in the world to marry here, or just those who are ordinarily resident here.

One option might be just to change non-Scottish civil partnerships to marriages when a couple who are resident in Scotland are unable to do so in the jurisdiction in which they registered their partnership. A couple wishing to change their civil partnership to a marriage would be best doing so in the home jurisdiction for the civil partnership, where possible. That would avoid the potential complication of having two civil partnerships.

Our approach to addressing the complex issues that I have just outlined is amendment 14, which will allow ministers to extend by order the categories of civil partners who could change their civil partnership in Scotland by having a marriage ceremony here. That will enable civil partners in a partnership that is registered outwith Scotland to marry in Scotland. The order-making approach will enable the Government to consult fully and to consider all the issues in detail. It will also give us the opportunity to discuss the issues with other relevant jurisdictions. Any such order would be subject to affirmative procedure. The Government will consult in 2014 on whether to make such an order and on whom it should cover.

I stress that if we decide after we have consulted that all civil partners should be covered, then the power in the order will be wide enough to allow us to do that. The consultation will form part of our work on the review of civil partnerships. We will give the consultation priority next year, given the evidence that has been presented to the committee and the points that the committee has made. Regardless of whether an order is made, the Government will report to Parliament on the outcome of the consultation.

For those reasons, I invite Marco Biagi to seek to withdraw amendment 10 and I invite the committee to support amendment 14.

The Convener: Thank you, cabinet secretary. John Mason has a question.

John Mason: I tried to intervene on the matter during the cabinet secretary’s speech. This is not an area of which I have detailed knowledge, but as I understand it Marco Biagi’s argument is that there will always be inconsistencies and that there will always be cases in which a relationship is recognised on one side of a border but not on the other. The cabinet secretary seemed to argue that we want a much tidier solution, but I am not entirely convinced by his argument that a tidy solution is possible. Will it always be the case that some relationships will be recognised in some jurisdictions but not in others?

Alex Neil: First, this is a very complex issue that requires further consideration so that we get it right. It clearly requires further consultation not just in Scotland but with jurisdictions outwith Scotland.

Secondly, I have some sympathy with John Mason’s point that looking at every possible scenario in every country of the world would be difficult to do, so from that point of view the area might never be totally tidy. However, I think that it could be a lot tidier than it is at present.

In terms of volume, we know that most issues will be cross-border issues within the United Kingdom and, next, they will be issues with Europe and transatlantic jurisdictions. Very few cases will involve African or Asian countries. We never know what laws will be passed in any other country in the world, the vast majority of people whom the legislation will affect will be from UK, Europe, and north Atlantic jurisdictions. It is important that we take the time to get what we propose as right as we can.

Christian Allard: I would like reassurance about the consultation that you have spoken about. Can we ensure that transgender communities are involved in it? We heard from James Morton of the Scottish Transgender Alliance about particular issues regarding civil partnerships in Scotland.

Alex Neil: The consultation will be very wide. In fact, we will consult widely with the committee as
well. My task all along with the legislation has been to take people with us, if we can.

I know that some of the principles that the legislation contains are somewhat controversial, but we have moved on and are now looking at the practicality of how we apply the principles that were approved at stage 1. I hope that we can maximise the consensus throughout Scotland, including all the various interest groups and the committee.

09:30

**John Finnie:** Good morning, cabinet secretary. My colleague Marco Biagi used a couple of phrases to describe our options. The first was “do-it-now”, which would be my general preference, given that we are dealing with the situation now. He also referred to people going home; given the association of the phrase “go home” with a pernicious campaign by another Administration, that does not seem to be an attractive option, if it means that people whom we would welcome in Scotland would have to return home. I accept that there are administrative difficulties in that regard.

My inclination is that we should do what we think is right. Given the range of people whom you would require to consult, and given that there are some countries in Europe in which the approach to lesbian, gay, bisexual and transgender people is not at all positive, can you give an undertaking that the general policy approach on the matter will be, as far as possible, to enable all same-sex couples with foreign civil partnerships to marry in Scotland?

**Alex Neil:** Absolutely, and that is why I need time to get the approach right. It is very tempting to do it now, but if we get it wrong, we will defeat the purpose that you just outlined in your last sentence, which is to ensure that we maximise the opportunity in law for most of the people who wish to convert to be able to do so. That is why a further period of consultation is required. The objective is not just to allow the conversion, but to ensure that we minimise barriers, either in terms of interaction with other jurisdictions or our own internal law, for those who wish to convert their civil partnership to a marriage.

**John Finnie:** Can you help me on the process, cabinet secretary? If we are going to do it, does it matter what the other jurisdictions say, or is the consultation about the administrative arrangements that will be associated with facilitating the change?

**Alex Neil:** Let me clarify. The purpose of consulting other jurisdictions is not that they will dictate to us what we are going to do. That is not what we mean by consultation.

There are two broad areas in which we need to consult. The first concerns other jurisdictions’ interpretation of any change in the law in Scotland, because we want to ensure that we do not do something in our law that makes it more difficult for people from elsewhere to achieve their objective of converting a civil partnership into a marriage.

Secondly, we want to identify whether other jurisdictions have plans to change in the immediate future their laws in any way that might impact on the changes that we would make through primary legislation in Scotland. If we identify changes in other parts of the UK or elsewhere in Europe that are relevant to what we are doing, we can ensure that we try to accommodate them and ensure as widely as possible that we take down any barriers to achieving our objective, which is to allow people in Scotland to convert their civil partnership to a marriage.

**John Finnie:** I am trying to imagine what might hold up that process.

**Alex Neil:** There are loads of things. I have given examples of what might hold up the process, including couples marrying or having civil partnerships from elsewhere in the UK or in Europe where the law is applied differently with regard to recognising couples in Scotland who have lived outwith the country for a period, or who have not been here for a long time but have a civil partnership here and want to convert.

As I outlined in my introductory remarks, it is a very complex issue, but my objective is exactly the same as Marco Biagi’s: to maximise the opportunity not just for a civil partnership to be converted to marriage but for that to be widely recognised, and not to create unforeseen or unnecessary difficulties either in Scotland or elsewhere for couples who want to do that. I am just asking for time to consider the complexities, to consult more widely—including with the groups that Christian Allard mentioned—and to come back to the committee to see whether, between us, we can get it right. I intend to do that quickly.

**The Convener:** I have concerns about people who have been living in Scotland and are in a civil partnership, but who were not born here or did not have their civil partnership conducted here. They may have been living here for 10 or 15 years, and might not have the financial means to go abroad to be married.

Concern has also been expressed that people who are in civil partnerships here who want to get married would have to live apart for a year before they could do so, which would cause all sorts of problems. The issue certainly needs to be tidied
up, but could it be tidied up and a decision made before the bill is passed?

Alex Neil: I point out the distinction between the bill being passed and its implementation. I do not think that it is realistic to say that we could get the complexities sorted out before stage 3 without substantially holding up the bill’s progress, which I do not want to do. However, I can give the committee a commitment that if we get the order-making power in place we will complete the process and lay the orders before the committee for approval before we implement the bill. As I have said, I give the committee an absolute guarantee that it will be done quickly. I do not want the matter hanging around for months or years on end.

The Convener: So, do we have your definite assurance that you will reach a decision on this?

Alex Neil: Absolutely.

The Convener: I call Marco Biagi either to wind up or to indicate whether he will press or withdraw his amendment.

Marco Biagi: I will wind up first, given that everyone else has spoken.

I note that there were no direct attacks on the competence of my amendments and that all the comments related to implementation. However, I am a bit worried about the cabinet secretary’s remark about consulting jurisdictions. Even if the consultation looked only at Europe, we would still be talking about a great number of jurisdictions. I quite deliberately cited the example of Poland, which has a constitutional ban on same-sex marriage. The fact is that we are never going to have our same-sex marriages recognised over there, so the problems that I mentioned are going to happen.

I realise, though, that the real issue is the overlapping set of laws in the UK. Nevertheless, a strong part of me says that neither Northern Ireland nor any other UK jurisdiction should have a veto over Scottish domestic legislation. I have sympathy for John Finnie’s comments in support of my amendments and acknowledge that, whatever we do, we are just not going to reach an entirely clean solution. The area that I am really looking at and with regard to which I was slightly disappointed by the cabinet secretary’s initial comments—although I have been reassured by his later remarks—is the desire to maximise in Scotland the availability of registration of marriage for people in foreign civil partnerships. There is a general feeling that the original comments about residents going back to their home jurisdictions might not be appropriate, and I think that the cabinet secretary has listened to what we have had to say on the matter.

On that basis, I am content to seek to withdraw amendment 10.

Amendment 10, by agreement, withdrawn.

Amendments 11 to 13 not moved.

Section 7 agreed to.

After section 7

The Convener: Amendment 14, in the name of the cabinet secretary, has already been debated with amendment 10.

Alex Neil: Before I formally move amendment 14, I want to make it clear that I have listened to and take very seriously members’ comments and am therefore happy to come to the committee with a draft consultation and timescale early in the new year to reassure members about our intentions.

The Convener: Thank you.

Amendment 14 moved—[Alex Neil]—and agreed to.

Section 8—Change of qualifying civil partnership into marriage

The Convener: Group 5 is on power to provide for effect of changing civil partnership into marriage or of renewed marriage or civil partnership following change of gender. Amendment 15, in the name of the cabinet secretary, is grouped with amendments 19 and 35. If amendment 19 is agreed to, I will not be able to call amendments 18 and 20, from the previous group, because of pre-emption.

Alex Neil: The amendments follow the report by the Delegated Powers and Law Reform Committee. The DPLRC suggested that it is unnecessary for regulations to make provision on the effect of a couple in a civil partnership changing their relationship to marriage through administrative means, and we agree with that. The legal effect for the couple will be the same regardless of whether they use the administrative route to change their civil partnership registered in Scotland to a marriage or whether they go through a marriage ceremony. Amendment 15 will remove the reference to the regulations on the administrative route making provision on the effect of using that route. Amendment 19 will extend section 9, which is on the effect of changing a civil partnership to a marriage, so that it covers those who make the change through the administrative route as well as those who make the change through having a marriage ceremony.

Section 28 empowers the Scottish ministers to make regulations on renewed marriage and civil partnership ceremonies following gender recognition. Section 28(2)(h) currently allows any such regulations to make provision on the effect of
entering into a renewed marriage or civil partnership. The DPLRC suggested that the power for the regulations to make provision on the effect of entering into a renewed marriage or civil partnership is unnecessary. Again, the Government agrees with the DPLRC’s recommendation. Entering into a renewed marriage or civil partnership is not intended to have any distinct legal effect. Paragraphs 9 and 10 of schedule 2 to the bill already make provision that the continuity of a marriage or a civil partnership is unaffected by the issuing of a full gender recognition certificate. Accordingly, amendment 35 will remove section 28(2)(h) on regulations making provision on the effect of entering into a renewed marriage or civil partnership.

I move amendment 15.

Amendment 15 agreed to.

Amendment 16 moved—[Alex Neil]—and agreed to.

Amendment 17 not moved.

Section 8, as amended, agreed to.

Section 9—Effect of marriage between civil partners in a qualifying civil partnership

Amendment 19 moved—[Alex Neil]—and agreed to.

Amendments 21 to 24 not moved.

Section 9, as amended, agreed to.

Section 10—Persons who may solemnise marriage

09:45

The Convener: The next group is on corrections and other minor amendments. Amendment 25, in the name of the cabinet secretary, is grouped with amendments 27, 30 and 33.

Alex Neil: These amendments relate to relatively minor matters. Amendment 25 corrects a minor drafting error. Section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977 is being amended by the bill. That section refers to “marriages” rather than “marriage”, and the changes that the bill makes need to reflect the terminology in the 1977 act. With amendment 25, the changes made will reflect that terminology.

Amendment 27 relates to declarators of marriage: a court judgment that a valid marriage exists or existed between two parties. Such cases are rare but take place. Since April 2009, two cases have been initiated in the Court of Session, both in 2010-11. Section 21 clarifies the jurisdiction of the sheriff court in relation to declarators of marriage. It does so by amending section 8 of the Domicile and Matrimonial Proceedings Act 1973. Amendment 27 is a minor consequential amendment. It adds declarators of marriage to a list in section 8(1) of the 1973 act.

Amendment 30 will remove paragraph 8(2)(a) of schedule 2 to the bill. The Government has now concluded that the particular minor amendment that that paragraph makes is unnecessary.

Schedule 3 to the Gender Recognition Act 2004 makes provision on registration matters in Scotland following the issue of a full gender recognition certificate, or GRC. Under the 2004 act, the registrar general for Scotland is required to make an entry in the Scottish gender recognition register in relation to the person’s birth after receiving a copy of the full GRC. The bill currently extends that requirement to cases in which the applicant is in a marriage or civil partnership registered in Scotland. However, that is unnecessary. If a person receiving a full GRC was born in Scotland, the registrar general will continue to receive a copy of the certificate under the existing provisions of the 2004 act. If the applicant is in a civil partnership that is registered in Scotland but was not born here, there will be no Scottish birth entry to update.

Amendment 33 also corrects a minor drafting error. Paragraph 12(3) of schedule 2 to the bill provides that any regulations that are made “under paragraph 20A are subject to the negative procedure.”

Amendment 33 clarifies that as a reference to paragraph 20A of schedule 3 to the 2004 act.

I move amendment 25.

Amendment 25 agreed to.

The Convener: The next group is on no power to compel religious or belief bodies to carry out same-sex marriages. Amendment 38, in the name of John Mason, is the only amendment in the group.

John Mason: Section 2 of the United Kingdom Government’s Marriage (Same Sex Couples) Act 2013 provides that nobody, including a religious organisation, can

“be compelled by any means … to—

(a) undertake an opt-in activity, or

(b) refrain from undertaking an opt-out activity.”

Those activities are defined in a table in section 2 of that act and include similar things to those in proposed new section 8(1D) of the 1977 act that section 10 of the bill would insert, such as religious bodies giving consent or authorising their celebrants to be involved in same-sex marriages.
Proposed new subsection (1D) states that no duty is imposed by other specific subsections. The Westminster protection is broader than that, referring to no person being “compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement)”.

The aim of the amendment is not to remove the “nothing … imposes a duty” terminology but to bolster it by putting in the additional protection of not being “compelled by any means”. That is to give further protection for religious liberty and the rights of conscience of those groups and individuals who do not wish to participate in same-sex marriage.

The phrase “by any means” should cover, for example, the hire of public premises being made conditional on a religious body being a prescribed body that was able to conduct same-sex marriages. That is not currently covered by the limited terminology that no duty is imposed, and it would help to prevent a scenario occurring in which a religious organisation was refused the hire of a public building because it had not registered to carry out same-sex marriages.

I move amendment 38.

Alex Neil: I do not consider that amendment 38 is necessary, and I would appreciate John Mason agreeing to withdraw it.

Let me explain why. Throughout the process, the Government has recognised that religious bodies will have concerns. In our first consultation, we sought views on the best way of protecting religious and belief bodies that do not wish to take part in same-sex marriage. Following that consultation, we indicated that an opt-in system would be established so that religious bodies would have to apply to take part.

In addition, the bill already contains provision—in section 10—that makes it clear that it does not impose a duty to opt in and that it does not impose a duty on a person to apply for temporary authorisation. The bill even makes it clear that a person who is an approved celebrant for same-sex marriages will be under no duty to solemnise same-sex marriages. We have also agreed with the UK Government an amendment to the Equality Act 2010 to protect individual celebrants from discrimination actions. Considerable steps have been taken to protect bodies and celebrants, and I believe that that approach has been supported in the evidence that the committee has received.

Our view is that it is best to tackle the issue in the way that we have done in the bill. It is the bill that establishes same-sex marriage in Scotland. We have established an opt-in system and have said that the bill creates no duty to opt in. As a result, the approach that the bill takes to protections directly mirrors the approach that is taken on the establishment of same-sex marriage. Adding more provisions on that could cause confusion. In particular, it is not clear what is meant by the use in amendment 38 of the phrase “the enforcement of a contract or a statutory or other legal requirement”.

Including those words in marriage legislation might suggest that religious and belief bodies have a statutory role in marriage ceremonies beyond the role that they have under the Marriage (Scotland) Act 1977.

I suggest that amendment 38 is unnecessary, given the comprehensive protections that are already in place to protect religious bodies and celebrants. If it were agreed to, it could cause confusion. Therefore, I invite John Mason to seek to withdraw it. I will be happy to meet him and others to discuss further the protection of religious bodies and celebrants, if that would be helpful.

John Mason: I thank the cabinet secretary for his comments, but I am afraid that I remain unconvinced by his assurances. He repeatedly emphasised the wording “the bill”. In a sense, that is exactly what concerns me and others in relation not just to amendment 38 but to a number of amendments. The issue that concerns some of us is the way in which other organisations might use their position in future. The specific example that I gave related to a local authority that did not wish to hire out premises to a church because that church did not toe the line on same-sex marriage.

I am not reassured by what the cabinet secretary said. I think that the bill needs to contain extra protection, because a considerable risk is presented to bodies that do not always agree with the local authority. In many cases, there is a good relationship, but occasionally that is not the case. Therefore, I feel compelled to press amendment 38.

The Convener: The question is, that amendment 38 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)
McMahon, Siobhan (Central Scotland) (Lab)

Against
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 38 disagreed to.
The Convener: The question is, that section 10, as amended, be agreed to. Are we agreed?

Alex Johnstone: No.

John Mason: No.

The Convener: The dissent of Alex Johnstone and John Mason is noted. However, the only way to oppose any section in a bill, procedurally, is to lodge an amendment to leave out that section.

Section 10, as amended, agreed to.

Section 11—Registration of nominated persons as celebrants

The Convener: We move on to section 11 and to the language used in marriage declarations. Amendment 26, in the name of the cabinet secretary, is in a group on its own.

Alex Neil: Amendment 26 follows a recommendation by the committee. When a body nominates celebrants to the registrar general to solemnise opposite sex marriage, the body has to show that the marriage ceremony that it uses is of an appropriate form. At the moment, a marriage ceremony is considered to be of an appropriate form as long as it is not inconsistent with declarations set out in the Marriage (Scotland) Act 1977. Those declarations currently refer only to husband and wife. The committee recommended that gender-neutral declarations should be available as well.

We carried out a short consultation with religious and belief bodies on whether gender-neutral declarations should be available as well. In brief, the Free Church of Scotland and the Baptist Union of Scotland were wholly opposed, the Muslim Council of Scotland said that there should be no obligation to use gender-neutral declarations, the Salvation Army said that the change would not affect it, and the Humanist Society Scotland and the United Reformed Church were in favour.

Amendment 26 provides choice. If a religious or belief body wishes to use only gender-specific terms, that is fine, as is a decision by the body to use only gender-neutral terms. Similarly, a body would be free to use both types of terms if, for example, the terms used vary depending on the language that couples themselves want to use in their ceremonies.

I move amendment 26.

The Convener: No member has any points or questions to raise, so I invite the cabinet secretary to wind up.

Alex Neil: I shall forgo that right, convener.

Amendment 26 agreed to.

Section 11, as amended, agreed to.

Sections 12 to 14 agreed to.

09:59
Meeting suspended.

10:06
On resuming—

After section 14

The Convener: The next group is on effect of holding belief that marriage is between persons of different sexes. Amendment 39, in the name of John Mason, is grouped with amendments 43 and 44.

John Mason: Amendment 39 would make quite a short addition to the bill. It would insert the heading “Protecting expression of belief in marriage between persons of different sex” and the following section:

“For the avoidance of doubt, a belief in marriage as a voluntary union between one man and one woman to the exclusion of all others for life is a belief worthy of respect in a democratic society.”

It is a simple statement that I do not think that anyone could object to.

The purpose of the amendment is to reflect the extremely high level of public concern about same-sex marriage. We need to make absolutely certain that, should the law be changed, those who hold to the current definition of marriage will be fully protected. That goes beyond the frequently cited issue of preventing churches or religious celebrants from being required to marry same-sex couples. It is a wider issue.

It is, perhaps, difficult for some to appreciate the strength of deep personal conviction with which a great many people hold to the view that marriage can only be between a man and a woman. Belief in the current definition of marriage has been the mainstream, prevailing view in our society for centuries and is a key part of the faith of many Christians, Muslims, Jews and others. It is the hallmark of a democratic society to show tolerance and respect for those whose views may differ from the state’s position.

Paragraph 97 of the policy memorandum states:

“Many people and organisations hold the view that marriage can only ever be between a man and a woman. The Government has made clear its respect for this view.”

The director of Stonewall Scotland, Colin Macfarlane, told the committee that not believing in same-sex marriage does not make an individual homophobic.
“in any way, shape or form.”—[Official Report, Equal Opportunities Committee, 5 September 2013; c 1397.]

Likewise, the committee’s stage 1 report states:

“We recognise the validity of perspectives on all sides of this issue ... We recommend to members of the Parliament to approach the Stage 1 decision with the same dignified tenor as our evidence sessions and with due respect for a diversity of views.”

The concept of respect for different views has come up a lot of times, and is something that I personally believe in strongly.

However, that view is not universally shared, and a lack of respect for those who disagree with same-sex marriage has been evident. For example, our own Deputy Presiding Officer, Elaine Smith, was verbally attacked and vilified for expressing her opposition to same-sex marriage, and I have to say that I have had some experience of that myself.

Should the redefinition of marriage be agreed by Parliament, it is vital that individuals and organisations who do not agree with the new definition feel free to express that disagreement without fear of reprisal. By agreeing to amendment 39, Parliament would be sending the strongest possible signal that intolerance of those who continue to believe in the previous definition of marriage will, itself, not be tolerated.

Amendment 39 expressly states

“a belief in marriage as a ... union between one man and one woman ... is a belief worthy of respect in a democratic society.”

I understand that that is key wording that is used by the European Court of Human Rights. Among other things, it will provide reassurance for public sector employees who believe in traditional marriage and put on a statutory footing assurances that the legislation will not penalise those who believe that marriage is only between a man and a woman.

In July last year, the Deputy First Minister said:

“our overriding concern will be to respect the variety of views that exist on this issue”.

I hope, therefore, that the committee and the Government will back amendment 39.

I will briefly address amendments 43 and 44, to which Richard Lyle will speak. Those amendments deal with specific issues. Amendment 43 deals with fostering and adoption, and amendment 44 deals with charitable status. They seek to clarify issues. I know that we will be assured that the amendments are unnecessary, but a lot of doubt remains because we have in the past had assurances that have, over time, not held water. If amendments 43 and 44 are not accepted, the danger is that that would send a message that it would be acceptable to discriminate against, for example, Christian parents who have traditional views, who could be prevented from fostering and adopting. Similarly, there is a risk that the Office of the Scottish Charity Regulator would start removing Christian and other religious groups from the charity register, as it has done before.

I move amendment 39.

Richard Lyle (Central Scotland) (SNP): As many members know, I have personal experience of how the system works. My wife and I adopted our daughter 31 years ago. Unlike in the TV soap operas, we did not wait two weeks; we waited six years. We had a weekly visit from a social worker, and I remember what the social worker asked us on those visits. Eventually, we got a six-week-old baby.

Should same-sex marriage become law, there is a real danger that prospective foster carers or adopters might be wrongly deemed homophobic if they reveal their opposition to same-sex marriage and therefore unsuited to the role of adoptive parent. I suggest that possible adopters are entitled to equal rights.

In paragraph 126 of the policy memorandum, the Government says that it will consider amending existing fostering guidance

“to make it clear that a would-be fosterer should not be rejected just because of his or her views on same sex marriage.”

That is welcome, but it does not go far enough. It also suggests that the Government is aware of the dangers. It is my experience that that consideration needs to be enshrined in law and not just detailed in a letter to agencies.

In his reply to a written question, the cabinet secretary stated:

“It would not be appropriate for prospective and current foster carers who oppose same sex marriage to have their suitability to foster children questioned just because of opposition to same sex marriage.”

He went on to say:

“opposition to same sex marriage is not by itself sufficient to make a person unsuitable to provide foster care.”—[Official Report, Written Answers, 12 November 2013; S4W-018023.]

I do not know whether that answer will reassure prospective foster carers who have strong views on same-sex marriage, as I have, but if that is the Government’s position, it should have nothing to fear from amendment 43, and I invite the cabinet secretary to support it. I trust that all members of the committee will agree that it would be a terrible injustice for everyone concerned if otherwise suitable foster carers or adopters were turned down because of their views on marriage. The legislation should therefore include a provision that states that views on the nature of marriage cannot
be taken into consideration during the process of approving prospective foster carers or adoptive parents.

Childless couples who wish to adopt and therefore have to go through various emotional concerns are worried about the bill, and I believe that we should alleviate their fears. I therefore ask members to support amendment 43.

10:15
The aim of amendment 44 is to ensure that an organisation’s charitable status cannot be removed because that organisation believes in traditional marriage. Scottish civic society is teeming with charitable organisations, as John Mason has said, which, due to their religious ethos, could be uncomfortable with same-sex marriage. Many such organisations have publicly said so. The loss of their charitable status could lead to their closure, which would have a hugely detrimental impact on the vulnerable people who rely on the services that they provide.

Despite previous ministerial assurances regarding the future of Catholic adoption agencies, the Office of the Scottish Charity Regulator is currently in the process of removing charitable status from St Margaret’s Children and Family Care Society, because St Margaret’s gives preference to married couples. I know the society well, as we applied to adopt through it 30 years ago, although, unfortunately, it did not have any children at the time.

That which politicians currently say will not happen may very quickly become normal practice if there are no robust legal protections in place. Amendment 44 would simply ensure that OSCR could not consider an organisation’s position on same-sex marriage when assessing its charitable status. If, as it seems, it is not the Government’s intention that a body’s charitable status should be at risk because of its views on marriage, it should support amendment 44, which would put the matter beyond doubt.

I invite the cabinet secretary to support amendment 44, and also amendment 43.

The Convener: If members have any questions to ask, the cabinet secretary can answer them in his winding-up speech.

John Finnie: John Mason talked about a deep personal commitment to his faith, and I do not doubt for one second that that is entirely the case for him and for a number of people who would support amendment 39. I hope that, likewise, he will recognise that there are also a number of people—including me—with a deep personal commitment to equality and social justice. That is how I see the line in relation to the proposed legislation before us.

John Mason spoke about vilification. I join him in condemning anyone, on either side of the debate, who has been responsible for that. I have received what I would describe as intemperate communications directed to me, too, and such things are not at all helpful in our democratic process. Perhaps it shows people’s strength of feeling, but it should not be condoned—we should all be civil to one another.

I am grateful to the several organisations that have provided briefings, and I will quote one of them, from the Equality Network. I choose that organisation because it is an umbrella group. I will read some of the comments that it has made.

The Equality Network contends that amendment 39 “is discriminatory, would undermine general freedom of speech rights, and is ill-defined.

It is discriminatory because it singles out a belief that marriage can only be between a man and a woman as being worthy of particular respect. This discriminates against people who hold other views”—

I include myself in that, obviously—

“for example that marriage can be between people of the same sex—surely that view is equally worthy of respect in a democratic society? The introduction of same-sex marriage is intended to give same-sex couples the same status as mixed-sex couples, but this cannot be achieved if it is written into the bill that a belief in mixed-sex marriage only is worthy of respect.

The amendment would undermine general freedom of speech rights because if a particular belief is enshrined in legislation as being worthy of respect, there is a presumption that the Parliament intends that all other beliefs are less worthy of respect. The belief that marriage can only be between a man and a woman may be interpreted by the courts to be deserving of a higher level of respect than other beliefs, because the amendment singles it out for mention as worthy of respect. But surely all other beliefs that a person may hold, whether that be about nuclear weapons, income inequality, divorce, or any other subject, are equally worthy of respect in a democratic society?”

Significantly, the briefing further describes the amendment as being

“also ill-defined because it does not specify what ‘worthy of respect’ means. What are the practical consequences intended to be, in law? What would the enforcement mechanism be?”

I respect John Mason’s right to lodge his amendment 39, but I will certainly be opposing it strongly.

The Convener: Marco Biagi wishes to comment. Any other member may comment, too. The cabinet secretary will then address those points, if applicable, and then John Mason will wind up.
Marco Biagi: Is it not the right of the cabinet secretary, under standing orders, to speak straight after the mover of the lead amendment?

The Convener: No. The cabinet secretary just has the right to speak in the debate.

Marco Biagi: Okay. I just wanted to make sure that I did not offend the cabinet secretary by speaking before him.

Alex Neil: Never.

Marco Biagi: I take a view that is very similar to that of John Finnie. I have been appalled by many of the things that have been said by people who claim to be on the same side as me in the debate. I have also been appalled by many of the comments that have been made to me by the other side. Yesterday, for example, I received an email in which I was asked:

“Would you vote to allow ritualised child sacrifice to allow the Church of Satan to be true to its faith?”

We do not get anywhere by saying that one side is better or worse than the other. Both sides in the debate have views that are worthy of respect. That is why I agree with John Finnie in saying that to single out and cover only one belief in the bill would send out a difficult message to society in general and, potentially, to the courts.

On Richard Lyle’s amendment 43, on adoption and fostering, and amendment 44, although I understand where he is going—that opposition to same-sex marriage is not a homophobic perspective—I would be concerned about the amendments’ unintended consequences. For example, when an adoption agency is trying to find a place for a child who has spent previous time—perhaps a long period—with a same-sex couple and is looking to move them to another family who might object to those arrangements, I would be concerned that that would become a material consideration. I appreciate what he is trying to do in protecting the generalities of the situation, but the specifics are difficult. I am sure that the cabinet secretary will address more generally how the views of prospective adoptive parents are already broadly protected in this area.

I, too, will oppose the amendments in the group.

The Convener: I ask the cabinet secretary to confirm in his response that the bill does not interfere with religious or belief organisations and that they have the option to opt in.

Alex Neil: Absolutely—as per my previous contribution. First, I absolutely agree that people should not be vilified for holding any point of view on either side of any of the arguments on the issue. Everybody is entitled to their point of view. If you look at the package of measures around not just the bill but the amendments to the Equality Act in 2010, you will see that in the changes that will be announced by the Cabinet Secretary for Education and Lifelong Learning to any requirement for change to the guidelines on education and in the Lord Advocate’s guidelines on prosecution, the Government has sought to take a very balanced approach and to accommodate the extension of freedom, or of rights, for same-sex couples while protecting the rights of religious organisations and celebrants. I will not support anything that disturbs that balance because it is very important.

I do not consider that amendment 39 is necessary. There is nothing in the bill that could stop persons expressing the belief that marriage is between one man and one woman. That is, of course, a belief that is worthy of respect in a democratic society. Section 14 makes it clear that existing rights to freedom of speech are unaffected by the introduction of same-sex marriage. I am concerned about an amendment of the nature of amendment 39. If we were to put provisions in the bill that purport to increase freedom of speech protections, that would raise questions about whether other areas where there are no specific legislative provisions, such as abortion and divorce, should be included.

It is not entirely clear what “belief worthy of respect” would mean in law in any case. The suggested provision could mean different things to different people. For example, the provision could be taken to mean that a belief could not be criticised in any way. I am sure that that is not the intention; nevertheless, it could be interpreted in that way.

On amendment 43, I do not consider it necessary or appropriate to amend the law on adoption or fostering following the introduction of same-sex marriage. It is already the case that views on same-sex marriage cannot in and of themselves disqualify anyone from becoming a foster carer or an adoptive parent. It is the welfare of the child that is absolutely essential.

Potential foster carers and adopters are assessed on their ability to provide safe, loving and nurturing home environments for children. That has always been and will continue to be the case. The assessment process is designed to ensure that decisions on suitability are not made on the basis of one view, characteristic or experience but must consider carers’ whole ability to meet children’s needs. Views on same-sex marriage are likely to be irrelevant and should not prevent prospective adoptive parents or foster carers from being successful in their applications; indeed, that is already set out in law. Again, I do not think that amendment 43 is required.

I also do not think that amendment 44 is required. Nothing in the bill would adversely affect an organisation’s charitable status as a result of its
beliefs on marriage. Given that, under section 14, freedom of speech is not affected by the introduction of same-sex marriage in Scotland, religious and belief bodies are entitled to hold views and preach or express them freely, provided that that does not constitute a public disorder or incite violence, as outlined in the Lord Advocate’s prosecutorial guidance on same-sex marriage.

Decisions on charitable status are for the Office of the Scottish Charity Regulator, but the bodies in question must act within the law. Charities may express views on any matter in furtherance of their charitable purposes and, in doing so, should not jeopardise their charitable status. On that basis, it is extremely unlikely that a church, say, could lose its charitable status by speaking out against same-sex marriage. OSCR has advised that where charity trustees express views on behalf of the charity—for example, in relation to same-sex marriage—that are unconnected with the charity’s purpose, that would be an issue of trustee conduct rather than one of charitable status.

Finally, an amendment to the Charities and Trustee Investment (Scotland) Act 2005 in respect of views on same-sex marriage might have unintended consequences. For example, it could cast doubt on the ability of a charity to express a view on other issues and might result in our having repeatedly to amend the 2005 act to make provision for each issue.

On that basis, I urge the committee to oppose these amendments.

John Mason: I thank everyone who has contributed to the debate.

I very much share John Finnie’s view about the commitment to equality. I think that that is what we are all trying to achieve here, and I welcome the comments that we should all be civil in the way in which we conduct the debate.

It has been claimed that amendment 39 is discriminatory in highlighting only one belief and not referring to other equally valid beliefs. However, that is the current position in the courts, which tend to discriminate among the protected characteristics in the Equality Act 2010 and favour certain characteristics over others. Although I agree with Marco Biagi’s point that we cannot say that one side is better than the other and that all should be treated equally, I simply note that one of the faults of the 2010 act—as it happens, I sat on the committee that considered that legislation and which also discussed this very point—is that at the time the Government refused to say that all the protected characteristics were equal. For that matter, it also refused to put them into a hierarchy.

Nevertheless, the experience before and since the passing of the 2010 act has been that in practice the courts create a hierarchy. In a sense, they are forced to do so because when faced with two conflicting protected characteristics they have to choose one over the other. It might be disputed by others but some of us feel that under the Equality Act 2010 the religion and belief protected characteristic is put at the bottom of the pile and other characteristics are put higher up. In short, we are not starting from a position of equality or with a level playing field. People of a religious persuasion feel that they are being discriminated against and the point of my amendment is not to cover everything but to create a little bit more balance—

Marco Biagi: Will you take an intervention?

John Mason: Absolutely.

Marco Biagi: I appreciate that there can be a difference between feeling and reality in such situations, but are you arguing that that is the feeling or that it is the reality? If you are arguing that it is the reality, are you able to substantiate that argument with reference to cases that have gone against religious interests?

10:30

John Mason: The obvious example is the Lillian Ladele case. The issues that it raises are covered to a greater extent by some of the other amendments that deal specifically with public sector employees. In the Ladele case, an individual employee’s conscience was given no room for manoeuvre against the overriding alleged responsibility of a local authority, despite the fact that the local authority had the freedom and the ability to provide a service flexibly. That is the type of case—it is not the only one—in which it seems that, when there is a conflict between different protected characteristics, the religion and belief characteristic is at the bottom of the pile.

The cabinet secretary mentioned the Lord Advocate’s guidelines, but we had two Queen’s counsel before the committee who, while they took quite different views on a number of issues, agreed that the Lord Advocate’s guidelines carry very little weight. I agree with the cabinet secretary that balance is important, but that is exactly the point of my amendment: it tries to bring a bit more balance to what is inherently an unbalanced situation.

I press amendment 39.

The Convener: The question is, that amendment 39 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.
Siobhan McMahon: The bill does not protect civil registrars who do not wish to officiate at same-sex marriages. The Scottish Government claims that, as registrars conduct a civil function, it is not appropriate to allow them an opt-out on conscientious grounds. However, a scenario in which a long-standing member of staff is required to do something against their conscience that has never previously been part of their job is surely one in which employees should be protected. Registrars face having their job transformed around them and, since the Scottish Government is responsible for that transformation, it is incumbent on it to provide protection for those who are disproportionately affected.

There are other areas in which, in a free society, conscientious objections are respected. The right of doctors to refuse to participate in an abortion is an example, as is the right of conscientious objectors not to fight in times of war and the right of atheists not to participate in religious observance in schools. Public bodies are able to fulfil their duties while respecting the conscientious objections of all their employees. If there is no disruption to the carrying out of a civil function, why should there not be scope for conscientious objections to be respected?

It is perfectly clear that reasonable accommodation could be made to the effect that a registrar would be able to opt out of solemnising same-sex marriage as long as the service provision was not unduly disrupted. The bill should therefore contain a specific conscience clause that requires local authorities to allow civil registrars to opt out of performing same-sex marriages, as my amendment 40 proposes.

With regard to amendments 41 and 42, the important principle of reasonable accommodation should be prioritised in assessing how to fulfil the public sector equality duty that is contained in the UK Equality Act 2010. The public sector equality duty places on public authorities a duty to have regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, which includes the need to tackle prejudice.

Many organisations such as churches and religious charities are at the forefront of tackling social problems in their area—for example, by working with the homeless or providing food banks. It must be made clear that the PSED should not be used to deny religious organisations that are known to be opposed to same-sex marriage the ability to provide public contracts or to hire public buildings, as many churches do. Public bodies should seek to make reasonable accommodation for religious groups in order to facilitate those organisations to maintain their ethos.

That principle has not been implemented to date—as is exemplified in the case of the Catholic adoption agencies—and there is concern that churches that do not marry same-sex couples may be targeted by overzealous officials and public bodies. For example, a local authority may claim that it would be in breach of the PSED if it were to give a grant towards the cost of a community project to, or to enter into a contractual relationship with, a local church if that church were unwilling to marry same-sex couples. Similarly, public sector employees may find themselves being asked to act against their consciences if they believe in traditional marriage. Nobody who works in or seeks a career in the public sector in Scotland should have their equality and diversity credentials or their suitability for employment disputed merely because they hold the existing view of marriage, whether expressed or not.

The aim of the amendments is, therefore, to ensure that public authorities continue to operate in partnership with bodies that hold to a traditional belief in marriage and accommodate their employees who may hold such views. Surely, that is reasonable and right in a free society.

I move amendment 40.

Marco Biagi: Again, I just want to give my view rather than ask a question. There are extensive protections of freedom of speech at the very highest levels of legislation, including in the European convention on human rights. We have heard extensively from a legal panel how strong those protections of freedom of expression and freedom of religion are.

It is interesting that Siobhan McMahon mentioned the example of atheists in schools. Although protection exists for children to be opted out of religious observance by their parents, there is no equivalent protection for teachers, who may
have to be present during religious observance. That is a better parallel to draw in this context, and the situation is best dealt with by management within schools. It would be a foolish headteacher who made an atheist teacher supervise religious observance if they had substantial objections and were incredibly uncomfortable there.

I understand that there is now also protection of private views on same-sex marriage arising from case law involving a case in which someone lost their job as a result of their views against same-sex marriage. I do not recall the exact case, but it was in England and the case was pursued under the Equality Act 2010.

John Mason cited earlier the case of Lillian Ladele. She was one of four people who took a group action, and one of her colleagues who had been forbidden to wear a crucifix at work, which denied her right to free expression, had her claim upheld. That protection exists. She was reinstated because the crucifix was not felt to contravene any policy and was not thought to be something that the employer could reasonably restrict. The protections exist, and the picture is more mixed than we have occasionally heard about here.

I suggest to Siobhan McMahon that nothing in the bill can override the Equality Act 2010. Although my interpretation of the Equality Act 2010 differs from hers, she should remember that equality is reserved to the UK Parliament and is not a function that we can override. Therefore, if her problem is with the Equality Act 2010, her problem lies elsewhere and her amendments will not have the effect that she seeks. Perhaps if she joined others on the committee in wishing to have those powers in Scotland, she might have greater luck with her amendments.

John Mason: I speak briefly in support of amendments 40, 41 and 42.

Surely, the public sector—frankly, any employer—should be willing to give a bit of flexibility. Marco Biagi supported that when he suggested that a headteacher has the flexibility to determine which teacher he or she would put in a particular class if somebody might be “incredibly uncomfortable”. That is exactly the point. Most local authorities, for example, have such flexibility because they have a number of staff in a particular department.

That also applies in the national health service in the context of abortion. The NHS provides abortions—some of us agree with that; some of us disagree—but there is flexibility for individual employees for whom that is a matter of conscience. There is a bit of movement in that regard, which seems to work pretty well, and there seems to be no good reason why we should not provide such flexibility in the bill.

That is not to override the Equality Act 2010. As I was trying to say earlier, the act leaves quite a lot of open space, in that the protected characteristics are neither put in a hierarchy nor said to be all equal. By making comment in that area, we would seek not to override but to supplement the Equality Act.

Employees have all sorts of beliefs, and a reasonable employer will make provision for reasonable accommodation, but of course one or two employers might not be keen to do that.

John Finnie: I will be brief, because we covered the matter at stage 1 and went round all the potential anomalies that could arise. I say simply that I expect public and civil servants to do their duty. I will not support the amendments in the group.

John Mason: Do you agree that it is right that staff have flexibility in relation to abortion?

John Finnie: Are you equating legislation that brings about equality with abortion?

John Mason: The same argument would be that all public sector employees—all nurses—should take part in abortions because that would be equality.

The Convener: If there are no other comments from members, I will make a brief comment. I am concerned about the proposed approach, which I think stigmatises the group that we are trying to protect by suggesting that marriage for same-sex couples is so terrible that registrars should be able to refuse to take part in it. That undermines the bill’s intention, which is to provide same-sex couples with equality.

Alex Neil: I do not support amendment 40. A civil registrar is a public servant who provides only a public function—that distinguishes them from a religious celebrant, who acts in a religious capacity. The registration of civil partnerships by civil registrars in Scotland has worked well. Over the past eight years around 4,800 civil partnerships have been registered. There is no reason to expect that the solemnisation of same-sex marriage by civil registrars would not work just as well.

Civil registrars in Scotland are employed by local authorities and it is for each local authority to decide how best to provide services for the registration of marriage. We would expect a local authority to handle with sensitivity a registrar who objected to same-sex marriage on the ground of religion or belief. It would be best for any such discussions to take place locally, rather than have the Scottish Government or Parliament try, at national level, to cut across the employer-employee relationship. Amendment 40 is therefore not only unnecessary but represents unwelcome
interference in a civil function. I invite Siobhan McMahon to withdraw amendment 40.

**John Mason:** Will you give way?

**Alex Neil:** May I finish? The Government cannot accept amendment 41, which is drawn extremely widely. The Government is concerned about the potential ramifications of the proposed approach. Subsection (1) of the proposed new section that would be inserted by amendment 41 provides:

“A public authority must take steps to ensure that, in carrying out its functions, the belief of an employee of the authority mentioned in subsection (3)—

which is that marriage may only be between one man and one woman—

“is respected.”

It is unclear what public authorities would need to do to comply with subsection (1). For example, it is not clear what an employer should do if another employee of the public authority or a person who received services from the authority indicated that he or she did not respect the view that

“marriage may only be between one man and one woman.”

Another employee or person receiving public services might, in a democratic society, take a different view on marriage. That is why it is often necessary to balance competing rights and views, as the bill tries to do. Proposed new subsection (1) appears to place one set of opinions above another. We do not think that that is right.

Subsection (2) of the proposed new section raises even more problems. Again, its application looks very wide. It seems to provide that a public sector employee would be able to opt out of providing or assisting with any service on the ground that the employee held the belief that

“marriage may only be between one man and one woman.”

That suggests that a public sector employee could refuse to deal with correspondence or a request on any subject from a couple in a same-sex marriage. Such an approach would seem to lead to discrimination against LGBT people. As I have said, the Government cannot accept that.

**10:45**

The better approach is that which we have taken in the bill. We provide protection for religious bodies and celebrants who do not wish to solemnise marriage because of clear religious concerns that relate to a religious function. The bill includes a section that makes it clear that freedom of speech is unaffected by the introduction of same-sex marriage. We are giving our public authorities the freedom to take their own commonsense decisions on how their services should be provided. That will allow them to take account of religious beliefs that their employees hold without placing them in a legislative straitjacket. A legislative straitjacket that could lead to discrimination would be inadvisable.

The purpose of amendment 42 appears to be to specify that a public authority must not withhold a service or the use of a facility from a person because of that person’s belief that

“marriage may only be between one man and one woman.”

We do not believe that the amendment is necessary. I am happy to place it on the record that a person or body that believes that

“marriage may only be between one man and one woman” should not on the basis of that belief alone suffer detriment when using a public authority’s service or facility.

The scenario was previously presented of a local authority refusing to let publicly owned buildings to churches that believe that marriage should be between one man and one woman. The Government considers that a local authority that acted in such a way would be at risk of a successful claim for discrimination being made against it.

The public sector equality duty in the Equality Act 2010 means that public bodies cannot discriminate when the act says that that is unlawful. If a public sector body discriminated against a person or body because their religion or belief is that marriage should be between one man and one woman, that would be unlawful discrimination. Given that, I do not consider that amendment 42 is necessary.

Another reason for opposing amendment 42 is that it would have wider implications. As I have said, there is a danger in singling out views on same-sex marriage. People and bodies might have strong views on a wide variety of issues. I remember that when I was in primary 7—that was a long time ago—a teacher refused to dance the twist because of her religious beliefs. We cannot build every eventuality into the legislation. If we mention only views on same-sex marriage in legislation, questions will be asked about whether people can suffer detriment because of other views. It is clear that we want to avoid that.

I understand the concerns that religious bodies have expressed. As well as making it clear that people who oppose same-sex marriage should not be denied public services or the use of public facilities, we have made it clear that religious bodies that oppose same-sex marriage will continue to be eligible for grants and public services. As I have said, any public services that are provided through public money must in principle be available to all. However, the views of
a body that provides a service are irrelevant as long as the service is provided to everybody without discrimination.

There is also a risk that amendment 42 could amount to regulating discrimination and could stray into the reserved area of equal opportunities.

For all the reasons that I have given, I invite Siobhan McMahon to withdraw amendment 40 and not to move amendments 41 and 42.

Siobhan McMahon: I appreciate the cabinet secretary’s comments. They are helpful, but I am trying to achieve such a position in law, so I will press my amendments.

The convener said that she is concerned about people being stigmatised. I, too, am concerned about that, which is why I lodged the amendments. If we are talking about equality, we should think about both sides when we discuss the issues.

I appreciate John Mason’s comments. The intention is to supplement provisions rather than take anything away.

I agree that it might well be foolish for teachers to do what Marco Biagi described but, given that that happens, we must have more protection in the bill. I will press my amendments.

The Convener: The question is, that amendment 40 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)
McMahon, Siobhan (Central Scotland) (Lab)

Against
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 40 disagreed to.

Amendment 41 moved—[Siobhan McMahon].

The Convener: The question is, that amendment 41 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)
McMahon, Siobhan (Central Scotland) (Lab)

Against
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 41 disagreed to.

Amendment 42 moved—[Richard Lyle].

The Convener: The question is, that amendment 42 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)
McMahon, Siobhan (Central Scotland) (Lab)

Against
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 42 disagreed to.

Amendment 43 moved—[Richard Lyle].

The Convener: The question is, that amendment 43 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)
McMahon, Siobhan (Central Scotland) (Lab)
Against
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

The Convener: The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 44 disagreed to.

The Convener: The next group is on holding belief that marriage is between persons of different sexes not to constitute commission of certain offences. Amendment 45, in the name of Richard Lyle, is grouped with amendment 46.

Richard Lyle: Although section 14 of the bill is intended to provide reassurance regarding freedom of expression, I believe that it falls short of fulfilling the pledge that was made in a Government press release dated 25 July 2012, that the “legislation will be accompanied by important protections for freedom of speech”.

Section 14 simply refers to “nothing in this Part affecting the exercise of free speech. In other words, it applies only to the bill. The concerns about free speech do not necessarily arise with the bill directly, because they relate to the impact of the redefinition of marriage on how existing public order law will be applied. The Lord Advocate’s new guidelines on hate crimes may be insufficient because, although opposition to same-sex marriage would not be a sole ground for prosecution, it could be a factor. Protection for something as fundamental to a democratic society as free speech should not be reduced to being in guidance; it should be in legislation.

It must be recognised that, in a completely new situation in which marriage has been redefined, the effectiveness of existing rights could be reduced. What is needed to protect free speech is clear protection within public order legislation. There are clear precedents for free speech clauses in legislation at both Westminster and Holyrood. The incitement to religious hatred offence that Westminster created in legislation in 2006 includes a robust free speech clause; likewise, the Scottish Government included a free speech clause in section 7 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012 to protect religious debate in the light of the threatening communications offence. I suggest that the same principle should apply to the redefinition of marriage. In order to protect free speech and debate, free speech clauses should be included in public order legislation.

The committee should also note that the issue was considered sufficiently important to merit inclusion in the recent Westminster legislation on same-sex marriage. The UK Government’s Marriage (Same Sex Couples) Act 2013 adds a specific subsection to the English offence of incitement to hatred on grounds of sexual orientation, making it clear that disagreeing with same-sex marriage does not breach that law. My amendment 45 is designed to ensure that similar Scottish offences contain proper regard for freedom of speech. I ask the committee to support my amendments.

I move amendment 45.

The Convener: Do members have any questions?

John Finnie: I would like to comment on Mr Lyle’s amendments. To single out a particular area is not helpful for criminal law or indeed the criminal justice system. Context is everything, and before a prosecution took place, criminal intent would need to be shown. I therefore think that what Mr Lyle proposes is completely redundant; you would have a list as long as your arm if you were to single out areas in that way. Criminal intent has to be shown, so Mr Lyle’s amendments are redundant and I will oppose them.

The Convener: I now invite the cabinet secretary to speak.

Alex Neil: The Government does not support amendments 45 and 46 because we think that they are unnecessary. Criticism of same-sex marriage is, in itself, an offence and the bill will not change that situation. People can freely express that they are opposed to same-sex marriage provided that they do not incite hatred or intend to cause public disorder. That was made clear in the Lord Advocate’s prosecutorial guidance. To be frank, I find it unbelievable that people say that that will have minimal impact when, in effect, it contains instructions to prosecutors in Scotland.

Where there is a prosecution under section 38 of the Criminal Justice and Licensing (Scotland) Act 2010 or section 1 of the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012, it would be for the behaviour that the person adopted rather than for their expressing their views on same-sex marriage. It would not be appropriate to make a person immune from prosecution if the motive for any actions that would otherwise be criminal happens to be opposition to same-sex marriage.

Amendment 45 provides that “any discussion or criticism of marriage which concerns the sex of the parties”—

whether they are for or against same-sex marriage—

“must not be taken of itself to be an offence under”
section 38 of the 2010 act. The amendment is therefore unnecessary. The offence in the 2010 act requires “Threatening or abusive behaviour” that is intended or “likely to cause ... fear or alarm”.

Therefore, simply expressing a view on same-sex marriage would not by itself amount to an offence.

Similarly, amendment 46 seeks to ensure that “any discussion or criticism of marriage” at a regulated football match “which concerns the sex of the parties to marriage”—whether the speaker is for or against same-sex marriage—“must not be taken of itself to be an offence under” section 1(1) of the 2012 act. Again, the amendment is unnecessary. The offence in the 2012 act requires engagement in offensive behaviour that “is likely ... or ... would be likely to incite public disorder.” Simply expressing a view on same-sex marriage would not by itself amount to such an offence. On those grounds, the Government opposes amendments 45 and 46.

11:00

The Convener: I invite Richard Lyle to wind up and press or withdraw amendment 45.

Richard Lyle: I intend to press amendment 45. I am exercising my free speech in regard to the points that have been raised in committee today. With the greatest respect to the cabinet secretary, I believe that the Government has not fulfilled its pledge to ensure that the legislation is accompanied by important protections for freedom of speech. I therefore press amendment 45.

The Convener: The question is, that amendment 45 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)

Against

Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 46 disagreed to.

The Convener moved—[Richard Lyle].

The Convener: The question is, that amendment 46 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For

Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)

Against

Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 5, Abstentions 0.

Amendment 46 disagreed to.

The Convener: The next group is on indemnification of losses arising from certain legal actions. Amendment 47, in the name of Alex Johnstone, is the only amendment in the group.

As members know, the Presiding Officer has determined that the potential costs associated with amendment 47 are such that they would cause the bill to require a financial resolution under rule 9.12 of standing orders. No such resolution is currently in place. I intend to allow the debate to proceed and I will ask Alex Johnstone to wind up the debate. However, I will not ask him whether he is pressing or withdrawing the amendment today. That will be held over to our second day of stage 2 consideration of the bill. Whether I am able to put the question on the amendment at that final point, if Alex Johnstone presses it, will depend on whether a financial resolution is in place at that time.

Alex Johnstone: I begin by expressing my gratitude to the members of the legislation clerking team who assisted me in drafting amendment 47, which facilitates—today, at least—the opportunity to debate the principles that lie behind it.

It is not like me to ask the Government to spend money. In this case, I console myself by telling myself that amendment 47 is an amendment of last resort—that is a more comfortable position for me to find myself in.

The amendment seeks to create a duty on the Scottish Government to use public funds to indemnify those who suffer financial loss from any discrimination claims against them that result from the bill. The Government has gone out of its way to reassure people who have concerns about the bill and who oppose same-sex marriage that they have nothing to fear and that nobody, other than
perhaps several registrars, will be forced to act against their conscience. If that is so, the minister should have nothing to fear from deploying his hefty financial resources as insurance for those who are worried about finding themselves in court. If the Government is confident that its assurances are correct, surely the financial resources that are at its disposal will never be required.

Amendment 47 would provide invaluable peace of mind for the clergy and for others who are witnessing the long-standing definition of marriage being redefined around them. Looking at some of the material that has been made available to us, I suggest that the ending of what the Government sees as one form of discrimination might in effect create a whole new class of discrimination and that, regardless of what happens to my amendment, it is reasonable to expect some form of challenge to materialise in the courts. Christian and other religious groups as well as individuals with strongly held views fear that the legal system will be used to trample them underfoot.

The letter that I received from the Presiding Officer makes it clear that my amendment cannot be agreed to by the committee without a financial resolution being in place. Whatever happens, there might well be challenges and, where they materialise, there is always a risk that the Government might not be able to make its views stand up in court. As a consequence, I believe that the bill carries a financial risk and it would be responsible for the Government to put a financial resolution in place. In conclusion, I ask the cabinet secretary whether the Government will at this stage consider the need for a financial resolution on the bill.

I move amendment 47.

Alex Neil: We are certainly making history this morning. Alex Johnstone has just asked me to spend public money.

The Government asks the committee to reject amendment 47. We assume that its major purpose is to protect religious bodies that do not wish to solemnise same-sex marriage and to protect others who hold beliefs that are against such marriage. The Government has recognised the concerns of religious bodies and celebrants with regard to same-sex marriage by establishing an opt-in system for those who wish to take part. The bill also contains provisions that make it clear that it does not create any obligations to take part, and we have agreed with the UK Government that amendments should be made to the Equality Act 2010, for example, to protect individual celebrants. More generally, we have put in the bill a provision to put beyond doubt our view that freedom of speech is unaffected by the introduction of same-sex marriage.

Given that context, I will explain why the Government opposes amendment 47. First, we have put in place robust protections. As has been shown in evidence to the committee, it is clear that religious bodies and celebrants are not going to be forced to marry same-sex couples. It is also clear that freedom of speech will continue to exist, which means that there is no need for the amendment.

Secondly, it appears that the amendment is very wide. It could open a Pandora’s box by extending to the Scottish ministers a requirement to indemnify commercial service providers who face a discrimination claim after refusing to provide a service to a same-sex married couple on the basis of a belief that a marriage is between a man and a woman. At the moment, if a letting agency refuses to let a flat to a same-sex couple, that could be discrimination. In the future, that couple could be married. It would appear that, under the proposals in the amendment, if the letting agency did not let the flat to the couple because it believed in traditional marriage, the agency would have to be indemnified by the Scottish ministers against any discrimination claim. Refusing to provide such a service to a same-sex couple would be discrimination.

Thirdly, the amendment could lead to inequality of arms, which is a technical phrase used by lawyers in court cases. A defender in an equality case could hire a top Queen’s counsel, knowing that the Government would have to pay, whereas the person who raised the action would not be in the same position. As a result, the legal support that was available to the two sides in the case might be different, which is a position that I do not find fair or just. Also, the Government is being asked to sign a blank cheque with the possibility of some of the money being used to support outright discrimination.

In summary, the Government opposes amendment 47 on the grounds that there is no need for it given the robustness of the existing protections, and that it could support people who have been carrying out blatant acts of discrimination. It could also lead to inequality of arms in court cases and would require us to sign a blank cheque.

Finally, I am happy to answer the question whether the Government will lodge a financial resolution in respect of the amendment. I will discuss the matter with colleagues in Government. However, given that the protections are robust, we do not see a need for the amendment, and we have concerns about its potential discriminatory nature. I therefore think that it may well be unlikely that we would wish to lodge a financial resolution, and I ask the committee to reject the amendment.
The Convener: I ask Alex Johnstone to wind up but not to press or seek to withdraw his amendment.

Alex Johnstone: I acknowledge the views that the minister has expressed and accept that the nature of the amendment is such that it is drawn extremely widely. Its purpose was to facilitate the discussion that we have had. In my view, it is conceivable that a more specifically drawn amendment might be lodged at a later stage. I believe that the key issue at this stage has become that of a financial resolution, and the minister has given a commitment that that will be properly considered in due course.

I conclude by saying that, as I said previously, I believe that the bill, once it has completed its course, will inevitably lead to a small number of cases that are similar to the cases that have been used as examples when we discussed other amendments this morning. Consequently, I am confident that legal costs will be incurred as a result of the legislation and that, should a case be brought in which the Government is challenged and defeated, the costs will fall to the Government. Consequently, I believe that it would be appropriate to have a financial resolution on the bill.
15 January 2014

Dear Douglas

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND BILL EDUCATION GUIDANCE RESPONSES BY SCOTLAND FOR MARRIAGE

1. This letter provides the Committee with an update on the draft education guidance and on the responses by Scotland for Marriage which did not reach us.

Education guidance

2. As the Committee will be aware, the Government sought views last year on draft guidance on the conduct of relationships, sexual health and parenthood education in Scottish schools. The draft guidance is at http://www.scotland.gov.uk/Publications/2013/09/7899

3. Education colleagues have met bodies on request and met a further body (the National Parent Forum of Scotland) on 14 January.

4. As we have previously indicated, the two main areas which have attracted attention are:
   - Paragraph 10 on teachers, children and young people not being made to do something against their conscience.
   - Paragraph 16 on parental right of withdrawal from specific lessons on sexual health education.

5. The Government is now considering the detailed points by those who responded to the consultation and by the bodies we have met. It is going to take us a couple or months to consider the details of the points made.

6. At the moment, we are aiming to issue the final guidance towards the end of March 2014.
Responses by Scotland for Marriage

7. As you will recall, the Government agreed to analyse responses to consultation on the draft Bill which were organised through Scotland for Marriage but did not reach us.

8. We will double-check the exact figures. However, our initial tally is that 84% of these responses followed the standard text prepared by Scotland for Marriage, which we have already seen and have taken account of. The figures (which, as indicated, we will double-check) are:

- Total responses: 4,253
- Standard responses: 3,592 (84%)
- Non-standard responses: 661 (16%)
- Blank non-standard responses: 19 (around 3% of non-standard responses).


10. Annex B of the analysis also showed how many of the responses through organisations which we received followed the standard text prepared by the various organisations. Annex B is at http://www.scotland.gov.uk/Publications/2013/06/2782/10

Of the 2,371 responses we received through Scotland for Marriage, 1,955 (82%) followed the standard text. This is in line with what we have found for the additional responses.

11. We are now proceeding to analyse the non-standard responses and will write to you again shortly.

Yours sincerely

SIMON STOCKWELL
Family and Property Law
Marriage and Civil Partnership (Scotland) Bill

2nd Marshalled List of Amendments for Stage 2

The Bill will be considered in the following order—

Sections 1 to 6                                   Schedule 1
Sections 7 to 27                                   Schedule 2
Sections 28 to 33                                   Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

After section 14

Alex Johnstone

47 After section 14, insert—

<Indemnification of losses arising from certain legal proceedings

(1) This section applies where any relevant legal proceedings are brought against a person (“person A”) by or on behalf of another person (“person B”).

(2) The Scottish Ministers must indemnify person A against any net financial losses incurred by person A as a result of the relevant legal proceedings.

(3) For the purposes of subsection (2), person A’s net financial losses are to be calculated by—

(a) adding together—

(i) the amount paid by person A in respect of person A’s own legal costs in connection with the relevant legal proceedings,

(ii) any other costs incurred by person A as a direct result of the relevant legal proceedings, and

(iii) any sums which person A has been ordered to pay to person B as a result of the relevant legal proceedings, and

(b) subtracting from the total obtained under paragraph (a) any sums which person B has been ordered to pay person A as a result of the relevant legal proceedings.

(4) In this section, “relevant legal proceedings” means any legal proceedings arising from a claim that person A has discriminated against another person by virtue of person A holding or acting on the belief that marriage may only be between one man and one woman.”.>

Section 21

Alex Neil

27 In section 21, page 16, line 8, at end insert—

<( ) In subsection (1), before paragraph (a) insert—
After section 21

John Mason

48 After section 21, insert—

<CHAPTER
REVIEW OF SAME SEX MARRIAGE

Review of effect of same sex marriage

(1) The Scottish Ministers must, before the end of the 5 year period, review—

(a) the effects of the introduction of marriage of persons of the same sex (“same sex marriage”),

(b) the operation of the provisions on same sex marriage in this Act,

and lay before the Scottish Parliament a report of the review.

(2) The review must, in particular, consider—

(a) the operation and effect of section 8(1D) of the 1977 Act (inserted by section 10(2)(b) of this Act),

(b) the operation and effect of section 14 of this Act,

(c) any court proceedings relating to the operation or effect of any provision relating to same sex marriage.

(3) In carrying out a review under this section, the Scottish Ministers must consult such persons as they consider appropriate.

(4) The Scottish Ministers must, as soon as practicable after the report has been laid before the Parliament, publish the report in such manner as they consider appropriate.

(5) In this section—

“court proceedings” includes proceedings of—

(a) an employment tribunal within the meaning of section 1 of the Employment Tribunal Act 1996,

(b) an Employment Appeal Tribunal within the meaning of section 20 of the Employment Tribunal Act 1996,

(c) the European Court of Human Rights,

(d) the European Court of Justice,

“the 5 year period” means the period of 5 years beginning with the day on which any provision relating to same sex marriage comes into force.>

Schedule 2

Alex Neil

50 In schedule 2, page 37, line 38, after <with> insert <this Part of>
Alex Neil

51 In schedule 2, page 38, line 3, at end insert—

<(  ) in the definitions of “full gender recognition certificate” and “interim gender recognition certificate”, for “5 or 5A” substitute “4C, 5, 5A or 5D”.

Alex Neil

52 In schedule 2, page 38, line 9, leave out from beginning to <certificate,”,> in line 13

Alex Neil

53 In schedule 2, page 38, line 32, at end insert—

<(5) A consular marriage in relation to which the relevant part of the United Kingdom is Scotland is to be treated for the purposes of this Act as having been solemnised in Scotland.

(6) In subsection (5)—

“consular marriage” means a marriage solemnised in accordance with Part 1 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under it,

“relevant part of the United Kingdom”, in relation to such a marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) of that Part of that Schedule for the purposes of the marriage.”.

Alex Neil

54 In schedule 2, page 38, line 40, leave out from beginning to <Scotland,> in line 43

Alex Neil

55 In schedule 2, page 39, line 2, leave out <of consent by the applicant’s spouse> and insert <by the applicant’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”)>

Alex Neil

56 In schedule 2, page 39, line 4, leave out from second <the> to end of line 7 and insert <no such declaration by the applicant’s spouse is included.>

Alex Neil

57 In schedule 2, page 39, line 17, leave out <for subsections (2) and (3) substitute> and insert <—

( ) after subsection (1) insert—

“(1A) The certificate is to be a full gender recognition certificate if the applicant is neither married nor in a civil partnership.”,

( ) in subsection (2) (as substituted by paragraph 3 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013)—

(i) after first “is” insert “also”,

3
(ii) paragraph (a) is repealed,

( ) in subsection (3) (as so substituted)—

(i) in paragraph (b), at the beginning insert “subject to subsection (3C)(b),”,

(ii) in paragraph (e), at the beginning insert “subject to subsection (3C)(c),”,

( ) after subsection (3B) (as so substituted) insert—>

Alex Neil

58 In schedule 2, page 39, line 18, leave out <(2)> and insert <(3C)>

Alex Neil

59 In schedule 2, page 39, line 18, after <is> insert <also>

Alex Neil

60 In schedule 2, page 39, leave out line 19

Alex Neil

61 In schedule 2, page 39, line 26, leave out <(3)> and insert <(3D)>

Alex Neil

62 In schedule 2, page 39, line 30, at beginning insert <subject to subsection (2)(b),>

Alex Neil

63 In schedule 2, page 39, line 38, at beginning insert <subject to subsection (2)(c),>

Alex Neil

64 In schedule 2, page 39, line 40, leave out <(3A)> and insert <(3E)>

Alex Neil

65 In schedule 2, page 39, line 43, leave out <(3B)> and insert <(3F)>

Alex Neil

66 In schedule 2, page 39, line 43, leave out <(2)(c)> and insert <(3C)(c)>

Alex Neil

67 In schedule 2, page 40, line 36, after <consent> insert <(within the meaning of section 3(6D)(c)(i))>

Linda Fabiani

68 In schedule 2, page 41, line 20, at end insert—
Married person with interim certificate: issue of full certificate on application to the sheriff (Scotland)

(1) A person may make a summary application to the sheriff for the issue of a full gender recognition certificate where—
   (a) an interim gender recognition certificate has been issued to the person, and
   (b) the person is a party to a protected Scottish marriage.

(2) The sheriff must grant an application made under subsection (1) if the sheriff is satisfied that—
   (a) the applicant was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,
   (b) the applicant is still a party to that protected Scottish marriage, and
   (c) the application was made within the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(3) If an application is made under this section, the sheriff must give the applicant’s spouse—
   (a) notice of the application, and
   (b) if the sheriff grants the application, notice of the issue of the full gender recognition certificate.

(4) For the avoidance of doubt, where an application has been granted under subsection (2), the applicant is to be treated for the purposes of section 1(1)(b) of the Divorce (Scotland) Act 1976 as a person to whom an interim gender recognition certificate has been issued.”

Alex Neil

In schedule 2, page 41, line 38, leave out <4(2)(c)> and insert <4(3C)(c)>

Alex Neil

In schedule 2, page 42, line 13, leave out <Registrar General for Scotland> and insert <following persons on a copy of the proposed draft order—
   (a) the Registrar General for Scotland,
   (b) the Gender Recognition Panel, and
   (c) such other persons as the Scottish Ministers consider appropriate>

Alex Neil

In schedule 2, page 42, line 20, after <spouse> insert <or civil partner>

Alex Neil

In schedule 2, page 42, leave out line 31

Alex Neil

In schedule 2, page 42, line 37, at end insert—
Regulations under sub-paragraph (1) may in particular make provision for fees to be payable in respect of things done under the regulations.

Alex Neil

In schedule 2, page 42, line 37, at end insert—

Regulations under sub-paragraph (1) may make different provision for different cases or circumstances.

Linda Fabiani

In schedule 2, page 42, line 37, at end insert—

Regulations under sub-paragraph (1)(a) must provide that where a full gender recognition certificate has been issued to a person under section 4E, the marriage must not be registered unless the person’s spouse consents in writing to that registration in the form prescribed by the regulations.

Alex Neil

In schedule 2, page 43, line 11, leave out <4(2)(b)> and insert <4(3C)(b)>

Linda Fabiani

In schedule 2, page 43, line 11, leave out <or 4C> and insert <, 4C or 4E>

Alex Neil

In schedule 2, page 43, line 19, leave out <4(2)(c)> and insert <4(3C)(c)>

Alternative grounds for granting applications

PART 2

ALTERNATIVE GROUNDS FOR GRANTING APPLICATIONS FOR GENDER RECOGNITION CERTIFICATES

Introductory

The Gender Recognition Act 2004 is further amended in accordance with this Part of this schedule.

Alternative grounds for granting applications

In section 2 (determination of applications), after subsection (3A) insert—

“This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.”.

After section 3B insert—

This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with this section.
(2) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3D and meets the conditions in subsections (3) to (6).

(3) The first condition is that the applicant was a party to a protected Scottish marriage or a protected Scottish civil partnership on or before the date the application was made.

(4) The second condition is that the applicant—
(a) was living in the acquired gender six years before the commencement of section 27 of the Marriage and Civil Partnership (Scotland) Act 2014,
(b) continued to live in the acquired gender until the date the application was made, and
(c) intends to continue to live in the acquired gender until death.

(5) The third condition is that the applicant—
(a) has or has had gender dysphoria, or
(b) has undergone—
(i) surgical treatment, or
(ii) such other treatment as the Scottish Ministers may by order prescribe,
for the purpose of modifying sexual characteristics.

(6) The fourth condition is that the applicant is ordinarily resident in Scotland.

(7) Before making an order under subsection (5)(b)(ii) the Scottish Ministers must consult the following persons on a copy of the proposed draft order—
(a) the Gender Recognition Panel,
(b) such other persons as the Scottish Ministers consider appropriate.

(8) An order under subsection (5)(b)(ii)—
(a) may make different provision for different cases or circumstances,
(b) may amend any enactment (including this Act).

(9) The Panel must reject the application if not required by subsection (2) to grant it.

Evidence for granting applications on alternative grounds

11D In section 3 (evidence), after subsection (9) insert—
“(10) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.”.

11E After section 3C (inserted by paragraph 11C) insert—
“3D Evidence for granting applications on alternative grounds: Scotland

(1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.

(2) The application must include either—
(a) a report made by a registered medical practitioner, or
(b) a report made by a registered psychologist practising in the field of gender dysphoria.

(3) If the application is based on the applicant having or having had gender dysphoria—
(a) the reference in subsection (2) to a registered medical practitioner is to one practising in the field of gender dysphoria, and
(b) that subsection is not complied with unless the report includes details of the diagnosis of the applicant’s gender dysphoria.

(4) Subsection (2) is not complied with in a case where—
(a) the applicant has undergone or is undergoing treatment for the purpose of modifying sexual characteristics, or
(b) treatment for that purpose has been prescribed or planned for the applicant,

unless the report required by that subsection includes details of it.

(5) The application must also include a statutory declaration by the applicant that the applicant meets the conditions in section 3C(3) and (4).

(6) The application must include—
(a) a statutory declaration as to whether or not the applicant is married or a civil partner,
(b) any other information or evidence required by an order made by the Scottish Ministers, and
(c) any other information or evidence which the Panel which is to determine the application may require,

and may include any other information or evidence which the applicant wishes to include.

(7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage.

(8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include—
(a) a statutory declaration of consent (within the meaning of section 3(6D)(c)(i)) by the applicant’s spouse (if the spouse has made such a declaration), or
(b) a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included.

(9) If the application includes a statutory declaration of consent by the applicant's spouse, the Panel must give the spouse notice that the application has been made.

(10) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.”.
Membership of Panels determining applications on alternative grounds

11F In schedule 1 (Gender Recognition Panels), in paragraph 4, after sub-paragraph (3) insert—

“(4) But a Panel need not include a medical member when determining an application under section 1(1)(a) for a certificate to be granted in accordance with section 3C.”.

Alex Neil

75 In schedule 2, page 43, line 28, leave out from beginning to “5D(1),” in line 29 and insert, after “section” insert “3D(6)(b),”.

Alex Neil

33 In schedule 2, page 43, line 31, after <20A> insert <of Schedule 3>

Alex Neil

76 In schedule 2, page 43, line 33, after <section> insert <3C(5)(b)(ii) or>

Alex Neil

34 In schedule 2, page 43, line 33, leave out from <which> to <Act> in line 34

Section 28

Alex Neil

35 In section 28, page 30, leave out lines 29 and 30

After section 28

Alex Neil

77 After section 28, insert—

<Grounds of divorce: interim gender recognition certificate followed by full certificate

(1) The Divorce (Scotland) Act 1976 is amended as follows.

(2) In subsection (1)(b) (issue of interim gender recognition certificate as ground on which decree of divorce may be granted), at the beginning insert “subject to subsection (3B),”.

(3) After subsection (3A) (as inserted by section 5(3)) insert—

“(3B) Subsection (1)(b) does not apply where, under the Gender Recognition Act 2004, the Gender Recognition Panel issue a full gender recognition certificate to the person to whom the interim gender recognition certificate was issued.”>
After section 29

Alex Neil

36 After section 29, insert—

<i>Form of register of marriages</i>

In section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (regulations), after subsection (1) insert—

“(1A) Regulations prescribing the form of a register of marriages under section 32 may make different provision for different cases or circumstances.”.

Section 31

Alex Neil

37 In section 31, page 31, line 28, at end insert—

<i>( ) An order under subsection (1) may make different provision for different purposes.</i>

Section 32

John Mason

49 In section 32, page 32, line 2, at end insert—

<i>(2A) The day appointed for the provisions for the marriage of persons of the same sex to come into force must be a day after the day when amendments to the Equality Act 2010 to give effect to the amendments mentioned in subsection (2B) have been or are being brought into force.

(2B) The amendments are—

(a) in section 10 (religion or belief), after subsection (3), insert—

“(3A) For the avoidance of doubt, the protected characteristic of religion or belief may include a belief that marriage may only be between a man and a woman.”,

(b) in section 149 (public sector equality duty), after subsection (9), insert—

“(9A) Compliance with the duties in this section requires ensuring that a belief that marriage may only be between a man and a woman is respected and that no person may suffer any detriment as a result of holding or expressing such a belief.”.</i>
Marriage and Civil Partnership (Scotland) Bill

2nd Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- a list of any amendments already debated;
- the text of amendments to be debated on the second day of Stage 2 consideration, set out in the order in which they will be debated. THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.

Groupings of amendments

Review of effects of introduction of same sex marriage
48

Applications for gender recognition certificates by long-term transitioned persons
50, 74, 75, 76

Further minor amendments and corrections
51, 52, 54, 55, 56, 67

Meaning of “protected Scottish marriage”: consular marriages
53

Successful applications: when full gender recognition certificate to be issued and when interim gender recognition certificate to be issued
57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 69, 71, 73

Issue of full gender recognition certificate by sheriff where spouse has not declared consent to marriage continuing
68, 70, 72

Appeals against issue of gender recognition certificate
29

Registration of qualifying Scottish marriages and civil partnerships: power to charge fees
31
Grounds of divorce: interim gender recognition certificate followed by full gender recognition certificate
77

No commencement of same sex marriage provisions until certain amendments to Equality Act 2010 in place
49

Amendments already debated

Powers to make subordinate legislation: power to make different provision for different purposes, consultation, procedure etc.
With 4 – 28, 32, 34, 36, 37

Power to provide for effect of changing civil partnership into marriage or of renewed marriage or civil partnership following change of gender
With 15 – 35

Corrections and other minor amendments
With 25 – 27, 30, 33

Indemnification of losses arising from certain legal actions
On its own – 47
Present:

Christian Allard
John Finnie
John Mason
Siobhan McMahon

Marco Biagi (Deputy Convener)
Alex Johnstone
Margaret McCulloch (Convener)

**Marriage and Civil Partnership (Scotland) Bill:** The Committee considered the Bill at Stage 2 (Day 2).

The following amendments were agreed to (without division): 27, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 28, 29, 30, 31, 32, 70, 71, 72, 73, 74, 75, 33, 76, 34, 35, 77, 36, 37.

The following amendments were disagreed to (by division)—

48 (For 2, Against 4, Abstentions 0)
49 (For 3, Against 4, Abstentions 0)

Amendment 47 (previously moved) was, no member having objected, withdrawn.

The following provisions were agreed to without amendment: sections 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 26, 27, 29, 30, 32 and 33, and the long title.

The following provisions were agreed to as amended: section 21, schedule 2, and sections 28 and 31.

The Committee completed Stage 2 consideration of the Bill.
The Convener: The second item on the agenda is stage 2 of the Marriage and Civil Partnership (Scotland) Bill. This is our second meeting at stage 2. I welcome Alex Neil, the Cabinet Secretary for Health and Wellbeing, and his accompanying officials. Officials are not permitted to participate in the formal proceedings.

Linda Fabiani has joined us to speak to her amendments. Everyone should have with them a copy of the bill as introduced, the second marshalled list of amendments and the second list of groupings of amendments. There will be one debate on each group of amendments. I remind the committee that members who have not lodged amendments in the group but who wish to speak to them should indicate that by catching the attention of me or the clerk.

Only committee members are allowed to vote, and voting in any division is by a show of hands. It is important that members keep their hands clearly raised until the clerk has recorded the vote. The committee is required to indicate formally that it has considered and agreed each section of the bill, so I will put a question on each section at the appropriate point.

After section 14

The Convener: We start with amendment 47, which was debated at our previous meeting. As members know, the Presiding Officer has determined that the potential costs that are associated with this amendment are such that they would cause the bill to require a financial resolution. No financial resolution has been lodged. Under rule 9.12.6(a), the question on the amendment may not be put even if the amendment is pressed.

I will allow the cabinet secretary to make a brief comment if he wishes to do so.

The Cabinet Secretary for Health and Wellbeing (Alex Neil): Thank you, convener, and happy new year to everybody here.

It might be helpful if I say a few words on why the Government has not produced a financial resolution as a consequence of amendment 47.

Alex Johnstone noted on day 1 of stage 2 that it was not like him

"to ask the Government to spend money."—[Official Report, Equal Opportunities Committee, 19 December 2013; c 1736.]
I said on day 1 that it was unlikely that we would wish to lodge a financial resolution. Clearly, we need to take care in how we spend public money. Amendment 47 would give rise to potential costs, given that, as Alex Johnstone acknowledged, the amendment “is drawn extremely widely.”

In addition, and as we have made clear, the protections in the bill, and in the associated amendments to the Equality Act 2010, for religious bodies and celebrants are robust. Therefore, we have not lodged a financial memorandum.

I hope that that is a reasonable explanation of the Government’s position.

Alex Johnstone: I note the cabinet secretary’s comments with interest, but believe that there are still issues to be discussed. I therefore reserve my position in order perhaps to bring the matter back at stage 3. Consequently, I seek the committee’s leave to withdraw amendment 47.

Amendment 47, by agreement, withdrawn.

Sections 15 to 20 agreed to.

Section 21—Sheriff court jurisdiction in relation to declarator of marriage

Amendment 27 moved—[Alex Neil]—and agreed to.

Section 21, as amended, agreed to.

After section 21

The Convener: The first group is on review of effects of introduction of same-sex marriage. Amendment 48, in the name of John Mason, is the only amendment in the group.

John Mason: As is clear from the heading of the amendment—“Review of same-sex marriage”—it calls for a review, after five years, to see whether things have gone as expected.

Our previous understanding of marriage as a lifelong exclusive commitment between one man and one woman has been the norm in Scotland for centuries. The bill, which changes the definition of marriage, must therefore be considered radical whether or not one supports it. For many people, marriage is seen as a key foundational building block of society. Many people are unhappy about the definition being changed and have real concerns about what its implications might be—for example, in relation to civil liberties, on which many amendments have focused. For those reasons, there should be a commitment to review the legislation after five years.

Amendment 48 is not a sunset clause in the sense that the change would last only for five years—that is not the point. The point is that we should review what has happened and consider the implications and any tidying up that needs to be done to address the bill’s impact. If its impact has been minimal, a review would still be worth our while.

If, however, the legislation proves to have had severe negative effects, as some of us fear—for example, on the civil liberties of those who believe in traditional marriage—the review would serve as a means of addressing those effects.

I move amendment 48.

Alex Neil: I do not agree with amendment 48. The Government supports post-legislative scrutiny of legislation. We have, for example, recently responded to an inquiry by the Justice Committee into the effectiveness of the Title Conditions (Scotland) Act 2003, and a parliamentary debate took place last week to discuss the outcomes of that inquiry.

I do not support amendment 48 for a variety of reasons. First, the amendment could be perceived as a sunset clause, and that is not the right thing to do. We cannot allow people to have same-sex marriages and then remove that right a few years later.

Secondly, amendment 48 concentrates only on some aspects of the bill. We will also wish to consider, in due course, the positive outcomes that the legislation will bring. The bill will allow same-sex couples to get married, and will improve the rights of transgender people. It will allow religious and belief bodies that want to solemnise same-sex marriage the opportunity to do so while protecting those that do not. So when we consider the impact of the legislation, we will want to look at its impact as a whole. I agree that we will need to monitor for impacts on civil liberties. I do not think that there will be any such adverse impacts, but monitoring is sensible. Equally, however, we will need to monitor whether there are positive outcomes; for example, a reduction in discrimination.

I suggest that amendment 48 is unhelpful. It would lay down specific requirements on what a review should consider, which could cut across what Parliament, the Government or others may want to do when considering the impact of the bill. I therefore do not support amendment 48 and invite the committee to reject it.

John Mason: I am a little disappointed that there is no sign of movement from the cabinet secretary. He says that something that is not a sunset clause “could be perceived as a sunset clause”.

However, I wonder where we would go with any legislation if we did not look at what the wording said, but instead considered what the perception of it might be. Although I accept that perception is
important, as I said in my opening remarks, amendment 48 is not a sunset clause. Clearly it is not. Nobody is suggesting that, if the bill is passed, it should not continue. I am simply suggesting that there should be a review.

I take on board the cabinet secretary’s point that a review should perhaps be wider than the focus of amendment 48, but he or anyone else could have lodged an amendment to that effect. Perhaps we can consider that issue at stage 3. In reality, Parliament has not been good at reviewing legislation. That has partly been due to lack of time and committees’ other commitments. I think there is widespread agreement in Parliament that we should go back and review our work more, especially legislation that we have passed, to examine its impacts. Such a review may well be for good reasons, or to pick up any problems. I press amendment 48.

The Convener: The question is, that amendment 48 be agreed to. Are we agreed?

Members: No.

The Convener: There will be a division.

For
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)

Against
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

The Convener: The result of the division is: For 2, Against 4, Abstentions 0.

Amendment 48 disagreed to.

Sections 22 to 27 agreed to.

Schedule 2—Change of gender of married persons or civil partners

The Convener: The next group is on applications for gender recognition certificates by long-term transitioned persons. Amendment 50, in the name of the cabinet secretary, is grouped with amendments 74 to 76.

Alex Neil: Amendments 50 and 74 to 76 relate to persons who are long-term transitioned to an acquired gender. Persons who are acquiring a new gender can apply to the gender recognition panel for a gender recognition certificate. Section 3 of the Gender Recognition Act 2004 makes provision for the evidence that should normally be submitted, including evidence that relates to the diagnosis of gender dysphoria.

Section 27 of the 2004 act made provision for alternative evidence requirements for persons who had been long-term transitioned, but that section has now terminated, as a sunset clause, and no longer applies. The amendments are designed to reintroduce alternative evidence requirements for some long-term transitioned people.

Amendment 74 will make amendments to the 2004 act in order to make provision on the detailed procedure. Under the procedure, applicants can submit just one report, rather than the usual two. Because the bill that we are considering is about marriage and civil partnership, the applicant must be, or have been, in a marriage or civil partnership that was registered in Scotland.

The provision concerns persons who are long-term transitioned, so the applicant must have been living in the acquired gender for six years before the commencement of section 27 of the bill, which will introduce the schedule on gender recognition. The applicant must have, or have had, gender dysphoria, or have undergone surgery to modify sexual characteristics, or must have undergone other treatment, as laid down by an order made by Scottish ministers. The order-making power reflects the fact that some applicants may not have had surgery. Surgery may not have been available, or may not have been advised for medical reasons. Treatments may vary, so the order-making power will enable ministers to seek views on exactly what forms of treatment might be acceptable as evidence under the new procedures. Amendment 76 will ensure that any such order will be subject to affirmative procedure.

The amendments also contain an order-making power for ministers on any further information or evidence that applicants should provide under the new procedure. Amendment 75 will ensure that the order-making power is subject to negative procedure, and will make a technical change to the bill to reflect the fact that all orders under section 5D of the 2004 act, on streamlined procedures for civil partners to obtain full gender recognition certificates, will now be subject to affirmative procedure.

Amendment 50 is a consequential amendment that reflects that there will, in the future, be two parts to schedule 2 to the bill, because amendment 74 will introduce a new part 2 to the schedule.

I move amendment 50.

Amendment 50 agreed to.

09:45

The Convener: The next group is on further minor amendments and corrections. Amendment 51, in the name of the cabinet secretary, is grouped with amendments 52, 54 to 56 and 67.

Alex Neil: Amendments 51, 52, 54 to 56 and 67 relate to the change of gender of married persons or civil partners. They are, for the most part,
technical amendments that will tidy up our provisions so that they dovetail appropriately with the provisions in the Marriage (Same Sex Couples) Act 2013.

The 2013 act introduced same-sex marriage in England and Wales. It also made other changes, some of which extended to Scotland. The committee considered, and Parliament agreed to, a legislative consent motion to allow Westminster to legislate on devolved matters. However, when we introduced the bill, we could not take it for granted that the then Marriage (Same Sex Couples) Bill would be passed. As a result, there are currently some overlaps and inconsistencies between the two pieces of legislation.

Amendment 51 is a minor technical amendment. Currently, a gender recognition certificate may be issued under sections 4, 5 and 5A of the 2004 act. However, should the bill be enacted, it will also be possible for gender recognition certificates to be issued under new sections 4C and 5D of the 2004 act. Amendment 51 therefore reflects that, in the future, gender recognition certificates may be issued under more provisions in the 2004 act than is the case now.

Amendments 52, 55 to 56 and 67 relate to the provisions on statutory declaration of consent in paragraph 2 of schedule 2 to the bill. Amendment 52 will remove the definition of the term “statutory declaration of consent”. The 2013 act inserted a definition of “statutory declaration of consent” into the 2004 act, which will also extend to Scotland. However, it is slightly different from the definition in the bill. Amendment 52 will therefore remove any confusion that might arise as a result of there being two definitions of “statutory declaration of consent” that would both apply to Scotland.

Amendment 54 will remove proposed new section 3(6D)(b) of the 2004 act, which would be inserted by paragraph 3 of schedule 2. The provision would require an applicant to the gender recognition panel to provide a statutory declaration on where the marriage was solemnised. That is unnecessary, as the 2013 act already makes similar provision, which extends to Scotland.

Amendment 55 is a consequence of amendment 52. It will slightly expand proposed new section 3(6D)(c)(i) in the 2004 act to clarify that the statutory declaration that is referred to is a statutory declaration of consent by the applicant’s spouse that the spouse consents to the marriage continuing, or a statutory declaration that no such declaration by the applicant’s spouse is included in the application. The amendment will bring our provisions in the area more into line with the 2013 act, and will keep consistency in the application process for the gender recognition panel.

Amendment 67 is also a consequence of amendment 52 and is a minor technical amendment. It will ensure that the reference to “statutory declaration of consent” in proposed new section 4C(7) in the 2004 act refers to the updated definition as amended by amendment 55.

I move amendment 51.

Amendment 51 agreed to.

Amendment 52 moved—[Alex Neil]—and agreed to.

The Convener: The next group is on meaning of “protected Scottish marriage”: consular marriages. Amendment 53, in the name of the cabinet secretary, is the only amendment in the group.

Alex Neil: Schedule 2 to the bill amends the Gender Recognition Act 2004 to enable marriages that are solemnised in Scotland to continue when one or both parties change their gender and both parties wish to remain married.

The amendments to the 2004 act define a marriage solemnised in Scotland as “a protected Scottish marriage”. That definition includes a marriage solemnised overseas through UK consular services when the couple elect Scotland as the relevant part of the United Kingdom. Schedule 6 to the Marriage (Same Sex Couples) Act 2013 introduces new provisions in relation to such consular marriages.

Amendment 53 amends the interpretation section of the 2004 act. That ensures that marriages that are solemnised under the new provisions in schedule 6 to the 2013 act are, for the purposes of schedule 2 to the bill, included as having been solemnised in Scotland, as long as the couple elected Scotland as the relevant part of the United Kingdom.

Finally, schedule 2 to the bill will continue to cover UK consular marriages when the couple elected Scotland and that took place under the current provisions of the Foreign Marriage Act 1892. Despite the rumours, I was not around at the time of that act being passed.

I move amendment 53.

Amendment 53 agreed to.

Amendments 54 to 56 moved—[Alex Neil]—and agreed to.
The Convener: The next group is on successful applications: when full gender recognition certificate to be issued and when interim gender recognition certificate to be issued. Amendment 57, in the name of the cabinet secretary, is grouped with amendments 58 to 66, 69, 71 and 73.

Alex Neil: Amendments 57 to 66, 69, 71 and 73 are designed to ensure that the Marriage (Same Sex Couples) Act 2013, which was passed at Westminster, and this bill work effectively together.

In particular, schedule 5 to the 2013 act extends to Scotland. Schedule 5 amends the Gender Recognition Act 2004 and relates to persons who are in a marriage solemnised in England and Wales or overseas, or who are in a civil partnership registered in England and Wales. Schedule 5 extends to Scotland, as people in such marriages and civil partnerships may now live here. Therefore, schedule 2 to the bill and schedule 5 to the UK act both make provision extending to Scotland in respect of transgender people. The amendments in this group are aimed at ensuring that the provisions fit together.

Amendment 57 makes various changes to amendments to the 2004 act. The first change is that the bill no longer replaces section 4(2) and (3) of the 2004 act. That is already provided for by paragraph 3 of schedule 5 to the 2013 act, so there is no need for the bill to provide for that as well.

The second change is to add a new section 4(1A) to the 2004 act. That provides that an applicant to the gender recognition panel is to receive a full gender recognition certificate, or GRC, if the applicant is neither married nor in a civil partnership. The third change is consequential on that second change.

The fourth change is to amend for Scotland new section 4(3) of the 2004 act, as substituted by the 2013 act. New section 4(3) of the 2004 act currently lays down that an interim GRC will be provided if the applicant is in a marriage that is not a marriage that is registered in England or Wales or overseas, or if the applicant is in a civil partnership that is not registered in England or Wales. The changes will ensure that a person in a marriage that has been solemnised in Scotland who has spousal consent to stay in the marriage and a person in a Scottish protected civil partnership whose partner is transitioning on the same day can receive a full GRC.

Amendments 62 and 63 make similar changes. Amendment 62 will ensure that a person in a marriage that has been solemnised in England or Wales or overseas who has spousal consent to stay in the marriage can receive a full GRC. Amendment 63 will ensure that a person in a civil partnership that is registered in England or Wales whose partner is transitioning on the same day can receive a full GRC.

Amendments 58, 61, 64 and 65 just change the numbers of sections that are being added to the 2004 act to ensure that there is no duplication of section numbers that were added by the 2013 act.

Amendments 59 and 60 are consequential on amendment 57, and amendments 66, 69, 71 and 73 are consequential on amendment 58.

I move amendment 57.

Amendment 57 agreed to.

Amendments 58 to 67 moved—[Alex Neil]—and agreed to.

The Convener: The next group is on issue of full gender recognition certificate by sheriff where spouse has not declared consent to marriage continuing. Amendment 68, in the name of Linda Fabiani, is grouped with amendments 70 and 72.

Linda Fabiani (East Kilbride) (SNP): Amendments 68, 70 and 72 implement one of the recommendations that the committee made in its stage 1 report. It recommended that

"the requirement for spousal consent for gender recognition is unnecessary and should be removed."

It also noted that

"the non-transitioning spouse’s personal choice is sufficiently protected by the automatic grounds for divorce triggered by his or her partner’s seeking gender recognition."

Amendment 68 would enable a trans person who married in Scotland to obtain legal gender recognition without needing first to get written consent from their spouse. It would also ensure that the spouse had the right, at any time, to seek a non-contestable divorce on the grounds of the trans person’s gender recognition.

The right to legal gender recognition is an established human right that it should not be possible for another person to block. The rights of the trans person and their spouse must be balanced in the bill. As the bill stands, I do not believe that the right balance has been struck. Removing the requirement for written spousal consent for gender recognition will correct the balance and will ensure that trans people have the personal autonomy to which they are entitled.

There are many circumstances in which a married person may act in a way that has an effect on their spouse but in which there is no legal requirement to first obtain the spouse’s written consent. The trans person’s decision to start living as the other gender and, later, their decision to undergo gender reassignment surgery have a huge impact on their spouse, but there is no legal
requirement for them to obtain spousal consent before taking either of those steps.

In contrast, the later issuing of a gender recognition certificate is the final administrative step of recognising the transition that has already taken place. It is an extremely important step for the trans person’s practical rights, because it means that their legal gender comes into line with their lived gender, but the practical effect on their spouse is minimal compared with that of the earlier steps of transition. It is therefore disproportionate to require the spouse’s written consent to be obtained.

As transgender equality develops around the world, an increasing number of European countries are treating legal gender recognition as an entirely personal administrative process. Of the nine European countries outwith the United Kingdom that have same-sex marriage, not one has a spousal consent requirement for gender recognition; and none of those countries has been subject to a human rights challenge because they do not have a spousal consent requirement. I believe that that illustrates that my amendments comply with the European convention on human rights. In fact, it is more likely that the bill could be challenged for infringing the rights of the trans spouse if the spousal consent requirement remains in the bill. It would be disappointing if we missed this opportunity to develop our laws in line with best practice.

10:00

Amendment 68 would insert new section 4E into the Gender Recognition Act 2004 and provide that a trans person in a Scottish marriage who does not have written spousal consent for their gender recognition and who therefore obtains only an interim gender recognition certificate from the UK gender recognition panel may then apply to the sheriff court to convert the certificate to a full certificate, which would bring their gender recognition into effect. The application would have to be made within six months of the issue of the interim certificate.

The route of an application to the sheriff court is proposed because the gender recognition panel operates on a UK-wide basis and it would be difficult for the panel to operate different rules for Scotland. Amendment 68 proposes a Scottish solution to the problem, and it would remove the need for spousal consent only for Scotland.

Amendment 68 would not require the sheriff to hold a hearing; in fact, that would be a very bad thing because it could turn the process into an expensive, slow and adversarial one. The role of the sheriff would be purely administrative in converting the interim certificate to a full one. The sheriff is well placed to do that because converting an interim certificate to a full one is exactly what the sheriff does at present in cases where a person with an interim certificate obtains a divorce.

Amendment 68 would also require that the sheriff notify the trans person’s spouse that the application for the full certificate has been made and that it has been granted. That would allow the spouse to apply for a non-contestable divorce if they wished to end the marriage. The amendment specifies that their right to do that would continue indefinitely, so they could take as long as they liked to decide.

Amendment 70 would provide that, when gender recognition is granted under the provisions of new section 4E of the 2004 act, a revised marriage certificate that showed the marriage as a same-sex marriage would be issued only with the spouse’s agreement. That would give the spouse the space to decide whether to seek to end the marriage without updated documentation related to the marriage being in circulation first.

Amendment 72 would ensure that the continuity of the marriage would not be affected by the issue of the full gender recognition certificate. That would mean that the spouse’s financial, parental and other rights associated with the marriage would not be affected in any way by the gender recognition.

I believe that these amendments would correct an imbalance in the bill and help to ensure that the bill delivers equality for transgender people and others. I ask the committee to support my amendments.

I move amendment 68.

Marco Biagi: I speak in support of this group of amendments, which as Linda Fabiani has pointed out would implement a recommendation that the committee came to unanimously in our stage 1 scrutiny.

The decision to transition gender is an intensely personal one. I have heard testimony not only from people who have transitioned but from the spouse of a trans person. I would not want to see that intensely personal decision become one that another person has a right to veto.

Marriage can lead to all kinds of changes. When you marry someone, all kinds of unforeseen circumstances can come up. The singling out of one particular change of circumstance, substantial though it is, is an unhelpful message when there are so many other things that could change as well.

Linda Fabiani’s amendments would provide very strong protections, including non-contestable divorce that would be available for ever. There is also the two years during which a trans person
would have to live in the other gender before seeking the certificate, which would ensure that the partner would be aware of what was happening and would not be surprised by it. The amendments also seek to introduce the additional protection of the notification and the inability to get the new marriage certificate updated with the new details without consent.

As Linda Fabiani said, nowhere in Europe is the system proposed in the bill seen as necessary. If I was to get married, I would not want in any way to feel that I was owned by my spouse or that my spouse had any kind of veto over my personal life.

There are two separate strands in the procedures that we are talking about. There is the legal process of marriage to the other person, and then there is the very separate, personal and individual question of gender, and we must keep those two legal processes separate. That is why I will back the amendments.

**John Finnie:** I share the views of the two previous speakers, and I will support Linda Fabiani’s proposal, which was delivered in a very measured way and which shows that there are protections such as the automatic right to divorce and consent being required before the original marriage certificate can be redrawn.

If someone wants to reassign their gender, it is essentially a human right. The timetable of likely events as laid out by Linda Fabiani shows that all sides have been considered and the proposal is proportionate. The words that I would use that people would understand are “not fair”. The situation is not fair as it stands and the amendments would introduce a measure of fairness, so I hope that members will support it.

**Alex Johnstone:** I agree in principle with the amendments, and I wish to support that principle. However, I seek some reassurances in a key area.

My concern is that the removal of spousal consent for gender transition might, in certain cases, lead to problems. We know that there are such things as long-term estrangements and we are, of course, talking about marriage legislation, so the assumption would be that, when gender transition is taking place, a divorce will also take place. The amendments could create a situation in which gender transition taking place without a parallel arrangement relating to marriage could result in a gender transition taking place without the consent or the knowledge of an estranged spouse.

**Alex Neil:** I agree that Linda Fabiani introduced her amendments in a measured and comprehensive way, but I have to be honest and say that they do not reflect the Government’s preferred approach.

The bill removes the requirement for transgender people to divorce before obtaining a full gender recognition certificate, or GRC. In future, when both spouses wish to remain married, the gender recognition panel will be able to issue a full GRC. The Government does not consider that to be a spousal veto, as such. Instead, the bill ensures that both parties can stay in the marriage when it changes from being an opposite-sex marriage to a same-sex marriage, or vice versa. We are balancing rights, and we have tried to do that throughout the bill.

We agree that the issues are not straightforward. We accept that, other than England, most European countries that have gender recognition legislation and same-sex marriage do not have the same provisions on the spouse consenting to stay in the marriage. Also, in most cases, the fact that the applicant has to live in the acquired gender for two years before applying to the gender recognition panel protects the non-transgender spouse from a sudden change in circumstances. Generally, the non-transgender spouse has time to decide what to do. However, as we outlined in some detail in our response to the committee’s stage 1 report, that might not be true in all cases. As a result, amendments 68 and 72 do not reflect the Government’s preferred approach.

There are some drafting points in areas such as divorce. Also, on a substantive point, under amendment 68 the sheriff is given no discretion at all: as the amendments stand, the sheriff would have to issue the full GRC. As a result of amendment 72, the continuity of the marriage would be unaffected by the sheriff issuing the full GRC. Therefore, the marriage would change from opposite-sex to same sex, or vice versa, even when the non-transitioning spouse has not consented to the change.

Amendment 70 relates to the proposed regulations on registering marriages following gender recognition and seeks to provide that both spouses would need to consent to this registration. I appreciate the rationale behind this amendment, but, as it is in line with what we intend the regulations to provide, it could be argued that it is not really necessary. The regulations will run along those lines anyway.

In conclusion, amendments 68 and 72 do not reflect the Government’s preferred approach and, if they are agreed to, we will need to lodge further amendments at stage 3 to ensure that the proposed new procedures work effectively. That said, I am not suggesting that if the committee decided to agree to the amendments we would try to reverse them; instead, we would simply lodge the consequential amendments that we think
would be required to ensure that the new provision worked properly.

**Linda Fabiani:** A number of interesting comments have been made. I say to Alex Johnstone that, as there would be a non-contestable right of divorce, I do not think that the spouse would be disadvantaged in any way if the couple have been apart for a long period of their marriage.

I think that amendment 68 strikes the balance very well between the rights of the two spouses. The committee identified that such a balance has to be struck and, indeed, the evidence from other countries makes the case. I have listened to and I take on board the cabinet secretary's comments, and I am glad that he clarified that there would be no desire to reverse these amendments.

**Alex Neil:** If they are agreed to.

**Linda Fabiani:** Of course, cabinet secretary.

If the amendments are agreed to, I would be happy for the Scottish Government to tidy up the wording at stage 3. I therefore press amendment 68.

**Amendment 68 agreed to.**

**Amendments 69 and 28 moved—[Alex Neil]—and agreed to.**

**The Convener:** The next group is on appeals against issue of gender recognition certificate. Amendment 29, in the name of the cabinet secretary, is the only amendment in the group.

**Alex Neil:** I have only very short introductory remarks to make on the amendment.

The bill provides that, when an applicant to the gender recognition panel secures a gender recognition certificate by fraud, their spouse may apply to the Court of Session to have the certificate quashed. However, as the bill stands, that right is not available to an applicant’s civil partner. Amendment 29 seeks to correct that and to extend the right to civil partners to apply to the Court of Session as well.

I move amendment 29.

**Amendment 29 agreed to.**

**Amendment 30 moved—[Alex Neil]—and agreed to.**

**The Convener:** The next group is on registration of qualifying Scottish marriages and civil partnerships: power to charge fees.

**Amendment 31, in the name of the cabinet secretary, is the only amendment in the group.**

**Alex Neil:** Amendment 31 relates to the regulation-making power on the registration of marriages and civil partnerships following the issue of a full gender recognition certificate.

The amendment makes it clear that fees could be charged to applicants in respect of registration. Fees are generally charged for registration purposes. However, I recognise the sensitivities of charging fees in this area. The Registrar General’s staff and the Scottish Government will discuss the issues with stakeholders representing transgender people before making any regulations in respect of fees. Indeed, my officials have already had some preliminary discussions with stakeholders representing transgender people on procedures generally in this area. We will continue those discussions if and when the bill is passed.

I move amendment 31.

**Amendment 31 agreed to.**

**Amendment 32 moved—[Alex Neil]—and agreed to.**

**Amendment 70 moved—[Linda Fabiani]—and agreed to.**

**Amendment 71 moved—[Alex Neil]—and agreed to.**

**Amendments 72 to 75, 33, 76 and 34 moved—[Alex Neil]—and agreed to.**

**Schedule 2, as amended, agreed to.**

**Section 28—Renewed marriage or civil partnership following issue of full gender recognition certificate**

**Amendment 35 moved—[Alex Neil]—and agreed to.**

**Section 28, as amended, agreed to.**

**After section 28**

**The Convener:** The next group is on grounds of divorce: interim gender recognition certificate followed by full gender recognition certificate. Amendment 77, in the name of the cabinet secretary, is the only amendment in the group.

**Alex Neil:** Amendment 77 amends the Divorce (Scotland) Act 1976. Under the 1976 act, there are two grounds for divorce in Scotland. One is the irretrievable breakdown of the marriage, which can be demonstrated through a number of routes. The other is the issue of an interim gender recognition certificate, or GRC.

The purpose of amendment 77 is to amend the 1976 act so that a divorce cannot be obtained on
the grounds of the issue of an interim GRC where the gender recognition panel has gone on to issue a full GRC. That situation can arise under the new section 4C of the 2004 act, as inserted by paragraph 5 of schedule 2 to the bill.

The scenario here is that the panel issues an interim GRC, within six months both parties consent to the marriage continuing, and an application is then made to the GRP for a full GRC. Given that both spouses have consented to the marriage continuing following gender recognition, it would not be appropriate for the issue of the interim GRC to be used in such cases to obtain a divorce. Amendment 77 amends the 1976 act accordingly.

If a spouse subsequently wishes to end the marriage, divorce on the grounds of irretrievable breakdown would continue to be available.

I move amendment 77.

Amendment 77 agreed to.

Section 29 agreed to.

After section 29
Amendment 36 moved—[Alex Neil]—and agreed to.

Section 30 agreed to.

Section 31—Ancillary provision
Amendment 37 moved—[Alex Neil]—and agreed to.

Section 31, as amended, agreed to.

Section 32—Commencement

The Convener: The next group is on no commencement of same-sex marriage provisions until certain amendments to Equality Act 2010 in place. Amendment 49, in the name of John Mason, is the only amendment in the group.

John Mason: Amendment 49 relates to the UK Equality Act 2010, which is a major player in the debate that we are having. The amendment ensures that the commencement of the same-sex marriage elements of the bill would be conditional upon the Equality Act being amended to specify that the protected characteristic of religion or belief includes the belief in marriage as presently defined and to make clear that compliance with the public sector equality duty requires ensuring that no one should suffer any detriment as a result of holding or expressing the view that marriage is between a man and a woman. That is necessary because many of the concerns about the bill stem originally not from the bill but from how it will interact with the Equality Act, which is of course Westminster legislation.

The committee discussed earlier in its consideration of the bill the fact that although the Equality Act lists a number of protected characteristics, it neither says that they are all of equal value nor ranks them in any particular order. That has left it open to the courts to interpret that list of protected characteristics as they see fit. It is certainly the feeling of some people that that has meant a hierarchy, with religion and belief somewhere near the bottom.

Government ministers—both the cabinet secretary and his predecessor—have indicated that the concerns of those who do not favour same-sex marriage should be properly addressed. In order to address those concerns, it is not only this bill that requires to be amended but the Equality Act itself.

I know that the Scottish Government has been working with the UK Government to prepare amendments to the Equality Act but I think that that has related mainly to religious bodies and celebrants who do not wish to take part in the solemnisation of same-sex marriages. However, concerns with the Equality Act go beyond just the issue of celebrants and what happens inside religious buildings. The wider issue relates to ordinary people, especially perhaps to those who work in the public sector. The Equality Act is meant to protect such people against discrimination on the grounds of religion or belief. However, the feeling is—as I have said already—that if cases go to court, religion and belief are treated as less important and so protection for such people is less.

That is why the Equality Act needs to be amended to specify that the protected characteristic of religion or belief includes the belief in marriage as presently defined, thereby making clear that beliefs about marriage are covered by the religion or belief ground of discrimination law.

Similarly, the public sector equality duty that is contained in section 149 of the Equality Act puts public authorities under a duty to have regard to the need to “eliminate discrimination ... advance equality of opportunity” and “foster good relations”, all of which, on the surface, we would certainly welcome, including the need to “tackle prejudice”.

Although in theory the Equality Act, including the public sector equality duty, protects religion or belief just as much as it protects sexual orientation, in practice the local authority can choose which rights are more important in the
event of a clash. I believe, therefore, that we need a further amendment to the Equality Act to make it clear that compliance with the public sector equality duty requires ensuring that no one should suffer any detriment as a result of holding or expressing the view that marriage is between a man and a woman.

Ultimately, nobody in the public sector in Scotland should have their equality and diversity credentials—and, presumably, their suitability for employment—disputed merely because they hold to the existing view of marriage. That is why amendments 48 and 49 are needed.

The cabinet secretary stated in response to a written question:

“public sector appointments should be based on merit and not on any views which applicants and staff may have on same-sex marriage.”—[Official Report, Written Answers, 12 November 2013, S4W-17756.]

Accepting that the proposed changes be made to the Equality Act 2010 is an opportunity to put that position beyond doubt.

I move amendment 49.

Alex Johnstone: Following on from what John Mason has said, right through the stage 1 inquiry, I and others expressed concern that, although we fully accept that those who promote and support this legislation do so on the grounds of furthering equality and tolerance, there is a concern that, in doing so, the rights of others are being infringed. In terms of how we apply equalities legislation, although we talk about this bill on its own, it must be taken in a broader context. I believe that amendment 49 gives us the opportunity to consider the legislation in that broader context and ensure that, as we progress towards the objective of the promoters of the bill, we do not do so at the expense of the liberty and freedoms of others. That is why I will support the amendment.

John Finnie: I think that John Mason said a number of commendable things. We should always have ordinary people at the forefront of our deliberations, rather than becoming involved in some sort of academic parliamentary exercise. It is commendable that John Mason feels that there is a need to tackle prejudice. The sensitive matters that we have discussed have been areas of great prejudice over the years.

John Mason seems very concerned about a hierarchy of equality characteristics. I do not know whether he wants things to be more uniform, and I do not know whether he wishes to intrude into judicial decisions. It seems to me that he wants preferential treatment and a blank cheque with respect to people whose views many would find unacceptable. For that reason, I will not support the amendment.

Alex Neil: I do not support amendment 49. First, the amendment involves amending the Equality Act 2010, which is reserved. Therefore, it might give rise to competence issues. In any event, I do not consider that the suggested amendment to the protected characteristic of religion and belief in the 2010 act is necessary. There is nothing in the introduction of same-sex marriage in Scotland that would mean that that protected characteristic does not cover the belief that marriage is between one man and one woman, and an amendment of the type that is proposed could raise questions and cast doubt about which other beliefs are covered under the protected characteristic.

In addition, section 14 of the bill makes it clear that existing rights to freedom of thought, conscience, religion and expression are unaffected by the introduction of same-sex marriage. Similarly, I do not agree with the proposed amendment to section 149 of the 2010 act, on the public sector equality duty, which is a duty to have due regard to the need to “eliminate discrimination ... advance equality of opportunity” and “foster good relations”, rather than a duty to achieve a particular result.

The effect of the amendment is unclear. It could be very wide reaching and is capable of being interpreted in many ways. It is unclear what public authorities would need to do to comply with the new subsection (9A) of section 149 of the 2010 act. As a result, it casts doubt on how a public authority would perform its duty under the public sector equality duty. The suggested amendment seems to go beyond the duty to have due regard and would require public authorities to ensure that there is respect for certain views, and no detriment. Achieving that might, quite simply, not be possible. The duty would be very onerous, and local authorities and other public authorities do not have the power to guarantee what is proposed. An amendment in this area could cast doubt about whether other beliefs are covered under the public sector equality duty.

We are aware of concerns from religious bodies that a local authority may use the public sector equality duty to prevent a church that is against same-sex marriage from using a local authority community centre. However, we consider that a local authority that uses the public sector equality duty to refuse to let premises to a body on the basis of the religious beliefs of the body risks a successful claim of discrimination.

Given that I do not support the proposed changes to the 2010 act, I also cannot support an amendment that would ensure that provisions on
same-sex marriage in the bill must come into force the day after those suggested amendments to the 2010 act have been brought into force. Therefore, I do not support amendment 49 and invite the committee to reject it.

10:30

**John Mason:** The issue of hierarchy, which I mentioned in my speech and to which Mr Finnie refers, is very much the key to all this. The basic problem is the weakness in the Equality Act. As I have mentioned before, I was a member of the committee that scrutinised that act and the subject was discussed at the time, was expected to be a problem and has since proven to be a problem. The Equality Act is a very good act in many areas but it does not deal with the question whether all protected characteristics should be equal or whether there should be a hierarchy, and some of us feel that a hierarchy has been created by the courts because the courts were given too much freedom by the act.

We are now moving into the same territory with the bill. Because certain powers are reserved, we cannot fully encompass the protections that the cabinet secretary would like to give, and we know the weaknesses of the Equality Act. I am certainly not asking for a hierarchy with religion and belief at the top of it; I am just suggesting that, given that there is a hierarchy, religion and belief should not be at the bottom of it. I accept that my proposal is an untidy way of doing things, but that is because this Parliament has limited powers.

The concern is that a public authority such as a council might be particularly zealous in pursuing one angle of its public sector equality duty and that that could be used against people of a religious persuasion. I do not for a minute question the good intentions of the cabinet secretary and others who think that the bill is robust at the moment, but I am afraid that I and others are not convinced. Therefore, I press amendment 49.

**The Convener:** The question is, that amendment 49 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

**Against**
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)

**Abstentions**
McMahon, Siobhan (Central Scotland) (Lab)

**The Convener:** The result of the division is: For 3, Against 4, Abstentions 0.

Amendment 49 disagreed to.

**The Convener:** The question is, that section 32 be agreed to. Are we agreed?

**Members:** No.

**The Convener:** There will be a division.

**For**
Allard, Christian (North East Scotland) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Finnie, John (Highlands and Islands) (Ind)
McCulloch, Margaret (Central Scotland) (Lab)

**Against**
Johnstone, Alex (North East Scotland) (Con)
Mason, John (Glasgow Shettleston) (SNP)

**Abstentions**
McMahon, Siobhan (Central Scotland) (Lab)

**The Convener:** The result of the division is: For 4, Against 2, Abstentions 1.

Section 32 agreed to.

Section 33 agreed to.

Long title agreed to.

**The Convener:** That ends stage 2 consideration of the bill. I thank you all very much.
Marriage and Civil Partnership (Scotland) Bill
[AS AMENDED AT STAGE 2]

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Marriage and Civil Partnership (Scotland) Bill
[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure and the places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies; to make provision about gender change by married persons and civil partners; to make a minor correction in relation to registration information; and for connected purposes.

PART 1
MARRIAGE
CHAPTER 1
SAME SEX MARRIAGE

1 Marriage of related persons

(1) The Marriage (Scotland) Act 1977 ("the 1977 Act") is amended as follows.

(2) In section 2 (marriage of related persons)—

(a) for subsection (1) substitute—

"(1) Subject to subsection (1A), a marriage between persons who are related to each other in a forbidden degree is void if solemnised—

(a) in Scotland; or

(b) at a time when either party is domiciled in Scotland.

(1ZA) For the purposes of subsection (1), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 1."

(b) in subsection (1A), for the words from the beginning to “paragraph,” substitute “A person who is related to another person in a degree specified in paragraph 2 of Schedule 1 (relationships by affinity) is not related to that person in a forbidden degree”,

(c) after subsection (1A) insert—

“(1C) For the purposes of paragraph 2 of Schedule 1, “spouse” means—
(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife; and

(b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”,

(d) in subsection (7)—

(i) for “those provisions” substitute “subsection (1C)(a) as it applies to paragraph 2 of Schedule 1”, and

(ii) the word “former” in each place where it appears is repealed, and

(e) in subsection (7A)—

(i) for “mother” substitute “parent”, and

(ii) the words “in either column” are repealed.

(3) For Schedule 1 substitute—

“SCHEDULE 1
(introduced by section 2)

DEGREES OF RELATIONSHIP

1. Relationships by consanguinity

Parent
Child
Grandparent

Grandchild
Sibling
Aunt or uncle
Niece or nephew
Great-grandparent

2. Relationships by affinity referred to in section 2(1A)

Child of former spouse
Child of former civil partner
Former spouse of parent

Former civil partner of parent
Former spouse of grandparent
Former civil partner of grandparent
Grandchild of former spouse
Grandchild of former civil partner
3. **Relationships by adoption**

Adoptive parent or former adoptive parent
Adopted child or former adopted child.”.

2 **Objections to marriage**

In section 5(4) of the 1977 Act (objections to marriage)—

(a) paragraph (e) is repealed, and

(b) in paragraph (f), for “than one mentioned in paragraphs (a) to (e) above,” substitute “than—

(i) one mentioned in paragraphs (a) to (d) above; or

(ii) the ground that the parties are of the same sex.”.

3 **Preliminaries to marriage**

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry)—

(a) in subsection (1)—

(i) for paragraph (b) substitute—

“(b) if the person has previously been married and the marriage ended on the death of the other party to that marriage, the death certificate of that other party;”, and

(ii) after that paragraph insert—

“(ba) if the person has previously been in a civil partnership which ended on the death of the other party to the civil partnership, the death certificate of that other party;”,

(b) in subsection (2), for “or (b)” substitute “, (b), (ba) or (bb)”, and

(c) in subsection (5), after paragraph (ii)(b) of the proviso insert “; or

(c) if no such certificate has been issued only by reason of the fact that the parties to the intended marriage are of the same sex.”.

(3) In section 7(1) (marriage outside Scotland where a party resides in Scotland), after “(b)” insert “, (ba), (bb)”.

4 **Meaning of marriage and related expressions in enactments and documents**

(1) References (however expressed) in any enactment to—

(a) marriage (including a marriage that has ended),

(b) a person who is (or was) married to another person, and

(c) two people who are (or were) married to each other,
are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.

(2) Subsection (3) applies to references (however expressed) in any enactment to two people who—

(a) are (or were) not married to each other, but

(b) are (or were) living together as if they were husband and wife.

(3) The references include two people of the same sex who are (or were) not married to, nor in civil partnership with, each other but who are (or were) living together as if they were married to each other.

(4) References (however expressed) in any enactment to two people of the same sex who are (or were) living together as if they were in a civil partnership cease to have effect.

(5) Subsections (1) to (4)—

(a) apply to enactments (other than private Acts) passed or made before the commencement of this section, and

(b) do not apply in so far as the enactment, or any other enactment, provides otherwise.

(6) In so far as being (or having been) married or in a purported marriage is relevant for the operation of any rule of law, the rule of law applies equally in relation to marriage or purported marriage to a person of a different sex and marriage or purported marriage to a person of the same sex.

(7) Subsections (1) to (6) are subject to an order under subsection (8).

(8) The Scottish Ministers may by order provide for any of subsections (1) to (6)—

(a) to have effect subject to provision made by the order, or

(b) not to apply in cases specified in the order.

(9) An order under subsection (8)—

(za) may make different provision for different purposes,

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(aa) may modify any enactment (including this Act),

(b) is (except where subsection (9A) applies) subject to the negative procedure.

(9A) An order under subsection (8) which adds to, replaces or omits any part of the text of an Act is subject to the affirmative procedure.

(10) References (however expressed) in any document to—

(a) marriage (including a marriage that has ended),

(b) a person who is (or was) married to another person, and

(c) two people who are (or were) married to each other,

are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.
(11) The following expressions in any document have the meanings given—
(a) “widow” includes a woman whose marriage to another woman ended with the other woman’s death,
(b) “widower” includes a man whose marriage to another man ended with the other man’s death.

(12) Subsections (10) and (11)—
(a) apply to documents executed on or after the commencement of this section, and
(b) do not apply in so far as the document provides otherwise.

(13) In section 26(2) of the 1977 Act (interpretation), after the definition of “authorised registrar” insert—

““marriage” means marriage between persons of different sexes and marriage between persons of the same sex;”.

(14) In schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (definitions of words and expressions), insert at the appropriate place in alphabetical order—

““marriage” means marriage between persons of different sexes and marriage between persons of the same sex (and any reference to a person being (or having been) married to another person, or to two people being (or having been) married to each other, is to be read accordingly),”,

““widow” includes a woman whose marriage to another woman ended with the other woman’s death,”,

““widower” includes a man whose marriage to another man ended with the other man’s death,”.

5 Same sex marriage: further provision

(2) For the avoidance of doubt, the rule of law which provides for a marriage to be voidable by reason of impotence has effect only in relation to a marriage between persons of different sexes.

(3) In section 1 of the Divorce (Scotland) Act 1976 (grounds of divorce), after subsection (3) insert—

“(3A) For the avoidance of doubt, in relation to marriage between persons of the same sex, adultery has the same meaning as it has in relation to marriage between persons of different sexes.”.

6 Jurisdiction in proceedings relating to same sex marriages

Schedule 1, which makes provision about jurisdiction in proceedings relating to same sex marriages, has effect.

6A Reset: abolition of defence

(1) Any rule of law under which a wife who receives or conceals goods stolen by her husband does not commit the offence of reset ceases to apply.
Marriage and Civil Partnership (Scotland) Bill

Part I—Marriage

Chapter 2—Marriage between civil partners in qualifying civil partnerships

(2) Subsection (1) applies only in relation to things done after the day on which this section comes into force.

CHAPTER 2

MARRIAGE BETWEEN CIVIL PARTNERS IN QUALIFYING CIVIL PARTNERSHIPS

Marriage between civil partners in qualifying civil partnerships

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry), in subsection (1), after paragraph (ba) (inserted by section 3(2)(a)(ii) of this Act), insert—

“(bb) if the person is in a qualifying civil partnership within the meaning of section 5(6) with the other party to the intended marriage, an extract from the entry in the civil partnership register relating to the civil partnership;”.

(3) In section 5 (objections to marriage)—

(a) in subsection (4)(b), after “partnership” insert “other than a qualifying civil partnership with each other”, and

(b) after subsection (5) insert—

“(6) For the purposes of subsection (4)(b) a “qualifying civil partnership” is a civil partnership which—

(a) was registered in Scotland; and

(b) has not been dissolved, annulled or ended by death.

(7) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of subsection (6)(a) as having been registered in Scotland if—

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order; and

(b) details of the civil partnership have been sent to the Registrar General of Births, Deaths and Marriages for Scotland.”.

7A Power to modify meaning of “qualifying civil partnership”

(1) The Scottish Ministers may by order modify the meaning of “qualifying civil partnership” given by section 5(6) of the 1977 Act (as inserted by section 7(3)(b) of this Act) so as to include civil partnerships registered outside Scotland.

(2) An order under subsection (1)—

(a) may make different provision for different purposes,

(b) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(c) may modify any enactment (including this Act),

(d) is subject to the affirmative procedure.
Before laying a draft of an order under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult the following persons on a copy of the proposed draft order—

(a) the Registrar General of Births, Deaths and Marriages for Scotland, and

(b) such other persons as the Scottish Ministers consider appropriate.

Change of qualifying civil partnership into marriage

The Scottish Ministers may by regulations make provision to establish a procedure for the parties to a qualifying civil partnership to change their civil partnership into a marriage.

Regulations under subsection (1) may in particular make provision—

(a) about the making by the parties to a qualifying civil partnership of an application to change their civil partnership into a marriage,

(b) about the information to be provided in support of an application,

(c) about the provision of evidence in support of an application,

(d) for persons who have made an application to appear before any person or appear at any place,

(e) conferring functions on persons in relation to applications,

(f) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

(i) the making of an application,

(ii) the exercise of any function conferred by virtue of paragraph (e).

Functions conferred by virtue of subsection (2)(e) may include functions relating to—

(a) the recording of information relating to qualifying civil partnerships changing into marriages,

(b) the issuing of certified copies of any information recorded.

Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.

Regulations under subsection (1)—

(za) may make different provision for different purposes,

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(b) may modify any enactment (including this Act),

(c) are (except where subsection (6) applies) subject to the negative procedure.

Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

In this section “qualifying civil partnership” has the meaning given by section 5(6) of the 1977 Act (as inserted by section 7(3)(b) of this Act).
9 Effect of marriage between civil partners in a qualifying civil partnership

(A1) This section applies where civil partners in a qualifying civil partnership (within the meaning of section 5(6) of the 1977 Act)—

(a) marry in accordance with that Act, or

(b) change their civil partnership into a marriage in accordance with provision made under section 8(1).

(1) Where this section applies—

(a) the qualifying civil partnership ends on the date on which—

(i) the marriage was solemnised, or

(ii) the change took effect, and

(b) the civil partners are to be treated as having been married to each other since the date on which the qualifying civil partnership was registered.

(2) For the purposes of subsection (1)(b)—

(a) a civil partnership registered under an Order in Council made under section 210 of the 2004 Act is to be treated as having been registered when it is entered in the Register Book maintained under the Order,

(b) a civil partnership registered under an Order in Council made under section 211 of the 2004 Act is to be treated as having been registered when the civil partnership register is signed in accordance with the Order.

(3) Subsection (1)(b) is subject to—

(a) any provision to the contrary made by or under any enactment,

(b) an order under subsection (4).

(4) The Scottish Ministers may by order provide for subsection (1)(b)—

(a) to have effect subject to provision made by the order, or

(b) not to apply in cases specified in the order.

(5) An order under subsection (4)—

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(b) is subject to the negative procedure.

(6) If a decree of aliment under section 3 of the Family Law (Scotland) Act 1985 (powers of court in action for aliment) requiring one of the civil partners to make payments to the other is in force at the time the qualifying civil partnership ends by virtue of subsection (1)(a) of this section, the decree continues to have effect despite the ending of the civil partnership.

(7) If an order under section 103(3) or (4) of the 2004 Act (regulation by court of rights of occupancy of family home) is in force at the time the qualifying civil partnership ends by virtue of subsection (1)(a) of this section the order has effect from that time as if made under section 3(3) or, as the case may be, 3(4) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (regulation by court of rights of occupancy of matrimonial home).
(8) In section 1 of the 2004 Act (provision for civil partnership), after subsection (3) insert—

“(3A) Subsection (3) is subject to section 9(1)(a) of the Marriage and Civil Partnership (Scotland) Act 2014 (ending of certain civil partnerships on marriage under Scots law).”.

CHAPTER 3
SOLEMNISATION OF MARRIAGE

10 Persons who may solemnise marriage

(1) The 1977 Act is amended as follows.

(2) In section 8 (persons who may solemnise marriage)—

(a) in subsection (1)—

(i) after “marriage” in the first place where it appears insert “between persons of different sexes”,

(ii) in paragraph (a)(ii)—

(A) for “or priest of a religious body” substitute “priest or other celebrant of a religious or belief body”,

(B) for “religious body” in the second place it appears substitute “religious or belief body”, and

(C) for “marriages” substitute “marriage between persons of different sexes”,

(iii) in paragraph (a)(iii), after “Act” insert “to solemnise marriage between persons of different sexes”, and

(iv) in paragraph (a)(iv), after “Act” insert “to solemnise marriage between persons of different sexes”,

(b) after subsection (1) insert—

“(1A) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(ii) only if—

(a) the body requests them to do so; and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(1B) Subject to section 23A, a marriage between persons of the same sex may be solemnised by and only by—

(a) a person who is—

(i) a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being one of the foregoing, is recognised by a religious or belief body so prescribed as entitled to solemnise marriage between persons of the same sex on its behalf;

(ii) registered under section 9 to solemnise marriage between persons of the same sex; or
(iii) temporarily authorised under section 12 to solemnise marriage between persons of the same sex; or

(b) a person who is a district registrar or assistant registrar appointed under section 17.

(1C) The Scottish Ministers may prescribe a religious or belief body under subsection (1B)(a)(i) only if—

(a) the body requests them to do so; and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(1D) For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a)—

(a) imposes a duty on any religious or belief body to make a request referred to in subsection (1C)(a);

(b) imposes a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;

(c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex;

(d) imposes a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.

(1E) In subsections (1A)(b) and (1C)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(1F) Regulations under subsection (1E)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(1G) Regulations under subsection (1)(a)(ii), (1B)(a)(i) or (1E) are subject to the negative procedure.,” and

(c) in subsection (2)—

(i) in paragraph (a)—

(A) after “(1)(a)” insert “or (1B)(a)”, and

(B) for “‘religious marriage’” substitute “‘religious or belief marriage’”,

(ii) in paragraph (b), after “(1)(b)” insert “or (1B)(b)”.

(3) In section 14 (form of ceremony to be used by approved celebrant)—

(a) in paragraph (a), after “or (ii)” insert “or (1B)(a)(i)”, and

(b) in paragraph (b), after “or (iv)” insert “or (1B)(a)(ii) or (iii)”.

(4) In section 26(2) (interpretation)—

(a) for the definition of “religious body” substitute—

“‘religious or belief body’ means an organised group of people—

(a) which meets regularly for religious worship; or
(b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose;”, and

(b) after that definition insert—

“‘religious or belief marriage’ has the meaning given by section 8(2)(a);”.

11 Registration of nominated persons as celebrants

(1) The 1977 Act is amended as follows.

(2) In section 9 (registration of nominated persons as celebrants)—

(a) in subsection (1)—

(i) for “religious body” substitute “religious or belief body”,

(ii) after “marriages” insert “between persons of different sexes”,

(b) after subsection (1) insert—

“(1A) A religious or belief body, not being prescribed by virtue of section 8(1B)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to solemnise marriages between persons of the same sex.”,

(c) in subsection (2)—

(i) after “(1)” insert “or (1A)”,

(ii) in paragraph (a), for “religious body” substitute “religious or belief body”, and

(iii) in paragraph (d)—

(A) the word “religious” is repealed, and

(B) after “that body” insert “in relation to solemnising marriages between persons of different sexes or, as the case may be, marriages between persons of the same sex”,

(d) after paragraph (d) insert “; or

(e) the nominating body does not meet the qualifying requirements.”,

(e) after subsection (2) insert—

“(2A) In subsection (2)(e), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(2B) Regulations under subsection (2A)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(2C) Regulations under subsection (2A) are subject to the negative procedure.”,

(f) in subsection (3)—

(i) after “ceremony” insert “for marriage between persons of different sexes”,

(iia) in paragraph (a), for the words from “witnesses,” to “wife;” substitute “witnesses—
(i) that they accept each other as husband and wife;
(ii) that they accept each other in marriage; or
(iii) either or both of sub-paragraphs (i) and (ii);”,

(ib) in paragraph (b), for the words from “subsection,” to “wife,” substitute “subsection—
(i) that the parties are then husband and wife;
(ii) that the parties are then married; or
(iii) either or both of sub-paragraphs (i) and (ii),”, and

(ii) after “ceremonies” insert “for marriage between persons of different sexes”,

(g) after subsection (3) insert—
“(3A) For the purposes of subsection (2)(b) above, a marriage ceremony for marriage between persons of the same sex is of an appropriate form if it includes, and is in no way inconsistent with—
(a) a declaration by the parties, in the presence of each other, the celebrant and two witnesses, that they accept each other in marriage;
(b) a declaration by the celebrant, after the declaration mentioned in paragraph (a), that the parties are then married,
and the Registrar General may, before deciding whether to accept or reject a nomination, require the nominating body to produce in writing the form of words used at its marriage ceremonies for marriage between persons of the same sex.”,

(h) in subsection (4)—
(i) after “(1)” insert “or (1A)”, and
(ii) in paragraph (b), after “area” insert “or place”,

(i) in subsection (5)(a), after “(1)” insert “or (1A)”,

(j) after subsection (5) insert—
“(5ZA)The register mentioned in subsection (5)(a)(ii) is to be in two parts—
(a) the first part containing the details mentioned in subsection (5)(a)(ii) in relation to persons nominated by religious or belief bodies to solemnise marriages between persons of different sexes; and
(b) the second part containing those details in relation to persons nominated by religious or belief bodies to solemnise marriages between persons of the same sex.”,

(k) in subsection (6), in the proviso, for “religious body” in each place where it appears substitute “religious or belief body”, and

(l) the italic cross-heading preceding section 9 becomes “Religious or belief marriages”.

(3) In section 10 (removal of celebrant’s name from register)—

(a) in subsection (1)—
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(i) in paragraph (b), after “9(1)” insert “or (1A)”, and
(ii) in paragraph (c), after “9(3)” insert “or (3A)”,

(b) after that subsection insert—

“(1A) In relation to any ground mentioned in subsection (1)(a) to (c), references in this section to removal from and restoration to the register include removal from and restoration to the appropriate part of the register.”, and

(c) in subsection (4), after “9(1)” insert “or (1A)”.

(4) In section 14(b) (form of ceremony to be used by approved celebrant), after “9(3)” insert “or (3A)”.

(5) In section 24(2)(a) (offences), after “area” insert “or place”.

12 Temporary authorisation of celebrants

(1) The 1977 Act is amended as follows.

(2) In section 12 (temporary authorisation of celebrants)—

(a) in subsection (1), for “person” substitute “member of a religious or belief body”,

(b) after subsection (1) insert—

“(1A) The Registrar General may grant an authorisation to a person under subsection (1) only if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements.

(1B) An authorisation under subsection (1)(b) may be granted in relation to—

(a) only marriages between persons of different sexes;

(b) only marriages between persons of the same sex; or

(c) both.

(1C) The Registrar General may grant an authorisation to a person under subsection (1)(b) to solemnise marriages between persons of the same sex only if the religious or belief body of which the person is a member—

(a) is prescribed by virtue of section 8(1B)(a)(i); or

(b) has nominated members (whether or not including that person) under section 9(1A) to solemnise marriages between persons of the same sex.

(1D) In subsection (1A), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(1E) Regulations under subsection (1D)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(1F) Regulations under subsection (1D) are subject to the negative procedure.”.

(3) In section 24 (offences), in subsection (2)(c), for the words from “12(a)” to the end substitute “12 of this Act—

(i) if authorised under subsection (1)(a) of that section, solemnises a marriage not specified in the authorisation;
(ii) if authorised under subsection (1)(b) of that section, solemnises a marriage outwith the period specified in the authorisation;

(iii) in either case, solemnises a marriage otherwise than in accordance with such terms and conditions as may be specified in the authorisation;”.

13 Religious or belief marriage: further provision

(1) The 1977 Act is amended as follows.

(2) In section 6(5) (solemnisation of marriage on date and at place in Marriage Schedule), for “religious marriage” substitute “religious or belief marriage”.

(3) In section 11 (alterations to register), in paragraph (a), for “religious body” substitute “religious or belief body”.

(4) In the title of section 13 (preliminaries to solemnisation of religious marriages), for “religious marriages” substitute “marriages by approved celebrants”.

(5) In section 14(a) (form of ceremony to be used by approved celebrant), for “religious body” substitute “religious or belief body”.

(6) In the title of section 15 (registration of religious marriages), for “religious marriages” substitute “religious or belief marriages”.

(7) In section 15(3) (entry in register of marriage on receipt of Marriage Schedule), for “religious marriage” substitute “religious or belief marriage”.

CHAPTER 4

SAME SEX MARRIAGE: PROTECTION OF FREEDOM OF EXPRESSION ETC.

14 Same sex marriage: protection of freedom of expression etc.

(1) For the avoidance of doubt, nothing in this Part so far as it makes provision for the marriage of persons of the same sex and as to the persons who may solemnise such marriages affects the exercise of—

(a) the Convention right to freedom of thought, conscience and religion,

(b) the Convention right to freedom of expression, or

(c) any equivalent right conferred by rule of law.

(2) “Convention right” has the same meaning as in the Human Rights Act 1998.

CHAPTER 5

OTHER CHANGES TO MARRIAGE PROCEDURE

15 Power of district registrar to require evidence of nationality: marriage

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry), after subsection (4) insert—

“(4A) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the parties to the marriage.
(4B) A requirement under subsection (4A) may be imposed at any time—
   (a) on or after the submitting of the notice under subsection (1); but
   (b) before the district registrar completes the Marriage Schedule.

(4C) In subsection (4A), “specified nationality evidence” means such evidence of
that person’s nationality as may be specified in guidance issued by the
Registrar General.”.

(3) In section 7 (marriage outside Scotland where a party resides in Scotland), in subsection
(1) for “and (3)” substitute “, (3) and (4A) to (4C)”.

16 The Marriage Schedule

(1) The 1977 Act is amended as follows.

(2) In section 6 (the Marriage Schedule)—
   (a) after subsection (1) insert—
       “(1A) Regulations under subsection (1) prescribing the form of the Marriage
       Schedule may make different provision for different cases or circumstances.”,
       and
   (b) in subsection (4)(a), for “14 days” in both places where those words appear
       substitute “28 days”.

(3) In section 7(2) (issuing of certificate in respect of legal capacity to marry), for “14 days”
substitute “28 days”.

(4) In section 19(1) (period between receipt of marriage notice and solemnisation of
marriage), for “14 days” substitute “28 days”.

17 Marriage outside Scotland: evidence of dissolution of former civil partnership

In section 7(1) of the 1977 Act (marriage outside Scotland where a party resides in
Scotland), after “3(1)(a),” insert “(aa),”.

18 Religious marriages: solemnisation by Church of Scotland deacons

In section 8(1)(a)(i) of the 1977 Act (solemnisation of marriage by ministers of the
Church of Scotland), after “minister” insert “or deacon”.

19 Places at which civil marriages may be solemnised

(1) The 1977 Act is amended as follows.

(2) In section 18 (places at which civil marriages may be solemnised)—
   (a) in subsection (1)—
       (i) after paragraph (a) insert—
           “(aa) at an appropriate place in the registration district of the authorised
           registrar; or
       (ab) with the approval of the Registrar General, at—
           (i) the registration office of another authorised registrar;
(ii) an appropriate place in the registration district of another authorised registrar; or

(iii) an appropriate place in Scottish waters.”,

(ii) paragraph (b) (and the word “or” following it) are repealed, and

(iii) paragraph (c) is repealed,

(b) after that subsection insert—

“(1A) In this section—

“appropriate place” means a place which—

(a) the parties to the intended marriage and the local registration authority agree is to be the place of solemnisation; and

(b) is not religious premises;

“local registration authority” means—

(a) the local registration authority for the registration district which includes the place; or

(b) where the place is in Scottish waters, the local registration authority for the authorised registrar’s registration district;

“religious premises” means premises which—

(a) are used solely or mainly for religious purposes; or

(b) have been so used and have not subsequently been used solely or mainly for other purposes.”, and

(c) subsections (2) to (8) are repealed.

(3) Section 18A (approved places) is repealed.

(4) In section 19 (marriage ceremony and registration of marriage)—

(a) in subsection (4)(a)—

(i) for sub-paragraph (ii) substitute—

“(ii) at an appropriate place (within the meaning given by section 18) in the registration district of the authorised registrar; or”;

(ii) sub-paragraph (iii) (and the word “or” following it) are repealed, and

(iii) in sub-paragraph (iv), for the words “in or on an approved vessel” substitute “at an appropriate place (within the meaning given by section 18)”;

(b) in subsection (4)(b)(ii), for “approved place” substitute “appropriate place (within the meaning given by section 18)”;

(c) subsection (5) is repealed.

(5) In section 26(2A)(b) (seaward boundary of registration district), for “within a registration district if it” substitute “a place within a registration district if the vessel”.
20 Second marriage ceremony: form of endorsement

In section 20(2)(d) of the 1977 Act (second marriage ceremony), in the form of the endorsement, the word “19” in both places where it appears is repealed.

CHAPTER 6

SHERIFF COURT JURISDICTION IN RELATION TO DECLARATOR OF MARRIAGE

21 Sheriff court jurisdiction in relation to declarator of marriage

(1) Section 8 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of the sheriff court in relation to actions for separation, divorce etc.) is amended as follows.

(1A) In subsection (1), before paragraph (a) insert—

“(za) an action for declarator of marriage;”.

(2) After subsection (2) insert—

“(2ZA)The court has jurisdiction to entertain an action for declarator of marriage if (and only if)—

(a) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the action is begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date, and

(b) any of the following requirements is met in relation to either of the parties to the marriage—

(i) the party is domiciled in Scotland on the date on which the action is begun,

(ii) the party was habitually resident in Scotland throughout the period of one year ending with that date, or

(iii) the party died before that date and either—

(A) was at death domiciled in Scotland, or

(B) had been habitually resident in Scotland throughout the period of one year ending with the date of death.”.

(3) In subsection (3)—

(a) after “declarator of” insert “marriage or of”, and

(b) after “subsection (2)” in both places where those words appear insert “, (2ZA)”.

(4) In subsection (4), after “declarator of” insert “marriage or of”.

PART 2

CIVIL PARTNERSHIP

22 Registration of civil partnership

(1) The Civil Partnership Act 2004 (“the 2004 Act”) is amended as follows.
(2) In section 85 (formation of civil partnership by registration)—

(a) in subsection (1), for paragraph (c) and the words following it substitute—

“(c) the approved celebrant or, as the case may be, the authorised registrar.”,

(b) in subsection (4)(b), at the beginning insert “the approved celebrant or, as the case may be.”.

(3) In section 86 (eligibility)—

(a) for subsection (2) substitute—

“(2) Subject to subsection (3), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 10.”,

(b) in subsection (3), for the words from the beginning to “related” in the third place where it appears substitute “A person who is related to another person in a degree specified in paragraph 2 of Schedule 10 (relationships by affinity) is not related to that person”,

(c) after subsection (3) insert—

“(3A) For the purposes of paragraph 2 of Schedule 10, “spouse” means—

(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife, and

(b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”,

(d) in subsection (5)—

(i) after “in” insert “subsection (3A)(a) as it applies to”, and

(ii) the word “former” in each place where it appears is repealed, and

(e) in subsection (5A)—

(i) for “mother” substitute “parent”, and

(ii) the words “in either column” are repealed.

(4) In section 87 (appointment of authorised registrars), before “registration” in the first place where it appears insert “civil”.

(5) In section 88 (notice of proposed civil partnership), after subsection (6) insert—

“(7) In this section, “the district registrar” means—

(a) where the civil partnership is to be registered in a registration district, the district registrar for that district,

(b) where the civil partnership is to be registered in Scottish waters—

(i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar for any registration district,

(ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.

(6) In section 89 (civil partnership notice book), after subsection (2) insert—
“(3) In this section and sections 90, 91, 92 and 94, “the district registrar” means—

(a) where the civil partnership is to be registered in a registration district, the district registrar for that district,

(b) where the civil partnership is to be registered in Scottish waters—

(i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar to whom the civil partnership notices were submitted,

(ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.

(7) In section 90 (publicisation)—

(a) in subsection (1), for “a district registrar” substitute “the district registrar”,

(b) in subsection (2)(b), for “14 days” substitute “28 days”, and

(c) in subsection (3), for “91” substitute “91(1)”.

(8) In section 91 (early registration)—

(a) the existing text becomes subsection (1),

(b) in that subsection—

(i) for “An authorised registrar who” substitute “Where the district registrar”,

(ii) for “14 days” substitute “28 days”, and

(iii) after “section 90)” insert “the district registrar”, and

(c) after that subsection insert—

“(2) For the purposes of subsection (1), a request which is made by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(9) In section 92 (objections to registration)—

(a) in subsection (3), for “at which a notice of proposed civil partnership to which the objection would relate” substitute “of the district registrar”,

(b) in subsection (4)(b)—

(i) the word “and” following sub-paragraph (i) is repealed, and

(ii) after sub-paragraph (ii) insert “, and

(iii) where, in the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule has already been issued to the parties, if possible notify that celebrant of the objection and advise the celebrant not to register the civil partnership pending consideration of the objection.”, and

(c) in subsection (5)(a), for the words “not to register the intended civil partners and to notify them” substitute “to take all reasonable steps to ensure that the registration of the civil partnership does not take place and must notify, or direct the district registrar to notify, the intended civil partners”.

(10) In section 93 (place of registration)—

(a) in subsection (1)—
(i) after “registered” insert “by an authorised registrar”, and

(ii) for the words from “other” in the first place where it appears to the end substitute “other—

(a) at the registration office of the authorised registrar,

(b) at an appropriate place in the registration district of the authorised registrar, or

(c) with the approval of the Registrar General, at—

(i) the registration office of another authorised registrar,

(ii) an appropriate place in the registration district of another authorised registrar, or

(iii) an appropriate place in Scottish waters.”,

(b) after that subsection, insert—

“(1A) In this section—

“appropriate place” means a place which—

(a) the parties to the intended civil partnership and the local registration authority agree is to be the place of registration, and

(b) is not religious premises,

“local registration authority” means—

(a) the local registration authority for the registration district which includes the place, or

(b) where the place is in Scottish waters, the local registration authority for the authorised registrar’s registration district,

“religious premises” means premises which—

(a) are used solely or mainly for religious purposes, or

(b) have been so used and have not subsequently been used solely or mainly for other purposes.”,

(c) subsections (2) and (3) are repealed, and

(d) the title of section 93 becomes “Place of civil registration of civil partnerships”.

(11) After section 93 insert—

“93A Date and place of registration of religious or belief civil partnerships

(1) A religious or belief civil partnership may be registered only on the date and at the place specified in the civil partnership schedule.

(2) But if, for any reason, the civil partnership cannot be registered on that date or at that place and a new date or place is fixed for the registration, the district registrar must—

(a) issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or

(b) substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued.

(3) Subsection (2) does not apply where—
(a) the new date is more than 3 months after the date for the registration specified in the civil partnership schedule already issued, or

(b) the new place is in a different registration district, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters.

(4) In a case falling within subsection (3)(a) or (b) the Registrar General may, according to the circumstances—

(a) direct the district registrar—

(i) to issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or

(ii) to substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued, (whichever the Registrar General considers the more appropriate), or

(b) direct each party to the civil partnership to submit to the district registrar a new notice of proposed civil partnership.

(12) In section 94 (the civil partnership schedule)—

(a) the existing text becomes subsection (1),

(b) in paragraph (b) of that subsection—

(i) for “14 days” substitute “28 days”, and

(ii) for “91” substitute “91(1)”, and

(c) after that subsection insert—

“(2) In the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule completed in accordance with subsection (1) is to be issued by the district registrar to one or both of the parties to the intended civil partnership.

(3) The district registrar may not issue the civil partnership schedule on a date earlier than 7 days before the date of the intended civil partnership unless authorised to do so by the Registrar General.”.

(13) After section 94 insert—

“94A Persons who may register civil partnerships

(1) A civil partnership may be registered by and only by—

(a) a person who is—

(i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships on its behalf,

(ii) registered under section 94B, or

(iii) temporarily authorised under section 94E, or

(b) a person who is a district registrar or assistant registrar appointed under section 87.
(2) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(i) only if—
   (a) the body requests them to do so, and
   (b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(3) For the avoidance of doubt, nothing in subsection (1)(a) or (2)(a)—
   (a) imposes a duty on any religious or belief body to make a request referred to in subsection (2)(a),
   (b) imposes a duty on any such body to nominate under section 94B any of its members to be registered as empowered to register civil partnerships,
   (c) imposes a duty on any person to apply for temporary authorisation under section 94E to register civil partnerships,
   (d) imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships.

(4) In this Part—
   (a) any such person as is mentioned in subsection (1)(a) is referred to as an “approved celebrant”,
   (b) a civil partnership registered by an approved celebrant is referred to as a “religious or belief civil partnership”,
   (c) a civil partnership registered by an authorised registrar is referred to as a “civil registration”.

(5) In subsection (2)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

94B Registration of nominated persons as celebrants

(1) A religious or belief body, not being prescribed by virtue of section 94A(1)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to register civil partnerships.

(2) The Registrar General must reject a nomination under subsection (1) if in the Registrar General’s opinion—
   (a) the nominating body is not a religious or belief body,
   (b) the nominee is not a fit and proper person to register a civil partnership,
   (c) there are already registered under this section sufficient members of the same body as the nominee to meet the needs of that body, or
   (d) the nominating body does not meet the qualifying requirements.

(3) In subsection (2)(d), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(4) Where the Registrar General accepts a nomination made under subsection (1), the Registrar General—
   (a) must determine the period during which the nominee is empowered to register civil partnerships, being a period of not more than 3 years,
(b) may determine that the nominee is empowered to register civil partnerships only in such area or place as the Registrar General may specify, and

c) may make acceptance of the nominee’s registration subject to such other conditions as the Registrar General thinks fit.

(5) Nothing in subsection (4)(a) prevents the Registrar General from accepting a further nomination of that nominee, in accordance with this section, to take effect at any time after the end of the period determined by the Registrar General under subsection (4)(a).

(6) The Registrar General must—

(a) if accepting a nomination made under subsection (1)—

(i) so inform the nominee and the nominating body, specifying the period during which the acceptance has effect and any condition to which the acceptance is subject,

(ii) enter the name of the nominee, the nominating body and such other particulars as the Registrar General thinks fit in a register which the Registrar General must establish and maintain and which must be made available for public inspection at all reasonable times free of charge,

(b) if rejecting a nomination made under subsection (1), by notice in writing inform the nominating body of the reasons for that rejection.

(7) For the purposes of subsection (6)(b), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(8) If the nominating body is aggrieved by a rejection under this section it may, within 28 days of receiving notice of the rejection, appeal to the Scottish Ministers.

(9) On any such appeal the Scottish Ministers may—

(a) direct the Registrar General to accept the nomination, or

(b) confirm the rejection of the nomination,

and must inform the nominating body of their decision and the reason for it; and their decision is final.

(10) If a reason given for confirming the rejection of a nomination is that the nominating body is not a religious or belief body, the body may, within 42 days of receiving notice of the confirmation, appeal against the decision to the Court of Session and seek the determination of that court as to whether the body is a religious or belief body.

(11) If—

(a) the Court determines that the nominating body is a religious or belief body; and

(b) the reason mentioned in subsection (10) was the only reason given for confirming the rejection of the nomination,

the Registrar General must give effect to the determination as if it were a direction under subsection (9)(a) to accept the nomination.
94C Removal of celebrant's name from register

(1) Subject to the provisions of this section, the Registrar General may remove the name of a person registered under section 94B from the register on the ground that—

(a) the person has requested that the person’s name should be so removed,

(b) the body which nominated the person under section 94B(1) no longer desires that the person should be so registered,

(c) the person—

(i) has, while registered as an approved celebrant, been convicted of an offence under this Part,

(ii) has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships,

(iii) is not a fit and proper person to register civil partnerships, or

(iv) for any other reason, should not be registered as an approved celebrant.

(2) The Registrar General may not remove the name of a person from the register on any ground mentioned in subsection (1)(c) unless the Registrar General has given the person at least 21 days notice in writing of the intention to do so.

(3) For the purposes of subsection (2), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(4) The Registrar General must—

(a) in the notice given under subsection (2), specify the ground of removal and call upon the person to give any reasons, within the period specified in the notice, why the person’s name should not be removed from the register, and

(b) consider any representations made within that period by the person.

(5) Where a person’s name has been removed from the register on any of the grounds mentioned in paragraph (c) of subsection (1), the person or the body which nominated the person under section 94B(1) may, if aggrieved by the removal, within 28 days of receiving notice of the removal appeal to the Scottish Ministers.

(6) On an appeal under subsection (5) the Scottish Ministers may give any direction they think proper to the Registrar General as to the removal from, or restoration to, the register of the person’s name; and such direction is final.

(7) Where a person has received a notice in pursuance of subsection (2), the person must not register a civil partnership unless and until the person’s name is restored to the register or, as the case may be, the Registrar General has decided not to remove the person’s name from the register.
94D Alterations to register maintained under section 94B

(1) A body registered in pursuance of section 94B(6)(a)(ii) must notify the Registrar General of any of the following events (if practicable, within 21 days of its occurrence)—

(a) any change in the name or the address of the body or any amalgamation with any other religious or belief body, giving the name and address of any approved celebrant who is a member of the body so registered,

(b) the death of an approved celebrant who is a member of the body so registered,

(c) any change of name, address or designation of an approved celebrant who is a member of the body so registered,

(d) the cessation of an approved celebrant who is a member of the body so registered from exercising the functions of an approved celebrant, giving the person’s name and address.

(2) The Registrar General must, on receipt of any such notification, make whatever alteration to the register maintained under section 94B the Registrar General considers necessary or desirable.

94E Temporary authorisation of celebrants

(1) The Registrar General may, in accordance with such terms and conditions as may be specified in the authorisation, grant to any member of a religious or belief body a temporary written authorisation to register—

(a) a civil partnership or partnerships specified in the authorisation, or

(b) civil partnerships during such period as is specified in the authorisation.

(2) The Registrar General may grant an authorisation to a person under subsection (1) only if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements.

(3) The Registrar General may grant an authorisation to a person under subsection (1)(b) only if the religious or belief body of which the person is a member—

(a) is prescribed by virtue of section 94A(1)(a)(i), or

(b) has nominated members (whether or not including that person) under section 94B(1).

(4) In subsection (2), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(5) For the purposes of subsection (1), an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(14) In section 95 (further provision as to registration)—

(a) in subsection (1), after “85” insert “the approved celebrant or, as the case may be,”,

(b) after subsection (1) insert—
“(1A) In the case of a religious or belief civil partnership, the parties to the civil partnership must, within 3 days of signing the civil partnership schedule in accordance with section 85(4), deliver the civil partnership schedule, or send it by post or arrange that it is delivered, to the district registrar.”,

(c) in subsection (2), for “after the civil partnership schedule has been signed, the authorised registrar” substitute “after—

(a) in the case of a civil registration, the civil partnership schedule has been signed in accordance with section 85, or

(b) in the case of a religious or belief civil partnership, the district registrar receives the civil partnership schedule,

the district registrar”,

(d) after subsection (3) insert—

“(3A) The district registrar must not enter the particulars set out in the civil partnership schedule relating to a religious or belief civil partnership in the civil partnership register unless and until the registrar receives a duly signed civil partnership schedule in respect of that civil partnership.

(3B) Where the Registrar General is satisfied that—

(a) a civil partnership has been properly registered, and

(b) the civil partnership schedule in respect of the civil partnership has been duly signed but has been lost or destroyed,

the Registrar General may direct the district registrar to complete an exact copy of the original civil partnership schedule and, so far as practicable, to arrange for its signature by those persons who signed the original schedule.

(3C) As soon as possible after the copy schedule has been signed, the district registrar must cause the particulars as set out in it to be entered into the civil partnership register.”;

(e) in subsection (4), after “their” insert “civil”.

(15) After section 95 insert—

“95ZA Registrar’s power to require delivery of civil partnership schedule

(1) Where the civil partnership schedule is not delivered to the district registrar within 21 days from the date of registration as entered in the schedule, the registrar may serve a notice in the prescribed form on either of the parties to the civil partnership requiring that party within 8 days from the date of service to deliver the schedule, or send it by post, to the registrar.

(2) If a person on whom a notice has been served under subsection (1) fails to comply with the notice, the district registrar may serve on the person a second notice in the prescribed form requiring the person to attend personally at the registration office of the district registrar, within 8 days from the date of service of the second notice, for the purpose of delivering the civil partnership schedule to the district registrar to enable the registrar to enter the civil partnership in the civil partnership register.”.

(16) In section 95A (validity following entry in civil partnership register), in subsection (1), after “95(2)” insert “or (3C)”.

(17) In section 96 (civil partnership with former spouse)—
(a) in subsection (3)(b), for “91” substitute “91(1)”, and

(b) in subsection (3)(c), for “paragraph (b)” substitute “subsection (1)(b)”.  

(18) In section 97 (certificates of no impediment for Part 2 purposes)—

(a) in subsection (4), for “14 days” substitute “28 days”, and

(b) after subsection (5) insert—

“(5A) For the purposes of subsection (5), an objection which is submitted by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(19) In section 100 (offences)—

(a) in subsection (2)—

(i) in paragraphs (c), (d) and (e), after “being” insert “an approved celebrant or, as the case may be,”, and

(ii) in paragraph (f), for the words from “a” in the second place where it appears to the end substitute “in accordance with section 93”;

(b) after subsection (3) insert—

“(3A) A person commits an offence if the person—

(a) registers a civil partnership in an area or place in which by virtue of section 94B(4)(b) the person is not permitted to register a civil partnership,

(b) registers a civil partnership in contravention of section 94C(7),

(c) being a person temporarily authorised under section 94E—

(i) if authorised under subsection (1)(a) of that section, registers a civil partnership not specified in the authorisation,

(ii) if authorised under subsection (1)(b) of that section, registers a civil partnership outwith the period specified in the authorisation,

(iii) in either case, registers a civil partnership otherwise than in accordance with such terms and conditions as may be specified in the authorisation,

(d) being a party to a civil partnership, fails to comply with a notice served under section 95ZA(2).

(3B) A person guilty of an offence under subsection (3A) is liable on summary conviction to a fine not exceeding level 3 on the standard scale.”, and

(c) in subsection (4), for “or (2)” substitute “, (2) or (3A)”.  

(20) In section 126(4) (regulations), after “section” insert “94A(1)(a)(i) or (5), 94B(3), 94E(4) or”.

(21) In section 135(1) (interpretation of Part 3)—

(a) after the definition of “the 1965 Act” insert—

““approved celebrant” has the meaning given by section 94A(4)(a);”,

(b) after the definition of “civil partnership schedule” insert—

““civil registration” has the meaning given by section 94A(4)(c);”,
(c) after the definition of “registration office” insert—

““religious or belief body” means an organised group of people—

(a) which meets regularly for religious worship, or

(b) the principal object (or one of the principal objects) of which is to

uphold or promote philosophical beliefs and which meets regularly

for that purpose;

“religious or belief civil partnership” has the meaning given by section

94A(4)(b);”.

(22) For Schedule 10 substitute—

“SCHEDULE 10

(introduced by section 86)

FORBIDDEN DEGREES OF RELATIONSHIP: SCOTLAND

1. Relationships by consanguinity

Parent

Child

Grandparent

Grandchild

Sibling

Aunt or uncle

Niece or nephew

Great-grandparent

Great-grandchild

2. Relationships by affinity referred to in section 86(3)

Child of former spouse

Child of former civil partner

Former spouse of parent

Former civil partner of parent

Former spouse of grandparent

Former civil partner of grandparent

Grandchild of former spouse

Grandchild of former civil partner.”.

23 Power of district registrar to require evidence of nationality: civil partnership

In section 88 of the 2004 Act (notice of proposed civil partnership), after subsection (7) (inserted by section 22(5) of this Act) insert—

“(8) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the intended civil partners.
(9) A requirement under subsection (8) may be imposed at any time—
   (a) on or after the submitting of the notice under subsection (1), but
   (b) before the district registrar completes the civil partnership schedule.

(10) In subsection (8), “specified nationality evidence” means such evidence of that
      person’s nationality as may be specified in guidance issued by the Registrar
      General.”.

24 Recognition of overseas relationships

(1) The 2004 Act is amended as follows.

(2) In section 214 (general conditions in relation to recognition of overseas relationships)—
   (a) after paragraph (b) insert—
       “(ba) the relationship is not one of marriage,”, and
   (b) in paragraph (c), for the words from the second “or” to the end substitute “but are
       not treated as married”.

(3) In Schedule 20 to the 2004 Act (specified relationships), the following entries are
      repealed—
      “Argentina marriage”,
      “Belgium marriage”,
      “Brazil marriage”,
      “Canada marriage”,
      “Denmark marriage”,
      “Iceland marriage”,
      “Mexico: Mexico City Federal District marriage”,
      “Netherlands marriage”,
      “Norway marriage”,
      “Portugal marriage”,
      “South Africa marriage”,
      “Spain marriage”,
      “Sweden marriage”,
      “United States of America: California marriage”,
      “United States of America: Connecticut marriage”,
      “United States of America: District of Columbia marriage”,
      “United States of America: Iowa marriage”,
      “United States of America: Massachusetts marriage”,
      “United States of America: New Hampshire marriage”,
      “United States of America: New York marriage”,
      “United States of America: Vermont marriage”.
Dissolution of civil partnership: evidence

(1) Article 2 of the 2012 Order (which disapplies from certain actions for dissolution of civil partnership section 8(3A) of the Civil Evidence (Scotland) Act 1988 (requirement for evidence other than that of a party to the civil partnership)) is to be taken to have been in force since 5 December 2005 and to have had effect in relation to actions raised before 30 March 2012 as it has effect in relation to actions raised on or after that date.

(2) The “2012 Order” is the Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 (SSI 2012/111).

PART 3

Marriage and civil partnership: other provision

26 Bigamy

(1) In section 24 of the 1977 Act (offences)—

(a) before subsection (1) insert—

"(A1) A person ("A") commits an offence if A purports to enter into a marriage with another person ("B") knowing that either or both—

(a) A is already married to or in a civil partnership with a person other than B, or

(b) B is already married to or in a civil partnership with a person other than A.

(A2) A person who commits an offence under subsection (A1) is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both),

(b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).”, and

(b) in subsection (1)(ii), for “prescribed sum” substitute “statutory maximum”.

(2) In section 100 of the 2004 Act (offences)—

(a) in subsection (1), for “registers” substitute “purports to register”, and

(b) in subsection (3)(b), for “level 3 on the standard scale” substitute “the statutory maximum”.

(3) The common law offence of bigamy is abolished.

(4) In section 13 of the Presumption of Death (Scotland) Act 1977 (defence to charge of bigamy)—

(a) for “bigamy” substitute “committing an offence under section 24(A1) of the Marriage (Scotland) Act 1977 or section 100(1) of the Civil Partnership Act 2004”,

(b) after “marriage” insert “or civil partnership”, and

(c) after “spouse” insert “or civil partner”.


Part 4

Change of gender of married persons or civil partners

Schedule 2 (change of gender of married persons or civil partners) has effect.

28 Renewed marriage or civil partnership following issue of full gender recognition certificate

(1) The Scottish Ministers may by regulations make provision about—

(a) the solemnisation of a renewed marriage between the parties to a protected Scottish marriage following the issue of a full gender recognition certificate to a party (or both parties) to the marriage,

(b) the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the civil partnership.

(2) Regulations under subsection (1) may in particular make provision—

(a) about the submitting by the parties to the protected Scottish marriage of notice of intention to enter into a renewed marriage,

(b) about the submitting by the parties to the protected Scottish civil partnership of notice of intention to enter into a renewed civil partnership,

(c) about the information to be provided by the parties,

(d) about the provision of evidence by the parties,

(e) for the parties to appear before any person or appear at any place,

(f) conferring functions on persons in relation to a renewed marriage or renewed civil partnership,

(g) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

(i) the submitting of notice of intention to enter into a renewed marriage or renewed civil partnership,

(ii) the exercise of any function conferred by virtue of paragraph (f).

(3) Functions conferred by virtue of subsection (2)(f) may include functions relating to—

(a) the recording of information relating to a renewed marriage or renewed civil partnership,

(b) the issuing of certified copies of any information recorded,

(c) the conducting of services or ceremonies in connection with a renewed marriage or renewed civil partnership.

(4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.

(5) Regulations under subsection (1)—

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
(b) may make provision applying any provision of the 1977 Act or the 2004 Act (either with or without modifications),

(c) may modify any enactment (including this Act),

(d) are (except where subsection (6) applies) subject to the negative procedure.

(6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

(7) In this section “full gender recognition certificate”, “protected Scottish civil partnership” and “protected Scottish marriage” have the meanings given by section 25 of the Gender Recognition Act 2004.

28A Grounds of divorce: interim gender recognition certificate followed by full certificate

(1) The Divorce (Scotland) Act 1976 is amended as follows.

(2) In subsection (1)(b) (issue of interim gender recognition certificate as ground on which decree of divorce may be granted), at the beginning insert “subject to subsection (3B),”.

(3) After subsection (3A) (as inserted by section 5(3)) insert—

“(3B) Subsection (1)(b) does not apply where, under the Gender Recognition Act 2004, the Gender Recognition Panel issue a full gender recognition certificate to the person to whom the interim gender recognition certificate was issued.”.

PART 5
REGISTRATION SERVICES

29 Provision of certain information to district registrars

In section 39C(1)(a)(i) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (provision of certain information to district registrars), for “section 34(3)” substitute “section 34(4)”.

29A Form of register of marriages

In section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (regulations), after subsection (1) insert—

“(1A) Regulations prescribing the form of a register of marriages under section 32 may make different provision for different cases or circumstances.”.

PART 6
GENERAL PROVISIONS

30 Interpretation

In this Act—

“the 1977 Act” means the Marriage (Scotland) Act 1977,

“the 2004 Act” means the Civil Partnership Act 2004.
Ancillary provision

(1) The Scottish Ministers may by order make such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, or for giving full effect to, any provision of this Act.

(1A) An order under subsection (1) may make different provision for different purposes.

(2) An order under subsection (1) may modify any enactment (including this Act).

(3) Subject to subsection (4), an order under subsection (1) is subject to the negative procedure.

(4) An order under subsection (1) containing provisions which add to, replace or omit any part of the text of an Act is subject to the affirmative procedure.

Commencement

(1) This section and sections 30, 31 and 33 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(3) An order under subsection (2) may include transitional, transitory or saving provision.

Short title

The short title of this Act is the Marriage and Civil Partnership (Scotland) Act 2014.
SCHEDULE 1
(introduced by section 6)

JURISDICTION IN PROCEEDINGS RELATING TO SAME SEX MARRIAGES

Domicile and Matrimonial Proceedings Act 1973

1 (1) The Domicile and Matrimonial Proceedings Act 1973 is amended in accordance with this paragraph.

(2) After section 8 insert—

“8A Same sex marriages

(1) Sections 7 and 8 do not apply in relation to marriages between persons of the same sex.

(2) Schedule 1B (jurisdiction in relation to same sex marriages (Scotland)) has effect.”.

(3) In section 10 (ancillary and collateral orders), after subsection (1B) insert—

“(1BA) In relation to a marriage between persons of the same sex, subsection (1) does not give the Court of Session or a sheriff court jurisdiction to entertain an application in proceedings where—

(a) the court is exercising jurisdiction in the proceedings by virtue of regulations under paragraph 2 of Schedule 1B; and

(b) the making or variation of an order in consequence of the application would contravene the regulations.”.

(4) Before Schedule 2 insert—

“SCHEDULE 1B
(introduced by section 8A)

JURISDICTION IN RELATION TO SAME SEX MARRIAGES (SCOTLAND)

Introduction

1 (1) This Schedule has effect with respect to the jurisdiction of the Court of Session and of the sheriff court to entertain, in relation to same sex marriages, proceedings for—

(a) divorce,

(b) separation,

(c) declarator of marriage,

(d) declarator of nullity of marriage,

(e) declarator of recognition, or non-recognition, of a relevant foreign decree.

(2) References in this Schedule to “relevant proceedings” are to such proceedings as are mentioned in sub-paragraph (1).

(3) In this Schedule—

“relevant foreign decree” means a decree of divorce, separation or nullity granted outwith a member State,
“same sex marriage” means a marriage between persons of the same sex.

**Power to make provision corresponding to EC Regulation 2201/2003**

2 (1) The Scottish Ministers may by regulations make provision—

(a) as to the jurisdiction of courts in Scotland in relevant proceedings in relation to a same sex marriage where one of the parties to the marriage—

(i) is or has been habitually resident in a member State,
(ii) is a national of a member State, or
(iii) is domiciled in a part of the United Kingdom or in the Republic of Ireland, and

(b) as to the recognition in Scotland of any judgment of a court of another member State which orders the divorce or separation of the parties to a same sex marriage, or the annulment of a same sex marriage.


(3) The regulations may provide that for the purposes of this Schedule and the regulations “member State” means—

(a) all member States with the exception of such member States as are specified in the regulations, or

(b) such member States as are specified in the regulations.

(4) The regulations may make provision under sub-paragraph (1)(b) which applies even in a case where the date of the divorce, separation or annulment is earlier than the date on which this paragraph comes into force.

(5) The regulations are subject to the affirmative procedure.

**Divorce or separation**

3 (1) The Court of Session has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or

(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage is domiciled in Scotland on the date on which the proceedings are begun.

(2) The sheriff court has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if (and only if)—

(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—
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Schedule 1—Jurisdiction in proceedings relating to same sex marriages

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

3 (3) Despite sub-paragraph (2), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if the following requirements are met—

(a) the parties married each other in Scotland,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Declarator of marriage

4 (1) In relation to a same sex marriage, the Court of Session has jurisdiction to entertain proceedings for declarator of marriage if (and only if) either of the parties to the marriage—

(a) is domiciled in Scotland on the date on which the proceedings are begun,

(b) was habitually resident in Scotland throughout the period of one year ending with that date, or

(c) died before that date and either—

(i) was at death domiciled in Scotland, or

(ii) had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) In relation to a same sex marriage, the sheriff court has jurisdiction to entertain proceedings for declarator of marriage if (and only if)—

(a) the requirements of paragraph (a), (b) or (c) of sub-paragraph (1) are met in relation to either party to the marriage, and

(b) either party of the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

Nullity of marriage

5 (1) The Court of Session has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or

(b) the parties married each other in Scotland, and

(c) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and

(d) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

(2) In relation to a same sex marriage, the sheriff court has jurisdiction to entertain proceedings for declarator of nullity if (and only if)—

(a) the requirements of paragraph (a), (b) or (c) of sub-paragraph (1) are met in relation to either party to the marriage, and

(b) either party of the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.
(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage—

(i) is domiciled in Scotland on the date on which the proceedings are begun, or

(ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) The sheriff court has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if (and only if)—

(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

(3) Despite sub-paragraph (2), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if the following requirements are met—

(a) the parties married each other in Scotland,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Recognition, or non-recognition, of foreign decrees

6 (1) The Court of Session has jurisdiction to entertain proceedings for declarator of recognition, or non-recognition, of a relevant foreign decree relating to a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or

(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage—

(i) is domiciled in Scotland on the date on which the proceedings are begun, or

(ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) The sheriff court has jurisdiction to entertain proceedings for declarator of recognition, or non-recognition, of a relevant foreign decree relating to a same sex marriage if (and only if)—
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Schedule 1—Jurisdiction in proceedings relating to same sex marriages

(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

Supplementary provision

7 (1) Paragraph 3(1) does not affect any rule of law under which the Court of Session has jurisdiction in certain circumstances to entertain proceedings for separation as a matter of necessity and urgency.

(2) Paragraphs 3 and 5 do not affect any jurisdiction of a sheriff court to entertain any proceedings for separation, divorce or declarator of nullity of marriage remitted to the court under any enactment or rule of court, if entertaining the proceedings would not contravene regulations under paragraph 2.

(3) At any time when proceedings are pending in respect of which a court has jurisdiction by virtue of any of paragraphs 3 to 6 (or this paragraph), the court also has jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, separation or declarator of marriage or of nullity of marriage even though that jurisdiction would not be exercisable under any of paragraphs 3 to 6.”.

Presumption of Death (Scotland) Act 1977

2 In section 1 of the Presumption of Death (Scotland) Act 1977 (actions of declarator of the death of missing persons), after subsection (4) insert—

“(4A) Despite subsection (4), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain an action of declarator if—

(a) the pursuer in the action and the missing person are married to each other and are of the same sex,

(b) they married each other in Scotland, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.”.
Schedule 2—Change of gender of married persons or civil partners

Part 1—Applications by married persons and civil partners

SCHEDULE 2
(introduced by section 27)

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

PART 1

APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

Introductory

1 The Gender Recognition Act 2004 is amended in accordance with this Part of this schedule.

Interpretation

2 In section 25 (interpretation)—

(a) the existing words become subsection (1),

(aa) in the definitions of “full gender recognition certificate” and “interim gender recognition certificate”, for “5 or 5A” substitute “4C, 5, 5A or 5D”,

(b) before the definition of “registered psychologist” insert—

“protected Scottish civil partnership” means a civil partnership registered in Scotland,

“protected Scottish marriage” means a marriage solemnised in Scotland,” and

(d) after subsection (1) insert—

“(2) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of this Act as having been registered in Scotland if—

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order, and

(b) details of the civil partnership have been sent to the Registrar General for Scotland.

(3) A marriage which was registered outside the United Kingdom under the Foreign Marriage Act 1892 (other than a marriage registered by virtue of section 18 of that Act) is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.

(4) A marriage which was solemnised outside the United Kingdom and registered under an Order in Council made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.

(5) A consular marriage in relation to which the relevant part of the United Kingdom is Scotland is to be treated for the purposes of this Act as having been solemnised in Scotland.
(6) In subsection (5)—

“consular marriage” means a marriage solemnised in accordance with Part 1 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under it,

“relevant part of the United Kingdom”, in relation to such a marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) of that Part of that Schedule for the purposes of the marriage.”.

Evidence

3 In section 3 (evidence), before subsection (7) insert—

“(6D) If the applicant is a party to a protected Scottish marriage, an application under section 1(1) must also include—

(a) a statutory declaration by the applicant that the applicant wishes the marriage to continue after the issue of a full gender recognition certificate (if that is the case), and

(c) either—

(i) a statutory declaration by the applicant’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the spouse has made such a declaration), or

(ii) a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included.

(6E) If an application includes a statutory declaration of consent by the applicant’s spouse under subsection (6D)(c)(i), the Gender Recognition Panel must give the spouse notice that the application has been made.

(6F) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include a statutory declaration as to where the civil partnership was registered and, if the civil partnership was registered outside the United Kingdom, that details of the civil partnership have been sent to the Registrar General for Scotland.”.

Successful applications

4 In section 4 (successful applications)—

(a) after subsection (1) insert—

“(1A) The certificate is to be a full gender recognition certificate if the applicant is neither married nor in a civil partnership.”,

(b) in subsection (2) (as substituted by paragraph 3 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013)—

(i) after first “is” insert “also”,

(ii) paragraph (a) is repealed,

(c) in subsection (3) (as so substituted)—
Marriage and Civil Partnership (Scotland) Bill
Schedule 2—Change of gender of married persons or civil partners
Part 1—Applications by married persons and civil partners

(i) in paragraph (b), at the beginning insert “subject to subsection (3C)(b),”;
(ii) in paragraph (e), at the beginning insert “subject to subsection (3C)(c),”;
(d) after subsection (3B) (as so substituted) insert—
“(3C) The certificate is also to be a full gender recognition certificate if—
(b) the applicant is a party to a protected Scottish marriage and both parties
    to the marriage consent to the marriage continuing after the issue of a
    full gender recognition certificate, or
(c) the applicant is a party to a protected Scottish civil partnership and the
    Gender Recognition Panel has decided to issue a full gender recognition
    certificate to the other party to the civil partnership.

(3D) The certificate is to be an interim gender recognition certificate if—
(a) the applicant is a party to a protected Scottish marriage and either party
    to the marriage does not consent to the marriage continuing after the
    issue of a full gender recognition certificate,
(b) subject to subsection (2)(b), the applicant is a party to a marriage which
    is not a protected Scottish marriage,
(c) the applicant is a party to a protected Scottish civil partnership and the
    other party to the civil partnership has not made an application under
    section 1(1),
(d) the applicant is a party to a protected Scottish civil partnership and the
    Gender Recognition Panel has decided not to issue a full gender
    recognition certificate to the other party to the civil partnership, or
(e) subject to subsection (2)(e), the applicant is a party to a civil partnership
    which is not a protected Scottish civil partnership.

(3E) If a Gender Recognition Panel issues a full gender recognition certificate under
this section to an applicant who is a party to a protected Scottish marriage, the
Panel must give the applicant’s spouse notice of the issue of the certificate.

(3F) Subsection (3C)(c) is subject to section 5C.”.

Issue of full gender recognition certificate after interim certificate: applicant married

Before section 5 insert—

“4C Married person with interim certificate: issue of full certificate (Scotland)
(1) A Gender Recognition Panel must issue a full gender recognition certificate to
a person in either of the following cases.
(2) Case A is where, on an application by the person, the Panel is satisfied that—
(a) an interim gender recognition certificate has been issued to the person,
(b) the person was a party to a protected Scottish marriage at the time when
the interim gender recognition certificate was issued,
(c) the person is still a party to that protected Scottish marriage, and
(d) both parties to the marriage now consent to the marriage continuing after
the issue of the full gender recognition certificate.
(3) Case B is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,
(b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,
(d) the submitting of notice has resulted in the civil partnership becoming a marriage,
(e) the person is a party to that marriage, and
(f) the person’s spouse consents to the marriage continuing after the issue of the full gender recognition certificate.

(4) If, on an application under subsection (2) or (3), the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.

(5) An application under subsection (2) must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.

(6) An application under subsection (3) must be made within the period of six months beginning with the day on which the civil partnership becomes a marriage.

(7) An application under subsection (2) or (3) must include a statutory declaration of consent (within the meaning of section 3(6D)(c)(i)) made by the person’s spouse.

(8) An application under subsection (3) must also include—

(a) evidence of the date on which the notice referred to in subsection (3)(c) was submitted, and
(b) evidence that the civil partnership has become a marriage.

(9) If an application is made under this section, the Panel must give the applicant’s spouse—

(a) notice of the application, and
(b) if the Panel grants the application, notice of the issue of the full gender recognition certificate.

4D Application under section 4C: death of spouse

(1) In a case where an application is made under section 4C(2) or (3) and the applicant’s spouse dies before the application is determined—

(a) the application is to be treated as an application, made under section 5(2) in a case where a spouse has died, for a full gender recognition certificate to be issued, and
(b) that application is to be treated as having been made at the time when the application under section 4C was made.

(2) The Gender Recognition Panel determining the application must specify the period within which the applicant is to produce the required evidence in support of the new application.

(3) In this section—

“new application” means the application under section 5(2) which the person is, by virtue of subsection (1), treated as having made,

“required evidence” means the evidence required by section 5(4).

4E Married person with interim certificate: issue of full certificate on application to the sheriff (Scotland)

(1) A person may make a summary application to the sheriff for the issue of a full gender recognition certificate where—

(a) an interim gender recognition certificate has been issued to the person, and

(b) the person is a party to a protected Scottish marriage.

(2) The sheriff must grant an application made under subsection (1) if the sheriff is satisfied that—

(a) the applicant was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,

(b) the applicant is still a party to that protected Scottish marriage, and

(c) the application was made within the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(3) If an application is made under this section, the sheriff must give the applicant’s spouse—

(a) notice of the application, and

(b) if the sheriff grants the application, notice of the issue of the full gender recognition certificate.

(4) For the avoidance of doubt, where an application has been granted under subsection (2), the applicant is to be treated for the purposes of section 1(1)(b) of the Divorce (Scotland) Act 1976 as a person to whom an interim gender recognition certificate has been issued.”.

Applications by both civil partners

6 Before section 6 insert—

“5C Protected Scottish civil partnership: applications by both civil partners

(1) This section applies where a Gender Recognition Panel decides to issue a full gender recognition certificate to a party to a protected Scottish civil partnership.
(2) The Panel must not issue the full gender recognition certificate to that person unless the Panel issues a full gender recognition certificate to the other party to the protected Scottish civil partnership.

(3) In such a case, the Panel must issue both certificates on the same day.

(4) Those certificates take effect at the beginning of the day on which they are issued.

5D Protected Scottish civil partnership: power to make further provision for issue of full certificate

(1) The Scottish Ministers may by order provide for the issue by a Gender Recognition Panel, on an application under section 1(1) by a qualifying person, of a full gender recognition certificate in additional circumstances to those specified in section 4(3C)(c) or 5C.

(2) In subsection (1), “qualifying person” means a person who is a party to a protected Scottish civil partnership.

(3) An order under subsection (1) may include, in particular, provision about—

(a) the evidence or other information that is to be included with an application,

(b) the procedure to be followed in determining an application, including provision for the giving of notice to any person,

(c) the effect of the issuing to the applicant of a full gender recognition certificate in relation to the civil partnership to which the applicant is party.

(4) Provision under subsection (3)(c) may include, in particular, provision for changing the civil partnership into a marriage.

(5) An order under subsection (1) may modify this Act or any other enactment.

(6) Before making an order under subsection (1), the Scottish Ministers must consult the following persons on a copy of the proposed draft order—

(a) the Registrar General for Scotland,

(b) the Gender Recognition Panel, and

(c) such other persons as the Scottish Ministers consider appropriate.”.

Appeals etc.

7 In section 8 (appeals etc.)—

(a) in subsection (1), before “5(2)” insert “4C,”,

(b) in subsection (5), before “5(2)” insert “4C,”,

(c) before subsection (6) insert—

“(5B) If an application under section 1(1), 4C, 5(2), 5A(2) or 6(1) is granted, the applicant’s spouse or civil partner may apply to the Court of Session to quash the decision to grant the application on the grounds that its grant was secured by fraud.”, and
(d) in subsection (6), before “the” in the first place where it appears insert “or an application under subsection (5B)”.

Registration

8 (1) In section 10 (registration), before subsection (2) insert—

“(1B) Where a full gender recognition certificate is issued by a Gender Recognition Panel to a person who is a party to a protected Scottish marriage or a protected Scottish civil partnership, the Panel must send a copy of the certificate to the Registrar General for Scotland.”.

(2) In Schedule 3 (registration), in Part 2 (Scotland)—

(b) in paragraph 19(1), before “5(2)” insert “4C,”, and

(c) after paragraph 20 insert—

“20A(1) The Registrar General may, with the approval of the Scottish Ministers, make regulations about—

(a) the registration of qualifying Scottish marriages, and

(b) the registration of qualifying Scottish civil partnerships.

(1A) Regulations under sub-paragraph (1) may in particular make provision for fees to be payable in respect of things done under the regulations.

(1B) Regulations under sub-paragraph (1) may make different provision for different cases or circumstances.

(1C) Regulations under sub-paragraph (1)(a) must provide that where a full gender recognition certificate has been issued to a person under section 4E, the marriage must not be registered unless the person’s spouse consents in writing to that registration in the form prescribed by the regulations.

(2) In this paragraph—

“qualifying Scottish civil partnership” means a civil partnership registered in Scotland in a case where a full gender recognition certificate has been issued to each of the civil partners,

“qualifying Scottish marriage” means a marriage solemnised in Scotland in a case where a full gender recognition certificate has been issued to one, or each, of the spouses.”.

Continuity of marriage

9 Before section 12 insert—

“11C Continuity of marriage: Scotland

(1) This section applies in relation to a protected Scottish marriage if (by virtue of section 4(3C)(b), 4C or 4E) a full gender recognition certificate is issued to a party to the marriage.

(2) The continuity of the protected Scottish marriage is not affected by the issuing of a full gender recognition certificate.”.
Continuity of civil partnership

10 After section 11C (inserted by paragraph 9) insert—

“11D Continuity of civil partnership: Scotland

The continuity of a protected Scottish civil partnership is not affected by the issuing of full gender recognition certificates (by virtue of section 4(3C)(c)) to both civil partners.”.

Foreign gender change and marriage

11 In section 21 (foreign gender change and marriage), subsections (2) to (5) are repealed.

PART 2

ALTERNATIVE GROUNDS FOR GRANTING APPLICATIONS FOR GENDER RECOGNITION CERTIFICATES

Introductory

11A The Gender Recognition Act 2004 is further amended in accordance with this Part of this schedule.

Alternative grounds for granting applications

11B In section 2 (determination of applications), after subsection (3A) insert—

“(3B) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.”.

11C After section 3B insert—

“3C Alternative grounds for granting applications: Scotland

(1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with this section.

(2) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3D and meets the conditions in subsections (3) to (6).

(3) The first condition is that the applicant was a party to a protected Scottish marriage or a protected Scottish civil partnership on or before the date the application was made.

(4) The second condition is that the applicant—

(a) was living in the acquired gender six years before the commencement of section 27 of the Marriage and Civil Partnership (Scotland) Act 2014,

(b) continued to live in the acquired gender until the date the application was made; and

(c) intends to continue to live in the acquired gender until death.

(5) The third condition is that the applicant—

(a) has or has had gender dysphoria, or

(b) has undergone—
(i) surgical treatment, or
(ii) such other treatment as the Scottish Ministers may by order prescribe,
for the purpose of modifying sexual characteristics.

(6) The fourth condition is that the applicant is ordinarily resident in Scotland.

(7) Before making an order under subsection (5)(b)(ii) the Scottish Ministers must consult the following persons on a copy of the proposed draft order—

(a) the Gender Recognition Panel,

(b) such other persons as the Scottish Ministers consider appropriate.

(8) An order under subsection (5)(b)(ii)—

(a) may make different provision for different cases or circumstances,

(b) may amend any enactment (including this Act).

(9) The Panel must reject the application if not required by subsection (2) to grant it.”.

Evidence for granting applications on alternative grounds

11D In section 3 (evidence), after subsection (9) insert—

“(10) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.”.

11E After section 3C (inserted by paragraph 11C) insert—

“3D Evidence for granting applications on alternative grounds: Scotland

(1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.

(2) The application must include either—

(a) a report made by a registered medical practitioner, or

(b) a report made by a registered psychologist practising in the field of gender dysphoria.

(3) If the application is based on the applicant having or having had gender dysphoria—

(a) the reference in subsection (2) to a registered medical practitioner is to one practising in the field of gender dysphoria, and

(b) that subsection is not complied with unless the report includes details of the diagnosis of the applicant’s gender dysphoria.

(4) Subsection (2) is not complied with in a case where—

(a) the applicant has undergone or is undergoing treatment for the purpose of modifying sexual characteristics, or

(b) treatment for that purpose has been prescribed or planned for the applicant,
unless the report required by that subsection includes details of it.

(5) The application must also include a statutory declaration by the applicant that the applicant meets the conditions in section 3C(3) and (4).

(6) The application must include—

(a) a statutory declaration as to whether or not the applicant is married or a civil partner,

(b) any other information or evidence required by an order made by the Scottish Ministers, and

(c) any other information or evidence which the Panel which is to determine the application may require,

and may include any other information or evidence which the applicant wishes to include.

(7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage.

(8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include—

(a) a statutory declaration of consent (within the meaning of section 3(6D)(c)(i)) by the applicant’s spouse (if the spouse has made such a declaration), or

(b) a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included.

(9) If the application includes a statutory declaration of consent by the applicant's spouse, the Panel must give the spouse notice that the application has been made.

(10) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.”.

Membership of Panels determining applications on alternative grounds

11F In schedule 1 (Gender Recognition Panels), in paragraph 4, after sub-paragraph (3) insert—

“(4) But a Panel need not include a medical member when determining an application under section 1(1)(a) for a certificate to be granted in accordance with section 3C.”.

PART 3

CONSEQUENTIAL AMENDMENTS

12 (1) In section 7(1) (applications: supplementary), before “5(2)” insert “4C,”.

(2) In section 22(2)(a) (prohibition on disclosure of information), before “5(2)” insert “4C,”.

(3) In section 24 (procedure for orders and regulations)—

(a) in subsection (5), after “section” insert “3D(6)(b),”, and

(b) after subsection (5) insert—
“(5A) Regulations made by the Registrar General for Scotland under paragraph 20A of Schedule 3 are subject to the negative procedure.

(5B) An order under section 3C(5)(b)(ii) or 5D(1) is subject to the affirmative procedure.”.
Marriage and Civil Partnership (Scotland) Bill
[AS AMENDED AT STAGE 2]

An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure and the places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies; to make provision about gender change by married persons and civil partners; to make a minor correction in relation to registration information; and for connected purposes.

Introduced by: Alex Neil
On: 26 June 2013
Bill type: Government Bill
INTRODUCTION

1. As required under Rule 9.7.8A of the Parliament’s Standing Orders, these Revised Explanatory Notes are published to accompany the Marriage and Civil Partnership (Scotland) Bill (introduced in the Scottish Parliament on 26 June 2013) as amended at Stage 2. Text has been added or deleted as necessary to reflect the amendments made to the Bill at Stage 2 and these changes are indicated by sidelining in the right margin.

2. These Explanatory Notes have been prepared by the Scottish Government in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by the Parliament.

3. The Notes should be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or schedule, or a part of a section or schedule, does not seem to require any explanation or comment, none is given.

THE BILL

4. The draft Bill proposes a number of amendments to the Marriage (Scotland) Act 1977 and the Civil Partnership Act 2004. These Acts are referred to in these Explanatory Notes as “the 1977 Act” and “the 2004 Act”.

Summary and background

5. Key matters covered by the Bill are:
   • the introduction of same sex marriage, so that same sex couples can marry each other;
   • putting belief celebrants on the same footing as religious celebrants;
   • the arrangements for authorising celebrants to solemnise opposite sex and same sex marriage;
• civil partnerships changing to marriage;
• the authorisation of Church of Scotland deacons to solemnise opposite sex marriage;
• allowing civil marriage ceremonies to take place anywhere, other than religious premises, agreed between the couple and the registrar;
• allowing the religious and belief registration of civil partnerships. At the moment, ceremonies to register civil partnerships can only be civil in nature (although it is possible to have a religious or belief ceremony to mark the partnership, any such ceremony would not be recognised by the state);
• allowing transgender persons to stay married when obtaining the full Gender Recognition Certificate, which provides legal recognition in the acquired gender.

COMMENTARY

Part 1 – Marriage

Chapter 1 – Same sex marriage

Overview

6. This Chapter makes a number of changes to marriage law. In particular, it amends the 1977 Act, in relation to the “forbidden degrees” (about people who are too closely related to each other to get married) to reflect the introduction of same sex marriage; it deals with existing references to marriage and related expressions in legislation and private documents, such as wills; and it clarifies how certain common law rules will operate in the context of a same sex marriage.

Section 1: Marriage of related persons

7. This section makes a number of amendments to the 1977 Act, in relation to the “forbidden degrees”. Provision is made about the forbidden degrees in section 2 of, and Schedule 1 to, the 1977 Act. Section 2 of the 1977 Act makes various provisions about how the forbidden degrees are to operate and be interpreted. Some of these provisions refer at present to a husband and wife or make other indirect references to opposite sex marriage. Due to the introduction of same sex marriage, these provisions are amended by section 1 of the Bill so that they can apply to opposite sex and same sex marriage. Section 1(2)(c) makes provision so that “spouse” means either a wife of a husband or a husband of a wife or a same sex spouse.

8. Section 1 introduces a new Schedule 1 to the 1977 Act, replacing the current Schedule 1. Section 1(2)(d) deletes the word “former” from section 2(7) of the 1977 Act. The word “former” is not needed as the new Schedule 1 to the 1977 Act refers to “former spouse” and “spouse” is defined as outlined in paragraph 7 above. The new Schedule 1 is a simplified version of the existing table of forbidden degrees in the 1977 Act. No changes are made in respect of the types of relationships which mean that a couple cannot marry. Instead, the change relates to how the relationships are described. The table below demonstrates this:
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Section 2: Objections to marriage

9. Section 5 of the 1977 Act currently provides for situations where there is an objection to a marriage proceeding. Section 5(4) lists the legal impediments to a marriage. These include where one or both parties are already married; where both parties are of the same sex or where one or both parties are not domiciled in Scotland and marriage would be void according to the law of the party’s domicile.

10. Section 2 of the Bill repeals the legal impediment of both parties being of the same sex, so that marriages between two people of the same sex can take place in Scotland, once the Bill is commenced.

11. Section 2 of the Bill also amends section 5(4) of the 1977 Act in relation to cases where one or both of the parties are not domiciled in Scotland.

12. The amendment makes it clear that even if a same sex marriage would be void according to the law of the domicile of one (or both) of the parties, that is not a barrier to the parties entering into a same sex marriage in Scotland.

Section 3: Preliminaries to marriage

13. This section makes some amendments to section 3 of the 1977 Act. Section 3 of the 1977 Act makes provision about the procedures a couple must go through when they want to marry. They must submit to a district registrar a notice of intention to marry, with the prescribed fee, their birth certificates and certain other documents, which are specified in section 3 of the 1977 Act.

14. Subsection (2) substitutes a new paragraph (b) in section 3(1) of the 1977 Act, to remove terms like “widow”, “widower” and “spouse”. The new paragraph instead refers to “the other party” to the marriage. Despite the change in terminology, the effect of the provision remains the same. When a marriage has ended because one of the parties has died, a person who is marrying again has to provide the death certificate of the deceased party.

15. Section 3(1) of the 1977 Act is also amended so that any person who wants to get married who has a civil partner who has died is required to submit the relevant death certificate. Section 7 of the Bill amends section 3 of the 1977 Act so that if a person who wants to get married is changing from a civil partnership to a marriage, that person must submit a relevant extract from the civil partnership register.
16. Section 3(2) of the 1977 Act makes provision in cases where someone intending to get married cannot supply his or her birth certificate or some of the other documents required by section 3(1). In essence, a person in this position has to supply the district registrar with a declaration on why the documents cannot be submitted.

17. The obligation in section 3(2) of the 1977 Act is extended by subsection (2) so that it also applies to the additional documents required as set out in paragraph 15 above. For more information on the process of changing from a civil partnership to a marriage, see the explanatory notes on sections 7 and 8.

18. Section 3(5) of the 1977 Act makes provision where one or both of the parties to the marriage is not domiciled in Scotland. Under section 3(5), such a party is required, if practicable, to submit a certificate issued by his or her home jurisdiction which confirms that there is no legal bar to him or her marrying in terms of the law of the home jurisdiction.

19. There are some exceptions in section 3(5) to the need to supply such a certificate. Subsection (2) of the Bill amends section 3(5) to provide that a certificate is not required if it would not be issued just because the parties to the marriage are of the same sex.

20. Section 7 of the 1977 Act allows a person who wants to marry outwith Scotland to apply to a district registrar in Scotland for a certificate in respect of a person’s capacity to marry. When applying, the person must submit certain documents to the registrar.

21. Subsection (3) of the Bill amends section 7(1) so it refers also to the death certificate when a civil partnership has ended by death and an extract from the entry in the civil partnership register where civil partners are changing their civil partnership to a marriage.

Section 4: Meaning of marriage and related expressions in enactments and documents

22. Section 4 makes provision on how the term “marriage” and other expressions should be interpreted in enactments (legislation) generally, the 1977 Act specifically, the common law and private documents (such as wills). The provisions of section 4 only apply to devolved legislation – legislation that is within the legislative competence of the Scottish Parliament.

23. Subsection (1) provides that references in enactments to “marriage” and people who are or were married should be read as referring to both opposite and same sex marriage and married couples. This would, for example, apply to terms in those enactments such as “husband”, “wife”, “man and wife” and “spouse”.

24. Subsections (2) and (3) make provision in respect of references in legislation to cohabitants, so it is clear they apply to same sex cohabitants too.

25. Subsection (4) removes references in legislation to two persons of the same sex who are (or were) living together as if they are or were in a civil partnership (i.e. cohabitants). Once the Bill is enacted, such references will be unnecessary as same sex cohabitants will be covered by the references caught be the provisions made in subsections (2) and (3).
This document relates to the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (SP Bill 36A)

26. Subsection (5) makes it clear that subsections (1) to (4) only apply to enactments, other than private Acts, passed or made before section 4 is commenced. (As outlined below, subsection (14) makes changes to the Interpretation and Legislative Reform (Scotland) Act 2010 in respect of future legislation). Subsection (5) also makes it clear that subsections (1) to (4) do not apply if the enactment or any other enactment provides otherwise. For example, this Bill makes separate provision in relation to the solemnisation of, on the one hand, opposite sex marriage and, on the other hand, same sex marriage. Therefore, the general provisions at subsection (1) do not apply to the legislation on solemnising marriage.

27. Subsection (6) ensures that references to being (or having been) married or in a purported marriage in the common law are to be read as applying equally to opposite sex and same sex marriage.

28. Subsection (8) empowers the Scottish Ministers to make an Order, generally subject to the negative procedure, to disapply or modify the effect of subsections (1) to (6).

29. Subsection (9) ensures that any order under subsection (8) may amend primary and secondary legislation. Subsection (9A) ensures that, despite an order under subsection (8) generally being subject to negative procedure, any such order which amends primary legislation is subject to affirmative procedure.

30. For private documents which are executed after section 4 comes into force, subsection (10) provides that references in them to “marriage” or people being (or having been) married should be read as referring to both opposite and same sex marriage and married couples. This would, for example, apply to terms in private documents such as “husband”, “wife”, “man and wife” and “spouse”. Subsection (11) makes provision about the interpretation of “widow” and “widower” in any documents executed after section 4 comes into force.

31. By virtue of subsection (12), subsections (10) and (11) do not apply to documents where the document provides otherwise. Therefore, if a document executed after section 4 comes into force refers to a person being in an opposite sex marriage, subsection (10) would not enable that reference to be read as meaning a same sex marriage as well.

32. Subsection (13) adds a definition of “marriage” to the 1977 Act, referring to both opposite sex and same sex marriage. Section 26 of the 1977 Act, which contains a number of definitions, makes it clear that the definitions are to apply in the 1977 Act “except where the context otherwise requires”. An example would be the separate provisions of the 1977 Act, as amended or inserted by this Bill, on solemnising opposite sex and same sex marriage.

33. Subsection (14) adds definitions of “marriage”, “widow” and “widower” to the Interpretation and Legislative Reform (Scotland) Act 2010. The 2010 Act makes provision on how Acts of the Scottish Parliament and Scottish Statutory Instruments are to be interpreted. Therefore, adding a definition of “marriage” to the 2010 Act means that any references to marriage and married couples in any future Scottish Parliament legislation will cover both opposite sex and same sex marriage and spouses, unless specific provision is made so that this is not the case. The new definitions of “widow” and “widower” make it clear that in future
legislation “widow” will include the female spouse of a deceased woman and “widower” the male spouse of a deceased man, unless contrary provision is made.

Section 5: Same sex marriage: further provision

34. This section makes provision relating to the introduction of same sex marriage and its effect on certain aspects of Scots law.

35. Subsection (2) makes provision in respect of permanent and incurable impotency. In Scotland, a marriage is voidable (i.e. a court action may be raised to challenge and end the marriage) if one of the parties is at the time of the marriage permanently and incurably impotent in relation to the other spouse. Subsection (2) provides that this rule of law only applies to opposite sex marriages.

36. Subsection (3) amends section 1 of the Divorce (Scotland) Act 1976 (“the 1976 Act”). Under the 1976 Act, there are two grounds of divorce in Scotland:

(a) irretrievable breakdown of the marriage;
(b) the issue, after the date of marriage, to either party of an interim gender recognition certificate under the Gender Recognition Act 2004.

37. Section 1(2) of the 1976 Act provides a number of ways in which the irretrievable breakdown of a marriage can be established. One of those ways is adultery. Adultery means in the common law sexual intercourse between a man and a woman.

38. Subsection (3) provides that “adultery” has the same meaning for the purposes of the 1976 Act for same sex marriage as it does for opposite sex marriage in that it relates to heterosexual intercourse only. This means that a spouse in a same sex marriage could, like a spouse in an opposite sex marriage, raise an action for divorce saying that the marriage has broken down irretrievably because the other spouse in the marriage has committed adultery (i.e. had sexual intercourse with a person of the opposite sex).

39. However, subsection (3) does not extend adultery to cover sexual activity between people of the same sex. Therefore, the ways of establishing irretrievable breakdown of a marriage remain unchanged. Neither an opposite sex spouse nor a same sex spouse can raise an action for divorce saying that the marriage has broken down irretrievably because the other party in the marriage has had sexual intercourse with a person of the same sex. Instead, the divorce action would have to put forward other reasons for irretrievable breakdown, such as unreasonable behaviour.

Section 6: Jurisdiction in proceedings relating to same sex marriages

40. This section introduces schedule 1 on the jurisdiction of the Scottish courts in proceedings relating to same sex marriages. This schedule is explained at paragraphs 220 to 244 of these Explanatory Notes.
Section 6A: Reset: abolition of defence

41. This section repeals the defence for wives against the crime of reset. It is a crime to receive goods stolen by another. Subsection (1) abolishes the common law defence to the crime where the person accused of reset is the wife, and the goods were stolen by her husband.

42. Subsection (2) provides that the repeal of the defence to the crime of reset is abolished the day after the provision is brought into force. This means that the repeal will not affect anyone who is relying on the defence prior to this section being commenced.

Chapter 2 – Marriage between civil partners in qualifying civil partnerships

Overview

43. This Chapter relates to changing a civil partnership to a marriage and the legal effect of doing so.

Section 7: Marriage between civil partners in qualifying civil partnerships

44. Section 7 makes provision allowing civil partners, if they are in “a qualifying civil partnership”, to change their civil partnership to a marriage.

45. “A qualifying civil partnership” is defined by the amendment made by subsection (3)(b), which inserts new subsections (6) and (7) into section 3 of the 1977 Act. The definition is that to be “a qualifying civil partnership”, the civil partnership must have been registered in Scotland. In addition, the civil partnership must not have been dissolved, annulled or ended by death.

46. Subsection (3) also adds provisions to section 5 of the 1977 Act about civil partnerships registered at British consulates overseas and civil partnerships registered by British armed forces personnel.

47. Such civil partnerships are to be treated as having been registered in Scotland for the purposes of determining if they are a “qualifying civil partnership”, so long as:

- (a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom when they entered into the civil partnership; and
- (b) details of the civil partnership have been sent to the Registrar General for Scotland.

48. Subsection (2) amends section 3 of the 1977 Act so that when a couple change their civil partnership to a marriage they have to provide to the district registrar an extract from the entry in the civil partnership register relating to the civil partnership.

49. Subsection (3) amends section 5(4)(b) of the 1977 Act about legal impediments to marriage. The current impediment in section 5(4)(b) is that “one of the parties is, or both are, already married or in civil partnership”. Subsection (3)(a) amends this so that being in a “qualifying civil partnership” with each other is not a legal impediment to marriage.
Section 7A: Power to modify meaning of “qualifying civil partnership”

50. This section allows the Scottish Ministers to extend by order the category of civil partnerships which can change their relationship to marriage in Scotland. This power could be used to enable civil partners in a partnership registered outwith Scotland to change their civil partnership to a marriage in Scotland.

51. Subsection (2) provides the order may amend primary or secondary legislation and is subject to affirmative procedure.

52. Subsection (3) requires the Scottish Ministers to consult the Registrar General of Births, Deaths and Marriages for Scotland and such other persons as considered appropriate on a copy of the proposed draft order before laying a draft of any such order before the Scottish Parliament.

Section 8: Change of qualifying civil partnership into marriage

53. Section 8 makes provision so that qualifying civil partnerships can be changed to a marriage in accordance with an administrative procedure which may be prescribed by the Scottish Ministers in regulations.

54. By virtue of section 8(7), “qualifying civil partnership” in this section means a civil partnership registered in Scotland which has not been dissolved, annulled or ended by death (see section 5(6) of the 1977 Act, inserted by section 7(3) of this Bill). The definition also includes certain overseas civil partnerships treated as having been registered in Scotland (see section 5(7) of the 1977 Act, inserted by section 7(3) of this Bill).

55. Subsection (2) provides that regulations may in particular make provision on:

- the application process (subsection (2)(a));
- the information required from the applicants (subsection (2)(b));
- evidence to support the application (subsection (2)(c));
- any requirement to attend at a particular place or appear before a particular person (subsection (2)(d));
- conferring functions on persons (such as, for example, the Registrar General) (subsection (2)(e)). (Subsection (3) makes provision on particular functions which may be conferred);
- fees (subsection (2)(f)).

56. Subsections (4) to (6) make provision on procedures in relation to any regulations made by the Scottish Ministers. Under subsection (4), the Scottish Ministers must consult the Registrar General before making any regulations. Under subsections (5) and (6), any regulations are subject to negative Parliamentary procedure unless they amend primary legislation, in which case they are subject to the affirmative procedure.
Section 9: Effect of marriage between civil partners in a qualifying civil partnership

57. This section makes provision on the effect of civil partners changing their relationship to a marriage.

58. Subsection (A1) ensures that this provision applies to civil partners who change their relationship (registered in Scotland) to a marriage, regardless of whether they make this change through having a marriage ceremony (at section 7 of the Bill) or through the administrative route (at section 8 of the Bill).

59. Subsection (1)(a) provides that the qualifying civil partnership ends when the marriage is solemnised or the change took effect and subsection (1)(b) provides that the civil partners are to be treated as having been married to each other since the date on which the qualifying civil partnership was registered.

60. Subsection (1)(a) ensures that the couple do not have two civil statuses (married and in a civil partnership) at the same time. Subsection (1)(b) ensures that their time in the civil partnership is treated as if they had been married. For example, this means that provisions in the Family Law (Scotland) Act 1985, which covers matters such as financial provision during marriage and on divorce, applies to property acquired during and for the civil partnership as well as to property acquired during and for the marriage.

61. Subsection (2) defines what is meant by “registered” for the purposes of subsection (1)(b) in relation to civil partnerships originally registered at British consulates overseas or by British armed forces personnel. Civil partnerships at consulates are treated as registered when they are entered in the Register Book. Civil partnerships through the armed forces are treated as registered when the register is signed.

62. Subsection (3) makes provision so that subsection (1)(b) is subject to any contrary provision and any order made under subsection (4). For example, provision may be needed in relation to civil partnerships which turn out be void but are changed into marriage before it is realised they are void so the marriage is not backdated to when the civil partnership first started. In addition, there may be a need to recognise any court decrees from outwith Scotland which relate specifically to civil partnerships. The scope of any order and its Parliamentary procedure are set out in subsection (5).

63. Subsection (6) provides that any decree of aliment requiring one civil partner to make payments to the other which is in force when a civil partnership ends because it has been changed into a marriage continues to have effect. This ensures that any reference in the decree to the civil partnership does not stop the decree from continuing to have effect.

64. Subsection (7) provides that orders under section 103(3) or (4) of the 2004 Act, which relate to the regulation by the court of rights of occupancy of the family home, which were in force during the civil partnership continue to have effect once the couple are married.

65. Subsection (8) makes consequential amendments to section 1 of the 2004 Act, which contains provision on the circumstances in which a civil partnership ends.
Chapter 3 — Solemnisation of marriage

Overview

66. This Chapter makes provision on who may be authorised to solemnise marriage in Scotland.

67. Currently, for opposite sex marriage, Church of Scotland ministers are authorised by way of the Church of Scotland being named specifically in section 8 of the 1977 Act. Other religious bodies are prescribed by Statutory Instrument so that their celebrants are authorised to solemnise marriage. Other religious bodies can nominate persons to be registered by the Registrar General for Scotland as celebrants under section 9 of the 1977 Act. And the Registrar General may grant temporary authorisation to individuals to solemnise a marriage or marriages under section 12 of the 1977 Act.

68. In addition, civil registrars are authorised to solemnise marriage.

69. The Bill retains this system but makes provision for belief bodies to be authorised as well.

Section 10: Persons who may solemnise marriage

70. Section 10 of the Bill makes amendments for several different purposes.

71. Firstly, section 8 of the 1977 Act makes provision on who is authorised to solemnise marriage. This is amended so its current provisions apply to authorisations for opposite sex marriage only.

72. Secondly, section 10 of the Bill amends section 8 of the 1977 Act to allow celebrants from belief bodies to be authorised to solemnise marriages. Subsection (4) amends the existing definition of “religious body” in section 26 of the 1977 Act so that it covers belief bodies as well. The relevant aspects of the amended definition in relation to belief bodies are “an organised group of people … the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose.”

73. Religious bodies can be prescribed under section 8 of the 1977 Act. The section is amended so that religious or belief bodies can be prescribed under this section. The effect of prescribing religious or belief bodies is that their celebrants and other persons recognised by them as entitled to solemnise opposite sex marriage can solemnise opposite sex marriages recognised by the state.

74. Thirdly, the new section 8(1A) of the 1977 Act, inserted by subsection (2)(b), provides that the Scottish Ministers may only prescribe a religious or belief body so that its celebrants are authorised to solemnise opposite sex marriage if the body requests this and if Ministers are satisfied that the body meets the “qualifying requirements”. Qualifying requirements are those set out in regulations made by the Scottish Ministers. These regulations are subject to the negative parliamentary procedure (new section 8(1G) refers).
Fourthly, section 10 of the Bill adds a number of provisions to section 8 of the 1977 Act to allow celebrants (of religious and belief bodies) to be authorised to solemnise same sex marriage. The new section 8(1B) of the 1977 Act, inserted by subsection (2)(b), provides who may solemnise a same sex marriage. The new section 8(1C) provides that the Scottish Ministers may only prescribe a religious or belief body so that its celebrants are authorised to solemnise same sex marriage if the body requests this and if Ministers are satisfied that the body meets the “qualifying requirements”.

Fifthly, the new section 8(1D) provides that nothing in subsection (1B) or (1C):

(a) imposes a duty on any religious or belief body to request (under section 8(1C)(a)) to be prescribed so that their celebrants can solemnise same sex marriage;

(b) imposes a duty on any religious or belief body to nominate members under section 9 of the 1977 Act to be empowered to solemnise same sex marriage;

(c) imposes a duty on any person to apply for temporary authorisation under section 12 to solemnise same sex marriage;

(d) imposes a duty on a celebrant approved to solemnise same sex marriages to solemnise such marriages.

Section 11: Registration of nominated persons as celebrants

Section 11 makes a number of amendments to section 9 of the 1977 Act, which relates to the registration of nominated persons as celebrants. Section 9 of the 1977 Act permits the authorisation of celebrants of bodies who have not been prescribed by regulations or are not, in the case of opposite sex marriage, the Church of Scotland.

Subsection (2)(a) amends section 9(1) of the 1977 Act so that it just relates to opposite sex marriages. This means that section 9(1) as amended provides that a religious or belief body, other than the Church of Scotland or a body prescribed by regulations to solemnise opposite sex marriage, may nominate to the Registrar General members so that they can solemnise opposite sex marriages.

Subsection (2)(b) to (l) then inserts new subsections into section 9 of the 1977 Act. The new section 9(1A), inserted by subsection (2)(b), provides that a religious or belief body who has not been prescribed by regulations to solemnise same sex marriage may nominate celebrants to the Registrar General so that they can be authorised to solemnise same sex marriage.

A number of amendments are made to section 9 of the 1977 Act, which provides for when the Registrar General must reject a nomination; what happens when a nomination is accepted; the register of authorised celebrants and their bodies; and for appeals. The amendments are made because of the introduction of same sex marriage and the authorisation of belief bodies and their celebrants.

Under section 9(2) of the 1977 Act, the Registrar General must reject a nomination on various grounds including if he or she considers the nominating body has sufficient celebrants to meet its needs. The amendment in subsection (2)(c) amends the grounds to reflect the changes made to subsection (1) and the new subsection (1A). The amendments reflect that bodies may
have different needs in relation to celebrants solemnising same sex marriage when compared with opposite sex marriage.

82. A new ground of not meeting the qualifying requirements is added to section 9(2)(e) by subsection (2)(d) to the circumstances in which the Registrar General must reject a nomination.

83. Under section 9(2) of the 1977 Act, the Registrar General must also reject a nomination on the ground that the marriage ceremony used by the nominating body is not of an appropriate form. Section 9(3) of the 1977 Act sets out that a marriage ceremony will be of an appropriate form if it includes, and is no way inconsistent with particular declarations. Subsection (2)(f) amends section 9(3) to expand upon the declarations which will be considered to be of an appropriate form in the case of a marriage ceremony between persons of different sexes.

84. Section 9(3) (as amended) permits the Registrar General to accept nominations from religious and belief bodies which use (i) only gender specific language in marriage declarations, (ii) only gender neutral language in marriage declarations or (iii) a combination of both gender specific and gender neutral language in marriage declarations.

85. Subsection (2)(g) inserts provisions about the declarations for same sex ceremonies.

86. Subsection (2)(h) makes amendments to section 9(4) of the 1977 Act, which deals with cases where the Registrar General accepts the nomination. The Registrar General must currently decide how long the period of authorisation for the nominee should be, and may decide which area the nominee may solemnise marriages in. The amendments give the Registrar General the power to restrict any nominee to solemnising marriages in specific places.

87. Subsections (3), (4) and (5) make several amendments to sections 10, 14 and 24 of the 1977 Act. Section 10 makes provision about when a celebrant’s name may be removed from the register of bodies and celebrants who are authorised to solemnise marriage. Section 14 is about the form of ceremony to be used by a celebrant. Section 24 is about offences under the 1977 Act.

88. The amendments made by subsections (3), (4) and (5) are consequential, as a result of changes made to other provisions of the 1977 Act about authorisation of belief bodies; maintaining separate registers for same sex and opposite sex marriages; creating separate declarations for same sex and opposite sex marriage ceremonies; and enabling the Registrar General to authorise a nominee celebrant for a particular place only.

Section 12: Temporary authorisation of celebrants

89. Section 12 of the 1977 Act allows the Registrar General to grant temporary authorisation to solemnise marriage to a person.

90. Subsection (2)(a) amends the Registrar General’s power to clarify that he or she may grant temporary authorisations only to members of religious or belief bodies.
91. Subsection (2)(b) inserts new subsections into section 12 of the 1977 Act to provide that the Registrar General may grant an authorisation only if the religious or belief body meets the “qualifying requirements”. The “qualifying requirements” are those set out in regulations made by the Scottish Ministers (new section 12(1D)). These regulations are subject to the negative parliamentary procedure (new section 12(1F)).

92. Under section 12(1B), as inserted, temporary authorisation may be granted for opposite sex marriage only, for same sex marriage only or for both.

93. Under section 12(1C), as inserted, the Registrar General can only grant a temporary authorisation under section 12(1)(b) to solemnise same sex marriages if the relevant religious or belief body is prescribed by regulations so that its celebrants can solemnise same sex marriage or has put forward persons to be nominated as celebrants to solemnise same sex marriage.

94. Subsection (3) clarifies the existing offence under section 24(2)(c) of the 1977 Act of solemnising a marriage not covered by a temporary authorisation. The amendments made by subsection (3) have the effect that it is an offence to solemnise a marriage:

(a) where not specified in a temporary authorisation;

(b) where outwith the period of the temporary authorisation;

(c) otherwise than in accordance with any terms and conditions in the temporary authorisation.

Section 13: Religious or belief marriage: further provision

95. Sections 10, 11 and 12 of this Bill make provision for celebrants of belief bodies to solemnise marriage. Section 13 makes a number of consequential amendments to sections 6, 11, 13, 14 and 15 of the 1977 Act, as a result of these provisions, to reflect the authorisation of belief bodies and their celebrants.

Chapter 4 – Same sex marriage: protection of freedom of expression etc.

Section 14: Same sex marriage: protection of freedom of expression etc.

96. This section provides that the introduction of same sex marriage does not affect:

(a) the exercise of rights of anyone to freedom of thought, conscience, religion and freedom of expression which have been conferred by the European Convention of Human Rights; and

(b) the exercise of any equivalent rights conferred on anyone by the common law.

Chapter 5 – Other changes to marriage procedure

Overview

97. This Chapter makes a variety of changes to marriage law.
These include the introduction of powers for district registrars to require evidence of nationality from people wishing to get married; provisions on the timing of the issue of the marriage schedule; providing information to the district registrar on the ending of any civil partnership when a person is marrying outwith Scotland and is seeking a certificate about his or her legal capacity to do so; the automatic authorisation of Church of Scotland deacons to marry opposite sex couples and allowing civil marriage ceremonies to take place anywhere agreed by the couple and the registrar, other than religious premises.

Section 15: Power of district registrar to require evidence of nationality: marriage

This section makes amendments to sections 3 and 7 of the 1977 Act.

Section 16: The Marriage Schedule

This section amends the 1977 Act in relation to the power to prescribe the form of the marriage schedule and makes a number of changes to how quickly the marriage schedule and a certificate of no impediment should be issued after notice of intention to marry has been submitted by the parties to an intended marriage.

Subsection (2) amends section 6 of the 1977 Act so that regulations prescribing the form of the marriage schedule may make different provision for different cases or circumstances. This would, for example, allow the marriage schedule to take one form for opposite sex marriage and another for same sex marriage.

Section 7 of the 1977 Act relates to the issue of a certificate of no impediment to marry where a person residing in Scotland intends to marry outwith Scotland. Section 7(2) currently provides that the certificate shall not be issued earlier than 14 days after receiving the marriage notice. The amendment at subsection (3) changes the 14 day period to 28 days.
107. Section 19 of the 1977 Act provides that an authorised registrar shall not solemnise a marriage within 14 days of receiving a marriage notice. The amendment at subsection (4) changes this period to 28 days. An exception in section 19(1) allows the marriage to be solemnised earlier, on a specified date, where there is a written request and the Registrar General authorises the registrar to solemnise the marriage on the specified date.

Section 17: Marriage outside Scotland: evidence of dissolution of former civil partnership

108. This section amends section 7 of the 1977 Act. The effect of the amendment is that where a person wants to marry outwith Scotland and seeks a certificate about his or her legal capacity from the district registrar the person must provide a copy of the decree of dissolution or annulment of any civil partnership which the person has previously been in.

Section 18: Religious marriages: solemnisation by Church of Scotland deacons

109. This section amends the provisions of section 8(1)(a)(i) of the 1977 Act about automatic authorisation of ministers of the Church of Scotland in respect of opposite sex marriage. The effect is that Church of Scotland deacons, like Church of Scotland ministers, are automatically authorised to solemnise opposite sex marriage.

Section 19: Places at which civil marriages may be solemnised

110. This section makes amendments, principally to section 18 of the 1977 Act, so that civil marriage ceremonies can take place anywhere, other than in religious premises, agreed by the couple and the registrar, rather than at “approved places” (places approved by the local authority). This section applies to both opposite sex and same sex marriages. The section provides definitions for “appropriate place”, “local registration authority” and “religious premises”.

111. Specifically, these amendments mean that a civil marriage ceremony can take place in either:

- the registration office of the authorised registrar; or
- at an appropriate place in the registration district of the authorised registrar; or
- with the approval of the Registrar General, at the registration office of another authorised registrar; or
- with the approval of the Registrar General, at an appropriate place in the registration district of another authorised registrar; or
- with the approval of the Registrar General, at an appropriate place in Scottish waters.

112. As a result of the above, some amendments are necessary to the 1977 Act to section 19, on the marriage ceremony and registration, and section 26, on interpretation and definitions, where those provisions refer to the place where a marriage has taken place. Those amendments are made in subsections (4) and (5).
Section 20: Second marriage ceremony: form of endorsement

113. This is a minor amendment to section 20 of the 1977 Act. This makes provision for a couple to go through a second marriage ceremony in Scotland if they have already married outwith the United Kingdom but there is some doubt about the validity of the overseas ceremony. The second marriage ceremony in Scotland must be civil in nature.

114. Section 20 of the 1977 Act prescribes some forms. At the moment, section 20 provides that the year in these forms should start with the figures “19”. This reflects the twentieth century and is no longer appropriate. As a result, the amendment repeals the figures “19”.

Chapter 6 – Sheriff court jurisdiction in relation to declarator of marriage

Section 21: Sheriff court jurisdiction in relation to declarator of marriage

115. A declarator of marriage is a court judgment that a valid marriage exists, or existed, between two parties.


117. The amendments made by section 21 of the Bill to the 1973 Act only relate to opposite sex marriage. Paragraph 1(2) of schedule 1 to this Bill disapplies section 8 (and section 7) of the 1973 Act in relation to same sex marriage. Schedule 1 to the Bill makes provision on the jurisdiction of the Scottish courts in relation to same sex matrimonial court actions, including declarators of marriage.

118. By virtue of the amendments made by section 21(1A) and (2), the sheriff court has jurisdiction in declarator of marriage cases when either party to the marriage (a) is domiciled in Scotland when the action is raised or (b) was habitually resident in Scotland for a year before the action is raised or (c) died before the date when the action is raised and at death was domiciled in Scotland or had been habitually resident in Scotland for a year. In addition, either party to the marriage must have been:

- resident in the sheriffdom for a period of 40 days before the court action is raised; or
- resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and with no known residence in Scotland when the action is raised.

Part 2 – Civil partnership

Overview

119. This Part of the Bill amends legislation in respect of civil partnerships. Currently, only registrars can register civil partnerships. It is possible to have a religious or belief ceremony in relation to the civil partnership but any such ceremony has no legal significance. The Bill amends legislation so that, in future, it will be possible to have a religious or belief ceremony to register the partnership. Civil ceremonies will also remain available.
120. Many of the provisions in this Bill in relation to the authorisation of religious or belief celebrants to register civil partnerships, and on ceremonies, mirror provisions in the 1977 Act, on the solemnisation of marriage.

Section 22: Registration of civil partnership

121. Subsection (2) amends section 85 of the 2004 Act, to reflect the introduction of religious and belief celebrants to register civil partnerships. Section 85 makes provision on when two people are to be regarded as having registered as civil partners of each other and provides that both must sign the civil partnership schedule (“the schedule”).

122. Currently, one of the persons who must be present when the schedule is signed is the authorised registrar. The amendment made by subsection 2(a) changes this so that it may be signed in the presence of the approved celebrant or the authorised registrar. Once the couple have signed the schedule, it must also be signed by the witnesses and the person carrying out the ceremony. The amendment at subsection (2)(b) means that either the approved celebrant or the authorised registrar have to sign the schedule.

123. The amendment at subsection 2(a) also removes a reference to where the civil partnership may take place.

124. Subsection (3) makes a number of changes relating to the table of forbidden degrees. This is about people who are too closely related to each other to form a civil partnership. The opportunity has been taken to simplify the table of forbidden degrees. Subsection (22), explained below, substitutes a new Schedule 10 to the 2004 Act.

125. The amendment at subsection (3)(d) amends section 86(5) of the 2004 Act. Section 86(5) provides at the moment, in respect of people who have acquired a new gender, that references in the forbidden degrees to “former wife” includes “former husband” and references to “former husband” includes “former wife”.

126. The amendment at subsection (3)(d)(i) amends section 86(5) so that it refers to the definition of “spouse” (husband and wife) as added by subsection (3)(c). The amendment at subsection 3(d)(ii) removes the word “former” from section 86(5). The word “former” is not needed in section 86(5) as the new Schedule 10 to the 2004 Act refers to “former spouse” and “spouse” is defined by the amendment at subsection (3)(c).

127. The amendment at subsection (3)(e) reflects the simplification of the table of forbidden degrees. The simplified table now refers to “parent” to cover both mothers and fathers: the amendment as subsection (3)(e)(i) reflects that drafting change. Subsection (3)(e)(ii) deletes a reference to “in either column” as the simplified table of forbidden degrees just has one column.

128. The amendment at subsection (5) provides a definition of “district registrar” for the purposes of section 88 of the 2004 Act. Section 88 makes provision on information which intended civil partners must submit to the district registrar. The definition added at subsection (5) includes provision to cover cases where the civil partnership is to be registered in Scottish waters by an approved religious or belief celebrant.
129. The amendment at subsection (6) provides a definition of “district registrar” for the purposes of certain sections in the 2004 Act: section 89 itself (civil partnership notice book), section 90 (publicisation), section 91 (early registration), section 92 (objections to registration) and section 94 (the civil partnership schedule).

130. This definition is the same as the definition provided for section 88 except that where the civil partnership is to be registered in Scottish waters by an approved religious or belief celebrant, the district registrar is defined as the district registrar to whom the civil partnership notices were submitted (under section 88).

131. Subsection (7) amends section 90 of the 2004 Act. When publicising information about a forthcoming civil partnership, the district registrar and the Registrar General must provide the date when it is intended to register the civil partnership. Currently, this date must be more than 14 days after publicising the information: the amendment makes this 28 days.

132. Section 91 of the 2004 Act allows for early registration of a civil partnership. Subsection (8) amends a reference in section 91 from an authorised registrar to district registrar. A definition of “the district registrar” is inserted into the 2004 Act by subsection (5). Subsection (8) also changes the 14 day period in section 91 to 28 days, in line with the change made by subsection (7).

133. Subsection (8)(c) also amends section 91 so that it is clear that a request for early registration can be made electronically. The amendment creates an equivalent provision to section 6 of the 1977 Act.

134. Subsection (9) makes a number of amendments to section 92 of the 2004 Act, on objections to the proposed registration of a civil partnership.

135. The amendment at subsection (9)(a) makes it clear that the office where any person claiming to have reason to object to a proposed civil partnership can inspect the relevant entry in the civil partnership book is the office of the district registrar (as defined).

136. The amendment at subsection (9)(b)(i) is a consequential amendment required for the substantive amendment at subsection (9)(b)(ii). This amendment relates to a case where the district registrar has received an objection to a civil partnership which is more significant than just a misdescription or inaccuracy in a notice.

137. The new provision requires the district registrar, if the civil partnership schedule has already been issued and the civil partnership is to be registered by an approved religious or belief celebrant, to notify, if possible, the celebrant of the objection and advise the celebrant not to register the civil partnership pending consideration of the objection. This is on similar lines to equivalent provision in section 5 of the 1977 Act, on objections to marriage.

138. The amendment at subsection (9)(c) reflects that registration of civil partnerships in future may be through a religious or belief celebrant.
139. Currently, section 92(5)(a) of the 2004 Act provides that if the Registrar General is satisfied, after considering an objection, that there is a legal impediment to registering a civil partnership, the Registrar General has to direct the district registrar not to register the intended civil partners and to notify them accordingly. The amendment at subsection (9)(c) amends this so that the Registrar General, once satisfied that there is a legal impediment to registering a civil partnership has “to take all reasonable steps to ensure that the registration of the civil partnership does not take place and must notify, or direct the district registrar to notify, the intended civil partners”.

140. Subsection (10) amends section 93 of the 2004 Act so that it only covers cases where the civil partnership is being registered through a civil ceremony.

141. Subsection (10)(a)(ii) makes provision on where a civil ceremony may take place. It may take place at:
- the registration office of the authorised registrar;
- an appropriate place in the registration district of the authorised registrar (“appropriate place” is defined through the next set of amendments);
- with the approval of the Registrar General, the registration office of another authorised registrar;
- with the approval of the Registrar General, an appropriate place in the registration district of another authorised registrar; or
- an appropriate place in Scottish Waters.

142. Subsection (10)(b) provides definitions of “appropriate place”, “local registration authority” and “religious premises”. “Appropriate place” excludes “religious premises” which ensures that civil ceremonies to register civil partnerships cannot take place in religious premises. Similar definitions are inserted into the 1977 Act in relation to marriage by section 19 of this Bill.

143. Subsection (10)(c) repeals sections 93(2) and (3) of the 2004 Act. These are now unnecessary. Section 93(2) made provision on civil partnerships taking place outwith the authorised registrar’s district. This is now covered by the provision outlined above on where a civil ceremony may take place.

144. Section 93(3) of the 2004 Act made provision which banned civil partnerships from taking place in religious premises. The ban on civil ceremonies to register civil partnerships taking place in religious premises remains in place, as outlined above. Subsequent provision is made to establish religious and belief ceremonies to register civil partnerships. Such ceremonies may take place in religious premises.

145. Subsection (11) adds section 93A to the 2004 Act, on the date and place of religious or belief registration of civil partnerships. The procedures outlined in section 93A are in line with procedures contained in section 6 of the 1977 Act, in relation to the solemnisation of marriage.
Under section 93A the civil partnership should be registered on the date and at the place specified in the schedule. If this cannot be done and a new date or place is fixed, the district registrar must issue a new schedule or amend the existing one or direct the religious or belief celebrant to amend it.

However, special procedures apply if the new date for registration is more than 3 months after the date specified in the original schedule or if the new place for registration is in a different registration district or is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters.

In these cases, the Registrar General may:

- direct the district registrar to issue a new schedule;
- direct the district registrar to amend the existing schedule or direct the religious or belief celebrant to amend it; or
- direct the intended civil partners to send the district registrar a new notice of proposed civil partnership.

Subsection (12) amends section 94 of the 2004 Act which concerns the schedule. These amendments reflect the introduction of religious and belief ceremonies to register civil partnerships and changes made to sections 90 and 91 by subsections (7) and (8) about the minimum time period between publicising a civil partnership and it taking place.

The amendment at subsection (12)(c) provides that where the civil partnership is to be registered by an approved religious or belief celebrant, the district registrar must issue the completed schedule to one or both of the intended civil partners. The district registrar must not issue the schedule more than seven days before the intended civil partnership, unless authorised to do so by the Registrar General. This provision is on similar lines to section 6(4)(b) of the 1977 Act, in relation to the marriage schedule.

Subsection (13) adds sections 94A, 94B, 94C, 94D and 94E to the 2004 Act. These provisions relate to who can register a civil partnership, including religious and belief celebrants, and are based on equivalent provisions in the 1977 Act, on who can solemnise marriage.

Section 94A makes provision on who can register civil partnerships.

Under section 94A(1), a civil partnership may be registered only by a person who is:

- a celebrant of a religious or belief body prescribed by regulations or, not being a celebrant, is recognised by the body as entitled to register civil partnerships;
- registered as a celebrant under section 94B of the 2004 Act;
- temporarily authorised as a celebrant under section 94E;
- a registrar.
154. Section 94A(2) provides that Ministers may only prescribe a religious or belief body if the body requests them to do so and Ministers are satisfied that the body meets the “qualifying requirements”. The “qualifying requirements” are set out in regulations made by the Scottish Ministers (see section 94A(5)). These regulations are subject to annulment in pursuance of a resolution of the Scottish Parliament (i.e. the negative procedure) by virtue of amendments made by subsection (20).

155. Section 94A(3) makes it clear that nothing in section 94A imposes a duty:
- on any religious or belief body to request to be prescribed;
- on any such body to nominate members under section 94B to nominate members to register civil partnerships;
- on any person to apply for temporary authorisation under section 94E to register civil partnerships;
- on any approved celebrant for civil partnerships to register civil partnerships.

156. Section 94B(1) provides that a religious or belief body who has not been prescribed under the regulations may nominate members to the Registrar General so that they can register civil partnerships.

157. Section 94B(2) provides that the Registrar General must reject a nomination if the Registrar General considers that the nominating body is not a religious or belief body; or it already has sufficient members registered to meet its need; or it does not meet the “qualifying requirements” set out in regulations made by the Scottish Ministers; or the nominee is not a fit and proper person. These regulations are subject to annulment in pursuance of a resolution of the Parliament (i.e. negative parliamentary procedure) (section 22(20) of the Bill refers).

158. When the Registrar General accepts a nomination, the Registrar General must, under section 94B(4)(a), determine the period during which the nominee can register civil partnerships. This period must not be more than 3 years but section 94B(5) makes it clear that the nominee may be put forward for a further period.

159. Section 94B(4)(b) allows the Registrar General to restrict the nominee to registering civil partnerships in specific areas or places. Section 94B(4)(c) allows the Registrar General to impose such other conditions as the Registrar General thinks fit.

160. When a nomination has been accepted, section 94B(6)(a) provides that the Registrar General must advise the body and the nominee accordingly, specifying the period during which the nominee can register civil partnerships and any conditions which have been imposed.

161. The Registrar General also has to enter the name of the body, the nominee and any other relevant particulars into a register open for public inspection at all reasonable times free of charge.
162. When a nomination is rejected, section 94B(6)(b) provides that the Registrar General must inform the nominating body in writing, giving reasons. Section 94B(7) makes it clear that this may be done electronically. Section 94B(8) gives the nominating body 28 days to appeal to the Scottish Ministers against a rejection.

163. Section 94B(9) provides that on any such appeal the Scottish Ministers may confirm the rejection or direct the Registrar General to accept the nomination. Ministers have to inform the nominating body of their decision and give the reasons for the decision.

164. Section 94B (9) and (10) provides that the Scottish Ministers’ decision is final except that if the reason given by Ministers for confirming the rejection of a nomination is that the nominating body is not a religious or belief body, the body may appeal to the Court of Session, within 42 days of receiving the Ministers’ decision.

165. The appeal can seek the determination of the court that the body is a religious or belief body. Under section 94B(11), if the court determines that the body is a religious or belief body and that the only reason given by Ministers for confirming the rejection was that the body was not a religious or belief body, the Registrar General must then accept the nomination.

166. Section 94C of the 2004 Act makes provision on the removal from the register of a celebrant registered under section 94B. As well as provisions relating to the removal of a celebrant from the register, and on the procedures for doing so, provision is also made for appeals to the Scottish Ministers against decisions made by the Registrar General.

167. Section 94C(1) provides that the Registrar General may remove a person’s name from the register when:

- the person has asked to be removed;
- the body which nominated the person no longer wants the person to be registered;
- the person, while registered as an approved celebrant, has been convicted of an offence under this Part of the Bill;
- the person has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships;
- the person is not a fit and proper person to register civil partnerships;
- the person, for any other reason, should not be on the register.

168. Section 94C(2) to (7) makes provision on removals from the register on the grounds outlined in section 94(C)(1). The Registrar General must give the person at least 21 days’ notice of the intention to remove him or her from the register (subsection (2); must specify the ground of removal; must ask the person to give reasons why he or she should not be removed; and must consider any representations made. Where a person’s name has been removed from the register, the person may then appeal to the Scottish Ministers within 28 days of receiving notice of the removal. After a notice is given under subsection (2), the person must not register a civil partnership until he or she is restored to the register or the Registrar General decides not to remove him or her from the register.
169. Section 94D makes provisions on alterations to the register of approved nominated
celebrants maintained under section 94B. Provision is made that the body must notify the
Registrar General when any of the events listed in section 94D occur and the Registrar General
must then alter the register accordingly. The events in section 94D are:

- changes to the name or address of the religious or belief body;
- amalgamation of the religious or belief body;
- death of an approved celebrant;
- any change of name, address or designation of an approved celebrant;
- the cessation of an approved celebrant from exercising the relevant functions.

170. Section 94E makes provision on the temporary authorisation of religious or belief
celebrants to register civil partnerships. Under section 94E(1), the Registrar General may grant
any member of a religious or belief body temporary written authorisation to register a specific
civil partnership or partnerships or to register civil partnerships during a specific period. This
authorisation may contain terms and conditions. Section 94E(5) makes it clear that the
authorisation can be issued electronically.

171. However, the Registrar General may only grant such temporary written authorisation
when the religious or belief body of which the person is a member must meet the “qualifying
requirements” (section 94E(2)). The “qualifying requirements” are defined at section 94E(4) as
“such requirements as may be set out in regulations made by the Scottish Ministers”. In
addition, authorisation under section 94E(1)(b), which relates to authorisation for a period of
time, may only be granted if the religious or belief body of which the person is a member is
prescribed by regulations made under section 94A, so that its celebrants are authorised to register
civil partnerships, or has nominated persons under section 94B to register civil partnerships.
(Section 94E(3)). The above regulations are subject to annulment in pursuance of a resolution of
the Parliament (i.e. negative parliamentary procedure) (section 22(20) of the Bill refers).

172. Subsection (14) amends section 95 of the 2004 Act, on further provision as to the
registration of civil partnerships including in relation to the schedule.

173. The amendment at subsection (14)(a) reflects that with the introduction of religious or
belief ceremonies, it may be an approved celebrant, rather than a registrar, who asks the intended
civil partners to confirm that, to the best of their knowledge, the particulars set out in the
schedule are correct.

174. The amendment at subsection (14)(b) inserts a new subsection into section 95 of the 2004
Act. This provision requires civil partners who have had a religious or belief ceremony to ensure
that the signed schedule is delivered to the district registrar within 3 days. (This is in line with
section 15(2) of the 1977 Act, on delivering the signed marriage schedule to the district
registrar).
175. The new section 95(3A) of the 2004 Act provides that the district registrar must not enter the particulars set out in the schedule for a religious or belief civil partnership in the register, unless and until the district registrar receives a duly signed schedule.

176. The new section 95(3B) empowers the Registrar General to take steps if satisfied that a civil partnership has been properly registered and the schedule has been signed but then lost or destroyed. In these cases, the Registrar General may direct the district registrar to complete an exact copy of the schedule and, so far as practicable, arrange for it to be signed again by those who signed the original schedule. The new section 95(3C) provides that once the copy schedule has been signed, the district registrar must arrange for its particulars to be entered into the register.

177. Subsection (15) adds section 95ZA to the 2004 Act, on registrar’s power to require delivery of civil partnership schedule. This new provision is in line with section 16 of the 1977 Act, on a registrar’s power to require delivery of marriage schedule.

178. Under the new provision, if the district registrar does not receive the schedule within 21 days from the date of registration, the district registrar may serve a notice in the prescribed form on either of the civil partners requiring that the schedule be delivered or sent through the post to the registrar within 8 days. If this notice is not complied with, the district registrar may serve a second notice in the prescribed form requiring the person to attend personally at the registration office within 8 days in order to deliver the schedule. Failure to comply with this second notice is a criminal offence (the offence is added by subsection (19)). Section 126 of the 2004 Act means that regulations prescribing forms under section 95ZA are subject to annulment in pursuance of a resolution of the Scottish Parliament (i.e. negative procedure).

179. Subsection (17) relates to section 96, on civil partnership with former spouse. This follows a divorce on the grounds of an interim gender recognition certificate.

180. The amendment at (a) is a consequential change, reflecting the amendments to section 91 made by subsection (8), and the amendment at (b) is also a consequential change, reflecting the amendments made to section 94 by subsection (12). (The amendments made by subsection (12) are explained at paragraphs 149 and 150).

181. The amendments at subsection (18) relates to section 97 of the 2004 Act, on the issue of a certificate of no impediment where two people propose to enter into a civil partnership in England and Wales but one of them resides in Scotland. The first amendment changes the period in which the certificate should normally be issued from no earlier than 14 days to no earlier than 28 days. Section 97(5) of the 2004 Act makes provisions for objections in writing to the district registrar against the issue of a certificate. The second amendment makes it clear that any such objection may be submitted electronically.

182. Subsection (19) makes provision in respect of criminal offences and does so by amending section 100 of the 2004 Act.
183. The amendment at (a)(i) extends three offences which currently only apply to authorised registrars (or persons pretending to be authorised registrars) to approved celebrants (or persons pretending to be approved celebrants).

184. Following the amendments, the offences now relates to a person who knowingly:

- “being an approved celebrant or, as the case may be, an authorised registrar, purports to register two people as civil partners of each other before any civil partnership schedule available to him at the time of registration has been duly completed”;
- “not being an approved celebrant or, as the case may be, an authorised registrar, conducts himself in such a way as to lead intended civil partners to believe that he is authorised to register them as civil partners of each other”;";
- “being an approved celebrant or, as the case may be, an authorised registrar, purports to register two people as civil partners of each other without both of them being present”.

185. The amendment at (a)(ii) reflects changes to section 93 on place of civil registration of civil partnerships.

186. The amendments at (b) relate to new offences created as a result of the introduction of religious and belief ceremonies and to the penalty when found guilty of one of these new offences. The penalty on summary conviction is a fine not exceeding level 3 on the standard scale.

187. The offences created by (b) are:

- an approved celebrant registering a civil partnership in an area or place where the celebrant is not permitted to register a civil partnership;
- an approved celebrant registering a civil partnership after a notice has been served by the Registrar General indicating that the Registrar General intends to remove the person’s name from the register;
- a celebrant approved on a temporary basis registering a civil partnership not specified in the authorisation;
- a celebrant approved on a temporary basis registering a civil partnership outwith the period specified in the authorisation;
- a celebrant approved on a temporary basis registering a civil partnership contrary to any terms and conditions specified in the authorisation;
- a party to a civil partnership failing to comply with a second notice from the district registrar, requiring the party to appear personally at the registration office to deliver the schedule.

188. The amendment at (c) is a consequential amendment to section 100(4) of the 2004 Act, reflecting the new offences created by (b). Section 100(4) provides that summary proceedings for an offence under section 100 may be commenced within 3 months after sufficient evidence
This document relates to the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (SP Bill 36A)

comes to the Lord Advocate’s knowledge or within 12 months after the offence is committed (whichever period last expires).

189. Subsection (20) provides that the new powers to make regulations in respect of prescribing religious or belief bodies whose celebrants are authorised to register civil partnerships on the “qualifying requirements” (for religious and belief bodies to meet) are subject to annulment in pursuance of a resolution of the Parliament (i.e. the negative procedure).

190. Subsection (21) adds definitions to Part 3 of the 2004 Act relating to civil partnerships in Scotland.

191. Subsection (22) introduces a new Schedule 10 to the 2004 Act, replacing the current Schedule. The new Schedule 10 is a simplified version of the existing table of forbidden degrees. No changes are made in respect of the types of relationships which mean that a couple cannot enter into a civil partnership. Instead, the change relates to how the relationships are described. The table below demonstrates this:

Table of forbidden degrees

<table>
<thead>
<tr>
<th>Current table (Column 1)</th>
<th>Current table (Column 2)</th>
<th>Proposed table</th>
</tr>
</thead>
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<td>Parent</td>
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<td>Mother’s sister</td>
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<td>Former husband of mother</td>
<td>Former wife of father</td>
<td>Former spouse of parent</td>
</tr>
</tbody>
</table>
Section 23: Power of district registrar to require evidence of nationality: civil partnership

192. This section adds provisions to section 88 of the 2004 Act.

193. Section 88 of the 2004 Act makes provision on documents which people wishing to enter into a civil partnership have to supply to the district registrar.

194. The new section 88(8) provides that a district registrar may require “specified nationality evidence” in relation to the intended civil partners. The new section 88(9) outlines when such evidence may be requested. The new section 88(10) defines “specified nationality evidence” in terms of guidance that the Registrar General may issue.

195. Section 15 of this Bill adds similar provision to the 1977 Act, in relation to opposite sex and same sex marriage.

Section 24: Recognition of overseas relationships

196. Sections 212 to 218 and Schedule 20 to the 2004 Act makes provision on the recognition in the UK as civil partnerships of overseas same sex registered relationships. Such relationships can be recognised in the UK either by meeting general conditions laid down in section 214 of the 2004 Act or by being specified in Schedule 20. UK Ministers have the power to amend Schedule 20, with the consent of the Scottish Ministers and the Northern Ireland Department of Finance and Personnel.

197. Currently, both overseas same sex marriages and overseas same sex civil unions are recognised in the UK as civil partnerships, so long as they meet the provisions outlined above. Section 24 makes amendments so that, in future, these arrangements only relate to overseas same sex civil unions.
198. Overseas same sex marriages will, in future, be recognised in Scotland as marriages. Section 38 of the Family Law (Scotland) Act 2006 already makes provision on the formal validity of overseas marriages and marriages from elsewhere in the UK. Section 4 of this Bill makes provision so that references to “marriage” in enactments commenced before this Bill means both opposite sex and same sex marriage.

Section 25: Dissolution of civil partnership: evidence

199. The Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 (SSI 2012/111) removed the need for third party evidence in actions to dissolve civil partnerships using the simplified procedure. (The simplified procedure can generally be used where there is no dispute about financial matters and no children under 16).

200. Some civil partnerships were dissolved using the simplified procedure and without obtaining third party evidence before the Order came into effect. Section 25 provides that the Order is to be treated as having had effect since 5 December 2005 (when civil partnerships were introduced). The effect of the provision is that decrees of dissolution granted before the Order took effect cannot be challenged on the grounds that no third party evidence was provided.

Part 3 – Marriage and civil partnership: other provision

Section 26: Bigamy

201. Subsection (1) makes bigamy a statutory offence in relation to both opposite sex and same sex marriage. Subsection (3) abolishes the current common law offence.

202. Subsection (1) amends section 24 of the 1977 Act, on offences, and makes it an offence for a person to purport to enter into a marriage with another person knowing that one or both of them is already in a marriage or civil partnership with somebody else.

203. Subsection (1) provides for the penalties on conviction for bigamy. On conviction on indictment, a person is liable to a maximum of two years in prison or an unlimited fine or both. On summary conviction, a person is liable to a maximum of 12 months in prison or a fine not exceeding the statutory maximum (currently £10,000) or both.

204. Subsection (1) also corrects an existing reference in section 24(1)(ii) of the 1977 Act. The term “prescribed sum” is now out of date and has been replaced in most legislation with “statutory maximum”. A similar amendment is made here, clarifying the penalties which may be imposed following summary conviction in relation to the existing offences in section 24(1) of the 1977 Act.

205. Subsection (2) makes two amendments to the offence provisions at section 100 of the 2004 Act.

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1 This Order can be found at [http://www.legislation.gov.uk/ssi/2012/111/contents/made](http://www.legislation.gov.uk/ssi/2012/111/contents/made)

2 More information on the simplified procedure is at [http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership](http://www.scotcourts.gov.uk/taking-action/divorce-and-dissolution-of-civil-partnership)
206. The first amendment changes an offence from “registers” a civil partnership to “purports to register”. This reflects that under section 86(1)(d) of the 2004 Act two people are not eligible to register a civil partnership if one or either of them is married or already in a civil partnership.

207. The second amendment made by subsection (2) updates a reference to penalties on summary conviction so that section 100(3)(b) of the 2004 Act refers to the statutory maximum rather than level 3 on the standard scale.

208. Subsection (4) amends the Presumption of Death (Scotland) Act 1977 to reflect the introduction of a statutory offence of bigamy under new section 24(A1) and to take account of the offence at section 100 of the 2004 Act of entering into a civil partnership while married or already in a civil partnership. The Presumption of Death (Scotland) Act 1977 contains a defence to bigamy if for seven years the person had no reason to believe his or her spouse was alive. In future, this defence will reflect that bigamy will be a statutory offence and will reflect the offence at section 100 of the 2004 Act.

Part 4 – Change of gender of married persons or civil partners

Overview

209. Under the Gender Recognition Act 2004, persons over 18 may apply to the Gender Recognition Panel (“the Panel”) to obtain full legal recognition of an acquired gender. Currently, married people and people in a civil partnership have to divorce or dissolve before obtaining a full Gender Recognition Certificate. Part 4, and schedule 2, make provision so that married people who wish to stay married do not have to divorce and to enable people in a civil partnership to stay in their relationship.

Section 27: Change of gender of married persons or civil partners

210. This section introduces schedule 2 to the Bill on applications to the Panel by married persons or persons in a civil partnership. This schedule is explained at paragraphs 245 to 300 of these Explanatory Notes.

Section 28: Renewed marriage or civil partnership following issue of full gender recognition certificate

211. Section 28 empowers the Scottish Ministers to make regulations (i) about the solemnisation of a renewed marriage for married persons in a protected Scottish marriage who have obtained a full Gender Recognition Certificate and (ii) about the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the partnership. This would enable a new marriage or civil partnership certificate to be issued.

212. By virtue of section 28(7), “full gender recognition certificate” is defined by reference to the existing definition in section 25 of the Gender Recognition Act 2004. “Protected Scottish marriage” is also defined by reference to section 25 of the Gender Recognition Act 2004 as amended by paragraph 2 of schedule 2 to this Bill.
213. Subsection (2) provides that regulations under subsection (1) may in particular make provision on:

- submitting notice of an intention to enter into a renewed marriage (subsection (2)(a));
- submitting notice of an intention to enter into a renewed civil partnership (subsection (2)(b));
- the information required from the applicants (subsection (2)(c));
- evidence to support the application (subsection (2)(d));
- any requirement to attend at a particular place or appear before a particular person (subsection (2)(e));
- conferring functions on persons (such as, for example, the Registrar General) (subsection (2)(f)). (Subsection (3) makes provision on particular functions which may be conferred);
- fees (subsection (2)(g)).

214. Subsections (4) to (6) make provision on procedures in relation to any regulations made by the Scottish Ministers.

215. Under subsection (4), the Scottish Ministers must consult the Registrar General before making any regulations. Under subsections (5) and (6), any regulations are subject to negative Parliamentary procedures unless they amend primary legislation, in which case they are subject to the affirmative procedure.

Section 28A: Grounds of divorce: interim gender recognition certificate followed by full certificate

216. Section 28A amends the Divorce (Scotland) Act 1976. Under section 1(1)(b) of the 1976 Act, the issue of an interim gender recognition certificate is one of the grounds for divorce in Scotland. Section 28A(3), however, amends section 1 of the 1976 Act to provide that a divorce cannot be obtained on the grounds of the issue of the interim gender recognition certificate where the Panel has gone on to issue a full gender recognition certificate. Separate provision is made in the Bill, at paragraph 5 of schedule 2, to ensure that where the sheriff issues the full gender recognition certificate under section 4E, divorce on the grounds of the issue of the interim gender recognition certificate will still be available.

Part 5 – Registration services

Section 29: Provision of certain information to district registrars

217. This corrects an erroneous cross-reference. Section 39C(1)(a)(i) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 currently refers to “the registers of births, deaths and marriages transmitted to the Registrar General under section 34(3) of this Act”. This reference should be to section 34(4) of the 1965 Act which provides that “The district registrar for a registration district shall, at such time or times as the Registrar General may direct, transmit a relevant register to the Registrar General”. Section 29 provides the correct cross-reference.
Section 29A: Form of register of marriages

218. Section 54 of the 1965 Act empowers the Registrar General, with the approval of Scottish Ministers, to make regulations on matters such as the form of registers for births, marriages and deaths. Section 29A amends section 54 of the 1965 Act so that regulations prescribing the form of a register of marriages may make different provision for different circumstances. Different descriptions may be needed for the parties of a same sex marriage when compared with parties to an opposite sex marriage.

Part 6 – General provisions

Section 31: Ancillary provision

219. This section allows Ministers to make ancillary provision, by order. Generally, such an order is subject to negative procedure but any order containing provisions which add to, replace or omit any part of the text of an Act is subject to the affirmative procedure.

SCHEDULES

Schedule 1: Jurisdiction in proceedings relating to same sex marriages

Overview

220. The Domicile and Matrimonial Proceedings Act 1973 ("the 1973 Act") makes provision on the jurisdiction of the Scottish courts to deal with court actions on divorce, separation, declarator of nullity of marriage and declarator of marriage and on actions for declarator of recognition or non-recognition of relevant foreign decrees. The 1973 Act has been amended previously to take account of EC Regulation 2201/2003 (known as Brussels IIa) on jurisdiction, recognition and enforcement of judgments in matrimonial matters and in the matters of parental responsibility. EC Regulation 2201/2003 deals with opposite sex marriage only.

221. Schedule 1 makes provision on the jurisdiction of the Scottish courts in relation to same sex marriages. The schedule amends the 1973 Act to make provision for court actions in relation to same sex couples. The schedule also enables the Scottish Ministers to make provision corresponding to EC Regulation 2201/2003.

222. In addition, overseas couples who enter into a same sex marriage in Scotland but remain or become habitually resident or domiciled in another country may not be able to end their marriage in that country if it does not recognise the existence of the relationship.

223. The schedule therefore amends the 1973 Act to provide a "jurisdiction of last resort" so that those same sex couples who are unable to divorce or obtain other matrimonial order in the country which would normally have jurisdiction are able have their case heard in the Scottish courts. The Scottish courts will be able to assume jurisdiction if the couple were married in Scotland and it is the interests of justice to do so.

224. Provision of a similar nature was made in respect of civil partnerships under Chapter 3 of Part 5 to the Civil Partnership Act 2004. Part 4 of Schedule 4 to the UK Marriage (Same Sex
This document relates to the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (SP Bill 36A)

Couples) Bill makes similar provision in respect of the jurisdiction of the courts in England and Wales in relation to matrimonial actions for same sex couples.

**Domicile and Matrimonial Proceedings Act 1973**

225. Paragraph 1(2) amends the 1973 Act to set out which provisions in respect of jurisdiction in matrimonial actions do not apply to marriages of same sex couples, which are instead dealt with in Schedule 1B, inserted by paragraph 1(4). Paragraph 1(3) amends section 10 of the 1973 Act, to reflect that references to EC Regulation 2201/2003 are not relevant for same sex married couples, as the Regulation extends to opposite sex marriage only.

226. Paragraph 1(4) inserts a new Schedule 1B into the 1973 Act. Paragraph 1 of the new Schedule 1B sets out that the Schedule has effect with respect to the jurisdiction of the court to entertain proceedings relating to the ending of a same sex marriage (divorce, separation, nullity) and proceedings relating to a marriage's validity, including whether or not the marriage exists. The paragraph also provides definitions.

**Power to make provision corresponding to EC Regulation 2201/2003**

227. Paragraph 2(1)(a) of Schedule 1B enables the Scottish Ministers to make regulations about the jurisdiction of the courts in relevant proceedings in relation to a same sex marriage. “Relevant proceedings” are defined in paragraph 1(2) of Schedule 1B with reference to the proceedings listed in paragraph 1(1): divorce; separation; declarator of marriage; declarator of nullity of marriage and declarator of recognition, or non-recognition, of a decree of divorce, separation or nullity granted outwith a Member State of the EU. Paragraph 2(1)(b) allows the Scottish Ministers to make regulations to provide for the recognition in Scotland of a judgment by a court of another Member State relating to divorce, separation or annulment.

228. The regulations under paragraph 2(1) would apply where one of the couple: is or has been habitually resident in a Member State), or is an EU national, or is domiciled in a part of the UK or the Republic of Ireland. The regulations may correspond with the terms of EC Regulation 2201/2003 on jurisdiction, recognition and enforcement of judgments in matrimonial matters.

229. The provisions in regulations made under paragraph 2(1)(b) on recognition of judgments can apply retrospectively – i.e. where the date of the divorce is earlier than the date on which the paragraph comes into force.

230. A statutory instrument containing these regulations will be subject to the affirmative procedure.

**Divorce or separation**

231. Paragraph 3(1) of Schedule 1B provides that the Court of Session is able to deal with divorce or separation cases relating to same sex marriage either (a) where the Scottish courts have jurisdiction because of regulations made under paragraph 2 of the Schedule or (b) when no court has jurisdiction under the regulations and either of the married same sex couple is domiciled in Scotland when the case starts.
232. Under paragraph 3(2), the sheriff court has jurisdiction in these cases when either (a) or (b) above is met and:

- either party to the marriage was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- either party had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

233. In addition, Edinburgh sheriff court has jurisdiction if the couple married in Scotland, no court has jurisdiction under regulations made under paragraph 2 of Schedule 1B and it appears to the court to be in the interests of justice for it to deal with the case. This is referred to in paragraph 223 above as “jurisdiction of last resort”.

Declarator of marriage

234. Paragraph 4(1) of Schedule 1B provides that the Court of Session is able to deal with declarator of marriage cases relating to same sex marriage either where either of the parties is (a) domiciled in Scotland when the action is raised or (b) habitually resident in Scotland for a year before the action is raised or (c) dead and at death was domiciled in Scotland or had been habitually resident in Scotland for a year immediately preceding the death.

235. Under paragraph 4(2), the sheriff court has jurisdiction in these cases when either (a) or (b) or (c) above is met and either party to the marriage:

- was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

Nullity of marriage

236. Paragraph 5(1) of Schedule 1B provides that the Court of Session is able to deal with declarators of nullity of a same marriage where (a) the Scottish courts have jurisdiction under regulations made under paragraph 2 of Schedule 1B or (b) no court has jurisdiction under the regulations and either party to the marriage is (i) domiciled in Scotland when the action is raised or (ii) dead and at death had been domiciled in Scotland or had been habitually resident in Scotland for a year immediately preceding the death.

237. Under paragraph 5(2), the sheriff court has jurisdiction in these cases when either (a) or (b) above is met and either party to the marriage:

- was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

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In addition, Edinburgh sheriff court has jurisdiction if the couple married in Scotland, no court has jurisdiction under regulations made under paragraph 2 of Schedule 1B and it appears to the court in the interests of justice for it to deal with the case. This is referred to in paragraph 223 above as “jurisdiction of last resort”.

Recognition, or non-recognition, of foreign decrees

Paragraph 6(1) of Schedule 1B provides that the Court of Session is able to deal with proceedings to recognise or not recognise a court decree from outwith the EU relating to divorce, separation or nullity of a same sex marriage if (a) the Scottish courts have jurisdiction under regulations made under paragraph 2 of Schedule 1B or (b) no court has jurisdiction under the regulations and either party to the marriage is (i) domiciled in Scotland when the action is raised or (ii) dead and at death was domiciled in Scotland or had been habitually resident in Scotland for a year immediately preceding the death.

Under paragraph 6(2), the sheriff court has jurisdiction in these cases when either (a) or (b) above is met and either party to the marriage:

- was resident in the sheriffdom for a period of 40 days before the court action is raised; or
- had been resident in the sheriffdom for at least 40 days ending not more than 40 days before the court action is raised and has no known residence in Scotland when the action is raised.

Supplementary provision

Paragraph 7(1) of Schedule 1B makes it clear that the provisions in this Schedule on divorce or separation do not affect the Court of Session’s jurisdiction to hear separation proceedings as a matter of urgency.

Paragraph 7(2) makes it clear that the provisions in Schedule 1B on divorce, separation and nullity do not affect the sheriff court’s jurisdiction to hear such cases remitted to it under any enactment or rule of court, where hearing such cases does not contravene regulations made under paragraph 2.

Paragraph 7(3) makes it clear that when hearing a case under paragraphs 3 to 6 of Schedule 1B, the court can also hear other proceedings in respect of the same marriage, even if it would not normally have jurisdiction.

Presumption of Death (Scotland) Act 1977

Paragraph 2 of schedule 1 makes amendments to section 1 of the Presumption of Death (Scotland) Act 1977, which allows actions to be raised so that someone who is missing can be presumed to be dead. The amendment allows Edinburgh sheriff court to hear such actions in relation to a person in a same sex marriage where the marriage took place in Scotland and it appears to the court to be in the interests of justice to assume jurisdiction. This is referred to in paragraph 223 above as “jurisdiction of last resort”.

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Schedule 2: Change of gender of married persons or civil partners

Part 1 – Applications by married persons and civil partners

Overview

245. This schedule makes changes to the Gender Recognition Act 2004 (“the Gender Recognition Act”).

246. The Gender Recognition Act enables people to change their legal gender by applying for a gender recognition certificate under section 1 of that Act. The Gender Recognition Act extends across the UK but relates largely to devolved matters. The Gender Recognition Panel (“the Panel”) deals with applications for a gender recognition certificate and operates across the UK. Schedule 5 to the UK Marriage (Same Sex Couples) Bill makes similar provision to this schedule in respect of people who married in England and Wales or overseas or entered into a civil partnership in England and Wales.

247. The issue of a full gender recognition certificate enables recipients to be recognised in law for all purposes in their new gender (“the acquired gender”). At present people who are married or in a civil partnership must end their marriage or civil partnership before a full gender recognition certificate can be issued. This is achieved by the Panel issuing an interim gender recognition certificate to married applicants and applicants in civil partnerships. The issue of an interim gender recognition certificate is, in Scotland, a ground for divorce or dissolution of a civil partnership. Applicants then have six months from the date of issue of the interim gender recognition certificate to apply to the court to end their marriage or civil partnership. Once a marriage or civil partnership has been ended the court can issue a full gender recognition certificate.

248. This schedule amends the Gender Recognition Act to enable a marriage solemnised in Scotland (a “protected Scottish marriage”, defined by amendments made in paragraph 2 of the schedule) to continue where one or both parties change their gender and both parties wish to remain married. It also amends that Act to enable a civil partnership registered in Scotland (“protected Scottish civil partnership”, defined by amendments made in paragraph 2) to continue where both parties change their gender simultaneously and wish to remain in their civil partnership.

Paragraph 2 – interpretation

249. Paragraph 2 inserts definitions of the terms “protected Scottish civil partnership” and “protected Scottish marriage” into section 25 of the Gender Recognition Act (interpretation). Paragraph 2 also amends the existing definitions of “full gender recognition certificate” and “interim gender recognition certificate” to reflect that, in the future, gender recognition certificates may be issued under more provisions of the Gender Recognition Act.

250. Paragraph 2(d) makes provision in relation to civil partnerships and marriages carried out overseas by UK consular staff and through the UK armed forces. Such civil partnerships and marriages are to be treated as protected Scottish civil partnerships and marriages so long as the parties identified with Scotland at the time and details have been sent to the Registrar General for Scotland.
Paragraph 3 – evidence

251. Paragraph 3 inserts new subsections (6D), (6E) and (6F) into section 3 of the Gender Recognition Act to amend the evidence requirements for an application to the Panel.

252. At present, section 3(6)(a) of that Act requires people who apply to the Panel for a gender recognition certificate to submit a statutory declaration as to whether they are married or in a civil partnership. Submission of this evidence enables the Panel to determine whether to issue a full gender recognition certificate (for people who are not married or in a civil partnership) or an interim certificate (for people who are married or in a civil partnership).

253. New subsection (6D) requires applicants who are party to a protected Scottish marriage to include in their statutory declaration an additional declaration that they wish the marriage to continue after the issue of a full gender recognition certificate (if that is the case). It also requires the application to include either a “statutory declaration of consent” by the applicant’s spouse (which is a declaration that he or she consents to the marriage continuing after the issue of a full gender recognition certificate), or a statutory declaration by the applicant that no such declaration of consent by the applicant’s spouse is included.

254. If an application to the Panel contains a statutory declaration of consent by the applicant’s spouse, new subsection (6E) requires the Panel to inform the spouse that an application has been made.

255. New subsection (6F) provides that applicants in a protected Scottish civil partnership must provide a statutory declaration as to where the civil partnership was registered.

Paragraph 4 – successful applications

256. Paragraph 4 amends section 4 of the Gender Recognition Act by adding to subsections (2), (3), (3A) and (3B). Section 4(2) to 4(3B) of the Gender Recognition Act makes provision on the issue of a gender recognition certificate following successful application. The type of certificate received, whether full or interim, depends on the marital or civil partnership status of the applicant and, in the case of a married applicant, whether the applicant’s spouse has consented to the marriage continuing following the issue of a full gender recognition certificate.

257. Section 4(2) to (3B) applies in relation to applicants who are either (i) a party to a marriage under the law of England and Wales or under the law of a country or territory outside the UK (“a protected marriage”) or (ii) a party to a civil partnership under the law of England and Wales (“a protected civil partnership”). The amendments made by paragraph 4 of schedule 2 to the Bill make similar provision to that in section 4(2) to 4(3B) of the Gender Recognition Act but, aside from the provision about single applicants, these amendments apply in relation to applicants who are a party to a protected Scottish marriage or a protected Scottish civil partnership.

258. The effect of these amendments is to enable a full certificate to be issued:

- to single applicants (new subsection (1A);
to applicants who are party to a protected Scottish marriage and both parties to the marriage consent to the marriage continuing (new subsection (3C)(b)); and

- to applicants who are party to a protected Scottish civil partnership and the Panel has decided to issue the other party to the civil partnership with a full gender recognition certificate (new subsection (3C)(c)).

259. Interim gender recognition certificates will be issued:

- to applicants in protected Scottish marriages if either party to the marriage has not consented to the marriage continuing (new subsection (3D)(a));

- subject to subsection (2)(b) (which makes provision about applicants in a protected marriage), to applicants not in a protected Scottish marriage (new subsection (3D)(b));

- to applicants in protected Scottish civil partnerships where the other party to the civil partnership has not made an application for a gender recognition certificate at the same time as the applicant or the other party has made such an application but the Panel has decided not to issue a full gender recognition certificate to him or her (new subsections (3D)(c) and (3D)(d); and

- subject to subsection (2)(c) (which makes provision about applicants in a protected civil partnership), to applicants not in a protected Scottish civil partnership (new subsection (3D)(e)).

260. New subsection (3E) requires the Panel to notify an applicant’s spouse where it issues a full gender recognition certificate to the applicant.

261. New subsection (3E) provides that section 4(3C)(c) of the Gender Recognition Act is subject to new section 5C (inserted into that Act by paragraph 6 of this schedule).

Paragraph 5 – issue of full gender recognition certificate after interim certificate: applicant married

262. Paragraph 5 inserts new sections 4C, 4D and 4E into the Gender Recognition Act.

263. New section 4C provides for two situations (“Case A” and “Case B”) when the Panel must issue a full gender recognition certificate.

264. Case A is the situation where an applicant is in a protected Scottish marriage but his or her spouse has not issued a statutory declaration of consent. If the applicant’s spouse changes his or her mind before the marriage is ended and wishes the marriage to continue, subsection (2) provides that the applicant can apply to the Panel for a full gender recognition certificate. The Panel can only issue a full gender recognition certificate to the applicant following such an application if it is satisfied that the following conditions are met:

- an interim gender recognition certificate has been issued to the applicant (subsection (2)(a));
• the applicant was a party to a protected Scottish marriage at the time the interim gender recognition certificate was issued (subsection (2)(b));
• the applicant is in a protected Scottish marriage (subsection (2)(c)); and
• the applicant’s spouse consents to the marriage continuing (subsection (2)(d)).

265. If these conditions are not met, the Panel will reject an application for a full gender recognition certificate (subsection (4)). Subsection (5) sets a time limit for an application under Case A. The time limit is six months from the date on which the interim certificate was issued.

266. Case B is the situation where an application is made by a civil partner in a protected Scottish civil partnership, an interim gender recognition certificate is issued and the couple subsequently decide to change their civil partnership into a marriage under section 3 of the 1977 Act, as amended by this Bill. Subsection (3) provides that once the civil partnership has become a marriage, such applicants can apply for a full gender recognition certificate.

267. The Panel can only issue a full gender recognition certificate to the applicant if it is satisfied that the following conditions are met:
• an interim gender recognition certificate has been issued to the applicant (subsection (3)(a));
• the applicant was a party to a civil partnership at the time the interim gender recognition certificate was issued (subsection (3)(b));
• the notice of intention to marry must have been given within six months of the date of issue of the interim gender recognition certificate being issued (subsection 3(c));
• the civil partnership must have become a marriage (subsection (3)(d));
• the applicant is a party to that marriage (subsection (3)(e)); and
• the applicant’s spouse consents to the marriage continuing (subsection (3)(f)).

268. If these conditions are not met, the Panel will reject an application for a full gender recognition certificate (subsection (4)).

269. Subsection (6) sets a time limit for conversion of an interim certificate to a full certificate under this section. The time limit is six months from the date when the civil partnership becomes a marriage.

270. Applications under Case A and Case B require the applicant’s spouse to issue a statutory declaration of consent (subsection (7)). Applications under Case B must additionally include evidence of the date on which notice of intention to marry was given and evidence that the civil partnership has become a marriage (subsection (8)).

271. Where the Panel receives an application to issue a full gender recognition certificate in either Case A or Case B, subsection (9) requires them to notify the applicant’s spouse both of the application and also of the issue of the full gender recognition certificate (if the Panel grants the application).
272. New section 4D provides for the situation where an applicant has made an application for a full gender recognition certificate under new section 4C but before that application can be determined the applicant’s spouse dies.

273. At present if the applicant’s spouse dies within six months of the interim gender recognition certificate being issued, the applicant can apply for a full gender recognition certificate within six months of the date the death (section 5(2)(b) of the Gender Recognition Act). This section may not be available to applicants who have applied under new section 4C if the application has not been determined within the time limit in new section 4C(5) and (6). New section 4D provides that in such cases the applicant can still rely on the existing section 5(2)(b) to apply for a full gender recognition certificate.

274. New section 4E makes provision so that a person who is in a protected Scottish marriage may apply under summary application to the sheriff for a full gender recognition certificate. An application may be made where the applicant has an interim gender recognition certificate issued by the Panel.

275. Under subsection (2), the sheriff must grant the application if the sheriff is satisfied that the applicant was in a marriage solemnised in Scotland when the interim gender recognition certificate was issued; the applicant is still in the marriage; and the application is made to the sheriff within 6 months of the interim gender recognition certificate being issued by the Panel.

276. Subsection (3) requires the sheriff to notify the applicant’s spouse when an application is made and when the full gender recognition certificate is issued.

277. Subsection (4) makes provision in respect of section 1(1)(b) of the Divorce (Scotland) Act 1976, which permits a decree of divorce to be granted on the grounds that an interim gender recognition certificate has been issued. Subsection (4) provides that if a sheriff issues a full gender recognition certificate to an applicant under section 4E, the applicant is to be treated for the purposes of section 1(1)(b) as a person to whom an interim gender recognition certificate has been issued. As a consequence, despite the issue of a full gender recognition certificate by the sheriff under section 4E, divorce on the grounds of the issue of the interim gender recognition certificate will still be available.

**Applications by both civil partners**

278. Paragraph 6 inserts new section 5C into the Gender Recognition Act. If both parties to a protected Scottish civil partnership make successful applications to the Panel, section 4(2)(c) of the Gender Recognition Act as amended by the Bill, applies, and both parties will be entitled to full gender recognition certificates. In such cases, the new section 5C enables the Panel to issue full gender recognition certificates to both parties simultaneously, ensuring that the continuity of the civil partnership is not affected by the changes in law to the gender of both parties.

279. Paragraph 6 also inserts new section 5D into the Gender Recognition Act. This empowers the Scottish Ministers to make provision by order on other procedures which could be established to enable the Panel to issue full gender recognition certificates to applicants in a protected Scottish civil partnership. By virtue of paragraph 12, any such orders are subject to
the negative procedure unless they amend primary legislation in which case they are subject to the affirmative procedure.

Appeals etc.

280. Paragraph 7 makes consequential amendments to section 8 (appeals etc.) of the Gender Recognition Act to reflect the insertion of section 4C of the Act by this Bill.

281. Paragraph 7 also inserts new subsection (5B) into section 8 of the Gender Recognition Act and makes a consequential amendment to section 8(6) of that Act. New subsection (5B) enables an applicant’s spouse or civil partner to apply to the Court of Session where he or she considers that a full gender recognition certificate has been obtained by his or her spouse fraudulently.

Registration

282. Paragraph 8(1) amends section 10 of the Gender Recognition Act. New subsection (1B) provides that if the Panel issue full gender recognition certificates to one or both parties in a protected Scottish marriage or protected Scottish civil partnership, the Panel must send a copy of the full gender recognition certificate(s) to the Registrar General for Scotland.

283. Paragraph 8(2) makes some consequential amendments to Part 2 of Schedule 3 to the Gender Recognition Act which concerns registration matters in Scotland. In addition, paragraph 8(2) inserts a new paragraph 20A into Schedule 3 to that Act. It provides the Registrar General with a power to make regulations, with the consent of the Scottish Ministers, about the registration of qualifying Scottish marriages and Scottish civil partnerships (defined as marriages and civil partnerships in Scotland where one or both parties (both parties in relation to civil partnerships) have been issued with full gender recognition certificates). Such regulations could make provision for the administrative issue of new marriage and civil partnership certificates.

284. In accordance with the amendments made by paragraph 12 of this schedule to the Gender Recognition Act, any regulations under the new paragraph 20A would be subject to negative procedure.

285. Paragraph 8(2) also inserts new paragraph 20A(1C) into Schedule 3 to the Gender Recognition Act. It provides that the regulations to be made by the Registrar General for Scotland under sub-paragraph (1)(a) (about the registration of qualifying Scottish marriages) must provide that where a full gender recognition certificate has been issued to a person under section 4E, the marriage must not be registered unless the person’s spouse consents in writing.

Continuity of marriage

286. Paragraph 9 inserts a new section 11C into the Gender Recognition Act. Section 11C provides that the continuity of a protected Scottish marriage is not affected by the issuing of full gender recognition certificates to one or both of the parties to the marriage.
Continuity of civil partnership

287. Paragraph 10 inserts a new section 11D into the Gender Recognition Act. Section 11D provides that the continuity of a protected Scottish civil partnership is not affected by the issuing of full gender recognition certificates to both of the parties to the civil partnership under section 4(2)(c) of that Act.

Foreign gender change and marriage

288. Paragraph 11 repeals section 21(2) to (5) of the Gender Recognition Act (foreign gender change and marriage).

289. Section 21(2) to (5) of that Act currently provides for the situation where a person claims to have changed gender in their country of origin and married a person of the opposite sex to their acquired gender in that country or another country outside the UK. At present, these marriages have no standing under Scots law until a full gender recognition certificate has been issued by the Panel because Scots law regards the parties as having not been respectively male and female when the marriage was solemnised. As marriages in Scotland will now be available to same sex couples these sections can be repealed for the purposes of Scots law.

Part 2 – Alternative grounds for granting applications for gender recognition certificates

290. Part 2 of schedule 2 makes additional changes to the Gender Recognition Act. When the Gender Recognition Act came into force on 4 April 2005, section 27 included a modified evidence process which was open to applicants who could produce evidence that they had been living in their acquired gender for six years prior to the date on which they made their application under section 27. The so-called “fast track” process ran for the first two years after commencement of the Gender Recognition Act and expired on 3 April 2007. Part 2 of schedule 2 inserts a new modified evidence process into the Gender Recognition Act. The modified evidence process set out in new section 3D of the Gender Recognition Act will only be available to applicants who meet the four conditions set out in new section 3C of the Act.

291. Paragraph 11B inserts new subsection (3B) into section 2 of the Gender Recognition Act. New subsection (3B) provides that section 2 of the Gender Recognition Act (determination of applications) does not apply to any application under section 1(1)(a) of the Gender Recognition Act where the applicant indicates that the application is for a gender recognition certificate to be granted in accordance with new section 3C of the Gender Recognition Act.

292. Paragraph 11C inserts new section 3C into the Gender Recognition Act. New section 3C(2) provides that, if the Panel is satisfied that the applicant meets the four conditions set out in new sections 3C(3) to (6) and has complied with the evidence requirements set out in new section 3D, it must grant the application. If the Panel is not required by section 3C(2) to grant an application, it must reject the application in accordance with new section 3C(9).

293. New subsections 3C(3) to (6) set out the four conditions applicants must meet to be eligible to rely on the modified evidence process:
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- the first condition is that the applicant was a party to a protected Scottish marriage or a protected Scottish civil partnership on or before the date the application for gender recognition is made.

- the second condition is that the applicant was living in the acquired gender for six years prior to the date of commencement of section 27 of the Bill; has continued to live in the acquired gender until the date the application was made; and intends to continue living in the acquired gender until death.

- the third condition is that the applicant has or has had gender dysphoria or has undergone surgery or other treatment for the purpose of modifying sexual characteristics as may be laid down by order by the Scottish Ministers.

- the fourth condition is that the applicant is ordinarily resident in Scotland.

294. Paragraph 11D inserts new subsection (10) into section 3 of the Gender Recognition Act which disapplies the evidence requirements set out in section 3 in respect of applications where the applicant indicates that the application for a gender recognition certificate to be issued is being made in accordance with new section 3C of the Gender Recognition Act.

295. Paragraph 11E inserts new section 3D into the Gender Recognition Act. New section 3D sets out the modified evidence process an applicant who meets the four conditions in new section 3C of the Gender Recognition Act is entitled to rely on.

296. New subsections 3D(2) to (4) set out medical evidence applicants are required to submit. If the applicant is applying on the basis of having or having had gender dysphoria, a report made by a registered medical practitioner specialising in the field of gender dysphoria or a registered psychologist practising in the field of gender dysphoria must include details of the diagnosis of gender dysphoria. If the applicant is applying on the basis of having undergone treatment for the purpose of modifying sexual characteristics, or if the applicant is currently undergoing such treatment or such treatment has been planned or prescribed for the applicant, a report made by a registered medical practitioner or registered psychologist practising in the field of gender dysphoria must include details of the treatment.

297. New sections 3D(5) to (8) set out the additional evidence applicants are required to submit. New section 3D(5) requires applicants to include a statutory declaration that they meet the conditions in new section 3C(3) and (4) of the Gender Recognition Act. New section 3D(6) requires applicants to include a statutory declaration as to whether they are married or in a civil partnership. The Scottish Ministers can by order specify other information or evidence which applicants may be required to provide under section 3D(6) and the Panel may require applicants to submit any additional evidence it requires to determine the application provided it gives reasons for such requests (new section 3D(10)). Applicants can also submit any additional evidence they wish to include in their application.

298. If applicants indicate that they are married, new section 3D(7) requires applicants to include in their application a statutory declaration as to whether the marriage is a protected Scottish marriage. Where the marriage is a protected Scottish marriage, new section 3D(8) requires an application to contain a statutory declaration of consent (within the meaning of new section 3(6D)(c)(i) of the Gender Recognition Act, which is “a declaration by the applicant’s
spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate”) or a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included. If the application contains a statutory declaration of consent by the applicant’s spouse, new section 3D(9) requires the Panel to inform the spouse that an application has been made.

299. Paragraph 11F amends Schedule 1 to the Gender Recognition Act to insert new sub-paragraph (4) to paragraph 4. New paragraph 4(4) provides that the Panel need not include a medical member when determining any application under section 1(1)(a) of the Gender Recognition Act where the application is for a gender recognition certificate to be granted in accordance with new section 3C of that Act.

Part 3: Consequential amendments

300. Paragraph 12 makes consequential amendment to the Gender Recognition Act reflecting the substantive amendments made in the other paragraphs of schedule 2 to the Bill.
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUPPLEMENTARY DELEGATED POWERS MEMORANDUM

Purpose

1. This Memorandum has been prepared by the Scottish Government to assist the Delegated Powers and Law Reform Committee (“the DPLRC”) in its consideration of the Marriage and Civil Partnership (Scotland) Bill (“the Bill”). This Memorandum describes provisions in the Bill conferring power to make subordinate legislation which were either introduced to the Bill or amended at Stage 2. The Memorandum supplements the Delegated Powers Memorandum (“the DPM”) on the Bill as introduced.

PROVISIONS CONFERRING POWER TO MAKE SUBORDINATE LEGISLATION INTRODUCED OR AMENDED AT STAGE 2

Section 4(8) to (9) – meaning of marriage and related expressions in enactments and documents. (Amended power).

Power conferred on: the Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies

Provision

2. Section 4(1) to (6) makes provision on how references to terms such as marriage in existing legislation and at common law should be interpreted. The provisions give the result that such terms will be interpreted to include same sex marriages. The power at subsection (8) gives the Scottish Ministers an order-making power to provide that the subsections have effect in a different way or do not apply in specified cases. Such an order can, under subsection (9), include provisions which are consequential, supplementary, incidental, transitional, transitory or saving.

3. The power was amended at Stage 2, for two purposes. First of all, subsection (9) was amended so that any order made under subsection (8) may make different provision for different purposes. Secondly, subsection (9) was amended so that any order made under subsection (8) may amend primary and secondary legislation.

4. In addition, subsection (6) was amended so that the provision on references to marriage in common law also covers purported marriages. In particular, this reflected that the provisions of
This document relates to the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (SP Bill 36A)

section 3(3) and (4) of the Family Law (Scotland) Act 2006 (and the associated common law rule), on recognition in Scotland of certain marriages by cohabitation with habit and repute following a purported marriage outwith the United Kingdom, should extend to same sex relationships as well as opposite sex relationships.

Reason for taking power

5. The reason for taking the power at section 4(8) and (9) remains as stated in paragraphs 7 to 9 of the DPM. In brief, the general intention is that, in future, references to “marriage” and to married couples will be interpreted as including both same sex and opposite sex couples. However, there may be a small number of exceptions, reflecting that rights and responsibilities may not be exactly the same.

6. The reason for the amendment to allow different provision for different purposes is that the Government has become aware that in certain circumstances differential provision may be needed. For example, the DPM made reference to public sector pension schemes and transgender people. If provision is made so that in public sector pension schemes same sex married couples are treated in the same way as civil partners, differential provision may be needed to protect the rights of the spouses of transgender people, to ensure that they do not lose any pension rights as a consequence of their spouse acquiring a new gender.

7. As noted above, the power at subsection (8) will allow the Scottish Ministers to list specified cases (e.g. an enactment) to which section 4(1) to (6) is not to apply. There may also be a few cases where the Scottish Ministers may need to amend the enactment in question to produce a result other than the one which would be delivered by section 4(1) to (6), which is why subsection (9) has been amended to allow primary and secondary legislation to be amended.

Reason for choice of procedure

8. The amendments made at Stage 2 mean that an order under section 4 may modify primary legislation. Amendments were also made at Stage 2 so that, in line with normal practice, orders will follow the affirmative procedure when they are amending primary legislation: see the insertion of subsection (9A) into section 4. Otherwise, the negative procedure will apply which offers an appropriate balance between, on the one hand, expedition and convenience and, on the other, the need for scrutiny for provisions of this nature.

Section 7A – power to modify meaning of “qualifying civil partnership”. (New power).

Power conferred on: the Scottish Ministers, consulting the Registrar General for Scotland and such other persons as the Scottish Ministers consider appropriate

Power exercisable by: order

Parliamentary procedure: affirmative procedure
Provision

9. Under the Bill, persons in a “qualifying civil partnership” may change their civil partnership to a marriage.

10. “Qualifying civil partnership” is defined to refer to a civil partnership registered in Scotland (including civil partnerships registered overseas through the UK armed forces or through UK consuls where the couple elected Scotland and details of the civil partnership have been sent to the Registrar General of Births, Deaths and Marriages for Scotland (“the Registrar General”)).

11. This power allows ministers by order to modify the meaning of “qualifying civil partnership” so as to include civil partnerships registered outside Scotland.

Reason for taking power

12. The Equal Opportunities Committee took evidence on this issue at Stage 1. In particular, there could be couples resident in Scotland and in a civil partnership registered outwith Scotland who might not be able to change their civil partnership to a marriage in the jurisdiction where the civil partnership was registered without dissolving the civil partnership beforehand. The evidence indicated that it would be strange to dissolve the civil partnership when the relationship had not actually broken down.

13. In responding to this evidence, the Government acknowledged the validity of the point but also noted that there was a risk of couples having two civil statuses – married and in a civil partnership – given that the jurisdiction of Scotland does not have control on the registration of civil partnerships in other jurisdictions.

14. Therefore, the Government lodged an amendment to take an order-making power. This will enable the Scottish Government to consider the issue with other relevant jurisdictions and to consult in Scotland on what provision should be made to allow persons in a civil partnership registered outwith Scotland to change the civil partnership in Scotland to a marriage.

15. The order-making power includes the ability to make different provision for different purposes.

16. Different provision might be made in respect of some civil partnerships registered outwith Scotland. For example, section 9 of the Marriage (Same Sex Couples) Act 2013, passed at Westminster, makes provision on the parties to a civil partnership registered in England and Wales being able to convert their partnership to a marriage in England and Wales. Therefore, it may be that no provision is required in Scotland in respect of such civil partners.

17. In addition, the ability to make different provision for different purposes may be used to make different provision in respect of, on the one hand, persons in a civil partnership registered outwith Scotland who are now resident here and, on the other hand, persons in a civil partnership registered outwith Scotland who are not resident here.

18. The provision includes the power to make consequential, supplementary, incidental, transitional, transitory or saving provision. This may be required, for example, if specific
provision is needed on the rights and responsibilities of persons in a non-Scottish civil partnership who change their civil partnership to a marriage in Scotland. It also might be required if any specific provision is needed to protect the rights and responsibilities of persons in a non-Scottish civil partnership acquired whilst in their civil partnership and before they changed their civil partnership to a marriage in Scotland.

19. The provision includes the power to modify any enactment. This might be needed, for example, to amend section 8 of the Bill, particularly section 8(7) which defines “qualifying civil partnership” for the purposes of section 8.

20. Section 8 relates to changing a civil partnership to a marriage through an administrative route. The Government expects that this route will not be available to civil partners who registered their civil partnership outwith Scotland, as the original paperwork in relation to the registration of the civil partnership would not be held in Scotland. As a result, a couple in a civil partnership registered outwith Scotland seeking to change their civil partnership to a marriage here would need to have a marriage ceremony (as envisaged by section 7 of the Bill) and section 8 may need to be amended accordingly.

21. Amendments may also be needed to section 9. In particular, as the jurisdiction of Scotland has no control over the registration of civil partnerships in other jurisdictions, provision may be helpful for the avoidance of doubt to make it clear that changing a civil partnership registered outwith Scotland to a marriage in Scotland has no effect on how the civil partnership may be treated in the original jurisdiction. In addition, civil partnerships were only introduced in Scotland in 2005, after the Civil Partnership Act 2004. Some jurisdictions provided legal recognition to same sex relationships before Scotland. Therefore, provision may be needed to make it clear that persons in a civil partnership registered outwith Scotland who change their civil partnership to a marriage here could not obtain any rights or responsibilities in Scotland which pre-date the introduction of civil partnerships here.

**Reason for choice of procedure**

22. This order-making power relates to the change of civil status. The DPLRC noted in its report on the Bill as introduced that this is a significant matter. The Government agrees and, therefore, affirmative procedure appears appropriate.

23. As the order may make significant provision, the power provides that the Scottish Government must consult on a proposed draft order. Given the Registrar General’s role in relation to the solemnisation of marriage and the registration of civil partnership, the power provides that Scottish Ministers must consult the Registrar General before laying any order. The power also provides that the Scottish Ministers must consult other persons as the Scottish Ministers consider appropriate. The Government envisages that the consultation would be public and bodies representing LGBT people and bodies representing the legal profession would be consulted.
Section 8(1) – change of qualifying civil partnership (Amended power and removed power).

Power conferred on: the Scottish Ministers, consulting the Registrar General
Power exercisable by: order
Parliamentary procedure: negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies

Provision

24 As outlined in the DPM, this provision relates to procedures by which qualifying civil partnerships can change their civil partnership to marriage by means of an administrative process.

25. Two amendments were made at Stage 2. The first amendment reflects points made by the DPLRC in its report. The DPLRC asked the Scottish Government to consider if section 8(2)(g) of the Bill was necessary. Section 8(2)(g) allowed the regulations to make provision on the effect of changing a civil partnership to a marriage. Following consideration, the Government concluded that it was not necessary given that, as the DPLRC suggested, section 9 of the Bill could be extended. Section 9 of the Bill makes provision on the effect of changing a civil partnership to a marriage. As introduced, section 9 only applied where the couple changed their civil partnership to a marriage through having a ceremony.

26. Following the report by the DPLRC, the Government lodged amendments at Stage 2 to remove section 8(2)(g) and to extend section 9 so that it covers those who change through the administrative route as well as those who change through having a marriage ceremony.

27. The second amendment ensures that regulations on the procedures for the administrative route for changing civil partnerships may make different provision for different purposes.

Reason for taking power

28. The reasons for taking the power are as outlined in paragraphs 13 to 18 in the DPM, except that paragraph 16 no longer applies following the removal of section 8(2)(g) and the consequential changes to section 9 following the DPLRC’s report.

29. On the amendment to allow regulations to make different provision for different purposes, this may be required, for example, as different procedures may be needed for a couple in a civil partnership registered in Scotland but who now live outwith Scotland (as compared with a couple who live in Scotland).

30. It may be that the arrangements for checking the identity of the couple (to avoid fraud and to ensure that both parties do wish to change their relationship to a marriage) will have to be different if the couple do not live here. If the couple live in Scotland, the regulations may provide that any checks could be carried out by the local registrar. If the couple live outwith
Scotland, they may need to arrange for a notary public to confirm their identity and that both have confirmed that they wish the relationship to change to a marriage.

Reason for choice of procedure

31. In line with usual practice, the regulations will be subject to affirmative procedure if they amend any primary legislation. Given the likelihood, as mentioned in paragraphs 17 and 18 of the DPM, that there will be a need to amend provisions in the Gender Recognition Act 2004 (“the 2004 Act”), the Government considers it likely that an order under these powers would be used to amend primary legislation and, therefore, affirmative procedure would apply. If any order should not amend primary legislation, it would appear appropriate for negative procedure to apply, given that the provisions are detailed and technical and deal with procedural matters.

Section 28(1) - renewed marriage or civil partnership following issue of full gender recognition certificate (Removed power)

Power conferred on: the Scottish Ministers, consulting the Registrar General

Power exercisable by: regulations

Parliamentary procedure: negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies.

Provision

32. This provision relates to a married person or person in a civil partnership who has obtained a full Gender Recognition Certificate being able to have a renewal marriage or civil partnership ceremony, to reflect the acquired gender.

Reason for taking power

33. The reasons for taking the power are as outlined in paragraphs 75 to 80 of the DPM except that no provision is now made on the effect of entering into a renewed marriage or renewed civil partnership. The DPLRC, in its report on the Bill, invited the Scottish Government to consider whether the power at section 28(2)(h) should be removed. The power at section 28(2)(h) related to the legal effect of entering into a renewed marriage or civil partnership. Following the DPLRC report, the Government agreed that the power could be removed given that a renewed marriage or civil partnership ceremony is not intended to have a distinct legal effect. Therefore, the Government lodged an amendment at Stage 2 to remove section 28(2)(h).

Reason for choice of procedure

34. The reasons for the choice of procedure are as outlined in paragraph 81 of the DPM.
Section 29A – form of register of marriages (Amending power in existing legislation)

Power conferred on: the Registrar General, with the approval of the Scottish Ministers
Power exercisable by: regulations
Parliamentary procedure: laid before Parliament under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010

Provision

35. Section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 empowers the Registrar General, with the approval of the Scottish Ministers, to make regulations on matters such as the form of registers for births, marriages and deaths. Section 29A of the Bill amends section 54 of the 1965 Act so that regulations prescribing the form of a register of marriages may make different provision for different cases or circumstances.

Reason for taking power

36. Different provision might be needed if, for example, different descriptions are needed in the marriage register for the parties of a same sex marriage when compared with the parties to an opposite sex marriage. This is in line with section 16(2)(a) of the Bill, which allows regulations prescribing the form of the marriage schedule to make different provision for different cases or circumstances. The powers at section 16(2)(a) of the Bill are described at paragraphs 63 to 65 of the DPM.

Reason for choice of procedure

37. This provision amends existing powers in the 1965 Act. The approach taken in the 1965 Act is that regulations made by the Registrar General are not subject to negative or affirmative Parliamentary procedures (unless they set fees, when they are subject to the negative procedure). Having no negative or affirmative Parliamentary procedure for this amended power is consistent with the 1965 Act generally. The default position applies under section 30 of the Interpretation and Legislative Reform (Scotland) Act 2010, so that the regulations are laid before Parliament.

Section 31 – ancillary provision (Amended power)

Power conferred on: the Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure, unless amendments are made to primary legislation in which case the affirmative procedure applies.

Provision

38. Section 31(1) allows ministers to make by order such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, or full giving full effect to, any provision of the Bill.
This document relates to the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (SP Bill 36A)

Reason for taking power

39. The reasons for taking the power are as outlined in paragraphs 83 to 85 of the DPM. The powers were amended at Stage 2. This amendment allows an order under section 31 to make different provision for different purposes. This might be needed, for example, in respect of amending devolved pensions legislation to reflect the introduction of same sex marriage: separate provision may be needed for transgender people and their spouses.

Reason for choice of procedure

40. The reasons for the choice of procedure are as outlined in paragraph 86 of the DPM.

Schedule 2 (paragraph 6) – change of gender of married persons or civil partners (Amended power)

Power conferred on: the Scottish Ministers, consulting the Registrar General, the Gender Recognition Panel and such other persons as the Scottish Ministers consider appropriate

Power exercisable by: order

Parliamentary procedure: affirmative procedure

Provision

41. Schedule 2 to the Bill makes provision on gender recognition. Paragraph 6 of schedule 2 inserts section 5D into the 2004 Act. Section 5D allows an order to be made to introduce a more streamlined process for civil partners to change their civil partnership to a marriage and obtain the full Gender Recognition Certificate. Following the report by the DPLRC, the Government lodged amendments so that all orders under section 5D are subject to affirmative procedure.

42. In addition, the amendments lay down a more detailed consultation procedure. In the Bill as introduced, the Scottish Ministers just had to consult the Registrar General before making an order. Following the amendments, the Scottish Ministers will have to consult on a draft of any proposed order and will have to consult the Registrar General, the Gender Recognition Panel and such other persons as Ministers consider appropriate.

Reason for taking power

43. The reasons for taking the power are as outlined in paragraphs 99 and 100 of the DPM.

Reason for choice of procedure

44. The Government lodged amendments to the Bill following the comments made by the DPLRC in its report.

45. As a result of these amendments, all orders made under the power, and not just those amending primary legislation, will be subject to affirmative procedure and will be subject to a more detailed consultation procedure.
Schedule 2 (paragraph 8) – change of gender of married persons or civil partners
(Amended power)

Power conferred on: the Registrar General, with the approval of the Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure

Provision

46. Paragraph 8 of schedule 2 contains provision amending the 2004 Act to allow the Registrar General, with the approval of the Scottish Ministers, to make regulations on the registration of marriages and civil partnerships following gender recognition.

Reason for taking powers

47. These powers enable the Registrar General to make regulations on the registration of marriages and civil partnerships following gender recognition.

48. The powers were amended at Stage 2 to make it clear that fees could be charged to applicants in respect of registration. Fees are generally charged for registration purposes.

49. The powers were also amended at Stage 2 to enable different provision to be made for different cases or circumstances. Different provision might be needed where the person receiving the full Gender Recognition Certificate was married in Scotland or entered a civil partnership in Scotland but was not born here or where the couple married here or entered a civil partnership here but no longer live in Scotland.

50. The powers were also amended by a non-Government amendment. This lays down that regulations under these powers must provide that where a full gender recognition certificate has been issued to a person after an application to the sheriff following the issue of an interim Gender Recognition Certificate, the marriage must not be registered unless the person’s spouse consents in writing to that registration in the form prescribed by the regulations.

51. An amendment was also made to correct a drafting point in paragraph 12 of schedule 2 to the Bill. As introduced, the Bill provided that regulations made under “paragraph 20A” are subject to the negative procedure. The amendment makes it clear that this is a reference to paragraph 20A of Schedule 3 to the 2004 Act.

Reason for choice of procedure

52. The reason for negative procedure remains as outlined in paragraph 106 of the DPM.
This document relates to the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (SP Bill 36A)

Schedule 2, paragraph 11C – new section 3C(5)(b)(ii) – alternative grounds for granting applications: Scotland. (New power)

Power conferred on: the Scottish Ministers, consulting the Gender Recognition Panel and such other persons as the Scottish Ministers consider appropriate

Power exercisable by: order

Parliamentary procedure: affirmative procedure

Provision

53. Part 2 of schedule 2 makes provision on applications to the Gender Recognition Panel (“the GRP”) by certain people who transitioned some time ago to an acquired gender.

54. The provisions allow such persons to supply alternative evidence to the GRP instead of the usual requirements, which are based around a diagnosis of gender dysphoria\(^1\). This alternative procedure will be available to persons who are or have been in a marriage or civil partnership registered in Scotland; were living in the acquired gender 6 years before the commencement of section 27 of the Bill and have or have had gender dysphoria or surgery or other treatment to modify sexual characteristics as may be laid down by order made by the Scottish Ministers.

Reason for taking powers

55. The alternative grounds allow the applicant to the GRP to provide evidence that he or she has had surgery for the purposes of modifying sexual characteristics. However, it has been suggested that in some cases long-term transitioned people may not have had surgery but may have had other treatment. Reasons for this include

- Surgical treatment may not have been available.
- There may have been medical reasons why the applicant could not have had surgery.

56. There is also a need to ensure that any treatment other than surgery which the applicant may have had provides sufficient evidence that the applicant has transitioned to an acquired gender.

57. Therefore, the new procedure contains an order-making power. This will allow Ministers to consult on exactly what types of treatment other than surgery for the purposes of modifying sexual characteristics should be accepted by the GRP.

58. Under the powers, Ministers must consult the GRP. This reflects that the GRP will have to follow the new procedures and may wish to offer a view on what treatment to modify sexual characteristics other than surgery should be accepted. Ministers will also have to consult other persons as appropriate. The Government expects that this would include bodies representing

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\(^{1}\) Gender dysphoria is a widely recognised medical condition variously described as gender dysphoria, gender identity disorder and transsexualism. It is a drive to live in the opposite gender to that which a person has been registered at birth.
transgender persons, bodies representing the legal professional and some medical practitioners with expertise in this area.

59. The consultation will be on a draft of the proposed order given that the details of what is proposed may be particularly important.

60. The order may make different provision for different cases or circumstances. This reflects that transgender people may have varied needs and, as a result, treatments may vary depending on the precise needs.

61. The order may amend any enactment made at Westminster (or originally made at Westminster and subsequently amended by the Scottish Parliament). Any such amendments are expected to relate to the 2004 Act itself. For example, there may be a need to add more detail to section 3D(4) (inserted by Part 2 of schedule 2 to the Bill), on the report covering treatment to modify sexual characteristics.

Reason for choice of procedure

62. The order is subject to affirmative procedure. This reflects that the provisions impact on an individual’s personal status and, as such, are significant.

Schedule 2, paragraph 11E – new section 3D(6)(b) - alternative grounds for granting applications: Scotland (New power)

Power conferred on: the Scottish Ministers
Power exercisable by: order
Parliamentary procedure: negative procedure

Provision

63. Part 2 of schedule 2 makes provision on applications to the GRP by certain people who transitioned some time ago to an acquired gender.

64. Part 2 of schedule 2 inserts new section 3D into the 2004 Act. Amongst other provisions, it lays down that applications must include any other information or evidence required by an order made by the Scottish Ministers.

Reason for taking powers

65. Part 2 of schedule 2 lays down what information or evidence applicants under this alternative procedure have to supply to the GRP. It is standard practice in this area to give ministers the power to lay down further information or evidence.

66. This may be used if, for example, the GRP or medical practitioners advise ministers that it would be helpful for all applicants under the alternative procedure to supply a specific piece of information or evidence. The new provision, again in line with standard practice, allow the applicant to supply additional information or evidence, if he or she so wishes, and also allows the GRP to require additional information or evidence in a specific case (if doing this, the GRP must give reasons for doing so).
Reason for choice of procedure

67. Negative procedure seems appropriate in respect of a procedural matter of this nature. The power relates to the detailed information which an applicant may have to provide to the Gender Recognition Panel, which is the type of power where negative procedure seems appropriate. It would not be an effective use of Parliament’s time to make this power subject to affirmative procedure.

Scottish Government
January 2014
28 January 2014

Dear Douglas

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
RESPONSES ORGANISED THROUGH SCOTLAND FOR MARRIAGE

1. This letter provides the analysis of the additional 4,253 responses which failed to reach us from Scotland for Marriage. These responses were to the Scottish Government consultation on the draft Marriage and Civil Partnership (Scotland) Bill before it was introduced to the Scottish Parliament.

2. The Government published analyses of the responses to the consultation on the draft Bill and to our earlier consultation on the registration of civil partnerships and same sex marriage. These analyses are available on the Scottish Government website\(^1\).

3. 3,594 (84.5%) of the additional responses followed the standard template prepared by Scotland for Marriage (this includes a small number of duplicate responses). 20 of the additional responses were blank. This left 639 to analyse.

4. The text for the standard template prepared by Scotland for Marriage is at Annex A of the analysis of the consultation on the draft Bill\(^2\). The specific questions in the consultation addressed by the standard template prepared by Scotland for Marriage were:

- Question 7. Do you have any comments on the proposals for authorising religious and belief celebrants who wish to solemnise same sex marriage?
- Question 8. Do you have any comments on opt-outs for civil registrars who do not wish to solemnise same sex marriage?
- Question 9. Do you have any comments on the proposed approach in relation to freedom of speech?

\(^1\) See [http://www.scotland.gov.uk/Publications/2012/07/5671](http://www.scotland.gov.uk/Publications/2012/07/5671) and [http://www.scotland.gov.uk/Publications/2013/06/2782/9](http://www.scotland.gov.uk/Publications/2013/06/2782/9)

\(^2\) See [http://www.scotland.gov.uk/Publications/2013/06/2782/9](http://www.scotland.gov.uk/Publications/2013/06/2782/9)
• Question 10. Do you have any comments on the proposals in relation to education and same sex marriage?
• Question 11. Do you have any comments on the proposals on the impact of same sex marriage on legislation, the common law or on private arrangements?

5. I attach as an annex to this letter an analysis of the additional points made in responses which contained some variations from the standard template.

6. The Government concluded that the points raised by these additional responses did not require any amendments to the Bill. We have a variety of reasons for reaching that decision, including:

• As we have indicated, most of the responses followed the standard template, which we have seen and taken account of.
• The Government considers that the system for authorising religious and belief bodies and celebrants who wish to take part in same sex marriage provides robust protections for those who do not wish to take part.
• There are a variety of measures in the Bill and in guidance which protect freedom of speech.
• On education, the Government has sought views on draft guidance in relation to the Conduct of Relationships, Sexual Health and Parenthood Education in Scottish Schools.  
• In some areas, the Government has already taken action (for example, the proposed amendments to the Equality Act are now wider than was originally proposed, which is in line with the comments in the Scotland for Marriage standard template at question 7, and the Bill as introduced makes provision so that regulations providing the form of the Marriage Schedule may make different provision for different cases or circumstances).

7. I am sending a copy of this letter to Dr Gordon Macdonald of CARE for Scotland.

Yours sincerely

SIMON STOCKWELL
Family and Property Law

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3 The draft guidance is at [http://www.scotland.gov.uk/Publications/2013/09/7899/0](http://www.scotland.gov.uk/Publications/2013/09/7899/0)

ANNEX: ANALYSIS OF ADDITIONAL RESPONSES FROM SCOTLAND FOR MARRIAGE WHICH CONTAINED VARIATIONS FROM THE STANDARD TEMPLATE

General

1. A number of the responses contained minor variations from the standard template. In relation to question 7, for example, around 30% of the non-standard responses were minor variations. Minor variations include material such as:

   - Comments along the lines of “Personally, I feel that…”
   - Comments along the lines of “…I agree with all of the above”.
   - A condensed version of the template answer.
   - Rephrasing of a point in the template answer.

2. Some responses expressed concern generally about homosexuality and homosexual conduct.

3. In some cases, a point in the template answer was omitted. For example:

   - in relation to registrars, a number of consultees removed the reference to providing an opt-out in legislation and, instead, just referred to providing a Code of Practice;
   - some consultees omitted reference to a specific adoption agency; and

4. There were a few responses where the respondents provided prayers or verses from the Bible.

Additional points made which were already included in the consultation analyses published by the Scottish Government

5. A number of additional points were made which are already reflected in the analyses published by the Scottish Government. These included:

   Question 7: the authorisation of religious and belief celebrants

   - Concerns about the practicalities of the opt-in system. [This type of point was reflected in paragraphs 5.15 to 5.20 of the analysis for the second consultation].
   - Local authorities will use the Public Sector Equality Duty to tell religious bodies that unless they carry out same sex marriages and civil partnerships, they could not solemnise opposite sex marriages\(^5\). [This type of point was reflected in paragraph 5.23 of the analysis for the second consultation].
   - Concerns about protections for congregations against same sex marriage. [This type of point is reflected in paragraph 5.12 of the analysis for the second consultation].
   - Concerns about potential challenges in relation to the use of church buildings. [This type of point was reflected in paragraphs 5.11 and 5.12 of the analysis for the second consultation].

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\(^5\) In practice, local authorities do not authorise religious bodies to solemnise marriages. The authorisation comes from the Marriage (Scotland) Act 1977; or from being prescribed in a Statutory Instrument made by Ministers or from the Registrar General.
Question 8: civil registrars

- Registrars should have the same protections as religious or belief celebrants. [This type of point was reflected in paragraph 5.30 of the analysis for the second consultation].
- There could be different rules for those who apply to be a registrar after same sex marriage is introduced when compared with those who are already employed. It was suggested that the introduction of same sex marriage represents a fundamental change in the conditions of service for existing registrars. [This type of point is reflected in paragraph 5.32 of the analysis for the second consultation].
- There is a need to protect the rights of people of faith. [This type of point is reflected in paragraph 5.30 of the analysis for the second consultation].
- Religious belief affects the whole of a person’s life. [This type of point is reflected in paragraph 5.30 of the analysis for the second consultation].
- Concerns about what would happen if a registrar should face legal or other action for refusing to solemnise a same sex marriage. [This type of point is reflected in paragraph 5.31 for the analysis for the second consultation].
- There were concerns about the potential impact of same sex marriage on existing and future employment prospects of registrars. [This type of point is reflected in paragraph 5.31 of the analysis for the second consultation].
- People working for local authorities are bound to carry out the duties of the post. [This type of point is reflected in paragraph 5.27 of the analysis for the second consultation].

Question 9: freedom of speech

- There should be more specific provision in the Bill protecting freedom of speech. [This type of point was reflected in paragraph 5.39 of the analysis for the second consultation].
- Calls for legislation to protect certain types of workers when carrying out their work. [This type of point was reflected in paragraphs 5.38 and 5.39 of the analysis for the second consultation].
- Points on the Lord Advocate’s prosecution guidelines⁶. [This type of point was reflected in paragraph 5.41 of the analysis for the second consultation.]
- There was a need to consider the wider impact on other laws which same sex marriage would have. [This type of point was reflected in paragraph 5.40 of the analysis for the second consultation].

Question 10: education

- Teachers with a conscientious objection should be protected in employment legislation and not be disadvantaged at future job or promotion opportunities. [This type of point was reflected in paragraph 5.48 of the analysis for the second consultation].
- Freedom of speech should be given specific protection within the school environment. [This type of point was reflected in paragraph 5.48 of the analysis for the second consultation].

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⁶ The Lord Advocate’s prosecution guidance (issued after the consultation on the draft Bill) is at http://www.copfs.gov.uk/images/Documents/Prosecution_Policy_Guidance/Guidelines_and_Policy/PROSECUTION%20GUIDANCE%20IN%20RELATION%20TO%20SAME%20SEX%20MARRIAGE.pdf
• Concerns over the materials that could be used to support lessons covering same sex marriage in schools. [This type of point was reflected in paragraph 5.48 of the analysis for the second consultation].

• Parents should have the right to withdraw their child from any lessons that discuss same sex marriage. [This type of point was reflected in paragraph 5.48 of the analysis for the second consultation].

• Teaching about same sex marriage in schools could conflict with the views held by parents. [This type of point was reflected in paragraph 5.48 of the analysis for the second consultation].

• Denominational schools should not be made to change what they currently teach in relation to marriage. [This type of point was reflected in paragraph 5.48 for the analysis to the second consultation].

• Concerns that the understanding of the traditional definition of marriage would be eroded and there would be no opportunity to discuss this in classrooms. [This type of point was reflected in paragraph 5.48 of the analysis for the second consultation].

Question 11: impact of same sex marriage on the law

• References to fostering and adoption and to a specific adoption agency and suggestions that same sex couples could use another adoption agency. [This type of comment was reflected in paragraphs 5.57 and 5.58 of the analysis for the second consultation]

• Some concerns about the terminology that might be used in marriage schedules in the future. [Section 16 of the Bill as introduced to Parliament makes provision so that regulations prescribing the form of the Marriage Schedule may make different provision for different cases or circumstances. This was not in the consultation draft of the Bill but was added following points made by some religious bodies at meetings. Paragraphs 57 to 64 of the Policy Memorandum for the Bill discuss this issue and others7].

• Concerns on polygamy. [This type of comment is reflected in paragraph 6.11 of the analysis for the first consultation. The Government made it clear, in paragraphs 3.37 and 3.40 of the second consultation paper, that it had no intention of allowing polygamous marriages to take place in Scotland].

Points raised generally

• The Scottish Government has no mandate to re-define marriage as marriage is between one man and one woman designed for procreation and bringing up children and instituted by God. Some responses also noted dictionary definitions of marriage and there was a suggestion that the Government does not have the right to authorise churches to solemnise same sex marriages. [This type of comment was reflected in paragraphs 6.6 and 9.9 of the analysis for the first consultation].

• There should be a referendum on same sex marriage. [This type of comment is reflected in paragraph 8.20 of the analysis for the first consultation].

• Suggestions the Government ignored the outcome of the first consultation. [This type of comment is reflected in paragraph 1.9 of the analysis for the second consultation].

• Different terminology should be used for same sex relationships. [This was reflected in paragraph 5.55 of the analysis for the second consultation].

7 The Policy Memorandum is at http://www.scottish.parliament.uk/S4_Bills/Marriage%20and%20Civil%20Partnership%20(Scotland)%20Bill/b36s4-introd-pm.pdf
There was a need to consider the impact of proposals on children. [This type of comment was reflected at paragraph 3.7 of the analysis of the second consultation. The impact on children was considered as part of the partial Equality Impact Assessment (EQIA) prepared by the Government for the second consultation and of the final EQIA published when the Bill was introduced].

Points on non-consummation. [Paragraph 3.34 of the second consultation paper noted that whilst in England and Wales non-consummation of a marriage is grounds for seeking a decree of nullity of the marriage this does not form part of the law of Scotland].

Same sex marriage may help a small minority but disadvantages the majority. [This type of comment is reflected in paragraph 6.13 of the analysis for the first consultation].

People of faith and religious bodies are suffering discrimination. [This type of comment was reflected at paragraph 6.12 for the first consultation].

Concerns about changes to language which same sex marriage might bring and wider concerns about changes to language generally. For example, concerns about removing “mother” and “father” from birth certificates and “partner” being used on forms or by officials rather than “husband” or “wife”. [This type of comment was reflected in paragraphs 5.54 and 5.55 of the analysis for the second consultation].

Reference to a number of cases where the respondent suggested an individual had lost paid or unpaid employment through having expressed opposition to same sex marriage. [This type of point was reflected in paragraph 5.38 of the analysis for the second consultation].

Concerns about “belief” bodies and whether anybody could just fill in a form and become a religion. [This type of point was reflected in the last bullet of paragraph 4.14 of the analysis for the second consultation].

Concerns about the proposal to authorise Church of Scotland deacons to solemnise marriages. [This type of point was reflected in paragraphs 4.17 to 4.20 of the analysis for the second consultation].

Reference to a number of cases where the respondent suggested an individual had lost paid or unpaid employment through having expressed opposition to same sex marriage. [This type of point was reflected in paragraph 5.38 of the analysis for the second consultation].

A comment suggesting that religious, belief or atheist celebrants should be allowed to solemnise same sex marriages if they wish. [This type of point was reflected in paragraph 5.5 of the analysis for the second consultation].

6. Further points raised and the Government’s response are shown in the table below.

<table>
<thead>
<tr>
<th>No.</th>
<th>Point</th>
<th>Government response</th>
</tr>
</thead>
<tbody>
<tr>
<td>Question 7: the authorisation of religious and belief celebrants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Concerns about religious liberty generally.</td>
<td>The Government considers that the Bill increases religious freedom by allowing those religious bodies who wish to do so to take part in same sex marriage and civil partnerships while protecting those who do not.</td>
</tr>
<tr>
<td>2.</td>
<td>Concerns about individual ministers of religion facing court action.</td>
<td>The planned amendments to the Equality Act are designed to protect individual celebrants. The European Convention on Human Rights provides a</td>
</tr>
</tbody>
</table>
Authorisation will in time lead to compulsion. Suggestion that assurances on people not having to work on a Sunday have been eroded over time and the same could happen with assurances that religious bodies will not have to solemnise same sex marriage. The Registrar General might withdraw authorisation to solemnise opposite sex marriage from ministers who are opposed to same sex marriage.

The Government has made it clear that it has no intention of requiring religious bodies to take part in same sex marriage.

A person should not be subject to a hate crime prosecution if when the celebrant asks during a ceremony whether there are objections to the marriage the person objects to a same sex marriage on religious grounds. Opposition to same sex marriage is not in itself a criminal offence. The Lord Advocate’s guidelines clarify this.

Concerns that those opposed to same sex marriage might be discriminated against when applying for a position (eg minister) within a denomination.

It is for denominations to reach their own decisions on who should be appointed to posts within the denomination.

Why is there still discrimination against Catholics in relation to the Monarchy?

This does not seem relevant to same sex marriage.

The Scottish and UK Governments want to stop Christians from solemnising marriages.

The Scottish Government welcomes the role played by religious bodies in solemnising marriage. This enables couples, if they wish, to have a marriage ceremony which reflects their faith.

Concern that churches against same sex marriage might suffer indirect discrimination.

The Government has made it clear that churches should not suffer detriment for being against same sex marriage.

Question 8: opt-outs for registrars

It should be possible for the religious beliefs of registrars to be respected, given that there will not be many same sex marriages. The service should be provided in such a way to respect registrars both for and against same sex marriage and to ensure the service is not unduly disrupted.

The Government considers that local authorities should be able to deploy their registrar staff as they see fit, taking account of religious beliefs of registrars as appropriate.

There was a conscientious objection available during the war and similar provision should be available for registrars.

The Government does not consider that this is an appropriate analogy.

Registrars should be free to act upon their own beliefs at all times.

The Government agrees that local authorities should take account of religious beliefs held by registrars and other employees but allowing registrars to act upon their own beliefs at all times could disrupt the provision of services and lead to conflict with other employees.

A local authority taking account of a registrar’s religious beliefs may work now but may not work in the future if circumstances change.

As indicated above, the Government considers that local authorities should be able to deploy their registrar staff as they see fit, taking account of religious beliefs of registrars as appropriate. This
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<td><strong>5.</strong></td>
<td>It should be an opt-in system rather than an opt-out system for civil registrars.</td>
<td>The Government does not agree with this. As indicated above, the Government considers that local authorities should be able to deploy their registrar staff as they see fit, taking account of religious beliefs of registrars as appropriate.</td>
</tr>
<tr>
<td><strong>6.</strong></td>
<td>The introduction of civil partnerships in one local authority in Scotland did lead to registrars being forced to register them against their religious beliefs.</td>
<td>As indicated above, the Government considers that local authorities should be able to deploy their registrar staff as they see fit, taking account of religious beliefs of registrars as appropriate.</td>
</tr>
<tr>
<td><strong>7.</strong></td>
<td>The Equality Act 2010 should be amended to give legal protection to registrars.</td>
<td>The Government does not consider this to be appropriate. The 2010 Act is being amended to protect celebrants and other persons carrying out religious functions. Registrars are carrying out a civil function.</td>
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<tr>
<td><strong>8.</strong></td>
<td>Comments on Highland Council’s position on registrars.</td>
<td>This seems to reflect the approach taken by the Council when responding to the consultation.</td>
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<tr>
<td><strong>9.</strong></td>
<td>It should be written into a registrar’s conditions of employment that an employee should not be expected to act against their conscience.</td>
<td>This appears too wide, as employees may have views on a number of issues. As indicated above, the Government considers that local authorities should be able to deploy their registrar staff as they see fit, taking account of religious beliefs of registrars as appropriate.</td>
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<tr>
<td><strong>10.</strong></td>
<td>There is protection in the Netherlands for civil registrars who do not have to conduct same sex marriages.</td>
<td>There was discussion in relation to the Netherlands at Stage 1. In any event, the Government does not consider a legislative opt-out should be put in place in Scotland.</td>
</tr>
<tr>
<td><strong>11.</strong></td>
<td>There should be protection for Registrars when discussing and voicing their conscientious objections inside or outside their workplace, including on social media.</td>
<td>Section 14 of the Bill already provides that the introduction of same sex marriage has no effect on existing rights to freedom of speech. This applies to registrars as it applies to everybody else.</td>
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</table>

**Question 9: freedom of speech**

|   | Freedom of speech will be curtailed by the dynamics behind same sex marriage and this will be backed up by laws at domestic or European level. The Scottish Government is already curtailing freedom of speech by not allowing discussion on drawbacks of same sex relationships. | The Government has no plans to curtail freedom of speech. In any event, freedom of speech is an integral part of the European Convention on Human Rights. |

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The Government is seeking to control what people think (raised under question 8) and what churches should believe (raised under question 7).

2. Will LGBT people against same sex marriage be subject to discrimination?
   No. LGBT people, like everybody else, are entitled to express their own views on this issue.

3. People who support one man: one woman marriage are not homophobic.
   The Government has already made it clear that it entirely accepts it is possible to be opposed to same sex marriage without being homophobic. (See, for example, the penultimate bullet of paragraph 1.08 of the second consultation).

4. Concerns by an individual working for NHS Scotland about being able to exercise freedom of speech.
   A minister may be able to speak out against same sex marriage in a Church but may have to take a different approach when, for example, working in a hospital or a school.
   More generally, the Government considers that individuals are perfectly entitled to hold their own views on same sex marriage but any public service must be delivered to all, without discrimination.

5. Distributing religious leaflets or preaching outside a football stadium could be treated as an offence under the Offensive Behaviour at Football and Threatening Communications (Scotland) Act 2012.
   The offence in the 2012 Act requires threatening, hateful or other offensive behaviour which is likely to incite public disorder – simply expressing a view on same sex marriage by itself would not amount to the offence.
   There was a debate on a proposed amendment to the 2012 Act at Stage 2 of the Bill.

**Question 10: impact of same sex marriage on education**

1. Balancing the rights of teachers/head teachers in support of same sex marriage with those opposed to it could create problems in a school environment.
   There is a wide range of opinions held on many issues. We do not expect there to be consensus, but that in a professional environment, staff would have respect for each other’s views.

2. What is the current content of heterosexual marriages in the curriculum, and will a commitment be made to continue teaching this in schools? Why is the Bible no longer taught in schools?
   The Scottish Government does not define the curriculum. It is for each school to decide what pupils will be taught. The Scottish Government has produced guidance for use by teachers, but it is only guidance and not prescriptive.

3. Teachers are not made to teach one particular religion in school [and so should not be made to teach on one definition of marriage]. Teachers should not endorse one particular lifestyle.
   Teachers are required to teach in a balanced and non-discriminatory way on a variety of issues.

4. Parents may seek alternative education for their children if same sex marriage is taught in schools against their wishes.
   We expect schools to discuss the contents of lessons in advance with parents, and to listen to any concerns they may have, and take appropriate action.

5. How will sensitive issues such as adoption of children by same sex couples and the...
<table>
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<tr>
<th>Question 11: impact of same sex marriage on the law</th>
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<tbody>
<tr>
<td>1. Any grants for the upkeep, repair and maintenance of Church buildings should not be withheld from a Church that only marries opposite sex couples.</td>
</tr>
<tr>
<td>2. There should be a referendum on whether or not Scotland should completely adopt civil law, rather than law based on Christianity.</td>
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<tr>
<td>3. There should be a Royal Commission to think through all aspects of such a significant change.</td>
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<tr>
<td>4. There could be costs arising from the need to change stationery as a result of same sex marriage.</td>
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estimates that costs to make minor adjustments to forms and extracts would be around £80,000.

5. There should be provision for the wishes of parents whose children are up for adoption to specify that their child will be adopted by an opposite sex couple.

Section 14(5) of the Adoption and Children (Scotland) 2007 Act, allows for the views of parents to be taken into account when placing a child for adoption. It would be inappropriate to single out views on same sex adopters. The overarching focus is on adopters who can best meet the needs of the child.

6. If needed, specialist tribunals should be established to consider issues in relation to conscientious objection.

Where possible, the Government would encourage any disputes to be dealt with outwith tribunals and courts (eg any employer/employee dispute or discussion relating to same sex marriage would be best settled by dialogue).

If a case does have to go to litigation, the ordinary courts (or, where appropriate, Employment Tribunals) could deal with the case. There does not seem any need to set up separate tribunals in this area.

7. There is no Scots case law in relation to same sex marriage.

Case law will develop as appropriate. The courts may be able to draw on existing case law from cases involving opposite sex spouses or civil partners.

8. The proposed legislation is a radical change to Scots law which ordinary people using the legal system will find hard to understand.

Society develops and changes and the law reflects that.

9. The Bible and its public use should be protected in law to prevent faith groups from being subject to hatred because they disagree with same sex marriage

There is already protection in this area.

Article 9 of the European Convention on Human Rights already provides a right to freedom of thought, conscience and religion and Article 10 protects freedom of expression.

Section 14 of the Bill provides that the introduction of same sex marriage has no impact on existing rights to freedom of thought, conscience, religion and expression.

The Lord Advocate has published prosecution guidance.

The risk in protecting a specific religious book is that something inciting violence or hatred could be said in a specific set of circumstances where words are quoted from that book and the ability to prosecute in those circumstances needs to be retained.

10. Why not invent a new word for all “marriages”?

The Government has no intention of doing this.

11. People respecting existing definitions of marriage should not be denied public services or support.

The Government has made it clear that opposition to same sex marriage should not affect eligibility for public services or support.

12. Common law and private arrangements should be able to continue as at present.

Section 4 of the Bill makes provision in this area.

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<td>Section 4 does not affect private documents executed before section 4 comes into force. And it will remain possible for private documents to refer specifically to opposite sex marriage if the party(ies) drawing up the document so wish.</td>
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<tr>
<td>13. Many religious bodies and people of faith are active in charitable works.</td>
<td>The Government agrees and very much welcomes this. The Government does not consider that the introduction of same sex marriage should stop religious bodies and people of faith from carrying out charitable functions.</td>
</tr>
<tr>
<td>14. Same sex marriage will discourage opposite sex marriage and cause embarrassment.</td>
<td>The Government considers that the introduction of same sex marriage will strengthen marriage, as more people will be able to get married. What an individual or a couple consider to be marriage should not be affected.</td>
</tr>
</tbody>
</table>

Family and Property law
Scottish Government
January 2014
Delegated Powers and Law Reform Committee

8th Report, 2014 (Session 4)

Marriage and Civil Partnership (Scotland) Bill as amended at stage 2

Published by the Scottish Parliament on 28 January 2014
Delegated Powers and Law Reform Committee

Remit and membership

Remit:

1. The remit of the Delegated Powers and Law Reform Committee is to consider and report on—
   (a) any—
   (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
   (ii) [deleted]
   (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
   (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
   (c) general questions relating to powers to make subordinate legislation;
   (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
   (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act; and
   (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject.
   (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
   (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.

Membership:

Richard Baker
Nigel Don (Convener)
Mike MacKenzie
Margaret McCulloch
Stuart McMillan (Deputy Convener)
John Scott
Stewart Stevenson
Committee Clerking Team:

Clerk to the Committee
Euan Donald

Assistant Clerk
Elizabeth White

Support Manager
Daren Pratt
Delegated Powers and Law Reform Committee

8th Report, 2014 (Session 4)

Marriage and Civil Partnership (Scotland) Bill as amended at stage 2

The Committee reports to the Parliament as follows—

INTRODUCTION

1. At its meeting on 28 January 2014, the Delegated Powers and Law Reform Committee considered the delegated powers provisions in the Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 (“the Bill”). The Committee submits this report to the Parliament under Rule 9.7.9 of Standing Orders.

2. The Bill makes changes to the law on the solemnisation of marriage and civil partnerships. It makes changes to the law on gender recognition, matrimonial proceedings and other matters as a result of the changes which are made to marriage and civil partnership. The primary change which the Bill makes is to introduce same sex marriage. It does so through amendments to the Marriage (Scotland) Act 1977 (“the 1977 Act”). The Bill also makes provision for the registration of religious civil partnerships and belief civil partnerships by amendment to the Civil Partnership Act 2004 (“the 2004 Act”); but it does not introduce opposite sex civil partnership.

3. The Scottish Government has provided the Parliament with a supplementary memorandum on the delegated powers provisions in the Bill, in advance of Stage 3 of the Bill (“the SDPM”).

4. The Committee reported on certain matters in relation to the delegated powers provisions in the Bill at Stage 1 in its 51st report of 2013.

1 Marriage and Civil Partnership (Scotland) Bill as amended at Stage 2 available at: http://www.scottish.parliament.uk/S4_Bills/Marriage%20and%20Civil%20Partnership%20(Scotland)%20Bill/b36as4-stage2-amend.pdf

2 Marriage and Civil Partnership (Scotland) Bill Supplementary Delegated Powers Memorandum available at: http://www.scottish.parliament.uk/S4_Bills/MCP_SDPM_pdf
5. The Committee considered each of the new or substantially amended delegated powers provisions in the Bill after Stage 2.

6. After Stage 2, the Committee reports that it does not need to draw the attention of the Parliament to the new or substantially amended delegated powers provisions listed below and that it is content with the Parliamentary procedure to which they are subject:

- Section 4(8) to (9) – meaning of marriage and related expressions in enactment and documents (Amended power);
- Section 7A – power to modify meaning of “qualifying civil partnership” (New power);
- Section 8(1) – change of qualifying civil partnership (Amended power and removed power);
- Section 28(1) - renewed marriage or civil partnership following issue of full gender recognition certificate (Removed power);
- Section 29A – form of register of marriages (Amending power in existing legislation)
- Section 31 – ancillary provision (Amended power)
- Schedule 2 (paragraph 8) – change of gender of married persons or civil partners (Amended power)
- Schedule 2, paragraph 11E – new section 3D(6)(b) - alternative grounds for granting applications: Scotland (New power)

7. The Committee’s comments and, where appropriate, recommendations on the other delegated powers in the Bill are detailed below.

Schedule 2 (paragraph 6) – change of gender of married persons or civil partners (Amended power)

**Power conferred on:** the Scottish Ministers, consulting the Registrar General, the Gender Recognition Panel and such other persons as the Scottish Ministers consider appropriate

**Power exercisable by:** order

**Parliamentary procedure:** affirmative procedure

8. Paragraph 6 of schedule 2 of the Bill inserts section 5D into the Gender Recognition Act 2004 (“the 2004 Act”). Section 5D confers power on the Scottish Ministers to introduce a more streamlined process for civil partners to change their civil partnership to a marriage and obtain the full Gender Recognition Certificate.
9. In its stage 1 report, the Committee recommended that this matter should be provided for on the face of the Bill but if this was not possible then orders made under this power should be laid in draft before the Parliament for consultation and then subject to the affirmative procedure.

10. Amendments made at stage 2 provide for consultation on a draft order but do not require the order to be laid before the Parliament at that stage. Following the consultation period, the orders are subject to the affirmative procedure. This falls short of the Committee’s recommendation and would not formally intimate the consultation to the Parliament.

11. The Scottish Government has not explained why it has chosen not to bring forward an amendment implementing the Committee’s recommendation that the draft orders on which the Government consults should be laid before the Parliament.

12. The Committee welcomes the amendments made to the Bill at stage 2 which provide that orders made under section 5D of the Gender Recognition Act 2004 will now be subject to the affirmative procedure and that the Scottish Ministers are required to consult on a draft of any proposed order with the Registrar General, the Gender Recognition Panel and such other persons as they consider appropriate.

13. However, the Committee asks the Scottish Government to explain why it has chosen not to implement the Committee’s recommendation that the Bill should be amended to require a consultation draft to be laid before the Parliament.

Schedule 2, paragraph 11C – new section 3C(5)(b)(ii) – alternative grounds for granting applications: Scotland. (New power)

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<tr>
<th>Power conferred on:</th>
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<tr>
<td>Power exercisable by:</td>
<td>order</td>
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<tr>
<td>Parliamentary procedure:</td>
<td>affirmative procedure</td>
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14. Part 2 of schedule 2 makes provision about applications to the Gender Recognition Panel (“the GRP”) by certain people who transitioned some time ago to an acquired gender.

15. The provisions allow such persons to have their change in gender legally recognised through the issue of a gender recognition certificate if they meet certain conditions. One condition is that the person has undergone a prescribed treatment for the purpose of modifying their sexual characteristics. New section 3C(5)(b)(ii) of the 2004 Act therefore gives power to the Scottish Ministers to determine which treatment to modify sexual characteristics will qualify as part of the criteria for recognition of a change of gender.
16. The Committee considers that this is a significant matter and engages the question of whether the criteria for change in gender should be determined through delegated powers as opposed to requiring primary legislation. The Committee observes that until now the conditions under which a gender recognition certificate could be granted has been left as a matter for the Parliament rather than Ministers.

17. However, in recognition of the significance of the power, the Government has imposed a requirement for consultation with the GRP and such other persons as the Ministers consider appropriate on a draft order. The affirmative procedure applies to its exercise.

18. This power was newly inserted into the Bill at stage 2 and therefore prior to now, the Committee has not had the opportunity to comment on it. However, the power raises a similar issue to that discussed above in relation to inserted section 5D of the 2004 Act as the exercise of this power involves consultation on a draft order before the subsequent laying of a draft order subject to affirmative procedure. And, like the power under inserted section 5D, this power does not engage the Parliament at that stage.

19. **Given the similar concerns the Committee raised at stage 1 in relation to inserted section 5D of the 2004 Act, the Committee asks the Scottish Government to explain why it is considered appropriate that the Bill does not require draft orders made under new section 3C(5)(b)(ii) of the 2004 Act to be laid before the Parliament at the point at which they are consulted on.**
03 February 2014

Dear Douglas

MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
AMENDMENTS TO THE EQUALITY ACT 2010

1. In paragraph 4 of my letter of 16 December 2013, I indicated that the Government was considering whether the amendments to the 2010 Act also need to cover cases where a denomination opts in to same sex marriage and civil partnerships, makes it clear that some of its celebrants will not take part and there is then a legal challenge against the denomination.

2. I now attach a further version of the draft amendments. In 1(4), the proposed sub-paragraph (9C) to be inserted into Schedule 23 to the 2010 Act is new. It is designed to protect the denomination against any legal challenge where the denomination opts in but makes it clear that some of its celebrants will not take part.

4. There are some other minor changes to 1(4):

- The proposed sub-paragraph (9B) has been slightly amended to refer to “on behalf of an organisation” rather than “for the purposes of an organisation”.
- Proposed sub-paragraph (9D) has been re-numbered and a definition of “approved celebrant” has been added.

5. I also attach revised Explanatory Notes. The changes here are:

- Paragraph 16 and the example after it are new and reflect the new proposed sub-paragraph (9C).
- The last sentence of paragraph 15 has been amended to reflect the change to sub-paragraph (9B).
- Paragraph 17 has been re-numbered and reflects that a definition of “approved celebrant” has been added.
6. I am happy to answer any questions arising.

Yours sincerely

SIMON STOCKWELL
Family and Property Law
PART I

MODIFICATIONS OF THE EQUALITY ACT 2010

1 Modifications of the Equality Act 2010

(1) The Equality Act 2010 is amended as follows.

(2) In section 110 (liability of employees and agents), after subsection (5B) insert—

“(5C) A does not contravene this section by refusing to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

(5D) A does not contravene this section by refusing to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(5E) Subsections (5C) and (5D) apply only if A is an approved celebrant.

(5F) Expressions used in subsections (5C) to (5E) have the same meaning as in paragraph 25B of Schedule 3.”.

(3) In Schedule 3 (services and public functions: exceptions)—

(a) before paragraph 25 insert—

“PART 6ZA

MARRIAGE AND CIVIL PARTNERSHIP: SCOTLAND”,

(b) in paragraph 25, after sub-paragraph (2) insert—

“(3) An approved celebrant (A) does not contravene section 29, so far as relating to gender reassignment discrimination, only by refusing to register the civil partnership of a person (B) if A reasonably believes that B’s gender has become the acquired gender under the Gender Recognition Act 2004.

(4) In sub-paragraph (3) “approved celebrant” has the meaning given in section 94A(4)(a) of the Civil Partnership Act 2004.”, and

(c) after paragraph 25A insert—

“PART 6B

SAME SEX MARRIAGE AND CIVIL PARTNERSHIP: SCOTLAND

25B Same sex marriage and civil partnership: Scotland

(1) An approved celebrant does not contravene section 29 only by refusing to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.

(2) An approved celebrant does not contravene section 29 only by refusing to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(3) A person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the solemnising of a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex.
A person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the registration of a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

In this paragraph—

“approved celebrant”—

(a) in relation to solemnising a marriage, has the meaning given in section 8(2)(a) of the Marriage (Scotland) Act 1977,

(b) in relation to registering a civil partnership, has the meaning given in section 94A(4)(a) of the Civil Partnership Act 2004,

“relevant Scottish civil partnership” means a religious or belief civil partnership within the meaning of section 94A(4)(b) of the Civil Partnership Act 2004,

“relevant Scottish marriage” means a religious or belief marriage of two persons of the same sex within the meaning of section 8(2)(a) of the Marriage (Scotland) Act 1977.”.

In Schedule 23 (general exceptions), in paragraph 2, after sub-paragraph (9) insert—

“(9A) An organisation does not contravene Part 3, 4 or 7 only by refusing to allow premises owned or controlled by the organisation to be used—

(a) to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex,

(b) to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(9B) A person (or an association of persons) does not contravene Part 3, 4 or 7 only by refusing to allow premises owned or controlled by the person (or the association) on behalf of an organisation to be used—

(a) to solemnise a relevant Scottish marriage for the reason that the marriage is the marriage of two persons of the same sex,

(b) to register a relevant Scottish civil partnership for the reason that the civil partnership is between two persons of the same sex.

(9C) An organisation does not contravene section 29 only by allowing an approved celebrant of the organisation to act as set out in sub-paragraph (1) or (2) of paragraph 25B of Schedule 3.

(9D) In sub-paragraphs (9A) to (9C), “approved celebrant”, “relevant Scottish marriage” and “relevant Scottish civil partnership” have the same meaning as in paragraph 25B of Schedule 3.”.
EXPLANATORY NOTES TO THE PROPOSED MODIFICATIONS TO THE EQUALITY ACT 2010 DESIGNED TO PROTECT RELIGIOUS AND BELIEF BODIES, CELEBRANTS AND OTHERS

Introduction

1. These Explanatory Notes have been prepared by the Scottish Government to assist the reader of the draft modifications to the Equality Act 2010 (“the 2010 Act”). These draft modifications are designed to protect religious and belief bodies, celebrants and others who do not wish to take part in the solemnisation of a religious or belief marriage or the registration of a religious or belief civil partnership on the ground that it is of a same sex couple.

2. As the proposed modifications are reserved, the intention is that amendments to the 2010 Act will be included in an Order under section 104 of the Scotland Act 1998 (“the 1998 Act”). Section 104 of the 1998 Act gives UK Ministers the power to make consequential changes following an Act of the Scottish Parliament. The draft Order will be laid before the UK Parliament at Westminster.

3. The attached draft amendments to the 2010 Act follow the publication of a detailed statement agreed between the UK and Scottish Government on the intended approach.

The modifications

4. Article 1(2) inserts new subsections (5C) to (5F) into section 110 of the 2010 Act.

5. Section 110(1) of the 2010 Act makes an employee, or an agent for a principal, personally liable for unlawful acts they commit in the course of their employment, or under the authority of a principal, for which their employer or principal could also be held liable.

6. New subsections (5C) and (5D) provide that an individual cannot be held personally liable under the 2010 Act for a refusal to solemnise a same sex marriage or register a civil partnership where the reason is that the marriage or civil partnership is between two persons of the same sex.

7. New subsection (5E) provides that this protection only applies to an “approved celebrant”. By virtue of new subsection (5F), the definition of “approved celebrant” in new paragraph 25B of Schedule 3 to the 2010 Act (new paragraph 25B forms part of these draft modifications) also applies to the amendments made to section 110 of the 2010 Act. The definition of “approved celebrant” covers religious and belief celebrants of marriages and of civil partnerships.

Example

A chaplain employed by a university is asked to solemnise the marriage of an employee of the university with a person of the same sex. Although his religious body has opted into marriage of same sex couples, he refuses because he does not wish to marry a same sex couple. This is lawful. The university makes alternative arrangements by finding an alternative chaplain to solemnise the marriage.

8. Article 1(3) adds provisions to Schedule 3 to the 2010 Act. Schedule 3 to the 2010 Act has a number of exceptions to the general requirements in the 2010 Act in relation to the provision of services and the exercise of public functions.

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1 This statement is at http://www.scotland.gov.uk/Resource/0042/00426318.pdf
9. Paragraph 25 in Schedule 3 already has an exception in respect of an approved celebrant not having to solemnise a marriage if the celebrant reasonably believes one of the parties to the proposed marriage has acquired a gender under the Gender Recognition Act 2004. The new paragraph 25(3) extends this protection to celebrants who register religious or belief civil partnerships, following their introduction. The new paragraph 25(4) defines approved celebrants to mean religious and belief celebrants.

10. The new paragraph 25B(1) and (2) provide that an approved celebrant does not contravene section 29 of the 2010 Act by refusing to solemnise a marriage or register a civil partnership because it is of a same sex couple. “Approved celebrant” is defined in new paragraph 25B(5) so as to mean a religious or belief celebrant. This provision protects religious and belief celebrants who do not wish to solemnise same sex marriage or register a civil partnership, even though their religious or belief body has opted in.

Example

A religious body opts into the solemnisation of marriage of same sex couples but makes it clear that it respects the views of those within the body who do not wish to take part. One of the body’s ministers does not approve of same sex marriage and does not wish to solemnise such a marriage. This would be lawful. The religious body arranges for an alternative minister to conduct the marriage ceremony for the same sex couple.

11. The new paragraph 25B(3) and (4) provide that a person does not contravene section 29 only by refusing to participate in a religious or belief ceremony forming part of, or connected with, the solemnising of a marriage or the registration of a civil partnership because the ceremony is between two persons of the same sex. In this context, “religious or belief ceremony” refers to a religious or belief activity which forms part of the marriage solemnisation or the civil partnership registration.

Examples

An organist who usually plays hymns at wedding services at a church does not wish to play at a wedding service of a same sex couple. This would be lawful because he is carrying out a religious ceremony (i.e. activity) which forms part of the marriage service.

A commercial photographer is asked to photograph a wedding of a same sex couple. It would be unlawful sexual orientation discrimination for her to refuse because she does not approve of marriage of same sex couples. This is because she is not carrying out a religious or belief activity.

A volunteer flower arranger who usually decorates the place of worship for wedding services refuses to do so for a wedding of a same sex couple because she does not approve of such marriages. She is not carrying out a religious or belief activity but her refusal would nonetheless be lawful because she is not considered to be providing a service to the public or a section of the public, so it is not covered by the 2010 Act. If a commercial flower arranger asked by a same sex couple to decorate their wedding venue refused to do so because he does not approve of marriage of same sex couples, this would be unlawful sexual orientation discrimination. This is because he is not carrying out a religious or belief activity and the service he provides is to the public and so is covered by the 2010 Act.


14. Sub-paragraph (9A) provides that a religious or belief organisation does not contravene Part 3 (services and public functions), Part 4 (premises) and Part 7 (associations) of the 2010 Act by refusing to allow premises it owns or controls to be used for same sex marriages or the registration of civil partnerships because these are same sex relationships.

*Example*

*A religious or belief body which has opted in to same sex marriage and the registration of civil partnership decides a particular building should not be used for the solemnisation of same sex marriage or the registration of civil partnership because the local congregation disagrees with same sex relationships. This would be lawful.*

15. Sub-paragraph (9B) provides that a person or association of persons does not contravene Parts 3, 4 or Part 7 of the 2010 Act in certain circumstances. These circumstances are a refusal to allow premises, which the person or association owns or controls on behalf of a religious or belief organisation, to be used for same sex marriages or the registration of civil partnerships because these are same sex relationships.

*Example*

*A local church committee decides that its building should not be used for the solemnisation of same sex marriage or the registration of civil partnership, even though its religious body has opted in, because it disagrees with same sex relationships. This would be lawful. It is for the religious body to make its own arrangements on who decides how local premises should, or should not, be used.*

16. Sub-paragraph (9C) provides that a religious or belief organisation does not contravene section 29 by allowing an approved celebrant to refuse to solemnise a same sex marriage or register a civil partnership because the marriage or the civil partnership is between two persons of the same sex.

*Example*

*A religious or belief body opts in to the solemnisation of same sex marriage and the registration of civil partnerships but makes it clear that its celebrants do not have to take part. This would be lawful.*

17. Sub-paragraph (9D) provides definitions of “approved celebrant”, “relevant Scottish marriage” and “relevant Scottish civil partnership”. These relate, respectively, to a religious or belief celebrant, a religious or belief same sex marriage and a religious or belief civil partnership.

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*Scottish Government*

*February 2014*

2. In its report the Committee invited the Scottish Government to respond in relation to two related matters.

3. The first relates to the power at paragraph 6 of schedule 2 to the Bill which inserts section 5D into the Gender Recognition Act 2004 (“the 2004 Act”). Insofar as that power was concerned the Committee asked the Scottish Government to explain why it has chosen not to implement the Committee’s stage 1 recommendation that the Bill should be amended to require a consultation draft to be laid before the Parliament.

4. The second matter concerns new section 3C(5)(b)(ii) of the 2004 as inserted by schedule 2, paragraph 11C of this Act. The Committee noted similar concerns to those raised at stage 1 in relation to inserted section 5D of the 2004 Act. As such, in its report, the Committee asked the Scottish Government to explain why it is considered appropriate that the Bill does not require draft orders made under new section 3C(5)(b)(ii) of the 2004 Act to be laid before the Parliament at the point at which they are consulted on.

5. The response from the Scottish Government to these two related matters is attached at the Annex.

6. Members are invited to note the Scottish Government’s response and to make any comments they wish.
MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL AS AMENDED AT STAGE 2

Schedule 2 (Paragraph 6): orders made under section 5D of the Gender Recognition Act 2004

1. The Committee asked the Scottish Government, in paragraph 13 of the report on the Bill as amended at Stage 2, why the Government has chosen not to implement the Committee’s recommendation that the Bill should be amended to require a consultation draft of the Order to be laid before the Parliament.

2. The Government considered the points made on section 5D of the Gender Recognition Act 2004 (“the 2004 Act”) in paragraphs 37 to 48 of the report by the Committee on the Bill as introduced. As indicated in the Government response to this report, the Government agreed with the Committee that the power is significant and lodged amendments at Stage 2 so that all orders made under the new section 5D are subject to the affirmative procedure.

3. The Government also outlined its view on consultation in its response to this report. As indicated in its response, the Government lodged an amendment at Stage 2 so that before making an Order the Scottish Ministers would have to consult the Gender Recognition Panel (in addition to the requirement to consult the Registrar General) and such other persons as the Scottish Ministers consider appropriate. This latter group will include bodies representing people seeking gender recognition and would also include bodies representing family lawyers.

4. The consultation will be on a draft of the proposed Order.

5. The Government considers this to be a robust and transparent consultation process. It will involve bodies supporting transgender people; legal practitioners; the Registrar General and the Gender Recognition Panel, which determines applications for gender recognition. Consulting in this way acknowledges the recommendation made by the Committee on consultation.

6. The Government considers that this process is preferable to the Committee’s recommendation that there be a requirement for consultation on a draft laid before the Parliament. The Government considers the approach now contained in the Bill ensures that key parties will be closely involved in the process whilst still recognising Parliament’s scrutiny role by ensuring that all orders made under section 5D of the 2004 Act are subject to the affirmative procedure. The Government is of the view that this strikes the right balance in relation to both consultation and Parliamentary scrutiny.

7. This approach also provides clarity on the process involved.

8. The Government will keep the Parliament closely informed on progress with implementing the Bill, if it is passed at Stage 3 and receives Royal Assent, including in relation to orders under section 5D.
Schedule 2 (Paragraph 11C): orders under section 3C(5)(b)(ii) of the 2004 Act

9. The Committee asked the Scottish Government, in paragraph 19 of the report on the Bill as amended at Stage 2, why it is considered appropriate that the Bill does not require draft orders made under section 3C(5)(b)(ii) of the 2004 Act to be laid before the Parliament at the point on which they are consulted on.

10. Following the comments made by the Committee on the powers at section 5D of the 2004 Act, the Government recognised, when lodging the amendments at Stage 2 to add new section 3C(5)(b)(ii), that a power of this nature was significant and should be subject to the affirmative procedure.

11. The Government also recognised that the consultation process needed to be robust. Therefore, the Bill provides that before making an Order under section 3C(5)(b)(ii) the Scottish Ministers must consult the Gender Recognition Panel and such other persons as the Scottish Ministers consider appropriate on a copy of the proposed draft Order. The latter group of consultees will include bodies representing people seeking gender recognition.

12. Again the Government considers this to be a robust and transparent consultation process. As a result, the Government does not consider it necessary for draft orders to be laid before the Parliament at the point on which they are consulted on. The approach taken in the Bill means that key parties will be closely involved in the process whilst still recognising Parliament’s scrutiny role by ensuring that all orders made under section 3C(5)(b)(ii) of the 2004 Act are subject to the affirmative procedure. The Government is of the view that this strikes the right balance in relation to both consultation and Parliamentary scrutiny.

Family and Property Law
Scottish Government
January 2014
Marriage and Civil Partnership (Scotland) Bill: The Committee considered the Scottish Government’s response to its Stage 2 Report.
11:37

The Convener: We come to agenda item 6. As members will recall, the committee agreed its report on the bill as amended at stage 2 at last week’s meeting. In its report, the committee invited the Scottish Government to respond in relation to two matters relating to the laying of draft orders for consultation before the Parliament. Members have seen the response from the Scottish Government. Do members have any comments?

John Scott: I am content with the Government’s explanation.

The Convener: Does the committee agree to note the Scottish Government’s response?

Members indicated agreement.
Marriage and Civil Partnership (Scotland) Bill

Marshalled List of Amendments selected for Stage 3

The Bill will be considered in the following order—

Sections 1 to 33  Schedules 1 and 2
Long Title

Amendments marked * are new (including manuscript amendments) or have been altered.

Section 10

John Mason

25  In section 10, page 10, line 19, at end insert—

< ( ) For the avoidance of doubt—

(a) no religious or belief body may be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to—

(i) make a request referred to in subsection (1C)(a);

(ii) nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;

(b) no person may be compelled by any means (including by the enforcement of a contract or a statutory or other legal requirement) to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex.>

After section 14

John Mason

26  After section 14, insert—

<Protecting expression of belief in marriage between persons of different sex

For the avoidance of doubt, a belief in marriage as a voluntary union between one man and one woman to the exclusion of all others for life is a belief worthy of respect in a democratic society.>

Siobhan McMahon

3  After section 14, insert—

<Protection of freedom of expression: public authority functions

(1) For the avoidance of doubt, a public authority must not—

(a) withhold a service or the use of a facility from a person,
(b) terminate the provision of a service to, or the use of a facility by, a person,
(c) alter the terms on which a service is provided, or a facility is used, to the
detriment of the person,

where the reason for taking the action mentioned in paragraph (a), (b) or (c) is that the
person holds the belief mentioned in subsection (2).

(2) The belief is that marriage may only be between one man and one woman.
(3) For the purposes of subsection (1), a public authority is a body listed in schedule 1 to the

Richard Lyle

1 After section 14, insert—

<Protection of freedom of expression: adoption and fostering

(1) For the avoidance of doubt, the views of a relevant person on whether marriage may be
between persons of the same sex may not be considered—

(a) by an adoption agency when considering whether to approve a person as an
adopter under or by virtue of the Adoption and Children (Scotland) Act 2007,
(b) by a court in coming to a decision relating to the adoption of a child under or by
virtue of the Adoption and Children (Scotland) Act 2007,
(c) by a local authority when considering whether to approve a person as a foster
carer under the Looked After Children (Scotland) Regulations 2009.

(2) For the purposes of subsection (1) a “relevant person”—

(a) under paragraph (a) and (b) is a prospective adopter,
(b) under paragraph (c) is a prospective foster carer.>

Richard Lyle

2 After section 14, insert—

<Same sex marriage: protection of charitable status

In section 8 of the Charities and Trustee Investment (Scotland) Act 2005 (public
benefit), after subsection (2) insert—

“(2A) For the avoidance of doubt, a disbenefit is not incurred or likely to be incurred
by the public in consequence of a body holding a belief as mentioned in
subsection (2B).

(2B) The belief is that marriage may only be between one man and one woman.”>

After section 21

John Mason

27 After section 21, insert—
<CHAPTER

REVIEW OF SAME SEX MARRIAGE

Review of effect of same sex marriage

(1) The Scottish Ministers must, before the end of the 5 year period, review—
   (a) the effects of the introduction of marriage of persons of the same sex (“same sex
       marriage”),
   (b) the operation of the provisions on same sex marriage in this Act,
and lay before the Scottish Parliament a report of the review.

(2) The review must, in particular, consider—
   (a) the operation and effect of section 8(1D) of the 1977 Act (inserted by section
       10(2)(b) of this Act),
   (b) the operation and effect of section 14 of this Act,
   (c) any court proceedings relating to the effect of the introduction of same sex
       marriage.

(3) In carrying out a review under this section, the Scottish Ministers must consult such
    persons as they consider appropriate.

(4) The Scottish Ministers must, as soon as practicable after the report has been laid before
    the Parliament, publish the report in such manner as they consider appropriate.

(5) In this section—
    “court proceedings” includes proceedings of—
    (a) an employment tribunal within the meaning of section 1 of the Employment
        Tribunal Act 1996,
    (b) an Employment Appeal Tribunal within the meaning of section 20 of the
        Employment Tribunal Act 1996,
    (c) the European Court of Human Rights,
    (d) the European Court of Justice,
    “the 5 year period” means the period of 5 years beginning with the day on which
    any provision relating to same sex marriage comes into force.>

After section 25

Patrick Harvie

28 After section 25, insert—

<Review of civil partnership

(1) The Scottish Ministers must, no later than 9 months after the day of Royal Assent, lay
    before the Parliament a report setting out the options under consideration for the future
    of civil partnerships in Scotland.

(2) The options set out in the report under subsection (1) must include the option of
    enabling two people of different sexes to enter into civil partnership with each other.

(3) The Scottish Ministers must, in preparing the report under subsection (1), consult such
    persons as they consider appropriate.>

3
Section 28A

Alex Neil
4 In section 28A, page 32, line 12, leave out <The> and insert <Section 1 of the>

Alex Neil
5 In section 28A, page 32, line 12, after <1976> insert <(grounds of divorce)>

Alex Neil
6 In section 28A, page 32, line 18, at end insert <, but

( ) continues to apply despite a full gender recognition certificate being issued to that person by the sheriff under section 4E of that Act.”>

Section 32

Patrick Harvie
29 In section 32, page 33, line 13, at beginning insert <Section (Review of civil partnership),>

John Mason
30 In section 32, page 33, line 15, at end insert—

<(2A) The day appointed for the provisions for the marriage of persons of the same sex to come into force must be a day after the day when amendments to the Equality Act 2010 to give effect to the amendments mentioned in subsection (2B) have been or are being brought into force.

(2B) The amendments are—

(a) in section 10 (religion or belief), after subsection (3), insert—

“(3A) For the avoidance of doubt, the protected characteristic of religion or belief may include a belief that marriage may only be between a man and a woman.”,

(b) in section 149 (public sector equality duty), after subsection (9), insert—

“(9A) Compliance with the duties in this section requires ensuring that a belief that marriage may only be between a man and a woman is respected and that no person may suffer any detriment as a result of holding or expressing such a belief.”.>

Schedule 2

Alex Neil
7 In schedule 2, page 39, line 13, after <4C,> insert <4E,>

Alex Neil
8 In schedule 2, page 39, line 13, after <4C,> insert <4F,>
In schedule 2, page 43, line 16, at end insert ‘<, and

( ) the person is not in possession of a statutory declaration by the person’s
spouse that the spouse consents to the marriage continuing after the issue
of a full gender recognition certificate.’

In schedule 2, page 43, line 28, at end insert—

‘<( ) Where the sheriff issues a full gender recognition certificate, the sheriff must
send a copy to the Gender Recognition Panel.’

In schedule 2, page 43, leave out lines 29 to 32

In schedule 2, page 43, line 32, at end insert—

‘4F Death of civil partner or spouse: issue of full certificate (Scotland)

(1) A Gender Recognition Panel must issue a full gender recognition certificate to
a person in either of the following cases.

(2) Case A is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,

(b) the person was a party to a protected Scottish civil partnership at the time
when the interim gender recognition certificate was issued,

(c) the protected civil partnership was a qualifying civil partnership (within
the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the
parties to the civil partnership submitted notice of intention to marry
under section 3(1) of that Act within the period of six months beginning
with the day on which that certificate was issued, and

(d) the person’s civil partner died—

(i) before the submitting of notice had resulted in the civil partnership
becoming a marriage, and

(ii) after the period of six months beginning with the day on which the
interim gender recognition certificate was issued.

(3) Case B is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,

(b) the person was a party to a protected Scottish civil partnership at the time
when the interim gender recognition certificate was issued,

(c) the protected civil partnership was a qualifying civil partnership (within
the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the
parties to the civil partnership submitted notice of intention to marry
under section 3(1) of that Act within the period of six months beginning
with the day on which that certificate was issued,’
(d) the submitting of notice resulted in the civil partnership becoming a marriage, and

(e) the person’s spouse died—
   (i) within the period of six months beginning with the day on which the civil partnership became a marriage, and
   (ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(4) If, on an application under subsection (2) or (3), the Panel is not satisfied—
   (a) as mentioned in that subsection, or
   (b) that the person is neither married nor a civil partner,
the Panel must reject the application.

(5) An application under subsection (2) or (3) must be made within the period of six months beginning with the day on which the death occurs.

(6) An application under subsection (2) or (3) must include evidence of—
   (a) the death of the person’s civil partner or, as the case may be, spouse and the date on which it occurred,
   (b) the date on which the notice under section 3(1) of the 1977 Act was submitted.

Alex Neil
13 In schedule 2, page 43, line 32, at end insert—

<Issue of full gender recognition certificate after interim certificate: grounds of divorce

In section 5 (issue of full certificates where applicant has been married), after subsection (1), insert—

“(1A) Subsection (1) does not apply where a full gender recognition certificate has already been issued, to the party to whom the interim gender recognition certificate was issued, by the sheriff under section 4E.”.

Alex Neil
14 In schedule 2, page 44, line 33, after <4C,> insert <4F,>

Alex Neil
15 In schedule 2, page 44, line 34, after <4C,> insert <4E,>

Alex Neil
16 In schedule 2, page 44, line 34, after <4C,> insert <4F,>

Alex Neil
17 In schedule 2, page 44, line 36, after <4C,> insert <4E,>
Alex Neil

18 In schedule 2, page 44, line 36, after <4C,> insert <4F,>

Alex Neil

19 In schedule 2, page 45, line 6, after <Panel> insert <or the sheriff>

Alex Neil

20 In schedule 2, page 45, line 10, after <4C,> insert <4E,>

Alex Neil

21 In schedule 2, page 45, line 10, after <4C,> insert <4F,>

Alex Neil

22 In schedule 2, page 45, leave out lines 20 to 23

Alex Neil

23 In schedule 2, page 48, line 35, after <4C,> insert <4F,>

Alex Neil

24 In schedule 2, page 48, line 36, after <4C,> insert <4F,>
Marriage and Civil Partnership (Scotland) Bill

Groupings of Amendments for Stage 3

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during Stage 3 proceedings, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

**Note:** The time limits indicated are those set out in the timetabling motion to be considered by the Parliament before the Stage 3 proceedings begin. If that motion is agreed to, debate on the groups above each line must be concluded by the time indicated, although the amendments in those groups may still be moved formally and disposed of later in the proceedings.

**Group 1: No power to compel religious or belief bodies to carry out same sex marriages**
25

**Group 2: Protection of freedom of expression etc.**
26, 3, 1, 2, 30

Debate to end no later than 50 minutes after proceedings begin

**Group 3: Review of same sex marriage**
27

**Group 4: Review of civil partnership**
28, 29

Debate to end no later than 1 hour 15 minutes after proceedings begin

**Group 5: Processes for, and consequences of, applications to sheriff for issue of full gender recognition certificate**
4, 5, 6, 7, 9, 10, 11, 13, 15, 17, 19, 20, 22
Group 6: Issue of full gender recognition certificate following death of civil partner or spouse
8, 31, 14, 16, 18, 21, 23, 24

Debate to end no later than 1 hour 30 minutes after proceedings begin
EXTRACT FROM THE MINUTES OF PROCEEDINGS

Vol. 3, No. 75 Session 4

Meeting of the Parliament

Tuesday 4 February 2014

Note: (DT) signifies a decision taken at Decision Time.

**Business Motion:** Joe FitzPatrick, on behalf of the Parliamentary Bureau, moved S4M-08938—that the Parliament agrees that, during stage 3 of the Marriage and Civil Partnership (Scotland) Bill, debate on groups of amendments shall, subject to Rule 9.8.4A, be brought to a conclusion by the time limit indicated, that time limit being calculated from when the stage begins and excluding any periods when other business is under consideration or when a meeting of the Parliament is suspended (other than a suspension following the first division in the stage being called) or otherwise not in progress:

- Groups 1 and 2: 50 minutes
- Groups 3 and 4: 1 hour 15 minutes
- Groups 5 and 6: 1 hour 30 minutes.

The motion was agreed to.

**Marriage and Civil Partnership (Scotland) Bill - Stage 3:** The Bill was considered at Stage 3.

The following amendments were agreed to (without division): 4, 5, 6, 7, 8, 9, 10, 11, 31, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23 and 24.

The following amendments were disagreed to (by division)—

- 25 (For 21, Against 96, Abstentions 3)
- 26 (For 19, Against 95, Abstentions 7)
- 3 (For 21, Against 98, Abstentions 2)
- 1 (For 20, Against 98, Abstentions 3)
- 2 (For 27, Against 92, Abstentions 2)
- 27 (For 19, Against 100, Abstentions 1)
- 30 (For 14, Against 100, Abstentions 1)

Amendment 28 was moved and, with the agreement of the Parliament, withdrawn.

Amendment 29 was not moved.

The Deputy Presiding Officer extended the first time-limit under Rule 9.8.4A(c).

The Cabinet Secretary for Health and Wellbeing (Alex Neil) moved a motion without notice under Rule 9.8.5A to move the second time limit by up to 30 minutes. The
motion was agreed to. As a consequence, the third time limit was also moved by 30 minutes.

The Deputy Presiding Officer further extended the second time limit under Rule 9.8.4A(c).

The Presiding Officer altered the time of Decision Time by 30 minutes in consequence of the motion under Rule 9.8.5A being agreed to and notified members accordingly.

**Marriage and Civil Partnership (Scotland) Bill:** The Cabinet Secretary for Health and Wellbeing (Alex Neil) moved S4M-08915—That the Parliament agrees that the Marriage and Civil Partnership (Scotland) Bill be passed.

After debate, the motion was agreed to ((DT) by division: For 105, Against 18, Abstentions 0).
Marriage and Civil Partnership (Scotland) Bill: Stage 3

14:11

The Presiding Officer (Tricia Marwick): Before we move to the next item of business, I extend a welcome to the members of the public who are in the public gallery. However, I say to them that this is a meeting of the Parliament in public, not a public meeting, and I would appreciate it very much if they did not participate in the debate by applauding or making other interventions.

The next item of business is stage 3 proceedings on the Marriage and Civil Partnership (Scotland) Bill. In dealing with the amendments, members should have the bill as amended at stage 2, the marshalled list of amendments and the groupings of amendments.

The division bell will sound and proceedings will be suspended for five minutes for the first division of the afternoon. The period of voting for the first division will be 30 seconds; thereafter, I will allow a voting period of one minute for the first division after a debate. Members who wish to speak in the debate, on any group of amendments, should press their request-to-speak buttons as soon as possible after the group is called.

Members should now refer to the marshalled list of amendments.

Section 10—Persons who may solemnise marriage

The Presiding Officer: Amendment 25, in the name of John Mason, is in a group on its own.

John Mason (Glasgow Shettleston) (SNP): I emphasise that amendment 25 and other amendments that I have lodged are intended to strengthen the protections for those who disagree—who, frankly, will continue to disagree—with same-sex marriage. Other members may speak against the bill in principle, but that is not my intention, whatever my personal beliefs.

The words “strengthening” and “protection” can seem a bit subjective, but that is where we are. We are not at zero per cent protection, nor are we or can we be at 100 per cent. We are all trying to anticipate what the courts may or may not decide in the years ahead. I accept that the Government has made attempts to build in safeguards on what is a very controversial issue, but I would argue that we could make some improvements.

In other legislation, we have seen a degree of accommodation by the Government, which has been very welcome—for example, in the Freedom of Information (Amendment) (Scotland) Act 2013 and in the current budget bill. Surely, some flexibility today would show that Parliament is listening to the public. Some of my amendments—for example, amendments 26 and 27—might gain greater support than others, but for now we are looking at amendment 25.

Amendment 25 is based on an amendment that was accepted by the United Kingdom Government during the passage of the Marriage (Same Sex Couples) Act 2013. Section 10 of the Marriage and Civil Partnership (Scotland) Bill proposes a new section 8(1D) of the Marriage (Scotland) Act 1977, which refers to no duty being imposed by specific proposed new subsections of the 1977 act. By contrast, the Westminster protection is broader, referring to no person being “compelled by any means”—that is the key phrase—“including by the enforcement of a contract or a statutory or other legal requirement”.

The aim of amendment 25 is not to remove the “no duty imposed” terminology but to bolster it by putting in the additional protection of a person not “compelled by any means”. That is to give protection for the religious liberty and rights of conscience of those groups and individuals who do not wish to participate in same-sex marriages.

The “by any means” terminology should cover, for example, the hire of public premises being made conditional on a religious body being a prescribed body that is able to conduct same-sex marriages. That is not currently covered by the limited “no duty imposed” terminology. The amendment would help to prevent a scenario from occurring in which, for example, a religious organisation is refused hire of public buildings because it is not registered for same-sex marriages.

Given that a similar amendment was accepted at Westminster, I would argue that we could learn from that example and that amendment 25 could similarly be accepted by the Scottish Parliament and the Government today.

I move amendment 25.

14:15

Marco Biagi (Edinburgh Central) (SNP): One of the key concerns when the bill was discussed at the Equal Opportunities Committee was the nature of the opt-in requirement and the question whether there could be any kind of challenge.

When Aidan O’Neill and other legal experts came before the committee, my first question was whether there could be any means, under human rights or other law, whereby a church could be
forced to perform a same-sex marriage, as amendment 25 tries to stave off. It is worth going through the response that I got directly, as it shows the difference between Scotland and England. It was:

“It could be argued that, at a certain level, the Church of England is a public authority when it carries out marriage functions because of its duty in law to marry anyone ... In Scotland, there is a different relationship between church and state. The Church of Scotland is not and has never been a department of the state”.

I then asked:

“Would article 9 of the European convention on human rights offer strong protection to a church against such a challenge?”

Aidan O’Neill said:

“Yes.”—[Official Report, Equal Opportunities Committee, 19 September 2013; c 1494.]

The opinion that came before the Equal Opportunities Committee from the person who is most closely associated with the campaign against equal marriage was that no further protection is necessary.

I add that the issue throws up some serious questions about parliamentary competence. We are not, in this Parliament, able to change or amend any duty that the European convention on human rights would put on us. As a layman, I would suggest that the wording “may be compelled by any means” could be taken to refer to an attempt to pass something in employment law or in other reserved areas. As members throughout the chamber know, should an amendment that creates an interference with reserved areas pass at this stage, it would cause the entire bill to fall. I hope that members will reject the amendment.

Jackie Baillie (Dumbarton) (Lab): It would be helpful if the cabinet secretary could, when winding up, offer clarification on John Mason’s amendment 25 so that members, in exercising their vote, are aware of all the facts. I understand that the amendment seeks to ensure that there are no circumstances in which any religious or belief body can be compelled to carry out a same-sex marriage.

I understand—and as has been referred to—that a similar amendment was made at Westminster to the Marriage (Same Sex Couples) Bill, which became the 2013 act. Can the cabinet secretary confirm whether that is the case, and whether there is a difference between what was passed at Westminster and the bill? Can he confirm whether the point raised by my colleague Marco Biagi is indeed correct about the reservation?

I understand that the view of the Equality Network is that the amendment is “unnecessary” and that:

“Section 10(2) of the bill already states ... that there is no duty imposed by the bill on religious or belief bodies to request to be prescribed to conduct same-sex marriages, or to nominate any of their celebrants for registration to conduct same-sex marriages.”

That provision goes on to offer the same protection to individual celebrants, too.

It would be helpful to the entire Parliament if the cabinet secretary could advise us whether John Mason’s amendment is necessary and on what discussions he has had, if any, with our colleagues at Westminster, given the fact that similar changes were apparently accepted in the UK Parliament.

Patrick Harvie (Glasgow) (Green): As Jackie Baillie says, the Equality Network has described amendment 25 as “unnecessary”. I would guess that the Government will take the same view, given the existing protections in the bill.

In speaking against the amendment, I think that it is worth recalling quite how strong those existing protections are. John Mason used the phrase “religious liberty”. There is at present no religious liberty on the question of same-sex marriage. Those religious bodies and officiants who wish to welcome same-sex couples on equal terms are forbidden from doing so by the secular law—this Parliament’s law. If we want religious liberty to exist on this question, liberty has to be the freedom to say yes as well as the freedom to say no—or it is not freedom at all.

At the moment, the bill actually goes further towards the constituency that John Mason seeks to represent than pure religious liberty. If we were simply concerned with religious freedom, we would say that religious officiants are neither forbidden nor compelled to conduct same-sex marriages. In fact, what the law says is that religious bodies may forbid their officiants from conducting same-sex marriages but that they may not compel.

Under the bill as it stands, religious bodies as well as individual officiants will have their freedom protected. It is worth reflecting on quite how far John Mason seeks to go away from the principle of religious freedom.

Bob Doris (Glasgow) (SNP): I have a brief comment that I hope the cabinet secretary will deal with in his summing up.

The argument seems to have been fairly well made that amendment 25 may not be necessary. I am sure that the cabinet secretary will say something about that in his summing up. However, I ask the cabinet secretary, in terms of building the largest possible consensus in relation to the bill,
whether there would be any unintended consequences if amendment 25 was passed. In other words, would there be detriment to the bill if amendment 25 was passed? I seek clarification on that from the cabinet secretary in his summing up.

Chic Brodie (South Scotland) (SNP): I understand and accept the principles of the bill, but the overriding interest on my part is to protect the rights of individuals while wishing to extinguish the rancour that has characterised some of the debate prior to today. I believe that amendment 25 will help.

I raised with the cabinet secretary the issue of article 9 of the European convention on human rights, which provides for “the right to freedom of thought, conscience and religion”, and the “Freedom to manifest one’s religion or beliefs ... subject ... to such limitations”, which include among several others “the rights and freedom of others.”

Some of those people may be involved in religious organisations. That provision is compounded by the Equality Act 2010, which prohibited discrimination because of religion or belief in connection with employment, vocational training or education.

We do not need another act of toleration, and we have gone way beyond that; but neither do we need another case like the Ladele and McFarlane cases, which were on civil partnerships, ending up in the European courts, which so far have ruled that employers or organisations can legitimately limit the freedom of employees to manifest their religions or faith to prevent discrimination to other groups. Sometimes the law can be an ass.

There is no unilateralism in the bill to protect the freedom of all individuals to live and believe as they wish. That circle must be squared in the bill. I think that amendment 25 deserves consideration.

The Cabinet Secretary for Health and Wellbeing (Alex Neil): I do not support amendment 25. I will try to deal with the points that have been raised by the various speakers.

Everybody, including the Scottish Government, has recognised throughout that many churches and celebrants will have concerns about same-sex marriage. Our consultations on the bill and the planned amendments to the Equality Act 2010 reflect that.

I do not consider that there is a need to borrow terminology from the 2010 United Kingdom act. I will give a brief synopsis of the protections for Scottish religious and belief bodies and celebrants as a result of the legislation that we introduced and the related amendments to the Equality Act 2010.

The bill will establish an opt-in system for bodies that wish to take part. There is provision at section 10 that makes it clear that the bill does not impose a duty to opt in and does not impose a duty on a person to apply for temporary authorisation. We have also agreed amendments to the Equality Act 2010 with the UK Government to protect individual celebrants from actions of discrimination. I believe that the approach that we have taken was supported by the evidence given to the Equal Opportunities Committee.

Amendment 25 could actually cause confusion. In particular, it is not clear what is meant in the amendment by “the enforcement of a contract or a statutory or other legal requirement”.

Including those words in marriage legislation might suggest that there is a statutory role for religious and belief bodies in marriage ceremonies beyond their role under the Marriage (Scotland) Act 1977.

During the debate on an equivalent amendment at stage 2, John Mason mentioned a specific example, as he has done today, of a local authority that would not hire out premises to a church because that church did not toe the line on same-sex marriage. We covered that specific issue in the Government consultation on the draft bill before it was introduced to Parliament.

Paragraphs 62 to 65 of annex A to the consultation noted that a local authority that refuses to let premises to a body on the basis of the body’s religious beliefs risks a successful claim for discrimination. I know that John Mason often raises concerns about the public sector equality duty. Our consultation on the bill went on to note that that duty does not mean that public bodies can discriminate when the Equality Act 2010 says that that is unlawful.

In conclusion, I invite the Parliament to reject amendment 25 for three reasons. First, we specifically addressed in our consultation the point that John Mason raised at stage 2 on churches hiring premises. Secondly, to import terminology from UK legislation into the bill could cause utter confusion. Thirdly, there are robust protections for religious bodies and celebrants in the bill and in the planned amendments to the Equality Act 2010. I therefore consider that amendment 25 is unnecessary and that it should be rejected.

The Deputy Presiding Officer (John Scott): I call on John Mason to wind up and press or withdraw his amendment.

John Mason: I will comment on a few of the speeches that have been made.
Marco Biagi talked about human rights law, but that is not really the concern here. The concern is that a zealous local authority that is very committed to the public sector equality duty will refuse to let a hall or whatever to a religious group that has not signed up to same-sex marriage. It is all very well to say, as the cabinet secretary did, that there is a risk that the local authority could be defeated in the courts, but the reality is that a small charity or a small church cannot possibly afford to go to the courts. Given the cost, it is just not possible for many groups to get such clarification. That is why I argue that what I propose needs to be in the bill.

Jackie Baillie used a useful word that I think will come up again this afternoon when she said that the amendment is “unnecessary”, and the cabinet secretary said that there is no “need” for it. However, that is not really my argument. The argument is not that we have 100 per cent safeguards here or that we do not know. We want that we are in a grey area. The question is whether we can make things a little bit clearer through amendment 25 and others. That is why I am arguing for what I propose.

Patrick Harvie mentioned religious freedom. I am happy to accept that there is not complete religious freedom at the moment, but some of the danger around the bill is that, overall, religious freedom will be reduced.

I end by saying that, if the Parliament accepts none of my amendments this afternoon, we will send out a signal that we have not been listening. I think that we should at least accept one or two of them. I press amendment 25.

The Deputy Presiding Officer: The question is, that amendment 25 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division. As it is the first vote of the afternoon, there will be a five-minute suspension.

14:27

Meeting suspended.

14:33

On resuming—

The Deputy Presiding Officer: We move to the division on amendment 25.

For

Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Graham, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Johnstone, Alex (North East Scotland) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McMillan, Stuart (West Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Alderdice, Christian (North East Scotland) (SNP)
Bailie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Ailean (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
Fitpatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
The division is: For 21, Against 96, Abstentions 3.

Marriage can be only between a man and a woman. That has been the prevailing view in Scotland for centuries. It may now be considered to be a minority or even old-fashioned view, but it is an integral tenet of faith for many Christians, Muslims and others, as well as the belief of many with no faith position at all.

The bill’s policy memorandum states:

“Many people and organisations hold the view that marriage can only ever be between a man and a woman. The Government has made clear its respect for this view”.

Similarly, during our oral evidence sessions, the director of Stonewall Scotland, Colin Macfarlane, told the Equal Opportunities Committee that not believing in same-sex marriage does not make an individual homophobic

"in any way, shape or form.”—[Official Report, Equal Opportunities Committee, 5 September 2013; c 1397.]

However, a distinct lack of respect for people who express that view has already come to light—and that is before the law has changed. For example, we have seen volunteers in the third sector removed from the board for publicly supporting traditional marriage and our colleague Elaine Smith vilified for expressing her opposition to same-sex marriage.

John Finnie (Highlands and Islands) (Ind):

Does the member accept that intemperate language has been used on both sides of the debate? Does he condemn its use on both sides, as I do?

John Mason: Yes, I completely accept that intemperate language has been used. If I believe everything that is said on Facebook, thousands of people will be campaigning against me at the next election.

At stage 2, some members asked why only the current definition of marriage was being singled out as worthy of respect in the amendment. The answer, of course, is that, if the law is changed, the new definition of marriage will automatically be afforded full protection and respect by the law. Amendment 26 is necessary to ensure that what may become the old definition of marriage, to which many in Scotland will continue to adhere, is likewise protected and respected. Should the new definition of marriage be agreed by Parliament, it is important that individuals and organisations that do not agree with the new definition feel free to express their opinions without fear. By agreeing to the amendment, Parliament would send a strong signal that intolerance of those who continue to believe in the current definition of marriage will not be tolerated.

I understand that the language that is used in amendment 26 is a key test that is used by the European Court of Human Rights. Surely showing tolerance of and respect for those whose views...
may differ from the state’s position is the hallmark of any democratic society. I therefore urge MSPs across the chamber, whatever their view is on the bill, to support amendment 26.

I turn to my amendment 30. It has been accepted that the need to amend the Equality Act 2010 is part of the process. I know that the Scottish Government has been working with the UK Government to prepare amendments to that act that relate to religious bodies, celebrants and others who do not wish to take part in the solemnisation of same-sex marriages.

However, concerns about the Equality Act 2010 go beyond the issue of celebrants and what happens inside religious buildings. The further issue relates to ordinary people, specifically those who work in the public sector. The Equality Act 2010 is intended to protect such people against discrimination on the ground of religion or belief, but it has tended not to do so. That protected characteristic has rather been relegated below others. Therefore, I would like to see additional amendments to the 2010 act that would specify that the protected characteristic of religion or belief includes the belief in marriage as currently defined.

That would not guarantee success in the courts, but it would confirm that belief is capable of being protected by the 2010 act and would make it clear that compliance with the public sector equality duty in section 149 of that act requires ensuring that no one should suffer any detriment as a result of holding or expressing the view that marriage is between a man and a woman. Nobody who works in or seeks a career in the public sector in Scotland should have their equality and diversity credentials or their suitability for employment disputed merely because they hold to the existing view of marriage, whether expressed or not.

At stage 2, Alex Neil said:

“I understand the concerns that religious bodies have expressed. As well as making it clear that people who oppose same-sex marriage should not be denied public services or the use of public facilities, we have made it clear that religious bodies that oppose same-sex marriage will continue to be eligible for grants and public services. As I have said, any public services that are provided through public money must in principle be available to all.”—[Official Report, Equal Opportunities Committee, 19 December 2013; c 1730.]

I therefore urge Alex Neil to do exactly what he said at stage 2 and support my amendment.

Richard Lyle (Central Scotland) (SNP): As an adoptive parent myself, I appeal to the cabinet secretary and to every member in the chamber, whatever their view is of the bill, to understand why I feel that it is incumbent upon me to return with amendment 1 at stage 3. I do so because this is a matter of the utmost importance. People have to experience adopting a child to know what couples go through. Social workers—quite rightly—ask many questions and my wife and I went through the process and eventually got a baby 32 years ago.

I am glad that the cabinet secretary is on the record as saying:

“It would not be appropriate for prospective and current foster carers who oppose same sex marriage to have their suitability to foster children questioned just because of opposition to same sex marriage.”

I do not doubt his sincerity for one minute. He went on to say that

“opposition to same sex marriage is not by itself sufficient to make a person unsuitable to provide foster care.”—
I think that it is the phrase “by itself” that may trouble potential carers. It would be a genuine tragedy for everybody involved—especially the children—if prospective foster carers or adopters were turned down because their views on same-sex marriage led the authorities to question their suitability for the role. What is more likely, yet no less tragic, is that applicants with so-called traditional views on marriage will be put off applying in the first place, fearing that they will be branded homophobic.

It is worth emphasising that amendment 1 gives no special protection to people who disagree with same-sex marriage. Rather, it means that no views on the subject, whether for or against, should be factors in the approval process. My amendment would therefore provide equal protection for a couple who were passionately in favour of same-sex marriage and who found themselves in difficulty. That is why the bill should state that views on same-sex marriage cannot be taken into consideration during the approval process for prospective foster carers or adoptive parents. I therefore earnestly urge colleagues to lend me their support this afternoon.

Amendment 2 aims to ensure that an organisation’s charitable status is protected if it believes in the present definition of marriage. As every member knows, Scottish civic society is teeming with charitable organisations, many of them religious, which are engaged in all sorts of social activities in their communities such as food banks, homelessness services or debt advice.

It is also the case that many of those charities, due to their ethos, would not be supportive of same-sex marriage. That certainly does not mean that same-sex couples would be discriminated against with regard to the services that are provided by such bodies—to suggest otherwise is quite wrong and would be a terrible insult to those organisations. On the contrary, the issue at stake is that the Office of the Scottish Charity Regulator may seek to use a charity’s opposition to same-sex marriage as a means of challenging its public benefit. The loss of charitable status could easily lead to such an organisation’s closure, which would have a hugely detrimental impact upon the vulnerable people who rely on the services that it provides.

Despite previous ministerial assurances regarding the future of the Catholic adoption agencies, OSCR has sought to remove charitable status from St Margaret’s Children and Family Care Society because St Margaret’s gives preference to married couples. I hope that all members have read the extremely thoughtful letter that was sent to us by the Rev Thomas White, the executive chair of St Margaret’s, which expands on the issue. The fact that OSCR’s decision has been overturned on appeal in the past few days is extremely good news, but it does not mask the fact that OSCR wished to remove St Margaret’s charitable status and that a lengthy period of uncertainty, disruption and distress has engulfed that small society. St Margaret’s had to use the law to protect itself, but a less well-resourced charity might feel that the costs would deter such action.

The appeal decision is welcome, but the entire sorry episode serves to underline why amendment 2 is so important. It would simply ensure that OSCR could not consider an organisation’s position on same-sex marriage when assessing its charitable status. I therefore urge the Government and all members to put the matter beyond doubt and to back amendment 2, which would send out a powerful message to the many voluntary bodies that are currently hard at work in our communities and which might be worried about the bill’s unforeseen impact.

The Deputy Presiding Officer: Several members wish to speak, so I urge them to be as relatively brief as they can in making their point.

Marco Biagi: Above all with the bill, which will shortly become law, I want it to be even handed. I want the same protections and provisions to apply to lesbian, gay, bisexual and transgender people and to those who are not LGBT, including those who oppose the bill. Whenever the Equality Act 2010 is mentioned in the Equal Opportunities Committee, my colleague John Mason mentions the prospect of a hierarchy of rights. However, it seems to me that the amendments in the group try to create a hierarchy of rights by creating special protections.

Those protections are unnecessary. Section 14 states:

“nothing in this Part so far as it makes provision for the marriage of persons of the same sex and as to the persons who may solemnise such marriages affects the exercise of—

(a) the Convention right to freedom of thought, conscience and religion,

(b) the Convention right to freedom of expression”.

Those two strong protections run right through the bill and apply equally to those on both sides of the debate. Moreover, the suggested amendments to the Equality Act 2010 in amendment 30 have already been rejected by the United Kingdom Government and would therefore cause the bill never to come into force.
The argument behind amendment 26 is that opposition to same-sex marriage is a belief that is worthy of respect in a democratic society. John Mason suggests that we need a provision on that because the bill creates a new definition. However, the bill goes out of its way to ensure that it is perfectly legal for a church or other religious organisation not to perform same-sex marriage.

The bill creates a situation in which every church has to choose, so it seems perverse to think that the wording of the bill could be cited as a reason for actions against a group that had used the powers that are in the bill. There is a strong difference between a bill that permits same-sex marriage and one that criminalises opposition to it. This bill is clearly permissive rather than compulsive.

None of the amendments in the group is necessary, because all the protections are in the bill. I would not want to lodge an amendment stating that support for same-sex marriage is a belief that is worthy of respect in a democratic society or that an organisation that supports same-sex marriage should not be denied access to public services, even though I can foresee circumstances in which local authorities or other organisations might have a bit of reluctance in that regard. Let us have one set of protections that applies broadly and that covers everyone, so that we are all equal in the eyes of the law.

Jackie Baillie: I wish to comment on amendments 1 and 2 in the name of Richard Lyle and amendment 30 in the name of John Mason.

I will start with the latter. I am totally opposed to amendment 30, because whether or not John Mason intended this to be the case, it is undoubtedly a wrecking amendment. Expanding the protected characteristic of religion and belief to include belief that marriage should be only between one man and one woman raises questions about the overall status of other beliefs. As I understand it, it is extremely unlikely that the UK Government will agree to those particular amendments to the Equality Act 2010. Therefore, because the bill could be enacted only after those specific changes had been made, it would in effect never happen. Of course, it is up to individual colleagues to exercise their judgment on amendment 30, but I urge caution, given the likely effect of agreeing to it.

The Scottish Government has, of course, been in dialogue with UK counterparts, and it would be useful for the cabinet secretary to set out the agreement for an order under section 104 of the Scotland Act 1998 and how those additional protections in the Equality Act 2010 will be taken forward.

I turn to amendments 1 and 2 from Richard Lyle. It seems a long time ago, but I recall the same matters being discussed in the chamber during the passage of previous legislation and my colleague Michael McMahon seeking clarification from ministers about Catholic adoption agencies when we last considered fostering and adoption. He was given an on-the-record assurance about the Scottish Government’s intentions, and we know that that counts.

I recognise that decisions about adoption and fostering are taken with the interests of the child as the paramount factor, so what reassurance can the cabinet secretary offer that belief in traditional marriage between a man and a woman is not an issue in determining fostering and adoption?

Members will understand concerns, as the charitable status of St Margaret’s Children and Family Care Society was questioned, and I am delighted—as, I am sure, are many other members—at the ruling of the Scottish Charity Appeals Panel only last week, which recognised that the society provides public benefit and qualifies for charitable status.

My question to the cabinet secretary is whether we need to put the matter beyond doubt by putting it into the bill. If not, what clear indication of safeguards and intention on the Government’s part can he offer that would be useful to members in determining how they vote?

Margaret Mitchell (Central Scotland) (Con): I speak in support of amendment 26, which reflects the high level of public concern about same-sex marriage and seeks to protect those who hold to the current definition of marriage. It provides wider protection than the provision that protects clergy and religious celebrants. In essence, it seeks to ensure the right to freedom of speech for individuals of all faiths who believe that marriage is between only a man and a woman.

In a democratic society, showing respect and tolerance for those whose views differ from the position that is legislated for by the state is fundamental. The main argument against amendment 26 appears to be that it is discriminatory because it implies that other views are not worthy of respect. I consider that to be oversensitive to the point of looking like an excuse not to support that fundamental freedom.

Amendment 3 is also worthy of support to guard against the overzealous, politically correct interpretation of the bill. On that basis, I consider Richard Lyle’s amendments 1 and 2 also to be worthy of support.

Jim Eadie (Edinburgh Southern) (SNP): I oppose amendment 1 in the name of my friend and colleague Richard Lyle, with whom I have a respectful disagreement on the subject.
Amendment 1 is identical to stage 2 amendment 43, which the Equal Opportunities Committee considered and to which it disagreed. It would prevent an adoption agency, court or local authority from taking into account a person’s views about same-sex marriage in all cases in making decisions on approving the person as an adopter, on the adoption of a child or on approving the person as a foster carer.

Speaking as someone who is gay and adopted, I believe that amendment 1 is discriminatory and unnecessary.

It is discriminatory because it singles out beliefs about same-sex marriage as being worthy of particular protection. However, why should other beliefs—for example, a belief that divorce is wrong—not be equally protected? Passing legislation that gives greater protection to one particular belief might undermine the legal position of all other beliefs, because courts might take the view that the Parliament intended that beliefs that are not specifically listed in legislation should be less protected.

Amendment 1 is unnecessary because adoption and fostering legislation already requires decisions to be based on, as Jackie Baillie said, one paramount consideration: the best interests of the child. Constraining the courts, local authorities and adoption agencies, as the amendment seeks to do, could unacceptably interfere with their ability to ensure that the best interests of the child remain the paramount consideration.

It is clear that—here I agree with Richard Lyle—a person’s view on same-sex marriage should not and must not, as family law and equality and human rights legislation already state, be the determining factor in deciding their suitability as an adoptive or foster parent. However, it would be disproportionate and would distort the decision-making process to exclude all consideration of such views in all cases. For example, where a child has been successfully brought up for some years by a same-sex couple and is now in need of adoption or fostering, the fact that a possible adoptive or foster parent has strong views against same-sex marriage and says that they would seek to teach the child those views might, in some cases, count against their suitability as adoptive or foster parents.

For those reasons, the amendment is disproportionate. Overall, I believe that it is unnecessary and could be discriminatory. For all of those reasons, I urge the chamber to reject the amendment.

Nigel Don (Angus North and Mearns) (SNP): I would like to speak briefly on amendment 26. First, for the avoidance of doubt, I agree that it is unnecessary—indeed, that is presumed within the words—but we must acknowledge that, as we have all seen from our mailboxes, there is widespread concern about the matter.

Why is it relevant here? Why is it not discriminatory in its context? Quite simply because it relates to a bill that changes the more than 2,000-year-old definition of marriage. That is precisely why this is the right place for it. It is not discriminatory in its context, although, of course, it would be if it were anywhere else. Right where it is, it seems to provide reassurance, if not protection.

Patrick Harvie: Marco Biagi points out that this group of amendments creates a hierarchy, and he is quite right. In particular, amendments 26 and 3 open up another possibility, of an increased likelihood of speculative attempts to press matters through the courts. I am sure that we can envisage a scenario in which any measure that is taken by a local authority or other public body to promote equality or tackle prejudice and discrimination would be challenged in the courts on the basis that it does not show sufficient respect for the belief that same-sex marriage is wrong.

There is a similar issue with amendment 3, in particular the words that are used in subsection (2):

“The belief is that marriage may only be between one man and one woman.”

It does not say that it should be; it says that it “may only be”.

The amendment would open up the possibility of organisations seeking to refuse to acknowledge same-sex married couples as married couples and refusing to treat them as married couples, because they take the view that that is not what marriage ought to be. That would give rise to a host of legal challenges, which I do not think is what the member who is moving the amendment would wish to happen.

On Richard Lyle’s amendments, amendment 1 says:

“the views of a relevant person on whether marriage may be between persons of the same sex may not be considered”.

That seems to imply that those views may not be considered no matter in what terms they are expressed. I know that there are people who say that opposing same-sex marriage does not make a person homophobic, and perhaps on another occasion there will be greater time to debate that question in depth, but I am sure that all members accept that homophobia exists in our society and that, when considering matters around adoption and fostering, it would be legitimate to consider the views of some of those people who express those views in the terms that members will have
seen in their inboxes. To suggest that those views can never be considered goes far too far.

Amendment 30 is the most transparent wrecking amendment in the papers before us today. To suggest that this legislation cannot come into force until amendments are made to the Equality Act 2010, which we know will not happen, is simply an attempt to stymie the will of the majority in Parliament to pass the principle of same-sex marriage.

I urge all members to reject all the amendments in the group.

The Deputy Presiding Officer: I advise the Parliament that I am exercising my power under rule 9.8.4A(c) to extend the next time limit, to avoid debate on this group being unreasonably curtailed.

15:00

Murdo Fraser (Mid Scotland and Fife) (Con): I support Richard Lyle’s amendment 2, which deals with the issue of charitable status, an issue that I raised during the stage 1 debate. As Richard Lyle pointed out, there will be many faith-based social providers who might well fall foul of this legislation, should it be passed in its current form.

I have no doubt that, if the bill is passed, there will be challenges to the charitable status of certain faith-based social providers that take a traditional view of marriage. As has been mentioned, we saw that in relation to St Margaret’s adoption agency and its view on same-sex adoptive couples. As we have heard, the good news is that that issue has been resolved and the decision has been taken that charitable status should be retained.

Of course, that does not mean that the same will necessarily apply should the bill be passed, because we are dealing with completely different legislation and a different set of circumstances. Even so, even though St Margaret’s survived, it nevertheless suffered huge disruption to its important charitable work and a cost of some £50,000 in legal expenses—a cost and a challenge that could well close down many other faith-based charities that have a much smaller budget.

The issue is simple and straightforward. The Scottish Government has made it clear that it does not want to see charitable status removed from such faith-based social providers. The Scottish Government should take the lead on this—it should put the matter beyond doubt and accept amendment 2. The Government will no doubt say that it is unnecessary, but it seems to me that if anything can be done to deter what might be vexatious challenges to the charitable status of faith-based social providers, such provisions should be put in place.

I ask the cabinet secretary to address one point when he comes to wind up on this group of amendments. If he does not think that amendment 2 is necessary but agrees with me about protecting the charitable status of such faith-based social providers, would he undertake, in the event that the bill is passed and we subsequently see such challenges to the charitable status of faith-based providers, to bring back to the Parliament primary legislation to put the matter right? I believe that Parliament is agreed that it does not want to see that charitable status removed.

Kevin Stewart (Aberdeen Central) (SNP): I have told the chamber before that it came as a bit of a shock, when I was first elected some 15 years ago, to be told that I was a parent. My shock increased dramatically when I was told that I was a parent of hundreds of children. Now, in this place, like everyone else, I am the corporate parent to thousands of children in this country. That is why I have always had an interest in adoption and fostering. It is much better if a kid ends up with parents rather than going through the care system. When it comes to adoption and fostering, consideration of a child’s future is paramount.

I cannot understand Mr Lyle’s amendment 1, which would make special provision for one set of beliefs but not, as Mr Eadie outlined eloquently earlier, for other beliefs. The amendment is a bit daft, to say the least, because we would end up with huge numbers of other folk coming forward with future amendments on adoption and fostering, asking for special protection for other folks who hold different beliefs. That would be a rod for our own backs. I am very interested to hear what the cabinet secretary has to say on the issue. However, as it stands, amendment 1 should be rejected by Parliament.

Bob Doris: Mr Eadie’s contribution compelled me to rise to speak on amendment 1. I agree whole-heartedly with Mr Eadie that equality and rights in this area cut both ways. He gave a practical example of why amendment 1 is flawed.

I hope that I misheard Mr Harvie—whose views on the matter I completely respect—in relation to amendment 1. I thought that he mentioned that he believed that people who opposed same-sex marriage might, as a rule, be homophobic, which I do not believe is necessarily the case. I hope that I am wrong about what Mr Harvie said. This is an opportunity for Mr Harvie to clarify the point.

Patrick Harvie: Some people have argued that simply opposing same-sex marriage does not make a person homophobic. Whether or not I agree with that—and I am not sure that I am
convinced of that argument in blanket terms—the point that I was making was that homophobia does exist and it is important that in the legislation that this Parliament passes and the debates that it conducts, we do nothing that endorses or justifies the homophobia that exists in our society.

Bob Doris: I am delighted that I did contribute in relation to amendment 1, because I agree with every word that Mr Harvie said and that was an opportunity to clarify what he said. On the basis of what we have heard, I will not be supporting amendment 1 this afternoon.

Alex Neil: Like others, I am concerned about the potential impact of these amendments and I do not support them. A number of them would make specific reference in legislation to protecting views about marriage being between one man and one woman. As others have said, that raises questions about other views.

I do not consider that amendment 26 is necessary. I agree that a belief that marriage should only ever be between one man and one woman is worthy of respect. However, it would be unnecessary and unhelpful to put a specific provision on that in the bill. Making specific reference in legislation to one issue would raise questions about other beliefs for which there is no specific legislative provision. In addition, the effect of providing in law that one particular view is “worthy of respect” is unclear. It could almost suggest that the view could not be criticised, which would undermine freedom of speech.

On amendment 3, I agree that a person or body that believes that marriage may only be between one man and one woman is worthy of respect. However, it would be unnecessary and unhelpful to put a specific provision on that in the bill. Making specific reference in legislation to one issue would raise questions about other beliefs for which there is no specific legislative provision. In addition, the effect of providing in law that one particular view is “worthy of respect” is unclear. It could almost suggest that the view could not be criticised, which would undermine freedom of speech.

At stage 2, Siobhan McMahon expressed concern about, for example, religious organisations that are opposed to same-sex marriage not being allowed to provide public contracts or not being allowed to hire public buildings. In response to the request that Jackie Baillie made during her speech, I can refer to the relevant amendments to the UK Equality Act 2010, which I have agreed with the UK Government. One of those amendments is to protect people from discrimination in relation to persons controlling the use of religious or belief premises who refuse to allow those premises to be used for same-sex marriage—in other words, people cannot be discriminated against because they refuse to allow those premises to be used, as outlined by Siobhan McMahon.

A public body that refuses to let premises to a religious body just because of the religious body’s views on same-sex marriage risks a successful claim for discrimination, however. The key factor in relation to the award of contracts is the balancing of cost, quality and sustainability to provide the service to all who need it, rather than views on same-sex marriage. I do not consider that amendment 3 is necessary or helpful. As with other amendments in this group, the amendment is unhelpful in that it raises questions about the impact on other beliefs for which there is no specific legislative provision.

On amendment 1, I appreciate Richard Lyle’s concerns, but the key and overriding principle in relation to adoption and fostering is the welfare of the child. It is already the case in law that views on same-sex marriage—or anything else for that matter—should not disqualify anyone from becoming a foster carer or adoptive parent. If the amendment was agreed to, we would be singling out views on marriage as being a specific issue that should not be considered by adoption agencies, the courts and local authorities. Again, it seems unnecessary and unhelpful to single out views on same-sex marriage in that way.

The better approach is to assess prospective foster carers and adoptive parents in a comprehensive way on their ability to provide loving homes and to promote the welfare of children in their care. We should not concentrate on views on issues of the day, but instead should concentrate absolutely on what is best for the child.

I have similar concerns about amendment 2. It is already the case that the simple expression of a view on same-sex marriage, which is to the furtherance of a body’s charitable purposes, is not expected to adversely affect the body’s charitable status. Under the Charities and Trustee Investment (Scotland) Act 2005, a body seeking charitable status has to show the Office of the Scottish Charity Regulator or the courts that its purposes are for public benefit. The act does not lay down what purposes are for the public benefit. Amendment 2 appears to seek to change that only in respect of same-sex marriage.

That could raise general questions about how charitable status is decided. Singling out views on same-sex marriage could cast doubt on the expression by a charity of a view on other issues and lead to the need to amend the 2005 act repeatedly, to make provision on each issue. That concern is similar to the concern about many of the amendments in this group.

Murdo Fraser: Before the cabinet secretary finishes on amendment 2, will he address the point that I raised? If, when the bill is passed, he turns out to be wrong about the issue and there are successful challenges to the charitable status of faith-based social providers who take a traditional view of marriage, will he undertake to introduce
primary legislation to this Parliament to put matters right?

**Alex Neil:** We are absolutely, totally sure that we are not wrong on this matter. If such a situation arose under unforeseen circumstances, we would take whatever measures were necessary to rectify it, because it would not be an acceptable position. I hope that that reassures the member that we are absolutely sure about what we are proposing. However, if we turn out to be wrong—which would be a highly unusual occurrence, in my estimation—we would take corrective action as appropriate at the time.

I do not consider that amendment 30’s suggested changes to the Equality Act 2010 are desirable. The first suggested change is to the protected characteristic of religion or belief. If the protected characteristic of religion or belief should be amended to make a specific reference to the belief that marriage may only be between a man and a woman is respected and that no person may suffer any detriment as a result of holding or expressing such a belief. Imposing an obligation on a public authority that they must ensure that a specific belief is respected would give them a duty that they could not deliver.

Given that I do not consider that those changes should be made to the Equality Act, it follows that I do not consider that the commencement of the same-sex marriage provisions should depend on them. Indeed, as Jackie Baillie and others have stated, it is highly unlikely that the UK Government would make those changes to the Equality Act, so it appears that amendment 30 would stop the provisions on same-sex marriage in the bill from being commenced. That would, of course, have a huge impact on the bill and could delay same-sex marriages in Scotland for an indefinite period. We would have to discuss the proposed amendments to the Equality Act with the UK Government, which is opposed to them and opposed them when it considered its own legislation.

The effect—although perhaps not the intention—of amendment 30 would be to wreck the bill entirely. I therefore invite the Parliament to reject all the amendments in the group.

**John Mason:** I thank members for their contributions and will mention one or two. Marco Biagi and Patrick Harvie talked about wanting balance and not wanting a hierarchy of rights. However, I am making the point that there appears to be a hierarchy of rights at the moment and we are seeking to equalise those rights, so that all protected characteristics in the Equality Act are treated more equally. That point was raised at Westminster, including by me when I was a member of the committee that studied the Equality Bill as it went through the Parliament there. The Government at that time refused to say either that all rights were equal or that there was a hierarchy. However, we have seen in practical experience that there is a hierarchy in the courts.

I certainly disagree with Marco Biagi on one point. He emphasises that churches and denominations are being protected, but misses out protection for people in the voluntary and public sectors.

15:15

**Marco Biagi:** Does the member not appreciate that the relevant articles in the European convention on human rights, including the one on freedom of thought, expression and religion, apply equally to individuals, organisations and any other form of entity that might exist in this country?

**John Mason:** But the reality is that the courts decided against someone like Lillian Ladele, who was not allowed to exercise any freedom in her case.

Jackie Baillie and Alex Neil said that amendment 30 is a wrecking amendment. I am willing to accept that the effects of the amendment would be more difficult to achieve than those of some of the others, but the reality is that any amendment to the Equality Act 2010 is made through negotiation with Westminster, and that is all that the amendment seeks.

Murdo Fraser made a strong argument for amendment 2, which many members will have been convinced of. Kevin Stewart talked about only protecting one group, but not all groups are under the same amount of pressure. Alex Neil mentioned that the Equality Act 2010 has exactly the same problem in that it does not cover every single possible group that could be discriminated against; it focuses only on the eight or nine groups that are most discriminated against.

Alex Neil said that he was “absolutely, totally sure”, although he seemed to back off from that later. That is an incredibly strong statement to make about anything that might happen in future in the courts.

I want to focus on amendment 26. We all seem to agree with the wording of the amendment. If we reject it, are we saying that the belief in traditional marriage is not worthy of respect? If members
wanted to send out the message that they have been listening, amendment 26 would be a good one to support.

The Deputy Presiding Officer: The question is, that amendment 26 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For
Brown, Gavin (Lothian) (Con)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Don, Neil (Angus North and Mearns) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Johnstone, Alex (North East Scotland) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McMillan, Stuart (West Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
Milton, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Against
Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allard, Christian (North East Scotland) (SNP)
Ballie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Alieen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlisle, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Edie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, lain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Marra, Jenny (North East Scotland) (Lab)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McCulloch, Margaret (Central Scotland) (Lab)
McDonald, Mark (Aberdeen Donside) (SNP)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenshire East) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Scott, Tavish (Shetland Islands) (LD)
Smith, Drew (Glasgow) (Lab)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urqhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)

Abstentions
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Malik, Hanzala (Glasgow) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
Stewart, David (Highlands and Islands) (Lab)
The Deputy Presiding Officer: The result of the division is: For 19, Against 95, Abstentions 7.

Amendment 26 disagreed to.

The Deputy Presiding Officer: Because I extended the time limit for the first group of amendments, we have less than 10 minutes to deal with groups 3 and 4. That will not be sufficient time, so I advise members that any member who has the right, under rule 9.8.5A, to move a motion without notice proposing that the next time limit be extended by up to 30 minutes. Does any member wish to so move?

Motion moved,

That, under Rule 9.8.5A, the next time limit for consideration of amendments be extended by up to 30 minutes.—[Alex Neil]

Motion agreed to.

Amendment 3 moved—[Stobhan McMahon].

The Deputy Presiding Officer: The question is, that amendment 3 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For

Brown, Gavin (Lothian) (Con)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Against

Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allard, Christian (North East Scotland) (SNP)
Bailie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannianshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Edie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Graham, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Kelly, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moy) (SNP)
MacAskill, Kenny (Edinburgh Easter) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Marra, Jenny (North East Scotland) (Lab)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McCulloch, Margaret (Central Scotland) (Lab)
McDonald, Mark (Aberdeen Donside) (SNP)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gill (Clydebank and Milngavie) (SNP)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Robertson, Dennis (Aberdeenshire West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenhillshire East) (SNP)
Scallon, Mary (Highlands and Islands) (Con)
Scott, Tavish (Shetland Islands) (LD)
Smith, Drew (Glasgow) (Lab)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swain, John (Perthshire North) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)

Abstentions
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Malik, Hanzala (Glasgow) (Lab)

The Deputy Presiding Officer: The result of the division is: For 21, Against 98, Abstentions 2.

Amendment 3 disagreed to.
Amendment 1 moved—[Richard Lyle].

Richard Lyle: Presiding Officer, may I have a few seconds to reply to some of the comments that have been made?

The Deputy Presiding Officer: No, I am afraid that you cannot. I am sorry.

The question is, that amendment 1 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Brown, Gavin (Lothian) (Con)
Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Johnstone, Alex (North East Scotland) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Stewart, David (Highlands and Islands) (Lab)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Against
Adam, George (Paisley) (SNP)
Adamson, Claire (Central Scotland) (SNP)
Allard, Christian (North East Scotland) (SNP)
Baillie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)

Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Alieen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabian, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Fergusson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Gray, Iain (East Lothian) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
MacIntosh, Ken (Eastwood) (Lab)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Marra, Jenny (North East Scotland) (Lab)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McCulloch, Margaret (Central Scotland) (Lab)
McDonald, Mark (Aberdeen Donside) (SNP)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Alieen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMillan, Stuart (West Scotland) (SNP)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Neil, Alex (Airdrie and Shotts) (SNP)
The question is, as amended, that amendment 2 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

**For**
- Brown, Gavin (Lothian) (Con)
- Cunningham, Roseanna (Perthshire South and Kinross-shire) (SNP)
- Ewing, Fergus (Inverness and Nairn) (SNP)
- Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
- Findlay, Neil (Lothian) (Lab)
- Fraser, Murdo (Mid Scotland and Fife) (Con)
- Grant, Rhoda (Highlands and Islands) (Lab)
- Henry, Hugh (Renfrewshire South) (Lab)
- Johnstone, Alex (North East Scotland) (Con)
- Kelly, James (Rutherglen) (Lab)
- Lyle, Richard (Central Scotland) (SNP)
- MacDonald, Angus (Falkirk East) (SNP)
- Martin, Paul (Glasgow Provan) (Lab)
- Mason, John (Glasgow Shettleston) (SNP)
- McGrigor, Jamie (Highlands and Islands) (Con)
- McHugh, Michael (Uddingston and Bellshill) (Lab)
- McIlwraith, Stuart (West Scotland) (SNP)
- McNeil, Duncan (Greenock and Inverclyde) (Lab)
- McTaggart, Anne (Glasgow) (Lab)
- Milne, Nanette (North East Scotland) (Con)
- Mitchell, Margaret (Central Scotland) (Con)
- Smith, Elaine (Coatbridge and Chryston) (Lab)
- Smith, Liz (Mid Scotland and Fife) (Con)
- Stewart, David (Highlands and Islands) (Lab)
- Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

**Against**
- Adam, George (Paisley) (SNP)
- Adamson, Clare (Central Scotland) (SNP)
- Allard, Christian (North East Scotland) (SNP)
- Ballie, Jackie (Dumbarton) (Lab)
- Baker, Claire (Mid Scotland and Fife) (Lab)
- Baker, Richard (North East Scotland) (Lab)
- Baxter, Jayne (Mid Scotland and Fife) (Lab)
- Beamish, Claudia (South Scotland) (Lab)
- Beatle, Colin (Midlothian North and Musselburgh) (SNP)
- Biagi, Marco (Edinburgh Central) (SNP)
- Bibby, Neil (West Scotland) (Lab)
- Boyack, Sarah (Lothian) (Lab)
- Brodie, Chic (South Scotland) (SNP)
- Brown, Keith (Clackmannanshire and Dunblane) (SNP)
- Buchanan, Cameron (Lothian) (Con)
- Burgess, Margaret (Cunninghame South) (SNP)
- Campbell, Aileen (Clydesdale) (SNP)
- Campbell, Roderick (North East Fife) (SNP)
- Carlaw, Jackson (West Scotland) (Con)
- Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
- Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
- Constance, Angela (Almond Valley) (SNP)
- Crawford, Bruce (Stirling) (SNP)
- Davidson, Ruth (Glasgow) (Con)
- Dey, Graeme (Angus South) (SNP)
- Don, Nigel (Angus North and Mearns) (SNP)
- Doris, Bob (Glasgow) (SNP)
- Dornan, James (Glasgow Cathcart) (SNP)
- Dugdale, Kezia (Lothian) (Lab)
- Eadie, Jim (Edinburgh Southern) (SNP)
- Ewing, Alistair (Mid Scotland and Fife) (SNP)
- Fabiani, Linda (East Kilbride) (SNP)
- Fee, Mary (West Scotland) (Lab)
- Finnie, John (Highlands and Islands) (Ind)
- FitzPatrick, Joe (Dundee City West) (SNP)
- Gibson, Kenneth (Cunninghame North) (SNP)
- Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
- Goldie, Annabel (West Scotland) (Con)
- Graham, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
- Gray, Iain (East Lothian) (Lab)
- Griffin, Mark (Central Scotland) (Lab)
- Harvie, Patrick (Glasgow) (Green)
- Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
- Hilton, Cara (Dunfermline) (Lab)
- Humie, Jim (South Scotland) (LD)
- Hyslop, Fiona (Linlithgow) (SNP)
- Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
- Johnstone, Alison (Lothian) (Green)
- Keir, Colin (Edinburgh Western) (SNP)
- Kidd, Bill (Glasgow Anniesland) (SNP)
- Lamont, Johann (Glasgow Pollok) (Lab)
- Lamont, John (Dumfries and Galloway) (Con)
- Lochhead, Richard (Moray) (SNP)
- MacAskill, Kenny (Edinburgh Eastern) (SNP)
- MacDonald, Gordon (Edinburgh Pentlands) (SNP)
- MacDonald, Lewis (North East Scotland) (Lab)
- Macintosh, Ken (Eastwood) (Lab)
- Mackay, Derek (Renfrewshire North and West) (SNP)
- Mackenzie, Mike (Highlands and Islands) (SNP)
- Marr, Jenny (North East Scotland) (Lab)
- Matheson, Michael (Falkirk West) (SNP)
- Maxwell, Stewart (West Scotland) (SNP)
- McAlpine, Joan (South Scotland) (SNP)
- McCulloch, Margaret (Central Scotland) (Lab)
- McDonald, Mark (Aberdeen Donside) (SNP)
- McInnes, Alison (North East Scotland) (LD)
- McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
- McLeod, Aileen (South Scotland) (SNP)
- McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
know that that has not always been managed. It should regularly review all legislation, but we all hoped for, a review will serve to address those effects. It has been said before that Parliament had all the positive effects that its supporters shown to have had any negative effects or has not be worth while; if, however, the legislation is amendment either side of the argument, because it is a neutral split than we are. Whatever our view of the bill, it proposes a major change to what has been the tradition in Scotland for a very long time. Even if there is—as there was at stage 1—a big majority in Parliament to pass the bill, the public is much more evenly split than we are. I suggest that amendment 27 is one of the easiest amendments to support, even for the bill’s proponents. The amendment, if agreed, would send out the message that Parliament is listening and that should anything unintended happen—on either side of the argument, because it is a neutral amendment—that can be reviewed. With that in mind, there should be a commitment to review the legislation after five years and to assess its impact. If the impact is minimal, the review will still be worth while; if, however, the legislation is shown to have had any negative effects or has not had all the positive effects that its supporters hoped for, a review will serve to address those effects. It has been said before that Parliament should regularly review all legislation, but we all know that that has not always been managed.

Amendment 27 would put down a simple marker in the bill and ensure that a review takes place.

It was suggested at stage 2 that amendment 27 could be interpreted as a sunset clause. The implication of that interpretation would mean that, if accepted, same-sex marriages might in the future be abolished. That is clearly not the case; all that is asked for is a review.

I move amendment 27.

Marco Biagi: My comments on amendment 27 will be brief. The fact that we are debating an issue that was the outcome of something that happened in 2007 shows that the issues will continue and that they will be looked at and debated in the chamber without the need for an arbitrary review being set at a particular time. The suggestion that the bill will be passed and then sit on the statute book unexamined is rather far fetched. Given that Parliament will be actively watching the situation and that civil society will be actively debating the issue for years to come, I do not see the need for an arbitrary review at the five-year point.

Jim Hume (South Scotland) (LD): I tend to agree with Marco Biagi and to disagree with John Mason’s amendment 27. It ignores the democracy of Parliament and calls on the Scottish ministers, in conducting a review, to “consult such persons as they consider appropriate” and to publish a report. However, Parliament has a committee structure, and the committees have the protocol of reviewing all Scottish legislation. I therefore agree with Marco Biagi that the amendment is unnecessary, and I shall vote against it.

Alex Johnstone (North East Scotland) (Con): Post-legislative review is a good idea in all cases. It is one of the objectives that Parliament does not achieve often enough.

The six amendments that we have debated previously today, and several others that were lodged at stage 2—including my own, which I have not brought back to Parliament—were designed to ensure that the bill, once it becomes an act of law, does not have unintended consequences. The case for each of the previous amendments has been argued well but has been substantially rejected by Parliament. It therefore seems to be reasonable that, at the end of the process, we should have an amendment that is designed to protect against unintended consequences.

Amendment 27 does not ask us to change the bill in any way; it asks for a review to ensure that, after five years, should the majority in Parliament turn out to have been wrong, and should there have been unintended consequences, the Government of the day will be able to deal with the
problems as it sees fit. I do not accept the suggestion that amendment 27 is somehow a sunset clause, because the amendment makes it clear that the review would be a review of the effects of same-sex marriage.

It is vital that, when we come to a conclusion on the bill, we find a way to bring Parliament together. It is therefore reasonable that the majority who seem likely to have their way at decision time tonight should take this only remaining opportunity to offer an olive branch to the other sections of opinion within Parliament, who are concerned about the effects of the bill, by ensuring that amendment 27 is passed. Should the majority be right, the effect of the amendment will be virtually zero. Should there be unintended consequences, the effect of the amendment will be to offer an opportunity for the Government of the day to deal with the problems.

I invite members across the chamber to take the opportunity to join Parliament together around the amendment, to ensure that we all have something that we can agree on and take forward alongside the legislation.

Patrick Harvie: It has been properly pointed out that post-legislative scrutiny is a matter for parliamentary committees. No doubt, any committee that considers it necessary to undertake that work will do so in its own good time.

John Mason says that amendment 27 is designed to send a signal. Let me ask members to consider what signal it will, in fact, send. The signal that it will send, for the next five years, is that same-sex marriages remain an open question, and that anyone who has taken part in a same-sex marriage—anyone who has formed a relationship and has married their same-sex partner—will still have a question hanging over them: what is the future going to be? Is there any other category of marriages that members would like to keep on hold for the next five years while we conduct a review of the consequences? I do not think so.

Mark McDonald (Aberdeen Donside) (SNP): Does Patrick Harvie agree that the message that amendment 27 sends, based on the stipulations within it, is that somehow same-sex marriage can have only negative consequences?

Patrick Harvie: I agree. My final point relates to the argument that there will be unintended consequences. People have been whipping up completely groundless fears about what the consequences of the bill will be.

Let me explain what the consequences will be. Some couples who love each other will get married. They might previously have been in civil partnerships. Some confetti will be thrown. Some cake will be eaten. Occasionally, an auntie will use the excuse to buy a new hat. With just a little bit of luck, some of these people might live happily ever after.

My olive branch, which has been requested by Alex Johnstone, is simply to say this: let us welcome the consequences—the real consequences—that will flow from passing the bill. Let us welcome them with joy.

15:30

Christine Grahame (Midlothian South, Tweeddale and Lauderdale) (SNP): My question is a simple one. I do not know what is meant by “the effects of”. If we are to put something in legislation that is then to be reviewed, John Mason will have to tell me what it means.

The Deputy Presiding Officer: That is perhaps a question for the cabinet secretary, to whom we now come.

Alex Neil: Like other members, I do not support amendment 27. The points that Patrick Harvie made are valid.

We are all agreed that every piece of legislation that is passed by Parliament should be subject—at the right time and at Parliament's choosing—to post-legislative scrutiny. However, amendment 27 is not really about the typical, normal post-legislative scrutiny process. It refers only to the provisions of the bill relating to same-sex marriage. The bill goes much wider than same-sex marriage; it extends the notice period for marriages, it allows civil marriage ceremonies to take place anywhere that is agreed by the couple and the registrar, it puts belief bodies on the same footing as religious bodies in relation to the solemnisation of marriage, it introduces qualifying requirements for religious and belief bodies to meet before they can solemnise marriage, and it introduces religious and belief civil partnerships. It also makes very wide provisions for the transgender community.

Amendment 27 does not, however, refer to any of those other provisions. To paint the proposed provisions as normal post-legislative scrutiny is not a proper or accurate reflection of the effect of the amendment.

I appreciate John Mason’s claim that the amendment would not introduce a sunset clause, but the proposed new section would still be potentially very destabilising when it comes to the impact of the bill. It would be detrimental to the reputation of Parliament if we were to pass amendment 27 and we would be sending out a very wrong signal to the entirety of Scottish society. I hope that Parliament will reject the amendment decisively.
John Mason: I agree with Jim Hume that committees should review legislation. I have been here nearly three years now, however, and I do not think that that is happening. There may be other ways of dealing with the issue, but Parliament somehow needs to get its act together on actually reviewing legislation.

Patrick Harvie and Mark McDonald had an interesting interchange. Mark McDonald suggested that the proposed review suggests that there could only be negative consequences. I do not see that in amendment 27. Perhaps he wants to correct me.

Christine Grahame asked about “the effects of” the introduction of same-sex marriage. In normal English, speaking as an accountant, I understand that phrase. I do not know what the legal problem with those particular words might be.

Christine Grahame: I do not know what the remit of any review would be if it is just about “the effects of” the measures. That wording is far too broad.

John Mason: I am not sure that that intervention has clarified the issue very much in my mind—perhaps other members understand. “The effects of” means “the consequences”. Amendment 27 specifically mentions the question whether there have been “any court proceedings”, tribunals or suchlike.

The cabinet secretary questioned why amendment 27 asks for a review concerning same-sex marriage only. The reality is that the rest of the bill is largely non-controversial. There were hardly any divisions at committee on the rest of the bill. By all means, we can review the whole bill, but it is this particular area that needs to be looked at. Alex Johnstone put it quite well when he spoke about an olive branch, and said that the effect would in fact be almost zero.

Amendment 27 is the final amendment in my name. I find it disappointing that the cabinet secretary would not even commit to a review in a specified time, even if that is not in the eventual legislation.

The Deputy Presiding Officer: The question is, that amendment 27 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For
Brodie, Chic (South Scotland) (SNP)
Brown, Gavin (Lothian) (Con)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Grahame, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)

Against
Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Bailie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Alileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Edie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Grant, Rhoda (Highlands and Islands) (Lab)
Gray, Iain (East Lothian) (Lab)
Griffith, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)
Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Ingram, Adam (Carrick, Cumnock and Doon Valley) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)

Johnstone, Alex (North East Scotland) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Martin, Paul (Glasgow Provan) (Lab)
Mason, John (Glasgow Shettleston) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Scanlon, Mary (Highlands and Islands) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)
Amendment 28 would also require ministers to consult in preparing the report.

Amendment 29 is consequential on amendment 28.

Dave Thompson (Skye, Lochaber and Badenoch): I am intrigued by amendment 28 because it was not so long ago that we were being told that marriage was the gold standard and that people in civil partnerships felt like second-class citizens. If that was true, why would anyone choose a civil partnership over a civil marriage?

Patrick Harvie: The member has not been told by me that marriage is the gold standard. I think that we should all be committed to the importance of choice. People who wish to pursue the option of marriage should be able to make that choice. However, there will be others who believe that civil partnership better reflects their personal values, ideology or what have you. There will be some who regard marriage as having a religious connotation that they do not choose to buy into.

The reality is that we do not know what the uptake of civil partnership by same-sex couples will be, nor do we know what appetite there might be among mixed-sex couples for civil partnership instead of marriage, although we know that there is some because a case has been taken to the European Court challenging UK civil partnership legislation. It has been recognised that an imbalance will arise, in that same-sex couples will be able to choose civil partnership, marriage or cohabitation, whereas mixed-sex couples will have only two of those options. If there were some challenge to that on human rights grounds, it might be hard to justify not allowing mixed-sex couples to have civil partnerships.

The Scottish and UK Governments have noted the position and have agreed to conduct civil partnership reviews. The Scottish Government published a remit for its review in September, but we do not know much more about the timescale for the review or the options that the Scottish Government is considering. The UK Government’s review, which was published very recently, is quite troubling, because it opens up the possibility that people in same-sex civil partnerships will be compelled to have their civil partnership either dissolved or converted into marriage, when that was not their choice.

I lodged amendments 28 and 29 purely to open a debate on the question and to offer the cabinet secretary the opportunity to set out the Scottish Government’s position and current thinking on it. I also hope that he will indicate a willingness to enter into civil partnership with each other.”
consider opening up civil partnership to mixed-sex couples just as we are opening up marriage to same-sex couples, and to close down the possibility that civil partners could be forced to convert their partnership into a marriage or that they could lose their legal status altogether.

I move amendment 28.

Jamie Hepburn (Cumbernauld and Kilsyth) (SNP): There is merit in reviewing the position of civil partnerships, so I thank Patrick Harvie for lodging amendments 28 and 29. Most people would accept that the Parliament created the institution of civil partnership because, at that stage, it was not quite prepared to do what we are likely to do today and legislate for those in same-sex relationships to be able to get married.

However, I approach the matter from a slightly different perspective from that of Patrick Harvie. If we legislate for same-sex couples to be able to get married, we call into question the position of the institution of civil partnership. Frankly, I doubt that those who are in civil partnerships today aspired to enter the institution of civil partnership; they chose to enter that institution because it was the one that was available to them. I suspect that most people in that institution already regard themselves as married, and that is why it is important that we are taking the step that we are taking today.

That step calls into question the on-going position of civil partnerships. I know that the Scottish Government is to review the position, as Patrick Harvie has called for. Equally, I accept his point about choice, and that is why it is important that we have a review that can inform the position. If the cabinet secretary can set out how the review will go forward and what options it will consider, we may be able to conclude that amendment 28, with which I sympathise, is unnecessary.

Alex Johnstone: I will be very brief, Presiding Officer. Dare I ask whether Mr Harvie will explain to us in his closing remarks why, a few minutes ago, a review was a bad idea?

Marco Biagi: Alex Johnstone refers to a lack of agreement, so I begin by quoting an unusual associate in the civil partnerships argument, who said:

“There is no discrimination whatsoever in the present law, except that against heterosexual population relating to civil partnerships.”

Those are the words of someone I have never quoted before—Norman Tebbit, who agrees that the status quo on civil partnerships is untenable. Perhaps that spirit of agreement is the reason why a rainbow has appeared over the Parliament this afternoon as we have debated the bill.

I have an issue with the on-going existence of civil partnerships for same-sex couples only, because that is indirectly discriminatory against LGBT people. Members could ask why the exclusion of opposite-sex couples is discriminatory against LGBT people. It is because civil partnership is still in statute as a marker of difference and a relic of prejudices past. It continues to create a separate category showing that LGBT people need different treatment and special institutions—something that I would not support in this context.

Dave Thompson: Following on from the argument that the member has just made, would it not be better just to abolish civil partnerships and give everyone the same, if it is truly about equality?

Marco Biagi: I was about to say that I have some sympathy with that perspective. I supported civil partnerships at first, but in time and on reflection I came to identify them more with the desire not to allow same-sex couples to get married than with the attempt to create an alternative. I supported those who campaigned for them at the time, such as Patrick Harvie, and I did so on a pragmatic basis. Those people are all to be commended, but—let us face it—in the long run civil partnerships have been overtaken. Personally, I would consider it a little bit distasteful to keep them, in the same way as I would regard wearing a badge that says that I am gay so as to warn people of a nervous disposition.

My personal preference would be to see civil partnership disappear entirely. That is what happened in Denmark and Sweden when they legislated for equal marriage. However, I realise that many people wish to keep civil partnerships, not least those who are in them, and that although I see civil partnerships as irredeemably tainted by prejudice, there are those who see marriage as irredeemably tainted by the sexism that characterised it for hundreds of years.

If I am saying anything here, it is that, whatever happens, the status quo on civil partnership must not continue. Above all, it must not continue through sheer political inertia. Civil partnerships should either end, as Dave Thompson suggests, or be made equal, so that the unnecessary, unnatural and differentiating division between two types of couple ends.

15:45

I was glad when the Scottish Government promised in appearances before the Equal Opportunities Committee to look at the issue and come back to it, and I trust that it will do so. I firmly support the spirit of amendment 28 but, if I backed it, that would be a signal that I was not taking the Government at its word. If the amendment is pressed to a vote, I will vote against it, and I urge
others to do the same. I will listen with interest to the cabinet secretary’s comments.

Stewart Maxwell (West Scotland) (SNP): Fundamentally, amendment 28 comes down to something that I hope that we all support and which is a strand throughout the bill. This is about freedom of choice. If a couple—whether they be heterosexual or homosexual—wish to enter into a civil partnership rather than a marriage, I do not see what the problem is, if that is their choice. If cohabiting heterosexual couples wish not to get married but to enter into a civil partnership, they are barred from doing so. If we are truly determined to create a society in which we value choice among adults—

Dave Thompson: The member raises an interesting point about giving people a choice. People are given a choice between two different things, such as an apple and a pear. What is the difference between civil partnership and civil marriage?

Stewart Maxwell: Sometimes, when people are given a choice, it is not between an apple and a pear but between two different apples. It is entirely reasonable to give people a choice between marriage and civil partnership.

As I said, surely this is about freedom of choice. We should aim for that in the bill. I think that a review is a good idea, but that is not to say that I support amendment 28. I want to hear from the cabinet secretary about the Government’s plans for the review that he has talked about.

Mark McDonald: I have two points. Stewart Maxwell has summed up the first point eloquently. It is not for us to second-guess people’s motivations in defining their relationships. If individuals wish to enter into a civil partnership rather than a marriage, that is none of our business. It is up to the two individuals to define their relationship. I have sympathy with Patrick Harvie’s amendment 28, in that the option of a civil partnership is not available to heterosexual couples at the moment, as he said.

I disagree with much that my colleague Dave Thompson has said on the issue, but he makes the valid point—Jamie Hepburn made it, too—that civil partnerships might no longer be necessary. However, we need a thorough examination of the matter. Individuals in my circle of friends and constituents of mine have expressed the view that, if civil partnerships were available to mixed-sex couples, they would be willing or would wish to take up that opportunity. It is not for us to second-guess relationships.

As for Alex Johnstone’s flippant intervention, the review that was discussed in relation to amendment 27 was being pursued from an entirely negative perspective.

Alex Johnstone: In the member’s mind, could the main difference between the reviews be that he might favour the outcome of one but not the other?

Mark McDonald: I have never second-guessed the outcome of a review. I believe that Patrick Harvie is pursuing a review for positive and inclusive reasons to do with ensuring equality of status for civil partnerships while they still exist—indeed, as my colleague Jamie Hepburn said, they might not be necessary. I do not believe that the review that was proposed in amendment 27 was being pursued from a positive perspective. That is why I rejected that amendment. I will be happy to hear the cabinet secretary’s views before I decide whether to support amendment 28.

Bruce Crawford (Stirling) (SNP): I will make a simple point. I make no comment on the amendments; I want to hear what the cabinet secretary has to say.

Whatever we do as a Parliament today or in future, we should not diminish the standing of those who have already willingly entered into civil partnerships and have, in effect, chosen that direction. Removing civil partnerships from statute would diminish their own and society’s view of their standing, regardless of the fact that they would then become equal. Therefore, we have to look for another option.

I ask the cabinet secretary to reflect on that as we make these decisions. We have to think about what has already happened and people who have made decisions in the past. To remove all of that now, given that people freely entered into civil partnerships, would be wrong.

Alex Neil: I am grateful for the opportunity to speak to Patrick Harvie’s amendments 28 and 29, on the review of civil partnerships. I guarantee that there will be no inertia from the Government on that or any related issue.

As members will be aware, we have already published the remit for our review of civil partnerships, which is on the Government website. We have already had initial informal discussions with key stakeholders, which will be followed by a full public consultation that will outline the options and the consequences of each option and seek views.

I am keen to talk to the other parties across the Parliament on the methodology and timing of the review, because such an exercise is better done together on a consensual basis, so that, whatever option the Parliament eventually agrees, at least we will have as much buy-in as we can from external stakeholders and parliamentary participants.
On the timescale, I am determined that we get the job done as quickly as possible. We hope to establish a timetable and methodology as soon as possible after initial discussions with parliamentary colleagues in other parties, and to complete the review by the early part of 2015 at the very latest. A realistic timetable would probably mean any consequent legislation coming in the session that starts in 2016, but if we can all agree on what the legislation should be, there is no reason why the work on it could not start in 2015. That would be my intention after consultation with other parties.

As the debate has highlighted, there are, broadly, two viable options that relate to the future of civil partnerships. The first would be to lay down that no more new civil partnerships could be entered into after a specified date, to reflect that, in future, both same-sex couples and opposite-sex couples will be able to get married. The other main option would be to establish opposite-sex civil partnerships in Scotland. At the moment, I will certainly not come down on one side of the argument or the other; rather, I want to see the evidence on and consequences of both.

I will develop the extremely important point that Bruce Crawford made about people who have already entered into a civil partnership—and people who will have done so by the time that any legislation is introduced. Unlike the recommendations in the review down south, I would be quite reluctant to support any proposal that absolutely required those in existing civil partnerships to be forced to change their status as a result of any review, because it is clear that they entered into civil partnerships in good faith. They should have the option of changing their status, but I would need a lot of persuading before I would agree to forcing them to change their status by either dissolving their civil partnerships or transferring and converting them into marriage.

All those issues are clearly for discussion. We need to look at the consequences. The pension consequences, for example, require detailed consideration, because pensions may be the most complicated issue of the lot to deal with when we come to legislating, no matter which option, or options, we eventually agree to pursue.

I say to Patrick Harvie that I am absolutely committed to the review and to doing it and dealing with the methodology and the timetable on a consensual basis. I want the review to be done by early 2015 so that we can quickly start to work on any recommendations on legislation, with legislation possibly being passed in the session that starts in 2016.

On that basis, I ask Mr Harvie not to press his amendments.

Patrick Harvie: It is probably true that a little over a decade ago, when Scotland and the UK were debating civil partnership, there were some people who were willing to support civil partnership—the technical legal rights and responsibilities of marriage but without the name “marriage”—who might not have been ready to support the bill that we are debating today. I hope that those people have come with us on society’s progress towards equality and are voting with the bill.

Civil partnership might not have been introduced as a separate institution had support for same-sex marriage existed a little over a decade ago. However, that is what happened. At the time, I proposed that if we were creating civil partnership, we should do so on a non-discriminatory basis and should allow mixed-sex couples as well as same-sex couples to have a civil partnership, should that be their preference. We did not do that, and the UK Parliament, when it legislated for the whole of the UK, gave us the system that we have now.

Jamie Hepburn quite rightly said that the situation calls into question the future of civil partnership, and I do not think that it gives an answer. As members have said, there is a question about whether civil partnership should continue under its current status, whether it should be removed—as the UK Government proposes—or whether people will simply opt for marriage and so there will be less take-up of civil partnership. We do not know the answer, which is why a review is necessary.

If Alex Johnstone had listened to Marco Biagi’s answer, it would be clear to him that it is only those mixed-sex couples—they are probably few in number—who would prefer civil partnership who face any argument of discrimination around what the law allows them to do. That is why a review is required. Both Governments agreed about that, and I am happy to see that a review will happen.

It is also important to recognise that, as Marco Biagi said, there will be an anomaly only if civil partnership continues for same-sex couples only. If it continues for everybody, we will have removed the discrimination. If it does not continue for everybody, we will have perhaps removed the discrimination in a less favourable way.

The cultural meanings of marriage and civil partnership are subjective. That is why the difference between them is subjective. It is not for us to decide whether some people should regard marriage as patriarchal or as having the sanctity of a religious contract, nor is it for us to decide whether people should regard civil partnership as a purely legal instrument or as a marker of discrimination. People reach such value judgments on their own terms.
Having said all that, I thank the cabinet secretary for his response. He has given some indication of the timescale. I am very pleased that he is talking about broadly two options, instead of the additional option that the UK Government has floated of forcing people to change their civil partnership into a marriage. I am happy that there has been a recognition of the status and the meaning of civil partnership as something distinct, and I am happy about the consensual basis on which the cabinet secretary intends to pursue those debates.

I am content with the cabinet secretary’s response. On that basis, I withdraw amendment 28.

Amendment 28, by agreement, withdrawn.

The Deputy Presiding Officer: Members will note that we have passed the agreed time limit for the debate on group 4. I exercised my power under rule 9.8.4A(c) to allow debate on the group to continue beyond the limit in order to avoid its being unreasonably curtailed.

Section 28A—Grounds of divorce: interim gender recognition certificate followed by full certificate

The Deputy Presiding Officer: Group 5 is on the processes for, and consequences of, applications to sheriff for issue of full gender recognition certificates. Amendment 4, in the name of the cabinet secretary, is grouped with amendments 5 to 7, 9 to 11, 13, 15, 17, 19, 20 and 22.

Alex Neil: Most of the amendments in group 5 relate to a new procedure that was introduced at stage 2 on obtaining a full gender recognition certificate. Under the procedure, a sheriff may, in certain circumstances, grant a full GRC without the need for the spouse to consent to stay in the marriage.

Amendments 4 and 5 relate to section 28A of the bill, which amends the Divorce (Scotland) Act 1976. Amendment 4 makes it clear that the amendments are to section 1 of the 1976 act. Amendment 5 adds a reference to the title of section 1 of the 1976 act.

Amendment 6 is also on divorce. A ground for divorce is when one of the spouses has been issued with an interim GRC. The bill amends the Gender Recognition Act 2004 so that, once the gender recognition panel has issued a full GRC, it is no longer open to a spouse to seek divorce on the basis of the interim GRC.

Amendment 6 creates an exception to that general rule so that, where a sheriff issues the full GRC under the new procedure, a spouse can still seek a divorce on the basis of the interim GRC.

That is because a spouse might not have consented to staying in the marriage. As a result of amendment 6, amendment 11 deletes proposed new section 4E(4) of the 2004 act, which is now unnecessary.

16:00

Amendment 7 updates the interpretation section of the 2004 act to reflect that, in future, a sheriff may issue a full GRC under the new procedure. Amendment 9 provides that a person may apply to the sheriff under the new procedure only if the applicant does not have a statutory declaration by the spouse consenting to stay in the marriage after the issue of the full GRC.

Amendment 10 requires the sheriff, when granting a full GRC under the new procedure, to send a copy to the panel. Amendment 13 removes the obligation on the court to issue a full GRC following divorce when a sheriff has already issued a full certificate under the new procedure. Amendments 15 and 17, which relate to applications to the court where a GRC might have been obtained by fraud, ensure that such applications are possible where the sheriff grants a full GRC under the new procedure.

Amendment 19 places a duty on the panel to send a copy of a full GRC to the registrar general for Scotland following the sheriff issuing it under the new procedure. Where the Court of Session quashes a sheriff’s decision to issue a full GRC under the new procedure, amendment 20 requires the court to inform the registrar general, who then has to cancel the relevant entry in the gender recognition register.

Finally, proposed new paragraph 20A(1C) of schedule 3 to the 2004 act imposes a requirement that regulations on marriage registration must provide that, following the issue of a full GRC under the new procedure, spouses could register their marriage only if they both consented in writing to the registration. That proposed paragraph could cut across the drafting of regulations, so amendment 22 removes it.

I move amendment 4.

The Deputy Presiding Officer: As no member has requested to speak, do you have anything further to say by way of winding up, cabinet secretary?

Alex Neil: I will forgo any opportunity to do so, Presiding Officer.

The Deputy Presiding Officer: Excellent.

Amendment 4 agreed to.

Amendments 5 and 6 agreed to.

Section 32—Commencement
Amendment 29 not moved.

Amendment 30 moved—[John Mason].

The Deputy Presiding Officer: The question is, that amendment 30 be agreed to. Are we agreed?

Members: No.

The Deputy Presiding Officer: There will be a division.

For
Brown, Gavin (Lothian) (Con)
Ewing, Fergus (Inverness and Nairn) (SNP)
Fergusson, Alex (Galloway and West Dumfries) (Con)
Fraser, Murdo (Mid Scotland and Fife) (Con)
Johnstone, Alex (North East Scotland) (Con)
Lyle, Richard (Central Scotland) (SNP)
MacDonald, Angus (Falkirk East) (SNP)
Mason, John (Glasgow Shettleston) (SNP)
McGrigor, Jamie (Highlands and Islands) (Con)
Milne, Nanette (North East Scotland) (Con)
Mitchell, Margaret (Central Scotland) (Con)
Smith, Elaine (Coatbridge and Chryston) (Lab)
Smith, Liz (Mid Scotland and Fife) (Con)
Thompson, Dave (Skye, Lochaber and Badenoch) (SNP)

Against
Adamson, Clare (Central Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Allan, Dr Alasdair (Na h-Eileanan an Iar) (SNP)
Allard, Christian (North East Scotland) (SNP)
Bagill, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Glasgow Shettleston) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
Gibson, Kenneth (Cunninghame North) (SNP)
Gibson, Rob (Caithness, Sutherland and Ross) (SNP)
Goldie, Annabel (West Scotland) (Con)
Graeme, Christine (Midlothian South, Tweeddale and Lauderdale) (SNP)
Grant, Rhoda (Highlands and Islands) (Lab)
Griffin, Mark (Central Scotland) (Lab)
Harvie, Patrick (Glasgow) (Green)

Henry, Hugh (Renfrewshire South) (Lab)
Hepburn, Jamie (Cumbernauld and Kilsyth) (SNP)
Hilton, Cara (Dunfermline) (Lab)
Hume, Jim (South Scotland) (LD)
Hyslop, Fiona (Linlithgow) (SNP)
Johnstone, Alison (Lothian) (Green)
Keir, Colin (Edinburgh Western) (SNP)
Kelly, James (Rutherglen) (Lab)
Kidd, Bill (Glasgow Anniesland) (SNP)
Lamont, Johann (Glasgow Pollok) (Lab)
Lamont, John (Ettrick, Roxburgh and Berwickshire) (Con)
Lochhead, Richard (Moray) (SNP)
MacAskill, Kenny (Edinburgh Eastern) (SNP)
MacDonald, Gordon (Edinburgh Pentlands) (SNP)
Macdonald, Lewis (North East Scotland) (Lab)
Macintosh, Ken (Eastwood) (Lab)
Mackay, Derek (Renfrewshire North and West) (SNP)
MacKenzie, Mike (Highlands and Islands) (SNP)
Marra, Jenny (North East Scotland) (Lab)
Martin, Paul (Glasgow Provan) (Lab)
Matheson, Michael (Falkirk West) (SNP)
Maxwell, Stewart (West Scotland) (SNP)
McAlpine, Joan (South Scotland) (SNP)
McArthur, Liam (Orkney Islands) (LD)
McCulloch, Margaret (Central Scotland) (Lab)
McDonald, Mark (Aberdeen Donside) (SNP)
McInnes, Alison (North East Scotland) (LD)
McKelvie, Christina (Hamilton, Larkhall and Stonehouse) (SNP)
McLeod, Aileen (South Scotland) (SNP)
McLeod, Fiona (Strathkelvin and Bearsden) (SNP)
McMahon, Michael (Uddingston and Bellshill) (Lab)
McMahon, Siobhan (Central Scotland) (Lab)
McMillan, Stuart (West Scotland) (SNP)
McNeil, Duncan (Greenock and Inverclyde) (Lab)
McTaggart, Anne (Glasgow) (Lab)
Murray, Elaine (Dumfriesshire) (Lab)
Neil, Alex (Airdrie and Shotts) (SNP)
Paterson, Gil (Clydebank and Milngavie) (SNP)
Pearson, Graeme (South Scotland) (Lab)
Pentland, John (Motherwell and Wishaw) (Lab)
Rennie, Willie (Mid Scotland and Fife) (LD)
Robertson, Dennis (Aberdeen West) (SNP)
Robison, Shona (Dundee City East) (SNP)
Russell, Michael (Argyll and Bute) (SNP)
Salmond, Alex (Aberdeenshire East) (SNP)
Scanlon, Mary (Highlands and Islands) (Con)
Smith, Drew (Glasgow) (Lab)
Stevenson, Stewart (Banffshire and Buchan Coast) (SNP)
Stewart, David (Highlands and Islands) (Lab)
Stewart, Kevin (Aberdeen Central) (SNP)
Sturgeon, Nicola (Glasgow Southside) (SNP)
Swinney, John (Perthshire North) (SNP)
Torrance, David (Kirkcaldy) (SNP)
Urquhart, Jean (Highlands and Islands) (Ind)
Watt, Maureen (Aberdeen South and North Kincardine) (SNP)
Wheelhouse, Paul (South Scotland) (SNP)
White, Sandra (Glasgow Kelvin) (SNP)
Wilson, John (Central Scotland) (SNP)

Abstentions
Malik, Hanzala (Glasgow) (Lab)

The Deputy Presiding Officer: The result of the division is: For 14, Against 100, Abstentions 1.

Amendment 30 disagreed to.

Schedule 2—Change of gender of married persons or civil partners
Amendment 7 moved—[Alex Neil]—and agreed to.

The Deputy Presiding Officer: Group 6 is on the issue of full gender recognition certification following the death of a civil partner or spouse. Amendment 8, in the name of the cabinet secretary, is grouped with amendments 31, 14, 16, 18, 21, 23 and 24.

Alex Neil: Amendment 31 introduces a new section 4F to the Gender Recognition Act 2004. Section 4F provides for applications to the gender recognition panel for a full gender recognition certificate—GRC—in certain cases where the civil partner or spouse of a transgender person dies. Amendment 8 makes a change to the interpretation section of the 2004 act to reflect that change.

Amendment 14 extends the right of appeal to the Court of Session on a point of law against a decision by the panel to reject an application under section 4F.

The 2004 act provides for referrals to the Court of Session where a GRC was secured fraudulently. Amendments 16 and 18 extend the right to make such referrals to cases under section 4F, and amendment 21 provides that, where the Court of Session quashes a decision that the panel made under section 4F, the court must inform the registrar general for Scotland so that he can remove any relevant entry in the gender recognition register.

Section 7 of the 2004 act allows the secretary of state, following consultation with the Scottish ministers, to lay down the form and manner of applications to the panel. Amendment 23 extends that to applications under the new section 4F.

The last amendment in the group relates to certain protected information about a transgender person who has applied for a GRC. Section 22(2)(a) of the 2004 act makes it an offence to disclose such information unlawfully. Amendment 24 applies that offence to applications under section 4F.

I move amendment 8.

Amendment 8 agreed to.

Amendments 9 to 11, 31 and 13 to 24 moved—[Alex Neil]—and agreed to.

The Deputy Presiding Officer: That ends considerations of amendments.

Marriage and Civil Partnership (Scotland) Bill

The Presiding Officer (Tricia Marwick):

Before we start, I say to Parliament that, as a consequence of the earlier decision to extend the debate on amendments by 30 minutes, decision time will also be moved by 30 minutes.

The next item of business is a debate on motion S4M-08915, in the name of Alex Neil, on the Marriage and Civil Partnership (Scotland) Bill. I call Alex Neil to speak to and move the motion—cabinet secretary, you have 14 minutes.

16:10

The Cabinet Secretary for Health and Wellbeing (Alex Neil): I am pleased to open the stage 3 debate on the Marriage and Civil Partnership (Scotland) Bill.

I thank the members of the Equal Opportunities Committee; its convener, Margaret McCulloch; and her predecessor, Mary Fee. Their careful and considered scrutiny of the bill is greatly appreciated. I pay tribute to and thank my team from the policy, legal and communications team, who have been helping with the bill within the Scottish Government. They have provided me with absolutely first-class support.

The stage 1 debate in November did this Parliament proud. There were many eloquent and moving speeches, with respect shown on all sides. I am sure that, although different views are honestly and earnestly held across the chamber, we will, nevertheless, represent those views in a respectful manner.

If we pass the bill, today will mark an historic day in the history of the Scottish Parliament. I believe that we have got the balance right in the bill. We are extending the rights and freedoms of people of the same sex who wish to be married and to have that marriage recognised by the state. At the same time, we are building in necessary safeguards for the rights of those who are opposed to same-sex marriage and who do not wish to perform same-sex marriage, particularly church organisations and celebrants.

We are doing a remarkable thing today. We are saying to the world, loud and clear, on behalf of Scotland, that we believe in recognising love between same-sex couples in the same way that we do between opposite-sex couples.

We have taken forward this process carefully, and I am confident that, following the two consultations, a robust committee process and today's proceedings in the chamber, we have achieved an excellent package. Of course, the bill
does not just introduce same-sex marriage; it also includes detailed provisions in other areas. I will give a brief overview of those provisions before moving to the provisions on same-sex marriage, because the other provisions are also important.

In the case of couples who wish to have a civil marriage, the bill allows flexibility for ceremonies to be undertaken anywhere that is agreed by the registrar and the couple, provided that it is not in religious premises. The bill establishes belief ceremonies alongside religious and civil ceremonies, reflecting the growing number of marriage ceremonies that are being solemnised by humanists. The bill also authorises Church of Scotland deacons to solemnise opposite-sex marriage.

Scotland has an excellent reputation for marriage ceremonies. Indeed, one of the strengths of the Scottish system is its diversity and variety. The bill seeks to protect that by introducing the possibility of qualifying requirements for religious and belief bodies to meet before their celebrants may be authorised to solemnise marriages or register civil partnerships.

The bill extends the normal notice period for marriage and for civil partnership from 14 days to 28 days, which will work as a deterrent to sham marriages and reflects the reality of how long it takes to check that a person is eligible to marry in Scotland.

As well as changes to marriage law, the bill makes some changes in relation to civil partnerships. Most notably, the bill introduces the religious or belief registration of civil partnership, where the religious or belief body is happy to take part. As debated earlier, the Government will consult publicly on the future of civil partnerships, taking account of the introduction of same-sex marriage.

Clearly, the major innovation in the bill is the introduction of same-sex marriage. The bill proposes to allow same-sex couples to do what thousands of opposite-sex couples do every year—get married. Same-sex couples will be able to choose whether to have a religious, a belief or a civil marriage ceremony, recognised by the state.

Although the bill will allow religious and belief bodies that wish to solemnise same-sex marriage the opportunity to do that, we respect the decision of those religious and belief bodies that do not wish to take part. Not only do we respect that decision, but we have put in place specific protections in the bill for such religious and belief bodies so that they cannot be forced to solemnise same-sex marriage.

The bill establishes an opt-in system for religious and belief bodies in relation to same-sex marriage and civil partnerships. It also makes it clear that there is no obligation to opt in. We have agreed an amendment to the United Kingdom Equality Act 2010 to provide further protection for individual religious and belief celebrants. That amendment will protect individual celebrants who refuse to solemnise same-sex marriage and civil partnerships from court actions claiming discrimination. Of course, a number of religious and belief bodies wish to take part in same-sex marriages and will welcome the opportunity to do so.

The bill does not include a specific opt-out for civil registrars. That is because a civil registrar is a public servant providing only a public function. The registration of civil partnerships by civil registrars in Scotland has worked well and there is no reason to expect that the solemnisation of same-sex marriage by civil registrars will not work just as well.

Those who are opposed to same-sex marriage have made it clear that their concerns go beyond issues in relation to celebrants and registrars and relate to other issues in society. Most notably, we have heard concerns in relation to freedom of speech. There is nothing in the bill that impacts on freedom of speech. Indeed the wide-ranging debate on the bill, in which diverse views have been expressed, shows that freedom of speech is, as it should be, alive and well in Scotland. The bill includes provision at section 14 to make it clear that the introduction of same-sex marriage in Scotland will have no impact on existing rights to freedom of speech, thought, conscience and religion.

We have listened to people’s concerns about potential prosecutions for speaking out against same-sex marriage. The Lord Advocate’s prosecution guidance puts beyond doubt that “criticism of same sex marriage or homosexuality is not in itself an offence”.

In relation to guidance, the Government has sought views on updating education circular 2/2001 on the conduct of relationships, sexual health and parenthood education. We are considering the points that have been made and will issue updated guidance shortly.

In all our work, whether guidance or legislation, we have aimed to listen, to be inclusive and to increase rights and provide protections. In relation to same-sex marriage specifically, I strongly believe that the bill achieves the right balance between treating all of our citizens equally and respecting and protecting the rights of conscience and religious objection.

In addition to same-sex marriage, we make new provisions for the transgender community, which I hope will make life a lot easier for that community.
Our society has changed, and changed for the better. Within my adult life, we have seen an end to the criminalisation of homosexual acts and the introduction of civil partnerships. Today is a momentous day for equality in our nation. No longer will persons of the same sex be barred from showing their commitment to each other through getting married.

This legislation sends a powerful message to the world about the kind of society that we in Scotland are trying to create—a nation where the principles of fairness and equality are woven into the very fabric of our society; a nation that protects and promotes freedom of expression; a nation that cherishes love; and a minister who prepares a shorter speech to allow other members the opportunity to speak for longer in the debate.

I commend the bill to the chamber and ask my fellow MSPs to support it and support it well.

I move,

That the Parliament agrees that the Marriage and Civil Partnership (Scotland) Bill be passed.

The Presiding Officer: Cabinet secretary, you just destroyed all my calculations and I will have to start all over again.

16:19

Jackie Baillie (Dumbarton) (Lab): Like the cabinet secretary, I am pleased to participate in the stage 3 debate on the Marriage and Civil Partnership (Scotland) Bill.

I commend the members and clerks of the Equal Opportunities Committee for their diligence in scrutinising the bill at stage 1 and, at stage 2, considering many of the amendments that we have also debated today. When there is a free vote in the Parliament, it places much more responsibility on committee members to take care in their considerations. Whatever their ultimate view, all the members of the Equal Opportunities Committee have done an outstanding job for the Parliament in subjecting the bill and its amendments to a robust level of scrutiny. I believe that Margaret McCulloch deserves particular recognition for so smoothly taking over from Mary Fee as the committee’s convener part way through the bill’s passage. [Applause.]

Ultimately, however, this is a Government bill, started by Nicola Sturgeon, who was clear in her commitment to same-sex marriage, and carried forward by Alex Neil, who may not have used all his speaking time but has certainly used his considerable political skill to deliver the bill itself.

Undoubtedly, there has been a volume of evidence both in favour of and against the bill. The consultation received a record number of submissions—over 70,000 in total. As Scotland for Marriage pointed out, more of those submissions were against the bill than in favour of it. I have to say that the correspondence that I have received over the passage of the bill is much more finely balanced. Views are passionately held and I respect that. However, I repeat something that I said at stage 1: this is about changing attitudes in Scotland. It is the case that attitudes are changing. We should consider the evidence on that, which I think we would all agree is robust and reliable.

The Scottish social attitudes survey in 2002 showed that 41 per cent of people were in favour of same-sex marriage and 19 per cent were against it. In the same social attitudes survey, but this time in 2010, the proportion of people who were in favour of same-sex marriage had risen to 61 per cent. I can only imagine what it would be today. A shift of 20 per cent in opinion on any issue in such a short space of time is, frankly, astonishing and it speaks to the way that we are progressing as a society. If we begin to unpack the detail of that, we find that support for equal marriage can be found across all echelons of society, among the religious and the secular, people of all ages and income groups and people resident across the length and breadth of the country. Support for this bill therefore transcends religious, social, demographic and geographical boundaries.

If we examine the detail even further, we see that, according to the survey, 55 per cent of those who identified themselves as Catholic supported same-sex marriage and 21 per cent were opposed. Among Scottish Presbyterians, 50 per cent supported same-sex marriage and 25 per cent were against. Of those living in the most deprived areas of Scotland, 67 per cent supported same-sex marriage, while the figure for those who live in the most affluent areas was 63 per cent. Frankly, it makes no difference whether someone lives in urban or rural Scotland, because support for same-sex marriage is roughly the same. Support among young people is higher than support among older people. I will explore that in more detail shortly. There is no doubt about current public attitudes.

Let us look at another data set, helpfully provided by Professor John Curtice, who as we know has a wealth of experience in these things. He described a cultural shift in Britain over the past 30 years. According to Professor Curtice, in 1983, 62 per cent of the population believed that same-sex relationships were mostly or always wrong. That figure has dropped to 28 per cent, which is quite extraordinary. His explanation for that shift is that it is young people who increasingly support same-sex marriage. The Equality Network backs that up by telling us that support for same-sex marriage is highest among those who are under 55. Taken together, I believe that that offers
the kind of robust and credible evidence that we always pride ourselves on seeking before making policy in this chamber.

On that note, I want to consider what has happened in other countries that have legislated for same-sex marriage. In Europe, since 2001, we have seen the Netherlands, Belgium, Spain, Portugal, Norway—I could go on and on—and, most recently, England and Wales, legislate in this area. We also see same-sex marriage in Canada, South Africa, Argentina, New Zealand, Uruguay, Brazil and 17 states in America where it is the norm. Many of those countries are considered to be very religious. A significant number, such as Spain, Portugal, Argentina and Brazil are predominantly Catholic. In Portugal an amazing 81 per cent of the population identify themselves as Catholics, but they have same-sex marriage in place.

In the Netherlands, which was the first country to introduce same-sex marriage, support for their bill was about 62 per cent in 2001. That has now risen to such an extent that I understand that almost everyone there supports same-sex marriage—the highest approval rating of any European country. Apparently some 16,000 people have a same-sex marriage each year out of a nation of 16 million.

When the Parliament passed a law on civil partnerships, we took a huge step forward. Same-sex couples had the legal rights associated with marriage. However, I recognise that, for some, that falls far short of a marriage in which their love and commitment are fully recognised. The Equality Network talks about a gold standard; whatever language we use, it is a matter of equality and fairness.

For a host of reasons, I believe that equal marriage is an idea whose time has come and I will vote in support of the bill this evening.

That said, very few of us in this chamber have been deaf to the concerns that have been raised. I am pleased that we had a robust debate at stage 2 and today in this chamber. I welcome the openness of the chamber to hearing the concerns expressed. It is a sign of a mature Parliament that we have been able to consider the bill in a calm, sensible and objective manner, with tolerance of those who hold differing opinions from ours.

The principal area of concern was in relation to the protections that have been put in place by the Scottish Government. I believe that most members have been persuaded that it will not be possible for any religious or belief body to be forced to perform a same-sex marriage. Celebrants will not be forced to perform a same-sex marriage if it is against their beliefs and no one will be compelled to perform same-sex marriage ceremonies. Under the Government’s proposals, it will be their choice to opt in.

Indeed, throughout consideration of the bill, it has been made clear on numerous occasions that no part of the religious community that does not wish to conduct same-sex marriages will be forced to do so. I believe that that is right and proper: these are matters of conscience, doctrine and belief that are properly for the church and not the state.

Religions already can and do refuse to marry people. That is a matter for them; it is not proposed that that will change in any way. However, I recognise the genuine concerns that people have raised about protections and I very much welcome the arrangement between the Scottish and United Kingdom Governments to amend the UK Equality Act 2010. The 2010 act contains provisions about not discriminating when providing a service, with exemptions for religious and belief bodies that apply in certain circumstances. The Scottish Government has rightly sought the protection to be more comprehensive by asking for a further amendment that would help allay fears about challenges.

Amendments with the aim of respecting the right of those who, as a result of their religious beliefs, take the traditional view of marriage as being between a man and a woman have been considered this afternoon. Concerns have also been highlighted about freedom of speech. I think that the assurances that were given by the cabinet secretary were sufficient to allay those fears.

The Equal Opportunities Committee asked the Scottish Government to look again at the gender recognition provisions and I am pleased that the Government has acted to address those concerns.

For me, the bill is about equality, fairness and social justice: values that are instilled in many of us by our parents, community and society. For many of us, the bill is also about how we see ourselves as a nation, and how others see us. It is about the values that we hold and whether Scotland is indeed a confident, progressive nation where equality is truly valued. It is about our recognition that tolerance and acceptance of all are essential qualities of a mature and civilized society.

We are not the first country to agree to same-sex marriage and we certainly will not be the last. Those countries that have led the way have not suffered any adverse impact on their social and cultural values; in fact, I would suggest quite the opposite.

It is time for change. It is time to support equal marriage.
Jackson Carlaw (West Scotland) (Con): When this parliamentary year started and we came back from the summer recess in full anticipation of passing momentous legislation on same-sex marriage, my personal assistant greeted me at the office and said, “Have you heard the latest? Neil Bibby and Mark Griffin have got engaged.” There was just a moment before the look on my face made her feel that she needed to qualify that and say, “Not to each other.” I noticed that they sat together at the back of the chamber throughout the debate on the amendments this afternoon. On the record, I wish them and their respective—on this occasion—opposite-sex partners every happiness in the marriages that they are about to embark on. [Applause.]

At the stage 1 debate, the Official Report of which I re-read, we heard some outstanding speeches from Ruth Davidson, Marco Biagi, James Dornan, John Lamont and Christian Allard, who was cut off in his prime by you, Presiding Officer, as he got to the peroration of a wonderful anecdote about two gay French farmers, the conclusion of which I hope to hear—

Christian Allard (North East Scotland) (SNP) rose—

Jackson Carlaw: —but in his own time.

On re-reading that Official Report I saw that there were also eloquent speeches from Nigel Don and John Mason, who put the alternative point of view.

As we move past the amendment stage this afternoon, the Parliament is entitled to take a celebratory attitude to the bill that we are about to pass. I congratulate all those across Scotland who have campaigned to bring this moment about: the Equality Network and its indefatigable parliamentary liaison officer, Tom French, and all the others across Scotland who have done this.

I know that there will be a big party in Hemma tonight. My clubbing days are gone; I do not know whether Jackie Baille, Nicola Sturgeon and Alex Neil plan to be dancing tonight. I think that Ruth Davidson could be. I look at Jim Hume and see a bit of a wannabe, so it is possible that he will want to be. Today is a celebration.

I echo what I said when I co-sponsored some equal marriage events. My wife and I have enjoyed 26 years of marriage, not civil partnership. I want every couple in Scotland, regardless of their sex, to be able to have exactly the same opportunity to enjoy a long and happy marriage such as we have had.

I also welcome the fact that those couples will be moving into modern Scottish family life. That includes the experience of single parents who are struggling, either through fate or circumstance or choice, to bring up children on their own. It includes my experience: my mother and father were married and I am the married father of two highly opinionated young sons—how they became so highly opinionated, I have no idea. It also includes the experience of same-sex couples. I hope that they will have the opportunity to enjoy marriage, to be able to rear children in a happy and stable family environment and to have everything that goes with that.

I also take a practical point of view. Our country has an ageing demographic. We do not want people to feel that they have to live alone. I want us to do whatever we can to make it possible for any couple to share a life together. If the marriage legislation that we will pass today encourages that, that will be all to the benefit of our nation.

There has been huge change in my lifetime from the brutal atmosphere in which gay people had to live when I was a teenager and young man, when gay people felt that they had to strangle their sexuality. I know some of those people—I am in the Tory party after all. [Laughter.] Okay, it is a common point for everyone else.

Today is a fantastic change to be celebrated in the mood, style, signature and stamp of my country, Scotland. Let me chuck in a bit of musical theatre, because it is that kind of debate, is it not? Rodgers and Hammerstein’s 1943 musical “South Pacific” was made into a movie in 1958, the year before I was born. As a 12-year-old, I was confronted by this particular lyric:

You’ve got to be taught to hate and fear,
You’ve got to be taught from year to year,
It’s got to be drummed in your dear little ear,
You’ve got to be taught to hate and fear,

I am in—

You’ve got to be taught before it’s too late,
Before you are six or seven or eight,
To hate all the people your relatives hate,
You’ve got to be carefully taught!

I do not ascribe any of those prejudices to anyone in the chamber this afternoon, but what that song said to me as a 12-year-old is that we can come into politics and hope to change the attitudes in the country about sexual, racial and religious equality. We politicians have the opportunity today to be part of a generation that teaches the next generation, without prescribing the word “teach” too strongly, about the kind of country that they want to work in, to live in, to marry in, and the country that I want to vote for tonight.

The Presiding Officer: We now move to the open debate. We are heavily subscribed,
notwithstanding the cabinet secretary’s efforts. I advise members that the first few speakers can have six minutes but, thereafter, all other speakers will get five minutes. That way, I will make sure that I can get all the voices in the Parliament into the debate.

16:34

Marco Biagi (Edinburgh Central) (SNP): Presiding Officer,

“I am a migrant with a German passport who was born in a former Soviet country. I want to stay because I learned that Scotland is a place where race and origin matters less than where I came from. This is the most wonderful place I want to live in. This is the society I want to contribute to. Please extend this liberty to other people who face discrimination on the grounds of sexual orientation.”

Valeri, from Fountainbridge.

“As a member of the Quaker community I find it unacceptable that we are unable to have our registrars conduct same-sex marriages or civil partnerships within our meeting houses.”

Anthony, from the old town.

“I have been with my wife for eight years and we became civil partners five years ago. I usually use the terms ‘wife’ and ‘marriage’ when describing my relationship as to me they describe perfectly the nature of our relationship, however, I am painfully aware that in the eyes of Scottish and UK law those terms are not applicable and we are left with the term civil partners, a term that makes us sound as if we are in business together as opposed to a loving monogamous relationship.”

Angela, from Haymarket.

“I remember as a little girl asking my mother why two ladies couldn’t marry each other and her struggling to answer. As I grew up I began to understand it was not for any logical reason but just that some of our rules are unfair but we don’t like to change things that have always been that way.”

Annie, from Dalry.

“When I came out as gay in my later teens clause 28 was still in law. Homosexuality was never mentioned at school, at least not in a positive context, making growing up gay isolating and often painful. But I do think about the young people growing up gay today and what a difference it would make to their self-esteem and confidence to know that they are equal in the face of the law and could get married, perhaps just as their parents did or their heterosexual friends may do. Without equality in the face of the law how can these kids grow up feeling equal?”

David, from the new town.

“My other role model for a successful loving relationship is that of my best friend’s parents. His father had a sex change about 30 years ago, and my friend grew up knowing her as his aunt. They are still married, and have been for almost as long as my own parents. I count them as close friends today, but growing up they were my second set of parents.

Because of the current unequal laws on marriage she’s never been formally recognised as a woman. They couldn’t face the divorce which would be required under the current laws. Forced to choose between state recognition of gender, or their marriage, they chose the latter. She has lived for 30 years with a physical identity at odds with her legal one.”

Patrick, from Fountainbridge.

“I ‘came out’ at the age of 15, just over ten years ago now, to a fairly rough school in Edinburgh. I was surprised to find that I was met with relatively little negativity from my peers, and nothing but support from my teachers. My mother took the revelation rather badly. She had an image of gay people, one that she presumed meant I would be bullied all of my life; that I’d never have a ‘normal’ loving partner to grow old with; that I’d never have children. She was convinced it was her fault—that she’d consigned me to a fate of certain pain. Yes, bullying will inevitably continue. But let’s not fan that fire by keeping equal people on different sides of a barrier. So please, let’s not look on this as a matter of ‘just’ words and definitions. Words and definitions go a long way to moulding attitudes and challenging prejudices.”

Adam, from Gorgie.

In November 2013, at stage 1 of the bill, I told my own story. On this historic day, I wanted to throw open the doors of this chamber to let in the voices of just some of the 429 constituents who have been moved to ask me to vote yes today. I never needed persuading.

I hear one last voice today:

“We give you our deepest dearest wish to govern well, don’t say we have no mandate to be so bold. We give you this great building, don’t let your work and hope be other than great”.

That was Edwin Morgan. Wherever he is, today he is smiling.

16:39

Margaret McCulloch (Central Scotland) (Lab): I support same-sex marriage as a matter of principle. Not long after I was elected to the Parliament, I was proud to pledge my support to the equal marriage campaign. However, legislators have a responsibility to make sure that all sides of the debate are heard, that everyone’s rights are respected and that all bills undergo proper scrutiny.

That is exactly what I have tried to do as the convener of the Equal Opportunities Committee and I can say the same for my committee colleagues. Whatever our initial thoughts about the principles behind the bill, we worked together to take evidence, over several months, to produce a balanced and comprehensive report on the bill and to debate many of the amendments that have returned to the chamber in some form today. At the end of that process, having listened carefully to the different arguments that have been made, I am more convinced than ever that it is right to pass the bill and to legislate for equal marriage.
Much has been made in the debate of the state of public opinion. We have been told that the majority of respondents to the Government’s consultation opposed changing the law and that to do so would therefore be against the wishes of the Scottish people. It has even been suggested that the bill should be put to a referendum. However, I do not believe that the rights of any minority should be dependent on the will of a majority at a particular point in time. Nor do I believe that members should take a view on the bill on the basis of the way that they think the wind is blowing. We must do what we believe is right.

Nonetheless, let us take a closer look at public opinion. Professor John Curtice reminded the committee that pro forma letters and emails that are part of an organised campaign might tell us more about the structure than the state of public opinion. Opinion polls actually show that 60 to 65 per cent of the public support same-sex marriage and that is consistent with the findings of the independent Scottish social attitudes survey.

Many of the amendments that have been presented today, like those that were presented to the committee, relate to concerns about how the bill might affect people who have a traditional view of marriage. In my view, such amendments are unnecessary, because sufficient safeguards to protect the rights of those people either already exist or are provided for in the bill. The only religious or belief bodies that will solemnise a same-sex marriage and the only religious celebrants who will participate are those who want to. That is what the opt-in approach that has been taken in the bill is all about—legislating for equal marriage but securing the right of religious and belief bodies to decide whether they want to be part of it.

No prospective foster carer or adoptive parent should be refused solely on the basis of their views about same-sex marriage. The best interests of the child should come first, as they do under the law at present. Furthermore, the right to express a traditional view of marriage as being between one man and one woman is already protected by our freedom of expression; it does not require a specific mention in the bill.

There is one amendment that was withdrawn during stage 2 on which I want to press the cabinet secretary today. One of the Equal Opportunities Committee’s concerns at stage 1 was that the bill does not allow couples in a civil partnership that is registered in another country to change their civil partnership to a marriage in Scotland. That could leave those couples trapped outside the law as the only same-sex couples unable to marry in Scotland. I was, therefore, happy that at stage 2 the Scottish Government recognised the problem and committed to dealing with it. However, the point is to be addressed by order and not through primary legislation, to allow the Government time to consult on the detail of it. It is important to me and to several other committee members that the Government act on that point and that any change is done right.

At stage 2, my committee colleague John Finnie asked the cabinet secretary:

“can you give an undertaking that the general policy approach on the matter will be, as far as possible, to enable all same-sex couples with foreign civil partnerships to marry in Scotland?”

The cabinet secretary’s response was:

“Absolutely, and that is why I need time to get the approach right.”—[Official Report, Equal Opportunities Committee, 19 December 2013; c 1707.]

In the light of that guarantee given at stage 2, I ask the cabinet secretary to provide more information about the process of introducing an order to deal with that specific point and the timescale that we could expect the order to be delivered in.

This Parliament has come a long way since the debate on section 28 and it has come even further since the introduction of civil partnerships. The case for equal marriage has been made. The safeguards are there. The bill does not curtail religious freedom, it enhances it. The bill does not deal in half measures for same-sex couples, but gives them the same rights that every other couple has. Let us vote today for a bill that we have already waited too long for. Let us vote today for a fairer Scotland.

16:45

Alex Johnstone (North East Scotland) (Con):

Members will not be surprised to discover—if they do not know already—that I will vote with the minority at decision time tonight. However, I have no intention of dwelling on that, as I wish to talk about other things that have happened during the passage of the bill.

First, I highlight the respect that has existed between the two sides during the process. I draw attention in particular to the work of the committee under its convener. The committee was fairly evenly split, yet it conducted itself in a manner befitting the Parliament. In fact, the quality of the debate and of the evidence that we received from both sides is to be highly commended.

There have been one or two bad experiences. After the stage 1 debate, I, like many members of the Parliament, had some interesting emails and tweets. However, none of the more hostile correspondence that I received came from anyone who had a vested interest in the debate. I believe that those who took one side or the other in the
debate have conducted themselves in an exemplary manner throughout.

I will say a little about those who were opposed to this change in the law. It is vital that both sides are heard during the legislative process, and it was therefore essential that, in a debate in which there was likely to be a majority position and a minority position in the Parliament, those on the minority side who came to give evidence felt that their views were taken seriously and treated with respect.

A number of us on the committee, and others in the Parliament, have worked hard to ensure that the minority view has been represented. I hope that those individuals and organisations feel that the Parliament has given them a fair crack of the whip. It is essential that both sides feel that they have been listened to, right to the very end of the process.

It is disappointing that none of the amendments—particularly those lodged by John Mason and Siobhan McMahon for consideration today—was accepted by the Parliament. I believe that, if some token had been given, those who take the alternative view might have felt engaged in the process right to the end. However, there has been significant involvement and buy-in throughout the process.

John Finnie (Highlands and Islands) (Ind): Will the member accept that it should be the quality rather than the quantity that matters when it comes to amendments?

Alex Johnstone: Indeed. That is very much the case, as the way in which the evidence has been treated throughout the process indicates.

As I said, I am disappointed that we were not able to find some compromise that would have allowed some of the amendments to be accepted. It remains a concern among many on the minority side that there will be an on-going effect. I think that it has been accepted in the arguments from both sides that the bill makes such a substantial change that it changes many things in ways that we will not be able to predict.

I hope and pray that we will have the positive outcome that many people have spoken about and that we will not experience the potentially negative consequences that some have described. Nevertheless, we should all be ready in case we are not so lucky.

Looking to the future, my one disappointment with the Marriage and Civil Partnership (Scotland) Bill is that although it dealt with a number of key issues, it did not deal with the significance of marriage in society as a whole. I am not stupid enough to fail to realise that there are today many different models and that we have to work to support all the models with equal vigour. However, I also believe and am prepared to argue that society itself in recent years has been weakened by the weakening of marriage as a bedrock of society. I believe that we need to look carefully at the significant role that marriage plays in building strong families and a strong society. Although I accept the broad and different definition of family that we have today, I believe that it is right that we continue to argue for the strength of marriage as a cornerstone of society.

It is for that reason that, although I accept that I will not be on the successful side after the vote tonight, I believe that we must continue to press for marriage to be the cornerstone and bedrock that makes for strong families and a strong society. During my lifetime, marriage’s role in society has weakened and I think that we have seen society suffer. However, I think that we can reverse that trend. I believe that we can do that even in the context of substantial changes to marriage such as that in the bill.

I would like to see in future a Government that consolidates the achievement of the bill as it becomes an act and ensures that we go on to take advantage of the opportunity that marriage and family give us to strengthen society and make the future of our children stronger as a result.

The Presiding Officer: The next speeches will be of five minutes.

16:51

James Dornan (Glasgow Cathcart) (SNP): I start by responding to the point that Alex Johnstone just made. I would have thought that, if anything, the bill would strengthen marriage because it makes marriage much more acceptable for every sector of society. I also think that Alex Johnstone’s argument about the weakening of marriage being at the root of all evil over the past decades is a bit simplistic. However, the bill can only help to strengthen marriage and make it more acceptable to everybody across society.

I would like to thank Jackson Carlaw for his kind words, but he clearly does not want to hear my words as he is not present. He gave a very eloquent speech, but it left me feeling a wee bit empty because when he started to talk about “South Pacific” I was fairly confident that he was going to sing but, unfortunately, he did not.

When I got elected to Parliament in 2011, I realised very quickly that we were going to be part of something special and that Scottish National Party members were going to be part of at least one memorable day and event, which would be the referendum. What I had not quite realised was that there would be other opportunities to do something really historic. Today is one of those
rare days when I can say as a politician that, no matter what happens, even if today is my last day as a politician—and given that the vote goes the way that I hope it will tonight; I do not know what time it will take place now, Presiding Officer, but it will be some time after six—my colleagues and I will have made a difference to improve the lives and rights of many people across Scotland. We should all be proud of that.

Like others, I recognise that there has been a change in society. I recognise what it was like a long time ago and when I was growing up. That we have come to where we are in such a comparatively short period of time in historical terms—although I have been here a fair length of time, to be fair—is something that we should be immensely proud of. As I said in a previous speech, I have no concerns about safeguards with regard to the bill. All the safeguards are in place and I am confident that celebrants and religious bodies will find that to be the case.

In my speech last November on same-sex marriage, I talked about my brother Michael and how he had just contacted me to tell me that he was going to get married. As things often happen, he phoned me very quickly after that and said “I’m not just getting married, James. I’m getting married next Wednesday.” So, I had to contact Joe FitzPatrick, who I have to give huge thanks to because he was incredibly helpful, along with the whip’s team—Bill Kidd, Fiona McLeod and Graeme Dey, who covered for me when I was away—and I managed to get away to see Michael getting married. It was a lovely ceremony that was very small and family oriented.

There were two things about it. One is that I was the only member of our family who was there. That is understandable as it was very short notice; I also have a very understanding boss and I could afford to go. Other members of my family could not afford to go in that time period, and my mother is 79 years of age and she could not travel to Lisbon, so there was a hole. It would have been perfect if members of the family had been able to go. I have no doubt that if we had had the legislation in Scotland, the wedding would have been here, because Raoul has a smaller family than ours and they are more mobile than us, so they would have come over here and we would have had that opportunity. That was a shame.

The other thing is that it did not rain. I looked back to that UK Independence Party comment and I thought, “No—that just can’t be true.” There was no thunder and lightning. It was a lovely sunny day. The sun was even shining through the windows. It was just a perfect, lovely day, so that was really strange.

In my previous speech, I said that my opinion was that they were getting married because they had got to an age at which they thought that it was right to ensure that their affairs were settled, and I knew that it was a strong relationship. But when I was over there, what really got to me was that I realised just how much the day meant to them. That kind of surprised me. It was the right thing for them to do to ensure that, as they get into their 60s, everything is settled, but it is a marriage based on love, and it was an absolutely lovely thing to see. I was honoured and delighted to be there. I just wish that it could have been here.

I finish with two quotes. One is from more than 2,000 years ago and the other is from more than 150 years ago. The first is:

“The only stable state is the one in which all men are equal before the law.”

If we take it that “men” means the species as opposed to the gender, that is a good quote. I said that because Nicola Sturgeon was giving me a funny look. [Laughter.] The other quote is from Robert Ingersoll, who was a civil war veteran, a political leader and a radical orator. He said:

“The true civilisation is where every man gives to every other man every right he claims for himself.”

I suggest that includes the right to be married. On that note, I am delighted and proud to support the motion.

16:57

Richard Lyle (Central Scotland) (SNP): Tonight, I will be out of step with the majority of the Parliament, and I regret that. However, I am grateful for the opportunity to speak at what is undoubtedly an historic moment for Scotland. It is historic because the institution of marriage, which has been at the core of our culture for centuries, is on the cusp of being changed forever. Many people welcome that. They say, “Why not have equal marriage? Why deny gay people the right to marry?” They argue that the status quo is discriminatory. I understand that line of argument, which has certainly been embraced by the vast majority of my fellow parliamentarians, but it is not one that I can agree with.

It is my conviction, and the conviction of many thousands of Christians, Muslims, people of other faiths and people of no faith, that marriage is unique—a unique relationship between a man and a woman. In recent months, polls have been cited to indicate that Scotland supports the bill, but I am not convinced that that is the case. Some 54,000 people signed Scotland for Marriage’s petition against the bill and, of the 62,000 people in Scotland who expressed a view during the Government’s main consultation on whether same-sex marriage should be introduced, 64 per cent—almost 40,000 people—said that it should not. Many of my fellow citizens have spoken
clearly, but I am not convinced that we are listening.

Whether or not one accepts that the majority of Scots oppose the bill, the balance of views in the Parliament, where there is near-overwhelming enthusiasm for same-sex marriage, is hugely disproportionate to that in the country at large. That is why the various amendments that John Mason, Siobhan McMahon and I lodged, which were discussed earlier this afternoon, were significant and deserved the support of all MSPs, including those who favour same-sex marriage. Those amendments sought to ensure that the many thousands of Scots who disagree with the bill would have their views respected and protected once the law is changed.

In reply to Mr Harvie’s comments on amendment 1, I can say that I was branded homophobic in various emails. I brought my children up to respect people for what they are. Basically, that is how my make-up has always been.

Patrick Harvie (Glasgow) (Green): Will the member give way?

Richard Lyle: No, I will not. I have only five minutes.

There are adoptive parents out there who are frightened that their opposition to same-sex marriage will be misunderstood.

I ask Jackie Baillie and the cabinet secretary to tell the Office of the Scottish Charity Regulator about charitable status, because OSCR ain’t listening to the cabinet secretary. He can write OSCR a letter and see where that gets him. I found out as a councillor that written policy counts for more than letters; when someone said “It’s policy, councillor,” that was fine—we could drive it forward.

My good friend Jim Eadie and I first met when I entered the Parliament. He told me that he was adopted and that he was gay. He is my friend, and I hope that I will still be his after today. I respect his views and I know that he respects mine.

Supporters of the bill claim that the amendments that I mentioned would have permitted discrimination against same-sex couples. That is untrue. The fact that such a claim was made shows why protection is necessary. Not one non-Government amendment was supported, which was disappointing.

Time and again, we have heard supposed reassurances from proponents of the bill that no church will be forced to conduct a same-sex marriage and that religious celebrants will be protected. That is all well and good but, as those who oppose the bill have said repeatedly, that is not the major issue.

As the Rev David Robertson of the Free Church of Scotland said at stage 1,

“My concern is not so much about the clergy—to be honest, we can look after ourselves—as about other people, who might find themselves victims of discrimination.”—[Official Report, Equal Opportunities Committee, 12 September 2013; c 1451.]

That has happened even before the law has been changed. A former leader of my party, Gordon Wilson, was voted off the board of his local citizens advice bureau in 2011 because of his public support for marriage. Some MSPs who do not support the bill have experienced vitriolic abuse for refusing to back the change in the law.

That is why many people have concerns about the impact that the change in the law will have on many Scots who, for sincere reasons of conscience, cannot endorse same-sex marriage. They are not bigots, as some suppose, but they are fearful, particularly if they are in public service jobs.

In closing, I will say a few words about recent events surrounding St Margaret’s Children and Family Care Society. The success of that agency’s appeal is great news and demonstrates a welcome dose of common sense. However, the cost, time and effort for that small charity to get the result, and the fact that OSCR sought to remove its charitable status in the first place, underline why we are worried.

The Presiding Officer: You need to bring your remarks to a close.

Richard Lyle: That happened before the law is changed.

I know that I will not win tonight, but I will vote in line with my conscience, in the way that I have always stood up for my constituents.

17:02

Drew Smith (Glasgow) (Lab): The debate is no less welcome for being long awaited. At decision time, Scotland can become the 17th or the 26th country or territory around the world—it depends on how we count it; I will not go into the constitutional issues—to legislate for equal marriage rights for same-sex couples. We will pass what many regard as the last great reform that is required to achieve full equality in law for lesbian, bisexual and gay people.

It is true that equality in law will not immediately mean the end of discrimination in all its forms, but it will mean the completion of the first phase of a campaign that began in Scotland at the end of the 1960s and which achieved the decriminalisation of homosexuality in 1980, as others have said. That landmark achievement was slowly followed by equalisation of the age of consent and, ultimately,
couples in the 19th century had to keep their relationships secret. The bill also makes significant progress on the inclusion of trans and intersex people. After today, campaigning for LGBT people—for example, for better sexual health and education policies and against bullying or stigma—will go on, but the crucial point is that it will do so on a similar basis to that for other groups and from the starting point of full legal equality.

While other countries around the world, including our neighbours in England and Wales, have taken the lead, those of us who have supported marriage equality in Scotland have watched and hoped that our day was coming closer. As each country has taken the step, the pressure for change has increased.

In each nation, the story of the fight for equality has been different. Each land has its own progressive coalitions, which have been built up over time and which are unique to the relationships and experiences of its people. However, the discrimination and oppression that too many gay and lesbian people have faced have been all too similar. It is said that the world is becoming a smaller place but, for lesbian and gay travellers throughout the generations, the most far-flung destinations must have seemed familiar, because the reality of discrimination has been a constant and near universal fear, wherever it is called home. Therefore, I am proud that Scotland can today join the places where difference is something more when I use the word “accepted”. The prize is not that we no longer care who gets married to whom, but that we recognise individual human relationships. The commitment to love another person and to spend our days with and for that person can today be on the table.

When I spoke in support of the bill at stage 1, I said that I wanted to do more than just win an argument for tolerance. Therefore, I also mean something more when I use the word “accepted”. The prize is not that we no longer care who gets married to whom, but that we recognise individual human relationships. The commitment to love another person and to spend our days with and for them can be a very private matter, but it can also be a proudly public one, if that is wanted. To my mind, that is the right that the bill creates, and it is one that, distinct from civil partnerships, should be available in the same terms to all couples, regardless of their sexuality and whether they profess a faith. That is the right that other countries have created, and we should join them. We should do so not just for our own people in Scotland in order that the state is truly the enemy of discrimination among its citizens rather than just the arbitrator, but because history has already taught us that we are on her right side.

In the coming weeks, the eyes of the world will be on Sochi and the winter Olympics there. We will be reminded that the world is not so small and that the attitudes that we rightly condemn in Russia are far more the norm there and elsewhere than what we might boastfully feel are our own enlightened views.

Each Parliament that has already made the change has done so in its own fashion. In some, there have been tears, hugs and the singing of national or protest songs. Jackson Carlaw took us somewhat towards that, but not the whole way, thankfully. Our chance at history comes at just after 6 o’clock, but it must be living history for much longer afterwards. We need a Scotland in which we renew our determination to eliminate homophobia and to celebrate, not just tolerate, diversity. We need determination that our small—and, I predict, positive—example will help to ensure that we are not for long the latest legalisers of equal marriage but rather are among the early adopters of change that has already taken far too long. It should be remembered that, for many people in the world, we will be just a far-off dream.

Those of us in the Parliament who have campaigned for equal marriage will be pleased with our work today and our work towards today, but there are many days of individual celebration ahead. Those days—not this day—will show that what has been done in the first few countries is more than a dream; it is a hope for all lesbian, gay, bisexual and transgender people, wherever they live and whatever their experience. That is why I feel very privileged to support the bill.

17:07

Linda Fabiani (East Kilbride) (SNP): It is an absolute delight to be in the chamber today and to pass the bill very soon, I hope.

I thank not only all those who have worked hard to bring to fruition the principles that many people have worked for for years but those who have worked hard on the technicalities and have tried to ensure that, as far as possible, as the convener of the Equal Opportunities Committee, Margaret McCulloch, said, everyone was heard with dignity and respect on a subject that evokes strong emotions on all sides.

I am glad that we are here but, for me, it is not really the detail that matters; it is the principle and the ethic that says to me, “This is absolutely the right thing to do.” Everybody can think of people, whether from their childhood or family members, who have been badly affected by the discrimination that has happened. Let us not forget that it was only in 1980, I think, that we decriminalised homosexuality in this country. That is not that long ago.

I want to see the kind of society that has said at a top level, “We’re creating equality by allowing same-sex marriage,” and in which people such as my great-uncle do not have to run down to London...
and live apart from their family, as my great-uncle had to do so that he could live with someone he loved. There was also my uncle, who had an absolutely rotten childhood, adolescence and adulthood, very much based on his psyche and his having to live a life that was a pretence. Members will notice that I am not saying their names. That is because there are still people out there to whom that would be a bit of a revelation. I respect the memory of both men; they hid what they were for very valid reasons.

I also want to live in a society in which actors do not have to portray in real life the characters that they portray on screen. Yes, we have come a long way on that but there is still a bit of discrimination going on in that area.

I want to live—and represent the constituency of East Kilbride—in a country in which I do not have the occasional young person coming to me and saying, “I have to admit to everyone that I am gay,” or “I have to admit to everyone that I am bisexual,” and asking, “Do you know anyone who will support me or help me?” I do not want people to have to admit to anything. I want people to just be people and to be the way that they are, and I want everyone to be treated equally in the eyes of the law.

To go back to the earlier discussion about civil marriage, religious marriage and civil partnerships, everyone should be equal and have equal chances and equal opportunities. My colleague Stewart Maxwell was quite right about that. The reality is that we have civil partnerships now—they are there. There should be equality for anyone who wants to take part in any of those options.

I am not married—I have chosen not to be married. Duncan may have something to do with that as well, right enough, so we have chosen not to be married. If we choose to have a civil partnership—if that comes in—it does not matter what the differences are between civil marriage and civil partnership. It will be my choice and absolutely no business of anyone in the chamber or anyone else what we choose to do if the law says that we have that opportunity—that everyone has that opportunity.

I loved Stewart Maxwell’s comment that sometimes people are forced to choose between different kinds of apples; it is not always about choosing between apples and pears. I will leave my colleagues to decide whether I am a soor old Granny Smith or a sweet Pink Lady. [Laughter.] Maybe I do not want to hear the answer to that.

Yes, we have done something pretty wonderful today and I am really pleased about that, but let us not kid ourselves that everything is solved just because we put this into legislation. There is still a long way to go. There is still discrimination out there and there are still a lot of people who need support before we get to the point at which, in reality, it just does not matter a toss what someone’s sexuality is.

I cannot mention everyone who has been involved in the bill but I will mention the Equality Network—

The Presiding Officer: It will have to be brief, Ms Fabiani.

Linda Fabiani: Absolutely. The Equality Network is saying that there is still a lot more work to do to tackle prejudice and to ensure that LGBT people receive equal treatment across society—yes. It is time for change so let us move on and build on what we have done today.

17:13

Jim Hume (South Scotland) (LD): Fairness and equality run through the veins of every true Liberal Democrat I know. We want Scotland to be one of the fairest and most equal places in the world. That is why we support the bill enabling gay, transgender and lesbian couples to marry. When MSPs met to debate the bill back in November, I was pleased to have the opportunity to vote in favour of the bill and I of course remain supportive of the bill.

The bill demonstrates that our society values every person equally, irrespective of their sexuality, and that we regard every relationship as worthy of equal recognition. If two people in a loving relationship want to formalise that relationship through a religious or civil marriage ceremony, that should be the case. They should not be prevented from doing so. In other words, there should be no differentiation between what is available to same-sex or to mixed-sex couples.

I strongly believe that that sense of fairness and equality also runs deep in the psyche of every Scot. Indeed, that view has been reflected in the emails and letters that I have received over the past few months. Key to the whole debate has been the issue of respect for everyone’s opinions and getting the balance right.

The bill as it stood earlier struck a good balance. It was recognised that, in voting to uphold the intention of the bill to allow for equal marriage, it was also important to respect the rights of individuals and faith organisations not to carry out same-sex marriages if they do not wish to. I believe that the stage 2 amendments acknowledged that balance.

As a Lib Dem and someone who was brought up in a household of good churchgoers—with a mother who broke another mould by becoming the first woman elder in the parish—I believe that it is important to do the right thing. Inequality is a form
of oppression and can manifest itself in many forms, some more subtle than others, and to varying degrees. It is true that society has come a long way on gay rights and equality issues, but I do not buy the argument that gay people should be happy with what they have, as though they have already been given some special concession.

The idea that a gay couple should have no legal right to a religious or civil marriage ceremony makes the massive assumption that marriage does not apply to those in a same-sex relationship and that they cannot express their religious view or commitment to marriage. To take that a step further, preventing same-sex couples from marrying is preventing a section of the population from expressing their marriage beliefs, which in my view represents a subtle and creeping oppression.

Back in the 19th century, the businesswoman Anne Lister, whose diaries, which were discovered after her death, revealed much about her private life, said it best when she wrote of her sexuality:

“This is my nature. To act in opposition to my nature would be more wrong for me than to be a married woman. I am living my life with the nature that God gave me. It is perfectly ok”.

As an aside, it is interesting to note that Anne Lister should primarily be remembered for being the so-called “first modern lesbian”. In fact, she is arguably a role model for women and men to this day. She was an independent businesswoman in her own right and became one of the first women to climb the Pyrenees. She lived her life her way, with the nature that God gave her.

We are not giving preferential treatment to any one group; we are simply saying that everyone, regardless of sexual orientation, should have the same rights. Anything less is inhumane. I am proud to stand up for equality of marriage in Scotland. There can be no excuse for isolating a section of the population for any reason, whether that is on the basis of religious affiliation, skin colour or gender. For that reason, I will be proud to support the Marriage and Civil Partnership (Scotland) Bill through its final stage today, as will, I believe, my fellow Lib Dems.

I should recognise the many constituents who have contacted me and others in support of the bill. We should also recognise the positive campaign, in particular by Stonewall and the Equality Network, throughout the debate. We should of course have respect for other people’s views, in the chamber and outside it.

We should also give recognition to Alex Neil for his determination to bring the bill to the Parliament and for the meetings that he held with me and others to ensure that Scotland can be seen as a leading light for equality. I look forward to voting yes for this historic bill at decision time today.

17:17

John Mason (Glasgow Shettleston) (SNP):
The process has been a long one. I thank members, the clerks and others who have helped with a professional attitude throughout. I first said something publicly on same-sex marriage in August 2011, which was about two and a half years ago, and I realise that others have been campaigning on the issue on either side for a lot longer than that. Therefore, it will be good to reach a decision today; then we can, I hope, get on with other business and with rebuilding relationships, which might have been strained during the process. I have to say that I am disappointed that none of my amendments was accepted today.

I have previously said that I am relaxed about the introduction of same-sex marriage if no one will be disadvantaged by it. However, early on in the process, it became clear that changing marriage would have significant repercussions throughout society. We need to be realistic and accept that this is a significant change in how our society operates. Although some see it as a major step forward on human rights, others feel that a key part of their lives and experience and a key building block of society is being undermined. As we have seen in other countries, same-sex marriage will continue to be an area of controversy even after it is introduced.

Ideally, we all want a society in which everyone is treated equally and minority views are at least tolerated, if not welcomed. However, the fear among some people is that we might see a switch from lesbian, gay, bisexual and transgender people being discriminated against to religious or other people with a traditional view being discriminated against. Will Christians and others be squeezed out of working in the public sector? We are not sure.

Jim Hume: I do not like to say that the member is scaremongering, but does he have any evidence at all of religious organisations being squeezed out?

John Mason: We have gone over some of this already, but it appears that, for example, somebody with traditional committed Christian or Muslim beliefs cannot be a registrar in the public sector.

I do not think that that is the Government’s intention, and I accept that some safeguards have been built in. I also accept that we can never have 100 per cent safeguards or know where the courts will go in future. I am therefore disappointed at the Parliament’s response to the amendments on that issue that were proposed today.
There are parts of the bill that are not controversial. The controversial part is clearly same-sex marriage. However, the bill comes against a backdrop of questions about the place of religion in society, which will be an issue in the future whether or not Scotland gains independence.

There is a clear trend away from religion these days. Society seems to be becoming increasingly secular and humanist. However, it is also interesting to look a little below the surface and see how people react at times of stress and loss.

We did not take evidence from the Scottish Independent Celebrants Association, but it has spoken to MSPs in Parliament. Independent celebrants report how many people approach them for a funeral not wanting a full church or religious service but still wanting a hymn and a prayer, which the humanists cannot provide.

It was also interesting how many people speaking about the recent helicopter crash who would not normally be seen as religious talked about our thoughts and prayers being with the families of victims and attended church services and mass.

We are in an untidy kind of society that is perhaps not as Christian as I would like or as humanist as Patrick Harvie would like, but we need to recognise where people are at. For many, that includes a bit of faith and religion, at least below the surface.

The relationship between church and state is part of the debate as well. I am clear that church and state should be separate and that the church should not be in a privileged position, as it has been in the past—neither the church nor the state benefited from that.

The bill is not perfect and could have been improved more along the way. However, the key point for me and others is that we may well be, and probably are, opening the door for more discrimination against religious and other people who think a bit differently from the rest of society. I hope that I am proved wrong in that, but the signs are not encouraging.

For that reason, I feel forced to vote against the bill.

17:22

John Finnie (Highlands and Islands) (Ind): I thank the various groups that provided briefings for the debate. One line in the Equality Network briefing said that it would make Scotland fair and more equal if we agreed to the bill, and I agree with that.

The Parliament has an important role in serving the people of Scotland, and we know that the people of Scotland have different genders, races, sexualities and localities.

The committee structure plays a key role in our scrutiny of legislation. Much has been said about the Equal Opportunities Committee. I thank our convener, Margaret McCulloch, for her comments and her résumé of the work that took place. I also thank our valuable committee staff, who were tremendously helpful in providing support to enable us to scrutinise the bill.

A lot of evidence was taken and, like many, I have had a lot of communications. Some of them have not been particularly measured and others have clearly indicated that they have not read the proposals, which is a bit disappointing.

Of particular interest was a line of emails that I got. As someone who has spent all but a handful of years in the Highlands—I was born, was brought up and live there—I found being told that I could not possibly be a Highlander or I would not support the bill to be quite dismissive of an entire population and, indeed, the geography of the place.

In many locations around the globe—sadly, 21st century Scotland is no different—people choose selective tracts from a book of their choice to support various things. That might be girls not being educated; women not being allowed to be doctors or to drive motor vehicles; the mode of dress that can be worn; boys and girls not being allowed to be educated in the same room; the races being segregated; children being beaten; interfaith and interrace marriages being banned; goats being thrown off towers to their deaths; and people who love each other not being allowed to marry.

There have been many entirely reasonably expressed views. I do not go for the hierarchy. We either believe in equality or we do not; there is no hierarchy within that.

I will quote two of the communications that I have had. One is from a monk in an abbey in the Highlands and Islands, who concludes by saying:

“Of course the main victims in your favoured legislation will be children—but they don’t vote, so obviously can be safely ignored”.

I have to say that I will be safely ignoring that gentleman.

I commend the approach to children that is taken by Stonewall Scotland, which says:

“Existing law already states, rightly, that all decisions on adoption or fostering must be based on the best interests of the child. Stonewall Scotland agrees that prospective foster carers and adoptive parents should not be rejected solely because of their views on same-sex marriage. We do
believe, however, that potential adoptive parents or foster carers should be assessed on whether they have a range of skills to support looked after children, including those who may grow up to be lesbian, gay, bisexual or transgender or may be experiencing homophobic or transphobic bullying.

What a contrast between the views of that proponent of faith adherence and the support that we have had in the way of briefings from equality groups.

Similarly, like other members, I have received a communication from a Free Presbyterian minister, who says:

“If you ignore this warning”—the warning not to support the bill—

“I am clear from complicity of you dying in your iniquity.”

He adds that his “conscience will be purged from any involvement in the national sin.”

I have news for the Rev Campbell: I am going to die, and my death certificate will not state that the cause of death was iniquity or involvement in the national sin.

To those sadly loveless communicants, I say that I, too, can quote from a book. The book that I will quote from says:

“A new command I give you: Love one another. As I have loved you, so you must love one another.”

A lot has been made of statistics, and Jackie Baillie has alluded to the social attitudes survey. To me, it is not about who can get the bigger gang together but about which group values equality more. We have heard about the civil registrars and the contrast with the faith adherents, but who would want to get married in a situation involving duress anyway?

It is quite clear to me that one person’s morality is another person’s prejudice. I am sad to say that we have heard a lot of prejudice in relation to this bill. As I have said before, I do not think that there can be any caveats in relation to equality.

We have an opportunity to make history. Not many people get that. There have been vital votes on franchise and slavery, and the future analysis of that has been important. James Dornan will be seen to have acted to make a difference.

I have one final quote—

The Presiding Officer: You need to make it brief.

John Finnie: Martin Luther King Jnr said:

“I have decided to stick with love. Hate is too big a burden to bear.”

I ask others to facilitate the love that would allow people to marry, and to support this legislation.

17:27

Mary Fee (West Scotland) (Lab): In my view, this bill is the single most important piece of legislation that the Parliament has delivered. That is a hard feat to achieve. It is bigger than the smoking ban and it is bigger than the Scottish Independence Referendum Bill. The Marriage and Civil Partnership (Scotland) Bill will deliver real change on equality in Scotland.

We have all heard about the evil consequences that are going to occur and about the effects that same-sex marriage will have on children. However, I am sure that we can all agree that continually talking about same-sex relationships in demeaning and bigoted tones will promote more harm to children, especially those who may have difficulty in accepting their sexuality.

The Bible and the teachings of Jesus are supposed to promote love and forgiveness. However, throughout this campaign, I have seen little evidence of that from certain opposition groups. I ask those who are concerned about and campaign about the consequences of same-sex marriage for children: where is the campaign to stop divorce? In 2011-12, there were 9,503 divorces in Scotland. What of those children and their rights? As the Bible says,

“What therefore God has joined together, let not man separate.”

Is it the case that that law of God is wilfully being ignored? The Bible also explicitly forbids cutting one’s hair and trimming one’s facial hair. The Bible also supports slavery.

I would like to stress at this point that I am not criticising any individual for their religious belief; I am merely pointing out the hypocrisy of certain opposition groups. The Bible has been used in representations to me as a means of reinforcing opposition to the bill. I merely point out a couple of other areas in the Bible that should perhaps be reflected on if groups want to be fair and honest and to have due regard to equality.

Our society has become increasingly liberal, tolerant, accepting and understanding. I hope that that continues over the decades and centuries to come. We have also become more secular; there is a correlation between increased secularism and liberalism. The bill is stronger than it was at stage 1, although there were amendments that were not agreed to that would have increased equality for LGBT couples, especially young transgender adults. In easing the worries of opposition groups, the Scottish and UK Governments have made amendments to the Equality Act 2010 and guaranteed the freedoms that we have been asked to protect today.

As I said in November, enough safeguards are already in place without needing some of the
amendments that were lodged. In our current political landscape, we hear about Scotland becoming a fairer and more equal society. Today, those who perpetuate that statement have the opportunity to take a step towards ending the discrimination that same-sex couples face.

Commitment between two loving and consenting adults, not the ability to create a family, should be the basis for marriage. In many cases, families are created before marriage—again, there is no precondition that must be met before marriage.

In the stage 1 debate, I pointed out that single-parent families are increasingly accepted as normal and that the language used by opposition groups adds to the stigma forced on single parents, especially mothers. As we come to the end of the legislative process, let us remember that, as long as a child has a loving and stable home, it does not matter if they come from a one-parent family or their parents are a same-sex couple or a mixed-sex couple.

Today, Scotland will take a massive stride in equality. We will catch up with our neighbours down south and other progressive nations throughout the world, becoming the 17th nation to make marriage equal. This Parliament has continually acted against the social and moral inequalities that discriminate against LGBT people, and today we will add marriage equality to the list of other actions that we have taken, such as repealing section 28, allowing same-sex couples to adopt and ensuring that LGBT people are protected under hate crime laws.

The work of the Scottish Government and Alex Neil is to be commended. Praise must also go to Tim Hopkins and Tom French at the Equality Network, Stonewall Scotland, the Scottish Transgender Alliance and LGBT Youth Scotland.

I am proud to stand up for social justice, equality and fairness, and today I will be proud to vote for equal marriage in Scotland.

17:32

Kevin Stewart (Aberdeen Central) (SNP): Earlier today, during stage 3, Mr Mason asked us to accept one or two amendments to show that we have been listening. Later, Alex Johnstone said that we should have accepted some amendments as a "token". We should not agree to amendments or make legislation for tokenistic reasons. We have struck the right balance. On showing that we have been listening, I have been listening to the many constituents who have contacted me. By 10 to one, folks in my constituency have told me to vote in favour of the bill today.

I have respect for people of all religions and am glad that we have the bill that we have. I will quote one of my constituents, who wrote to me just the other day:

"I am a Christian and urge you to remember that there are Christians in your town who wish to support inclusion and equality."

We must all take cognisance of the views of individuals and not just the views of organisations, which sometimes do not reflect the views of those who participate in those organisations.

That is my wee bit of politicking. All this is about equality. I think about two wee girls in Aberdeen with two wee mummies—not two wee mummies; two mummies. I am going to get into trouble for that. They should have the same rights as any other family. If their parents want to marry, they should be allowed to marry. Those two wee girls may well have married mummies sooner rather than later.

Alex Johnstone talked about strong families; I am a great supporter of strong families. I talked in the stage 1 debate about my family and the strength that I have taken from having parents who have stayed together for many years and who have gone through the joy and happiness and the trials and tribulations of marriage. I hope that others in our society will soon be able to have those same experiences—although maybe with a little less of the trials and tribulations, it has to be said. Like Alex Johnstone, I think that strong families often breed strong societies. He said that marriage should be "a bedrock". I do not disagree with that statement, either. The only problem that I have, which I hope we will address today, is that folks who love one another and who are of the same sex cannot marry at the present time.

Many folk have said that today is a historic day. I agree. I hope that we take the bold step today to rid our society further of discrimination. Most of all, I hope that we will think about the families that already exist across this country in which the parents are not allowed to marry, and the people who will want to follow the line of marriage in the future.

I said at stage 1 that I will bear no malice, no matter how folk vote on this issue, but I hope that they will vote for the bill, because I think that it is a good piece of legislation, which has been strengthened by the efforts of the cabinet secretary and the many campaigning groups, on both sides, that have contributed to making it what it is. I will bear no malice, but I will make the same appeal that I made at stage 1: think of the future. Think of your sons and daughters and grandchildren, who may well turn out to be LGBT. Give them the same opportunities that many of you had. Allow them to marry.
Nigel Don (Angus North and Mearns) (SNP): I start by turning to the very front of the bill, which says:

“An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex”.

That is why I, as a Christian, found it very difficult at stage 1 to accept that that was the right way forward. I did not want to redefine a word that has a meaning in literature and liturgy and which has a significance to Christians, which I felt should not be ignored. Others have agreed with that.

At stage 1 we did not have a choice about an alternative route. The bill did not say, “An Act to eliminate discrimination against those of the same sex who might wish to form some legal relationship other than civil partnerships”; it said on its face that we were going to redefine marriage. At that point, I took exception to it and I argued and voted against it.

I felt that the Government could have brought forward something that was based on civil partnerships. In fact, so did the Government; the paperwork says that it did consider that, but it also notes that it had not consulted on it, so it did not do so.

We have moved on. That stage 1 debate is behind us. This Parliament decided by a very substantial majority that the bill is the way forward. At this point I say not that Parliament decided that this is the way forward, but that we decided that this is the way forward.

We have decided that we are going to redefine marriage; I am now left to address the practical consequences of that. I am now looking at a bill that moves to eliminate discrimination against couples of the same sex. I support that, as I always did. If we are going to change the definition of the word, so be it. I will, accordingly, support the bill tonight.

Mary Scanlon (Highlands and Islands) (Con): I commend my colleague and friend Jackson Carlaw on his speech. As a fellow Conservative, I fully understand and empathise with many of the thoughts and views that he expressed.

I have received many of the emails that John Finnie received, to which I will come back.

I welcome the change in the bill—which not many members have mentioned—that acknowledges the role that humanists, for example, will play in solemnising marriage, by putting belief celebrants on the same footing as religious celebrants. I also welcome the extension to the normal notice period for marriage and civil partnerships from 14 to 18 days. Those changes have been lost in the main core of the debate today.

I am delighted to be in the Scottish Conservatives, which had in 2004 under our leader David McLetchie, and has today, 10 years later, under Ruth Davidson’s leadership, a free vote. I fully respect the views of all my colleagues and others who choose to oppose the bill.

I was the only MSP to abstain in the 2004 vote on civil partnerships. At that time I could see quite clearly the points that were being made on both sides, so I thought that abstaining was the right thing to do. However, at stage 1 and today again, Jackie Baillie stated that the Scottish social attitudes survey in 2002 showed that 41 per cent of people were in favour of same-sex marriage and 19 per cent were against. We can assume that 40 per cent were undecided. In the 2010 survey, the proportion who were in favour of same-sex marriage rose from 41 to 61 per cent. I was probably one of the 40 per cent who were undecided in 2004, but I will vote for the bill tonight.

I ask myself, “What was my tipping point?” Like John Finnie, I read all the emails that came in, as I did in 2004. The language of some individuals—not churches, but individuals—who opposed the bill was the tipping point for me to vote in favour.

The divide across income groups, geographic areas and religious communities is interesting, with 50 per cent of Presbyterians and 55 per cent of Catholics in favour. In the most deprived areas, 67 per cent support same-sex marriage, and in the most affluent areas the figure is 63 per cent. Whether people are urban or rural, rich or poor, religious beliefs and attitudes are changing.

I thank Mary Fee, because we have all been talking about same-sex and different-sex marriage, and Mary Fee was the only one at stage 1 and today to raise the issue of single parents. I am a single parent. I was married; my husband walked out when my children were aged one and two. I did not ask him to do that; I did not want that to happen. I hope that Mary’s points will be embraced today. When my children went to school in Dundee, my daughter was asked, “Hands up those from a broken home.” I can tell you that that teacher in that school never asked that question again after I visited. [Applause.] I believe that whether we are in our role as MSPs, parents or citizens, we should all, individually or otherwise, address that type of humiliation, embarrassment, isolation and bullying, whenever and wherever it arises. I thank Mary Fee.

I do not agree with all that John Mason said about extending marriage to same-sex couples: that is, that it dilutes its value. In fact, I think that it
is a fair and just society that extends marriage to people who love each other, no matter where they live or whom they love. People are equal, and this Parliament is voting to give the same rights to everyone.

Following my vote in favour at stage 1, I received emails saying that I would be struck down by the wrath of God for supporting the bill. Others have mentioned potential discrimination. Just as I would not discriminate against same-sex relationships, I would not move to discriminating against those who hold traditional Christian beliefs. That is why I listened very closely to John Mason’s and Richard Lyle’s arguments about their amendments, and why I listened equally carefully to the responses by the cabinet secretary. I have supported John Mason’s call for a five-year review, which is reasonable.

I read the stage 1 debate and noted that Joan McAlpine said that when she was growing up, she did not know anyone who was gay. Neither did I, while I was growing up in Angus—but “gay” meant something quite different then. I remember going to Links park in Montrose with my father in the early 1960s and asking why the referees were all gay, although that was not quite the word that was used. I do not remember my father’s answer very clearly, but the term was used in a very derogatory manner, particularly when the ref’s decision did not find favour with the fans.

The Presiding Officer: I am sorry, Ms Scanlon—you need to wind up.

Mary Scanlon: Later on, at Tannadice, my son asked me about the ref’s sexuality, and I found it difficult to explain why these mysterious men in black, with all the power and authority on the football field, should be at the mercy of that term.

This weekend, I read a chapter from David Walliams’s book “The Boy in the Dress” to my seven-year-old grand-daughter. I hope that she will be much more prepared for the diversity of the real world than I was.

17:45

Christian Allard (North East Scotland) (SNP): First of all, I would like to clarify where I come from on same-sex marriage, then I would like to tell members briefly about how I participated in the work of the Equal Opportunities Committee on the bill, before concluding with what I think the bill is really about for me.

Yes—I come from France, a country that has just passed similar legislation. As Jackson Carlaw hinted, in the debate at the end of stage 1 in November last year, I finished my contribution with a childhood memory of a conversation that I had with my father. On the following day, members asked me to clarify the reason why I introduced chicken farming to a debate on marriage and civil partnership. I think that the words of my father might have been lost in translation.

I spent an idyllic childhood in rural France in one of those typical French villages. My father ran a chicken farm and I still remember the day, 40 years ago, when he told me about customers of his who lived as a couple in a remote farm nearby. I was struck by the way that my father spoke about this same-sex couple with great respect and in a friendly tone. I wonder what happened to those farmers and how much those two men would have liked to take the opportunity to get married, like every other farming couple in rural France.

I have something else to add about that. We have heard many contributions from members today, and it seems to me that no one has said that we all have prejudices. I have to say, maybe to my shame, that despite what my father told me, I did not twig. When I went to school, and then to secondary school, I was still full of prejudices towards gay people. I could not understand it; I never realised what my father was trying to tell me. Yet, I went to church every Sunday and was even an altar boy. My father did not go to church. He made the excuse that looking after his chickens was a seven days a week job. I went to church and listened to everything, but I also listened far too much to my peers at school.

I changed my mind when I grew up, but I feel that, out there, there are still a lot of people who are like I was when I was young and full of prejudices even though I had a strong family background, such as Alex Johnstone talked about.

I welcome the fact that Parliament and the Scottish Government have introduced the bill. We need to send the strong message to people that same-sex marriage should be more than tolerated—that it should be celebrated.

However, all that I have told you about was in the past and we are here today, perhaps 40 years too late, voting on a bill that will give everyone the right to marry. When I was preparing for the debate last night, I happened to read a message on social media from John Mason, who spoke earlier. I congratulate him on the message that he posted in which he thanked everybody who had contacted him, in particular the people who disagreed with his position, and for doing so in a calm and sensible fashion. The member for Glasgow Shettleston must be commended for his words and his tone—not just then, but today.

I also take the opportunity to offer my thanks to everyone who wrote to me on the issue. As will other members of the Equal Opportunities Committee, I will do my best to respond to the many people who asked me to support the bill.
I listened carefully to John Mason; I also listened to Nigel Don. I urge John Mason to reconsider and to vote for the bill, despite his reservations.

We have heard about the meaning of the word “marriage.” That word does not belong to the state or to any religion; it belongs to the couples who marry, in church or not, whether or not they are same-sex couples, including farmers. The bill is not about words; it is about people.

I pay tribute to James Morton of the Equality Network and Scottish Transgender Alliance, who came to our committee to give evidence and to explain how equal marriage matters to trans and intersex people.

**The Presiding Officer:** Please wind up.

**Christian Allard:** I also thank Linda Fabiani for defending the transgender community’s cause. If this bill has achieved anything that we did not expect it to achieve, it has been to get out in the open the transgender community’s agenda.

17:51

**Patrick Harvie (Glasgow) (Green):** I was not really expecting to hear about chicken farming, Tannadice or “South Pacific”—well, perhaps I was expecting to hear about “South Pacific”—but we have heard some cracking good speeches. I, for one, feel privileged to be a member of the Parliament and to have the opportunity to speak in the debate.

The comments that Marco Biagi read from some of his constituents put me in mind of how I might have felt had this legislation been passed in Scotland when I was coming out—or, more particularly, when I did not yet feel able to do so. The message that we send by passing the legislation will be extremely positive. The response of young people, some of whom are baffled that it is even an issue, will become the mainstream response. A few years down the line, a great many people in Scotland will wonder what all the fuss was about.

I pay credit to the Government, the Cabinet Secretary for Health and Wellbeing and Nicola Sturgeon, who was the previous minister in charge of the bill, the committee and its previous members, and the many campaigners who have worked so hard on the issue. It has taken us a little bit longer than Westminster to get to this point but, partly because of the time spent and the committee’s amendments, we have a better bill as a result.

There has been a good degree of cross-party consensus, which speaks volumes. That was not always the case. From decriminalisation through to the equalisation of the age of consent, the introduction of anti-discrimination law, the repeal of section 2A, legislation on gender recognition and adoption and fostering, moves towards equal family law, and the introduction of civil partnerships and now equal marriage, we have heard the voices of dissent. I believe that they are diminishing in their number in society at large and in the substance of their arguments, although that persistent opposition remains.

I must say to Alex Johnstone in particular that those arguments have not always been expressed to me in the respectful tones that he described. A vociferous opposition to LGBT equality and human rights exists in our society. Those people have inherited the views of those who objected every step of the way, from decriminalisation onwards. Judging from the correspondence that I have received, some people simply seem baffled at the idea that same-sex relationships should be treated with respect or equality. Often the prejudice is couched in religious terms. I make the case that claiming religious justification for prejudice does not make that prejudice any less objectionable, although I endorse Kevin Stewart’s comments that, very often, the hierarchies that represent that prejudice do not necessarily represent the views of the people whom they claim to represent.

Many people perceive the bill principally in religious terms, but let us remember once again that most people who get married in Scotland choose not to involve religion in any way; indeed, most marriages are fully secular. It is important to assert that religious freedom includes not only freedom of religion but freedom from religion. Those are both important aspects of religious freedom. I have yet to hear—in this debate or in any other so far—any clear, coherent moral argument that same-sex relationships are in any way inferior or less worthy of respect and equal status.

Now that the bill is on the verge of being passed, it is important that we look beyond our current situation and beyond Scotland to countries where the fight for equality and LGBT human rights is not about pensions and inheritance, but is still about life and death. In some of those places, some strands of organised religion and their hierarchies continue to offer the single most consistent source of hostility to LGBT people’s dignity, rights, equality, wellbeing and safety.

As we welcome to Glasgow some of those countries where people are struggling with that question of life and death on LGBT equality, we should take pride in telling the story of Scotland’s progress from being a country that felt unable to decriminalise homosexuality at the same time as the rest of the UK and in which, in Glasgow and Edinburgh, people felt that it was not yet safe to have a pride march—we could not do that here—
to being this country, which is proud to pass equal marriage legislation for this generation and for the future.

17:56

Jim Eadie (Edinburgh Southern) (SNP): I am grateful to speak in the debate on an issue that means so much to me and to so many of us. This is a day that many of us did not think we would see in our lifetime. I am immensely proud that this Parliament will, at decision time this evening, pass into law a bill that will allow same-sex couples to marry. There have been some outstanding speeches from the front benches and across the chamber this afternoon.

I believe that the bill is the measure of a civilised and just society. It is the hallmark of a country that is comfortable in its own skin and which says with quiet dignity and confidence that we value all our citizens equally. Loving and committed relationships between two people should be accorded parity of esteem and equal status before the law, whether they are between two women, between two men or between a man and a woman. Like Marco Biagi, I have been reminded of that by the rich personal testimony that I have received throughout the extensive passage of the bill. Christian Allard is right to say that the bill is about people. It is life changing.

Only yesterday, I received a letter from a woman in my constituency who urged me to support the bill. She said:

“I am in a civil partnership and feel it is second class marriage. The terminology is terrible, ‘civil partnership’ sounds cold and legal, and I have to explain what it is—that it is marriage but not quite marriage.”

She went on:

“I am forced to mark myself as different, as not straight as not married. That is tiresome and I don’t want these battles. Talking about my partner shouldn’t be about the terminology—it should be about our relationship.”

I was humbled to receive a letter today from a young man of 26, who said:

“I have always known that I wanted to be married, not civil partnered, not something other, not something different: married. I had thought we would have to go abroad to do this but thanks to the decision taken today we can marry here in Scotland. I now look forward to what will be the happiest day of my life, marrying the person I love in the place I call home.”

I said in the stage 1 debate that Scotland had been a “cold and inhospitable place” for many people—myself included—to grow up in as gay or lesbian in the 1980s and 1990s. I am glad that Scotland is no longer that cold and inhospitable place. I believe that the bill will have a hugely positive impact on our society and on the health and wellbeing of LGBT people across our country.

Future generations of young people in Scotland can grow up as gay and lesbian without the self-doubt and self-loathing that many people of my generation and previous generations faced. They will know that their intrinsic worth as a human being is accepted by the society of which they are members.

Scotland now has one of the most progressive equal marriage bills in the world. We started the process earlier than England and Wales, and we have taken longer in our consultation on and consideration of the legislation, but, like the Equality Network, I believe that the length of time that it has taken has made it well worth the wait.

Scrapping the spousal veto and allowing the option of gender-neutral marriage ceremonies means that the legislation will provide genuine marriage equality for all, including for trans and intersex people. As Linda Fabiani reminded us, 34 years after Scotland decriminalised male homosexuality in 1980, we have the opportunity to remove the final piece of sexual orientation discrimination from Scots law and to create full legal equality for lesbian, gay, bisexual and transgender people.

Many people deserve credit for achieving this milestone in our history. Special mention must go to Tim Hopkins and Tom French of the Equality Network; to Colin Macfarlane of Stonewall Scotland; to the Scottish Transgender Alliance; and to the many others who played their part in bringing us to this day.

We should also remember those who are no longer with us. I think of the Scottish Homosexual Rights Group many decades ago, and people such as Janey Buchan, Robin Cook, Father Anthony Ross and our own Scots makar, Edwin Morgan.

Today is a day to pause and reflect on how far we have come as a society. The mood has been celebratory, as Jackson Carlaw reminded us. This is a day when we come together as a Parliament and as a nation to proclaim the importance of marriage as an institution that is open to all. Men and women across Scotland have new cause to hope for their future, with the wondrous possibilities that may present themselves and the chance to share their lives with the person they love.

Like all of us, I, too, have cause for optimism for my future. Perhaps a personal ad in The Scotsman: “Slim, athletic, professional 45-year-old male seeks husband to share his life and passions. Must like a good debate, but not take themselves too seriously. All applications will be carefully considered”—I jest.

This is a profound moment in our nation’s history. Although we do not yet live in a society
that is free from prejudice and discrimination, this law is a bold and positive step towards creating a Scotland that is based on the first principles of fairness and justice for all. It is the final step in the journey for equality for the LGBT community in Scotland, and it is one of which I and all of us within and outwith this chamber can be rightly and immensely proud.

18:02

Jean Urquhart (Highlands and Islands) (Ind):

Late in the debate as it is, I am delighted to have this opportunity to state my support for equal marriage. I believe whole-heartedly that this can only be a positive step for Scottish society and in particular for its LGBT community, who have for so long been denied the choice that so many of us have taken for granted: the choice to say “I do”.

I pay tribute to the work of Stonewall Scotland, the Equality Network and the Scottish Youth Parliament, which, among many organisations, have been strong, considered and rational voices calling for this necessary change.

As well as highlighting the positives, it is important to reiterate to those who do not support the bill that they really cannot have anything to fear from this move towards equality. I believe that the religious safeguards that are currently proposed, whereby religious institutions are permitted, if they so wish, to hold equal marriage ceremonies, suitably protect both institutions that do not wish to do so and those that do. There are institutions, such as certain parts of the Jewish faith and the Quakers, that wish to conduct equal marriage ceremonies, and to disallow that would in itself be faith-based discrimination.

Several countries across the world have already legalised same-sex marriage, including a number that are signatories to the European convention on human rights. Religious freedom has remained in place for those with traditional views on marriage, and I suggest that that will also be the case in Scotland.

Among its many provisions, the Equality Act 2010 makes it illegal to deny a person or an organisation access to public services—or to deny charities support—based purely on views on same-sex marriage. The act ensures that no duty is placed on any religious body or individual celebrant to conduct these ceremonies. The existing law already rightly states that all decisions on fostering or adoption should be based on the interests of the child, not on the views of the prospective parents.

Marriage does not belong to any one organisation. Many people in the LGBT community wish to be married in order to have equal status in society. Civil partnerships do not put same-sex couples on an equal footing. As human beings, they do not wish to be treated differently from anyone else. I believe that the bill will help to make Scotland a more equal society.

Many in the LGBT community want to be married in accordance with their religion, and many religions are in favour of same-sex marriage, including Unitarians, Quakers, humanist-liberal Judaists, the Metropolitan Community Church and the Open Episcopal Church. Like other members, I have received correspondence from some Church of Scotland ministers and from observant Protestants, Catholics and people from other denominations in which they express their support for same-sex marriage, so we must not believe that everyone in every church feels that the bill is wrong.

The evidence overall suggests that the bill has public support. Opinion polls have consistently shown that the level of support for same-sex marriage is around two thirds of those polled. The 2010 Scottish social attitudes survey found that, when asked the question “Do you agree or disagree that gay and lesbian couples should be allowed to marry?”, 61 per cent of respondents said that they agreed; only 19 per cent said that they disagreed. Perhaps Scotland really is moving on.

The Labour Party, the Liberal Democrats, the Scottish National Party and the Green Party all had equal marriage proposals in their 2011 election manifestos, with varying degrees of commitment, and a Conservative-led Government has introduced same-sex marriage in England and Wales.

I can remember when homosexually itself was considered a criminal offence. Scotland has come a long way in a relatively short space of time. I hope that the passing of the bill will form one more link taking us towards a progressive, equal and tolerant Scotland. I whole-heartedly support the bill.

The Presiding Officer: We now move to the winding-up speeches. Margaret Mitchell has six minutes.

18:06

Margaret Mitchell (Central Scotland) (Con):

That the bill will be passed this evening has been a foregone conclusion since the overwhelming vote in favour of it in November last year. That being the case, I believe that supporters of same-sex marriage could have moved some way to try to allay the fears and accommodate the different but equally passionate and legitimate views of those on the other side of the debate. I am therefore saddened that the proposed amendments to the bill that specifically sought to
protect freedom of speech and religious belief have not been agreed to, as those amendments would have led to better, more robust legislation.

I note that the submission from Stonewall Scotland stated that it

“is clear that the freedom to hold and express the belief that
a marriage can only be between one man and one woman
is already, rightly, robustly protected by law.”

If that is so, there should have been be no
difficulty in making sure that that freedom was set
out in the bill. However, Stonewall Scotland took a
rather skewed view on amendment 26. It stated:

“This amendment, however, seeks to elevate one belief
above others and would enshrine in law that same-sex
relationships are uniquely worthy of criticism.”

Today, a compromise was offered by those
opposed in principle to the bill, in the form of
amendments that were lodged in an effort to clarify
and strengthen the legislation. However,
disappointingly, there has been no corresponding
empathy shown or quarter given by the majority of
those who support the bill.

Marco Biagi: Will the member take an
intervention?

Margaret Mitchell: If Mr Biagi does not mind, I
am expressing the minority view and I would like
the time to develop it.

That situation is a sad reflection on our
Parliament, as there is no doubt that the bill sets in
competition two equality strands: the right not to
be discriminated against on the basis of sexual
orientation, and the right to religious belief. It is
worth pointing out that, had that lack of empathy
prevailed with those, including me, who are
opposed to same-sex marriage but who voted in
favour of civil partnerships for same-sex couples,
the Civil Partnership Act 2004 would not have
been passed.

Kevin Stewart: Will the member give way?

The Presiding Officer: I do not think that Ms
Mitchell wishes to give way.

Margaret Mitchell: I have made the reason for
my position on interventions quite clear, Mr Stewart.

Quite simply, it would have been wrong not to
support the 2004 act, because that legislation
addressed the unjust discrimination against same-
sex couples that existed in law at that time.

The role of Government should be to ensure
fairness under the law for those who hold differing
beliefs. Despite that, the Scottish Government
ignored the results of its own consultation on
same-sex marriage, with two thirds of those who
responded to the same-sex marriage question
indicating their opposition.

Furthermore, in legislating for a redefinition of
marriage, the Government has eroded the
boundary between state civil provisions, where it
has a role to play, and religious belief and
teaching, where it does not. It has done so in the
name of equality, but equality is about fairness; it
is not about making everyone the same. The
indisputable fact is that the bill diminishes the
deeply held views of those who consider that
marriage is between a man and a woman. There
is nothing fair in causing those opposed to same-
sex marriage to feel apprehensive about
expressing that view, yet that situation will now
prevail in Scotland.

The majority of contributions in this closing
debate have been passionate, witty and decidedly
upbeat—not least, the contribution from my
colleague Jackson Carlaw—with members
expressing the view that the introduction of same-
sex marriage tackles discrimination. But let us be
clear: terrible and vile discrimination still exists
against same-sex couples. It is not to be found in
these reasoned amendments, as some seem to
believe, but, rather, in the intolerance of certain
religious teaching and ethnic minority cultures—
here in Scotland, the UK and globally. The bill
does absolutely nothing to tackle that issue. If it
did, it would have my overwhelming support this
evening.

The bill will inhibit people from expressing their
religious beliefs. In a democratic society, the ability
of the minority to feel free to air their views is
fundamental. The bill undermines that ability and,
in doing so, has not achieved fairness or equality
but instead has elevated the beliefs of one group
of society, to the detriment of another. For those
reasons, I regret that I will not be voting for the bill
this evening.

18:12

Jackie Baillie: I say at the outset that I regret
some of the comment in the previous speech,
which struck me as being out of step—even with
those who have disagreed with the bill. We have
heard powerful testimony and experience from a
number of members, and there have been
excellent contributions from across the chamber. I
will attempt to do justice to most of them, but
members will forgive me if I run out of time.

It may come as a surprise to people outside the
chamber, but we often agree across the parties.
We are capable of working together, although that
might not be evident when they look in on
Thursday's First Minister’s questions. I welcome
the First Minister to the chamber. I think that we
can agree that we are proud of Parliament and of
how we deal with difficult issues that inspire
passion on all sides.
There was substantial committee scrutiny, substantial external scrutiny of the bill and quite a bit of comment on top of that. Like Jackson Carlaw and many others here today, I want to pay tribute to all the campaigners. With only a few exceptions, they have engaged maturely in the debate. I have no doubt that their contributions have made today a historic day.

Jackson Carlaw was almost singing from "South Pacific". I am not sure whether that is a good thing or not; I will leave it for others to judge. I am always happy to take an intervention, if he wants to regale us with song, but I put it down to the excitement of the occasion. Indeed, his observation, which was echoed by Mary Scanlon, about those in the Tory party who had to strangle their sexuality, earned a laugh of substantial recognition. I will leave that sticking to the wall.

In a considered contribution, Marco Biagi brought the voices of his constituents directly into the chamber and, in an emotional and well-thought-through speech, made this debate very much about them and what we now do for them.

Margaret McCulloch, ever the convener of the Equal Opportunities Committee, was rightly pursuing the cabinet secretary right to the end on the question of converting to marriage civil partnerships that have been conducted outside Scotland. I hope that the cabinet secretary will take some of the considerable time that we have at our disposal to respond to her points in his closing speech.

James Dornan spoke about his brother’s marriage in Lisbon; I was jealous of the sunshine of Portugal that he brought into the chamber. He was right to say to Alex Johnstone that the bill can only strengthen marriage. It is about celebrating all marriages and it underlines the benefits that flow from marriage. As the cabinet secretary said, this is about a nation that cherishes love.

As Drew Smith said, demonstrating love and commitment to each other can be a private thing for many couples; for others, it is a proudly public matter. On that note, I will correct Jackson Carlaw. I know that he is not often wrong, but I am sure that he will take what I say in the intended spirit. It is not just Neil Bibby and Mark Griffin who are engaged to be married; Drew Smith got engaged to Jillian Merchant on Christmas eve. I suppose that I should declare an interest—I am not sure what our register of members’ interests requires—because she used to work for me, so I take some credit for bringing the two together. I say to Jackson Carlaw that, for the error that he made, Drew Smith will send him the gift list in the post. [Interruption.] I ask the Cabinet Secretary for Finance, Employment and Sustainable Growth to stop heckling from a sedentary position.

In all seriousness, I say that John Finnie was right. As we listened to the debate, it was clear that the measure is not about a hierarchy in equality. People either believe in equality or they do not; there is no pick and mix. I am pleased that Parliament came to the same conclusion with a series of amendments.

I hesitate to say that Mary Fee has been married for 36 years to Brian. She told us all at a Burns supper last week that he has bought her presents including a lawnmower and even a pan loaf. That is a clear example that shows that, even with the most extreme provocation, marriage is about love and commitment that endure.

Kevin Stewart and I have often disagreed, and about many things, but he was correct to say that legislation should not be tokenistic. Legislating is about doing what is right and what will stand the test of time.

In her usual quirky way, Mary Scanlon reminded us all that we have a responsibility to challenge discrimination, as she did, whether it is in the classroom or on the football pitch in interesting circumstances.

Christian Allard treated us to an exposition on chicken farming moving into the 21st century. He was right to say that what we are doing today is celebrating same-sex marriage.

Patrick Harvie said that no clear, coherent or moral argument has been heard in the chamber against same-sex marriage. He reminded us of the story of our progress; he said that we should share that progress with countries that come to the Commonwealth games and that we should use the games for a positive purpose.

What can I say to Jim Eadie? I look forward to the invitation to his wedding, as do most members.

In the stage 1 debate, Alex Neil was right to say that

"we are not redefining marriage ... the bill does not in any way redefine ... marriage. It does extend the eligibility for marriage, which is the key point of the proposed legislation. People in Scotland who have been ineligible for marriage will now be eligible for marriage and for that marriage, and the love that it represents”—

irrespective of whether it is same-sex marriage or otherwise—

"to be recognised by the state".—[Official Report, 20 November 2013; c 24691.]

That is crucial.

In front of the First Minister, I pay tribute again to Alex Neil. That does not happen often, so Alex Neil should savour it—although it probably will not do his career in the SNP much good. Alex Neil has piloted the bill through Parliament with considerable skill, for which I thank him.
Today, we take a decision on the essential character of Scotland and on how we see ourselves. Equal marriage is about equality, fairness and social justice. Let us vote for it. It is time for change.

**The Presiding Officer:** I call Alex Neil to wind up the debate. I would appreciate it if the cabinet secretary continued until 6.30.

**Alex Neil:** Thank you very much, Presiding Officer. It is never a problem to do that.

I begin with a plea to Jackson Carlaw, who said that he will not go to the party tonight. I think that he should go to the ball tonight. If he is worried about his age letting him down, I will give him a loan of my slippers so that he can get home safely and well.

I pay tribute to the work of Nicola Sturgeon, who demonstrated the bravery and vision to initiate the bill in the first place. Without her contribution, we would not be here today agreeing to—I hope—the bill. [Applause.]

I pay tribute to those on both sides of the argument, who have, with very few exceptions, conducted the argument both in and outwith Parliament with a great deal of dignity and respect for everyone’s points of view. That is how things should be.

It is fair to say that the people who are worried about freedom of speech in Scotland should not be worried at all, having listened to this debate and to the entire debate over the past two and a half years, because freedom of speech is alive and well on all sides in Scotland, and that is also how things should be.

I want to answer the precise and fair question that was asked by Margaret McCulloch in her role as convener of the Equal Opportunities Committee and as an individual MSP. She asked specifically about overseas civil partnerships and converting them into marriage. Obviously, I appreciate the views that have been expressed on allowing people who are in civil partnerships that have been registered outwith Scotland to change their legal status of their relationship, so we will work with the committee to ensure that there is an early resolution of that issue.

More widely, I agree with Jackie Baillie and thank her for her very kind comments about me. Again, this has been an outstanding debate that has done Parliament very proud.

I think that all the members who are opposed to the bill and were the authors and supporters of amendments that we discussed earlier said in their speeches that they are concerned that none of the amendments was passed. That is not because there was a lack of consideration of those amendments or a knee-jerk reaction. We considered each and every one of the amendments in great detail and decided not to accept them for the reasons that I outlined.

However, in Parliament’s 15-year history, no piece of legislation—there is no exception—has had as much consultation as this bill. We have gone through various stages of consultation and have done much more consultation than our colleagues down south. That was the right thing to do. I agree with Patrick Harvie; as a result of the consultation, we have ended up with a better bill than would otherwise have been the case, and with a better bill than the legislation down south.

From listening to people, I am aware that there is no precedent in any jurisdiction anywhere in the world that has passed such legislation, for the many protections that we have in the bill. There are five sets of protections for people who are opposed to same-sex marriage or who do not wish to perform same-sex marriages. First, the system is a voluntary, opt-in one. That is a protection. Secondly, the amendments to the Equality Act 2010 represent a series of protections—in particular, for celebrants and churches. Again, the protections are stronger than those in the UK legislation.

Thirdly, there will be protections in the education guidance that my colleague Mike Russell will publish shortly. In addition, there are protections in the prosecution guidelines that the Lord Advocate has already published and—with regard to many of the issues—there is protection in the fact that, under the Scotland Act 1998, Parliament must embed the European convention on human rights in all its legislation.

The provisions in many of the amendments that were debated today are covered more robustly in some of the legislation that I have mentioned. Indeed, the reason for not accepting a number of the amendments was that much of the existing legislation—in addition to the bill that is before us and the draft amendments to the UK Equality Act 2010—is stronger than the wording of some of
those amendments. The legislation is not confusing, but is straightforward and clearly understandable, and will be absolutely adhered to in its implementation.

One example, which was mentioned earlier, is Siobhan McMahon’s amendment concerning the hiring of property and facilities. A very specific element in the draft amendments to the Equality Act 2010 relates to people who are using premises on behalf of a religious organisation, and states that they cannot be discriminated against for refusing to allow those premises to be used for same-sex marriages.

I believe that, as Jackie Baillie said, we have struck a good balance. We are extending the freedoms and rights of organisations such as the Unitarian Church and the Quakers that want to perform same-sex marriage, and the rights of people of the same sex to marry and have their marriage recognised in law. In so doing, we are also safeguarding the rights of churches and celebrants who do not want to perform same-sex marriages, and we are protecting the right of free speech so that people can continue to express their opinion for or against same-sex marriage in an open, free and democratic society.

The balance of measures that we have introduced is very fair. It reflects the diversity of opinion in our society, and at the same time it can take us forward.

The priority now is to get the secondary legislation in place and to get the amendments to the Equality Act 2010 agreed. I give that commitment to members—I cannot give a guarantee, because it depends on the amendments’ passage through Westminster, although I put on the record the excellent co-operation that we have had from Maria Miller and her officials in the UK Government. Following the passing of those amendments and the secondary legislation we will, ideally, see the first same-sex marriages in Scotland this year. [Applause.] That sends out a loud and clear message.

I finish by saying this: I was brought up, as every member in the chamber probably knows, in a mining village in South Ayrshire—

Members: Oh!

Alex Neil: It was south of the Ayrshire Mason-Dixon line. Drenhorn, where the Deputy First Minister comes from, was north of that line; I note for her sake that my village was called Patna.

I was christened in the United Free Church and married 36 years ago in the same church. I always remember the philosophy in that mining village. Our motto, if we had one, was the same as I think it is in every mining village and in many other communities in Scotland: “Live and let live.”

My belief is that couples of the same sex can fully realise their potential, fully live out their aspirations and fully live out and show their love only if those people are able to marry the person whom they love who is of the same sex. We should let live; let live those who want to get married to someone of the same sex and those who want to perform marriages of people of the same sex, and let live those who are not in favour of that because of religious belief, so that they are not forced to do something that they do not want to do. If ever there was a motto to sum up the Government’s and the Parliament’s approach to the bill, it is live and let live.

I believe that, when the history of the Parliament is written, if we pass the bill, as I believe we will, today will be one of the great historic days of the Parliament, not just because of the provisions of the bill but because of the message that it sends out about the new Scotland that we are creating in the 21st century—a Scotland where we all believe in live and let live. [Applause.]
The Presiding Officer: The next question is, that motion S4M-08915, in the name of Alex Neil, on the Marriage and Civil Partnership (Scotland) Bill, be agreed to. Are we agreed?

Members: No.

The Presiding Officer: There will be a division.

For
Adam, George (Paisley) (SNP)
Adamson, Clare (Central Scotland) (SNP)
Allard, Christian (North East Scotland) (SNP)
Bailie, Jackie (Dumbarton) (Lab)
Baker, Claire (Mid Scotland and Fife) (Lab)
Baker, Richard (North East Scotland) (Lab)
Baxter, Jayne (Mid Scotland and Fife) (Lab)
Beamish, Claudia (South Scotland) (Lab)
Beattie, Colin (Midlothian North and Musselburgh) (SNP)
Biagi, Marco (Edinburgh Central) (SNP)
Bibby, Neil (West Scotland) (Lab)
Boyack, Sarah (Lothian) (Lab)
Brodie, Chic (South Scotland) (SNP)
Brown, Keith (Clackmannanshire and Dunblane) (SNP)
Buchanan, Cameron (Lothian) (Con)
Burgess, Margaret (Cunninghame South) (SNP)
Campbell, Aileen (Clydesdale) (SNP)
Campbell, Roderick (North East Fife) (SNP)
Carlaw, Jackson (West Scotland) (Con)
Chisholm, Malcolm (Edinburgh Northern and Leith) (Lab)
Coffey, Willie (Kilmarnock and Irvine Valley) (SNP)
Constance, Angela (Almond Valley) (SNP)
Crawford, Bruce (Stirling) (SNP)
Davidson, Ruth (Glasgow) (Con)
Dey, Graeme (Angus South) (SNP)
Don, Nigel (Angus North and Mearns) (SNP)
Doris, Bob (Glasgow) (SNP)
Dornan, James (Glasgow Cathcart) (SNP)
Dugdale, Kezia (Lothian) (Lab)
Eadie, Jim (Edinburgh Southern) (SNP)
Ewing, Annabelle (Mid Scotland and Fife) (SNP)
Fabiani, Linda (East Kilbride) (SNP)
Fee, Mary (West Scotland) (Lab)
Ferguson, Patricia (Glasgow Maryhill and Springburn) (Lab)
Findlay, Neil (Lothian) (Lab)
Finnie, John (Highlands and Islands) (Ind)
FitzPatrick, Joe (Dundee City West) (SNP)
The Presiding Officer: The result of the division is: For 105, Against 18, Abstentions 0.

Motion agreed to,
That the Parliament agrees that the Marriage and Civil Partnership (Scotland) Bill be passed.

[Applause.]
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Marriage and Civil Partnership (Scotland) Bill

[AS PASSED]

An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure and the places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies; to make provision about gender change by married persons and civil partners; to make a minor correction in relation to registration information; and for connected purposes.

PART 1

MARRIAGE

CHAPTER 1

SAME SEX MARRIAGE

1 Marriage of related persons

(1) The Marriage (Scotland) Act 1977 (“the 1977 Act”) is amended as follows.

(2) In section 2 (marriage of related persons)—

(a) for subsection (1) substitute—

“(1) Subject to subsection (1A), a marriage between persons who are related to each other in a forbidden degree is void if solemnised—

(a) in Scotland; or

(b) at a time when either party is domiciled in Scotland.

(1ZA) For the purposes of subsection (1), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 1.”,

(b) in subsection (1A), for the words from the beginning to “paragraph,” substitute “A person who is related to another person in a degree specified in paragraph 2 of Schedule 1 (relationships by affinity) is not related to that person in a forbidden degree”,

(c) after subsection (1A) insert—

“(1C) For the purposes of paragraph 2 of Schedule 1, “spouse” means—
(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife; and
(b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”,

(d) in subsection (7)—
(i) for “those provisions” substitute “subsection (1C)(a) as it applies to paragraph 2 of Schedule 1”, and
(ii) the word “former” in each place where it appears is repealed, and

(e) in subsection (7A)—
(i) for “mother” substitute “parent”, and
(ii) the words “in either column” are repealed.

(3) For Schedule 1 substitute—

“SCHEDULE 1
(introduced by section 2)

DEGREES OF RELATIONSHIP

1. Relationships by consanguinity
   Parent
   Child
   Grandparent
   Grandchild
   Sibling
   Aunt or uncle
   Niece or nephew
   Great-grandparent
   Great-grandchild

2. Relationships by affinity referred to in section 2(1A)
   Child of former spouse
   Child of former civil partner
   Former spouse of parent
   Former civil partner of parent
   Former spouse of grandparent
   Former civil partner of grandparent
   Grandchild of former spouse
   Grandchild of former civil partner
Part 1—Marriage

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3. **Relationships by adoption**
   
   Adoptive parent or former adoptive parent
   
   Adopted child or former adopted child.”.

2. **Objections to marriage**

   In section 5(4) of the 1977 Act (objections to marriage)—
   
   (a) paragraph (e) is repealed, and
   
   (b) in paragraph (f), for “than one mentioned in paragraphs (a) to (e) above,” substitute “than—

   (i) one mentioned in paragraphs (a) to (d) above; or
   
   (ii) the ground that the parties are of the same sex.”.

3. **Preliminaries to marriage**

   (1) The 1977 Act is amended as follows.
   
   (2) In section 3 (notice of intention to marry)—

   (a) in subsection (1)—
   
   (i) for paragraph (b) substitute—
   
   “(b) if the person has previously been married and the marriage ended on the death of the other party to that marriage, the death certificate of that other party;”;

   (ii) after that paragraph insert—
   
   “(ba) if the person has previously been in a civil partnership which ended on the death of the other party to the civil partnership, the death certificate of that other party;”,

   (b) in subsection (2), for “or (b)” substitute “, (b), (ba) or (bb)”; and

   (c) in subsection (5), after paragraph (ii)(b) of the proviso insert “; or
   
   (c) if no such certificate has been issued only by reason of the fact that the parties to the intended marriage are of the same sex.”.

   (3) In section 7(1) (marriage outside Scotland where a party resides in Scotland), after “(b)” insert “, (ba), (bb)”.

4. **Meaning of marriage and related expressions in enactments and documents**

   (1) References (however expressed) in any enactment to—

   (a) marriage (including a marriage that has ended),

   (b) a person who is (or was) married to another person, and

   (c) two people who are (or were) married to each other,
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are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.

(2) Subsection (3) applies to references (however expressed) in any enactment to two people who—

(a) are (or were) not married to each other, but

(b) are (or were) living together as if they were husband and wife.

(3) The references include two people of the same sex who are (or were) not married to, nor in civil partnership with, each other but who are (or were) living together as if they were married to each other.

(4) References (however expressed) in any enactment to two people of the same sex who are (or were) living together as if they were in a civil partnership cease to have effect.

(5) Subsections (1) to (4)—

(a) apply to enactments (other than private Acts) passed or made before the commencement of this section, and

(b) do not apply in so far as the enactment, or any other enactment, provides otherwise.

(6) In so far as being (or having been) married or in a purported marriage is relevant for the operation of any rule of law, the rule of law applies equally in relation to marriage or purported marriage to a person of a different sex and marriage or purported marriage to a person of the same sex.

(7) Subsections (1) to (6) are subject to an order under subsection (8).

(8) The Scottish Ministers may by order provide for any of subsections (1) to (6)—

(a) to have effect subject to provision made by the order, or

(b) not to apply in cases specified in the order.

(9) An order under subsection (8)—

(za) may make different provision for different purposes,

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(aa) may modify any enactment (including this Act),

(b) is (except where subsection (9A) applies) subject to the negative procedure.

(9A) An order under subsection (8) which adds to, replaces or omits any part of the text of an Act is subject to the affirmative procedure.

(10) References (however expressed) in any document to—

(a) marriage (including a marriage that has ended),

(b) a person who is (or was) married to another person, and

(c) two people who are (or were) married to each other,

are references to marriage whether between persons of different sexes or persons of the same sex and to a party (or former party), or as the case may be the parties (or former parties), to such a marriage.
(11) The following expressions in any document have the meanings given—

(a) “widow” includes a woman whose marriage to another woman ended with the other woman’s death,

(b) “widower” includes a man whose marriage to another man ended with the other man’s death.

(12) Subsections (10) and (11)—

(a) apply to documents executed on or after the commencement of this section, and

(b) do not apply in so far as the document provides otherwise.

(13) In section 26(2) of the 1977 Act (interpretation), after the definition of “authorised registrar” insert—

““marriage” means marriage between persons of different sexes and marriage between persons of the same sex;”.

(14) In schedule 1 to the Interpretation and Legislative Reform (Scotland) Act 2010 (definitions of words and expressions), insert at the appropriate place in alphabetical order—

““marriage” means marriage between persons of different sexes and marriage between persons of the same sex (and any reference to a person being (or having been) married to another person, or to two people being (or having been) married to each other, is to be read accordingly),”,”

““widow” includes a woman whose marriage to another woman ended with the other woman’s death,”,

““widower” includes a man whose marriage to another man ended with the other man’s death,”.

5 Same sex marriage: further provision

(2) For the avoidance of doubt, the rule of law which provides for a marriage to be voidable by reason of impotence has effect only in relation to a marriage between persons of different sexes.

(3) In section 1 of the Divorce (Scotland) Act 1976 (grounds of divorce), after subsection (3) insert—

“(3A) For the avoidance of doubt, in relation to marriage between persons of the same sex, adultery has the same meaning as it has in relation to marriage between persons of different sexes.”.

6 Jurisdiction in proceedings relating to same sex marriages

Schedule 1, which makes provision about jurisdiction in proceedings relating to same sex marriages, has effect.

6A Reset: abolition of defence

(1) Any rule of law under which a wife who receives or conceals goods stolen by her husband does not commit the offence of reset ceases to apply.
(2) Subsection (1) applies only in relation to things done after the day on which this section comes into force.

CHAPTER 2

MARRIAGE BETWEEN CIVIL PARTNERS IN QUALIFYING CIVIL PARTNERSHIPS

5 Marriage between civil partners in qualifying civil partnerships

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry), in subsection (1), after paragraph (ba) (inserted by section 3(2)(a)(ii) of this Act), insert—

“(bb) if the person is in a qualifying civil partnership within the meaning of section 5(6) with the other party to the intended marriage, an extract from the entry in the civil partnership register relating to the civil partnership;”.

(3) In section 5 (objections to marriage)—

(a) in subsection (4)(b), after “partnership” insert “other than a qualifying civil partnership with each other”, and

(b) after subsection (5) insert—

“(6) For the purposes of subsection (4)(b) a “qualifying civil partnership” is a civil partnership which—

(a) was registered in Scotland; and

(b) has not been dissolved, annulled or ended by death.

(7) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of subsection (6)(a) as having been registered in Scotland if—

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order; and

(b) details of the civil partnership have been sent to the Registrar General of Births, Deaths and Marriages for Scotland.”.

7A Power to modify meaning of “qualifying civil partnership”

(1) The Scottish Ministers may by order modify the meaning of “qualifying civil partnership” given by section 5(6) of the 1977 Act (as inserted by section 7(3)(b) of this Act) so as to include civil partnerships registered outside Scotland.

(2) An order under subsection (1)—

(a) may make different provision for different purposes,

(b) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(c) may modify any enactment (including this Act),

(d) is subject to the affirmative procedure.
(3) Before laying a draft of an order under subsection (1) before the Scottish Parliament, the Scottish Ministers must consult the following persons on a copy of the proposed draft order—

(a) the Registrar General of Births, Deaths and Marriages for Scotland, and

(b) such other persons as the Scottish Ministers consider appropriate.

8 Change of qualifying civil partnership into marriage

(1) The Scottish Ministers may by regulations make provision to establish a procedure for the parties to a qualifying civil partnership to change their civil partnership into a marriage.

(2) Regulations under subsection (1) may in particular make provision—

(a) about the making by the parties to a qualifying civil partnership of an application to change their civil partnership into a marriage,

(b) about the information to be provided in support of an application,

(c) about the provision of evidence in support of an application,

(d) for persons who have made an application to appear before any person or appear at any place,

(e) conferring functions on persons in relation to applications,

(f) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—

(i) the making of an application,

(ii) the exercise of any function conferred by virtue of paragraph (e).

(3) Functions conferred by virtue of subsection (2)(e) may include functions relating to—

(a) the recording of information relating to qualifying civil partnerships changing into marriages,

(b) the issuing of certified copies of any information recorded.

(4) Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.

(5) Regulations under subsection (1)—

(za) may make different provision for different purposes,

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,

(b) may modify any enactment (including this Act),

(c) are (except where subsection (6) applies) subject to the negative procedure.

(6) Regulations under subsection (1) which add to, replace or omit any part of the text of an Act are subject to the affirmative procedure.

(7) In this section “qualifying civil partnership” has the meaning given by section 5(6) of the 1977 Act (as inserted by section 7(3)(b) of this Act).
9 Effect of marriage between civil partners in a qualifying civil partnership

(A1) This section applies where civil partners in a qualifying civil partnership (within the meaning of section 5(6) of the 1977 Act)—

(a) marry in accordance with that Act, or
(b) change their civil partnership into a marriage in accordance with provision made under section 8(1).

(1) Where this section applies—

(a) the qualifying civil partnership ends on the date on which—

(i) the marriage was solemnised, or
(ii) the change took effect, and
(b) the civil partners are to be treated as having been married to each other since the date on which the qualifying civil partnership was registered.

(2) For the purposes of subsection (1)(b)—

(a) a civil partnership registered under an Order in Council made under section 210 of the 2004 Act is to be treated as having been registered when it is entered in the Register Book maintained under the Order,
(b) a civil partnership registered under an Order in Council made under section 211 of the 2004 Act is to be treated as having been registered when the civil partnership register is signed in accordance with the Order.

(3) Subsection (1)(b) is subject to—

(a) any provision to the contrary made by or under any enactment,
(b) an order under subsection (4).

(4) The Scottish Ministers may by order provide for subsection (1)(b)—

(a) to have effect subject to provision made by the order, or
(b) not to apply in cases specified in the order.

(5) An order under subsection (4)—

(a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
(b) is subject to the negative procedure.

(6) If a decree of aliment under section 3 of the Family Law (Scotland) Act 1985 (powers of court in action for aliment) requiring one of the civil partners to make payments to the other is in force at the time the qualifying civil partnership ends by virtue of subsection (1)(a) of this section, the decree continues to have effect despite the ending of the civil partnership.

(7) If an order under section 103(3) or (4) of the 2004 Act (regulation by court of rights of occupancy of family home) is in force at the time the qualifying civil partnership ends by virtue of subsection (1)(a) of this section the order has effect from that time as if made under section 3(3) or, as the case may be, 3(4) of the Matrimonial Homes (Family Protection) (Scotland) Act 1981 (regulation by court of rights of occupancy of matrimonial home).
(8) In section 1 of the 2004 Act (provision for civil partnership), after subsection (3) insert—

“(3A) Subsection (3) is subject to section 9(1)(a) of the Marriage and Civil Partnership (Scotland) Act 2014 (ending of certain civil partnerships on marriage under Scots law).”.

**CHAPTER 3**

**SOLEMNISATION OF MARRIAGE**

10 **Persons who may solemnise marriage**

(1) The 1977 Act is amended as follows.

(2) In section 8 (persons who may solemnise marriage)—

(a) in subsection (1)—

(i) after “marriage” in the first place where it appears insert “between persons of different sexes”,

(ii) in paragraph (a)(ii)—

(A) for “or priest of a religious body” substitute “priest or other celebrant of a religious or belief body”,

(B) for “religious body” in the second place it appears substitute “religious or belief body”, and

(C) for “marriages” substitute “marriage between persons of different sexes”,

(iii) in paragraph (a)(iii), after “Act” insert “to solemnise marriage between persons of different sexes”, and

(iv) in paragraph (a)(iv), after “Act” insert “to solemnise marriage between persons of different sexes”,

(b) after subsection (1) insert—

“(1A) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(ii) only if—

(a) the body requests them to do so; and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(1B) Subject to section 23A, a marriage between persons of the same sex may be solemnised by and only by—

(a) a person who is—

(i) a minister, clergyman, pastor, priest or other celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being one of the foregoing, is recognised by a religious or belief body so prescribed as entitled to solemnise marriage between persons of the same sex on its behalf;

(ii) registered under section 9 to solemnise marriage between persons of the same sex; or
(iii) temporarily authorised under section 12 to solemnise marriage between persons of the same sex; or

(b) a person who is a district registrar or assistant registrar appointed under section 17.

(1C) The Scottish Ministers may prescribe a religious or belief body under subsection (1B)(a)(i) only if—

(a) the body requests them to do so; and

(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(1D) For the avoidance of doubt, nothing in subsection (1B)(a) or (1C)(a)—

(a) imposes a duty on any religious or belief body to make a request referred to in subsection (1C)(a);

(b) impose a duty on any such body to nominate under section 9 any of its members to be registered as empowered to solemnise marriages between persons of the same sex;

(c) impose a duty on any person to apply for temporary authorisation under section 12 to solemnise marriages between persons of the same sex;

(d) impose a duty on any person who is an approved celebrant in relation to marriages between persons of the same sex to solemnise such marriages.

(1E) In subsections (1A)(b) and (1C)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(1F) Regulations under subsection (1E)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(1G) Regulations under subsection (1)(a)(ii), (1B)(a)(i) or (1E) are subject to the negative procedure.”.

(c) in subsection (2)—

(i) in paragraph (a)—

(A) after “(1)(a)” insert “or (1B)(a)”;

(B) for “‘religious marriage’” substitute “‘religious or belief marriage’”;

(ii) in paragraph (b), after “(1)(b)” insert “or (1B)(b)”.

(3) In section 14 (form of ceremony to be used by approved celebrant)—

(a) in paragraph (a), after “or (ii)” insert “or (1B)(a)(i)”;

(b) in paragraph (b), after “or (iv)” insert “or (1B)(a)(ii) or (iii)”.

(4) In section 26(2) (interpretation)—

(a) for the definition of “religious body” substitute—

“‘religious or belief body’ means an organised group of people—

(a) which meets regularly for religious worship; or
(b) the principal object (or one of the principal objects) of which is to
uphold or promote philosophical beliefs and which meets regularly
for that purpose;”, and

(b) after that definition insert—

““religious or belief marriage” has the meaning given by section 8(2)(a);”.

11 Registration of nominated persons as celebrants

(1) The 1977 Act is amended as follows.

(2) In section 9 (registration of nominated persons as celebrants)—

(a) in subsection (1)—

(i) for “religious body” substitute “religious or belief body”,

(ii) after “marriages” insert “between persons of different sexes”,

(b) after subsection (1) insert—

“(1A) A religious or belief body, not being prescribed by virtue of section
8(1B)(a)(i), may nominate to the Registrar General any of its members who it
desires should be registered under this section as empowered to solemnise
marriages between persons of the same sex.”,

(c) in subsection (2)—

(i) after “(1)” insert “or (1A)”,

(ii) in paragraph (a), for “religious body” substitute “religious or belief body”, and

(iii) in paragraph (d)—

(A) the word “religious” is repealed, and

(B) after “that body” insert “in relation to solemnising marriages between
persons of different sexes or, as the case may be, marriages between
persons of the same sex”,

(d) after paragraph (d) insert “; or

(e) the nominating body does not meet the qualifying requirements.”,

(e) after subsection (2) insert—

“(2A) In subsection (2)(e), the “qualifying requirements” are such requirements as
may be set out in regulations made by the Scottish Ministers.

(2B) Regulations under subsection (2A)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(2C) Regulations under subsection (2A) are subject to the negative procedure.”,

(f) in subsection (3)—

(i) after “ceremony” insert “for marriage between persons of different sexes”,

(ia) in paragraph (a), for the words from “witnesses,” to “wife;” substitute
“witnesses—
(i) that they accept each other as husband and wife;
(ii) that they accept each other in marriage; or
(iii) either or both of sub-paragraphs (i) and (ii);”,

(ib) in paragraph (b), for the words from “subsection,” to “wife,” substitute “subsection—
(i) that the parties are then husband and wife;
(ii) that the parties are then married; or
(iii) either or both of sub-paragraphs (i) and (ii),”,” and

(ii) after “ceremonies” insert “for marriage between persons of different sexes”,

(g) after subsection (3) insert—
“(3A) For the purposes of subsection (2)(b) above, a marriage ceremony for marriage
between persons of the same sex is of an appropriate form if it includes, and is
in no way inconsistent with—

(a) a declaration by the parties, in the presence of each other, the celebrant
and two witnesses, that they accept each other in marriage;
(b) a declaration by the celebrant, after the declaration mentioned in
paragraph (a), that the parties are then married,

and the Registrar General may, before deciding whether to accept or reject a
nomination, require the nominating body to produce in writing the form of
words used at its marriage ceremonies for marriage between persons of the
same sex.”,

(h) in subsection (4)—

(i) after “(1)” insert “or (1A)”, and

(ii) in paragraph (b), after “area” insert “or place”,

(i) in subsection (5)(a), after “(1)” insert “or (1A)”,

(j) after subsection (5) insert—
“(5ZA)The register mentioned in subsection (5)(a)(ii) is to be in two parts—

(a) the first part containing the details mentioned in subsection (5)(a)(ii) in
relation to persons nominated by religious or belief bodies to solemnise
marriages between persons of different sexes; and

(b) the second part containing those details in relation to persons nominated
by religious or belief bodies to solemnise marriages between persons of
the same sex.”,

(k) in subsection (6), in the proviso, for “religious body” in each place where it
appears substitute “religious or belief body”, and

(l) the italic cross-heading preceding section 9 becomes “Religious or belief
marriages”.

(3) In section 10 (removal of celebrant’s name from register)—

(a) in subsection (1)—
Part 1—Marriage

Chapter 3—Solemnisation of marriage

(i) in paragraph (b), after “9(1)” insert “or (1A)”, and

(ii) in paragraph (c), after “9(3)” insert “or (3A)”,

(b) after that subsection insert—

“(1A) In relation to any ground mentioned in subsection (1)(a) to (c), references in
this section to removal from and restoration to the register include removal
from and restoration to the appropriate part of the register.”, and

(c) in subsection (4), after “9(1)” insert “or (1A)”.

(4) In section 14(b) (form of ceremony to be used by approved celebrant), after “9(3)” insert
“or (3A)”.

(5) In section 24(2)(a) (offences), after “area” insert “or place”.

12 Temporary authorisation of celebrants

(1) The 1977 Act is amended as follows.

(2) In section 12 (temporary authorisation of celebrants)—

(a) in subsection (1), for “person” substitute “member of a religious or belief body”,

(b) after subsection (1) insert—

“(1A) The Registrar General may grant an authorisation to a person under subsection
(1) only if satisfied that the religious or belief body of which the person is a
member meets the qualifying requirements.

(1B) An authorisation under subsection (1)(b) may be granted in relation to—

(a) only marriages between persons of different sexes;

(b) only marriages between persons of the same sex; or

(c) both.

(1C) The Registrar General may grant an authorisation to a person under subsection
(1)(b) to solemnise marriages between persons of the same sex only if the
religious or belief body of which the person is a member—

(a) is prescribed by virtue of section 8(1B)(a)(i); or

(b) has nominated members (whether or not including that person) under
section 9(1A) to solemnise marriages between persons of the same sex.

(1D) In subsection (1A), the “qualifying requirements” are such requirements as
may be set out in regulations made by the Scottish Ministers.

(1E) Regulations under subsection (1D)—

(a) may make different provision for different cases or circumstances;

(b) may include transitional and saving provision.

(1F) Regulations under subsection (1D) are subject to the negative procedure.”.

(3) In section 24 (offences), in subsection (2)(c), for the words from “12(a)” to the end
substitute “12 of this Act—

(i) if authorised under subsection (1)(a) of that section, solemnises a
marriage not specified in the authorisation;
Chapter 4—Same sex marriage: protection of freedom of expression etc.

14 Same sex marriage: protection of freedom of expression etc.

(1) For the avoidance of doubt, nothing in this Part so far as it makes provision for the marriage of persons of the same sex and as to the persons who may solemnise such marriages affects the exercise of—

(a) the Convention right to freedom of thought, conscience and religion,
(b) the Convention right to freedom of expression, or
(c) any equivalent right conferred by rule of law.

(2) “Convention right” has the same meaning as in the Human Rights Act 1998.

Chapter 5

Other changes to marriage procedure

15 Power of district registrar to require evidence of nationality: marriage

(1) The 1977 Act is amended as follows.

(2) In section 3 (notice of intention to marry), after subsection (4) insert—

“(4A) A district registrar to whom a notice under subsection (1) is submitted may require the person submitting the notice to provide the district registrar with specified nationality evidence relating to each of the parties to the marriage.
(4B) A requirement under subsection (4A) may be imposed at any time—
   (a) on or after the submitting of the notice under subsection (1); but
   (b) before the district registrar completes the Marriage Schedule.

(4C) In subsection (4A), “specified nationality evidence” means such evidence of
   that person’s nationality as may be specified in guidance issued by the
   Registrar General.”.

(3) In section 7 (marriage outside Scotland where a party resides in Scotland), in subsection
   (1) for “and (3)” substitute “, (3) and (4A) to (4C)”.

16 The Marriage Schedule

10 (1) The 1977 Act is amended as follows.

(2) In section 6 (the Marriage Schedule)—
   (a) after subsection (1) insert—
       “(1A) Regulations under subsection (1) prescribing the form of the Marriage
       Schedule may make different provision for different cases or circumstances.”,
       and
   (b) in subsection (4)(a), for “14 days” in both places where those words appear
       substitute “28 days”.

(3) In section 7(2) (issuing of certificate in respect of legal capacity to marry), for “14 days”
       substitute “28 days”.

(4) In section 19(1) (period between receipt of marriage notice and solemnisation of
       marriage), for “14 days” substitute “28 days”.

17 Marriage outside Scotland: evidence of dissolution of former civil partnership

In section 7(1) of the 1977 Act (marriage outside Scotland where a party resides in
Scotland), after “3(1)(a),” insert “(aa),”.

18 Religious marriages: solemnisation by Church of Scotland deacons

In section 8(1)(a)(i) of the 1977 Act (solemnisation of marriage by ministers of the
Church of Scotland), after “minister” insert “or deacon”.

19 Places at which civil marriages may be solemnised

(1) The 1977 Act is amended as follows.

(2) In section 18 (places at which civil marriages may be solemnised)—
   (a) in subsection (1)—
       (i) after paragraph (a) insert—
           “(aa) at an appropriate place in the registration district of the authorised
           registrar; or
       (ab) with the approval of the Registrar General, at—
           (i) the registration office of another authorised registrar;
(ii) an appropriate place in the registration district of another authorised registrar; or

(iii) an appropriate place in Scottish waters.”,

(ii) paragraph (b) (and the word “or” following it) are repealed, and

(iii) paragraph (c) is repealed,

(b) after that subsection insert—

“(1A) In this section—

“appropriate place” means a place which—

(a) the parties to the intended marriage and the local registration authority agree is to be the place of solemnisation; and

(b) is not religious premises;

“local registration authority” means—

(a) the local registration authority for the registration district which includes the place; or

(b) where the place is in Scottish waters, the local registration authority for the authorised registrar’s registration district;

“religious premises” means premises which—

(a) are used solely or mainly for religious purposes; or

(b) have been so used and have not subsequently been used solely or mainly for other purposes.”,

(c) subsections (2) to (8) are repealed.

(3) Section 18A (approved places) is repealed.

(4) In section 19 (marriage ceremony and registration of marriage)—

(a) in subsection (4)(a)—

(i) for sub-paragraph (ii) substitute—

“(ii) at an appropriate place (within the meaning given by section 18) in the registration district of the authorised registrar; or”,

(ii) sub-paragraph (iii) (and the word “or” following it) are repealed, and

(iii) in sub-paragraph (iv), for the words “in or on an approved vessel” substitute “at an appropriate place (within the meaning given by section 18)”,

(b) in subsection (4)(b)(ii), for “approved place” substitute “appropriate place (within the meaning given by section 18)”, and

(c) subsection (5) is repealed.

(5) In section 26(2A)(b) (seaward boundary of registration district), for “within a registration district if it” substitute “a place within a registration district if the vessel”.
20 Second marriage ceremony: form of endorsement

In section 20(2)(d) of the 1977 Act (second marriage ceremony), in the form of the endorsement, the word “19” in both places where it appears is repealed.

CHAPTER 6

5 SHERIFF COURT JURISDICTION IN RELATION TO DECLARATOR OF MARRIAGE

21 Sheriff court jurisdiction in relation to declarator of marriage

(1) Section 8 of the Domicile and Matrimonial Proceedings Act 1973 (jurisdiction of the sheriff court in relation to actions for separation, divorce etc.) is amended as follows.

(1A) In subsection (1), before paragraph (a) insert—

“(za) an action for declarator of marriage;”.

(2) After subsection (2) insert—

“(2ZA) The court has jurisdiction to entertain an action for declarator of marriage if (and only if)—

(a) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the action is begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date, and

(b) any of the following requirements is met in relation to either of the parties to the marriage—

(i) the party is domiciled in Scotland on the date on which the action is begun,

(ii) the party was habitually resident in Scotland throughout the period of one year ending with that date, or

(iii) the party died before that date and either—

(A) was at death domiciled in Scotland, or

(B) had been habitually resident in Scotland throughout the period of one year ending with the date of death.”.

(3) In subsection (3)—

(a) after “declarator of” insert “marriage or of”, and

(b) after “subsection (2)” in both places where those words appear insert “, (2ZA)”.

(4) In subsection (4), after “declarator of” insert “marriage or of”.

PART 2

CIVIL PARTNERSHIP

22 Registration of civil partnership

(1) The Civil Partnership Act 2004 (“the 2004 Act”) is amended as follows.
(2) In section 85 (formation of civil partnership by registration)—
(a) in subsection (1), for paragraph (c) and the words following it substitute—
“(c) the approved celebrant or, as the case may be, the authorised registrar.”;
(b) in subsection (4)(b), at the beginning insert “the approved celebrant or, as the case may be,”.

(3) In section 86 (eligibility)—
(a) for subsection (2) substitute—
“(2) Subject to subsection (3), a person is related to another person in a forbidden degree if related to that person in a degree specified in Schedule 10.”;
(b) in subsection (3), for the words from the beginning to “related” in the third place where it appears substitute “A person who is related to another person in a degree specified in paragraph 2 of Schedule 10 (relationships by affinity) is not related to that person”;
(c) after subsection (3) insert—
“(3A) For the purposes of paragraph 2 of Schedule 10, “spouse” means—
(a) in the case of a marriage between persons of different sexes, a wife in relation to her husband or a husband in relation to his wife, and
(b) in the case of a marriage between persons of the same sex, one of the parties to the marriage in relation to the other.”;
(d) in subsection (5)—
(i) after “in” insert “subsection (3A)(a) as it applies to”, and
(ii) the word “former” in each place where it appears is repealed, and
(e) in subsection (5A)—
(i) for “mother” substitute “parent”, and
(ii) the words “in either column” are repealed.

(4) In section 87 (appointment of authorised registrars), before “registration” in the first place where it appears insert “civil”.

(5) In section 88 (notice of proposed civil partnership), after subsection (6) insert—
“(7) In this section, “the district registrar” means—
(a) where the civil partnership is to be registered in a registration district, the district registrar for that district,
(b) where the civil partnership is to be registered in Scottish waters—
(i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar for any registration district,
(ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.

(6) In section 89 (civil partnership notice book), after subsection (2) insert—
“(3) In this section and sections 90, 91, 92 and 94, “the district registrar” means—

(a) where the civil partnership is to be registered in a registration district, the district registrar for that district,

(b) where the civil partnership is to be registered in Scottish waters—

(i) in the case where the civil partnership is to be registered by an approved celebrant, the district registrar to whom the civil partnership notices were submitted,

(ii) in the case where the civil partnership is to be registered by an authorised registrar, the district registrar for the registration district of the proposed authorised registrar.”.

(7) In section 90 (publicisation)—

(a) in subsection (1), for “a district registrar” substitute “the district registrar”,

(b) in subsection (2)(b), for “14 days” substitute “28 days”, and

(c) in subsection (3), for “91” substitute “91(1)”.

(8) In section 91 (early registration)—

(a) the existing text becomes subsection (1),

(b) in that subsection—

(i) for “An authorised registrar who” substitute “Where the district registrar”,

(ii) for “14 days” substitute “28 days”, and

(iii) after “section 90)” insert “the district registrar”, and

(c) after that subsection insert—

“(2) For the purposes of subsection (1), a request which is made by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.”.

(9) In section 92 (objections to registration)—

(a) in subsection (3), for “at which a notice of proposed civil partnership to which the objection would relate” substitute “of the district registrar”,

(b) in subsection (4)(b)—

(i) the word “and” following sub-paragraph (i) is repealed, and

(ii) after sub-paragraph (ii) insert “, and

(iii) where, in the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule has already been issued to the parties, if possible notify that celebrant of the objection and advise the celebrant not to register the civil partnership pending consideration of the objection.”, and

(c) in subsection (5)(a), for the words “not to register the intended civil partners and to notify them” substitute “to take all reasonable steps to ensure that the registration of the civil partnership does not take place and must notify, or direct the district registrar to notify, the intended civil partners”.

(10) In section 93 (place of registration)—

(a) in subsection (1)—
(i) after “registered” insert “by an authorised registrar”, and

(ii) for the words from “other” in the first place where it appears to the end substitute “other—

(a) at the registration office of the authorised registrar,

(b) at an appropriate place in the registration district of the authorised registrar, or

(c) with the approval of the Registrar General, at—

(i) the registration office of another authorised registrar,

(ii) an appropriate place in the registration district of another authorised registrar, or

(iii) an appropriate place in Scottish waters.”,

(b) after that subsection, insert—

“(1A) In this section—

“appropriate place” means a place which—

(a) the parties to the intended civil partnership and the local registration authority agree is to be the place of registration, and

(b) is not religious premises,

“local registration authority” means—

(a) the local registration authority for the registration district which includes the place, or

(b) where the place is in Scottish waters, the local registration authority for the authorised registrar’s registration district,

“religious premises” means premises which—

(a) are used solely or mainly for religious purposes, or

(b) have been so used and have not subsequently been used solely or mainly for other purposes.”,

(c) subsections (2) and (3) are repealed, and

(d) the title of section 93 becomes “Place of civil registration of civil partnerships”.

(11) After section 93 insert—

“93A Date and place of registration of religious or belief civil partnerships

(1) A religious or belief civil partnership may be registered only on the date and at the place specified in the civil partnership schedule.

(2) But if, for any reason, the civil partnership cannot be registered on that date or at that place and a new date or place is fixed for the registration, the district registrar must—

(a) issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or

(b) substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued.

(3) Subsection (2) does not apply where—
(a) the new date is more than 3 months after the date for the registration specified in the civil partnership schedule already issued, or

(b) the new place is in a different registration district, is in Scottish waters instead of a registration district or is in a registration district instead of Scottish waters.

(4) In a case falling within subsection (3)(a) or (b) the Registrar General may, according to the circumstances—

(a) direct the district registrar—

(i) to issue another civil partnership schedule under section 94(2) in place of that already issued, specifying the new date or place, or

(ii) to substitute, or direct the approved celebrant to substitute, the new date or place in the civil partnership schedule already issued, (whichever the Registrar General considers the more appropriate), or

(b) direct each party to the civil partnership to submit to the district registrar a new notice of proposed civil partnership.”.

(12) In section 94 (the civil partnership schedule)—

(a) the existing text becomes subsection (1),

(b) in paragraph (b) of that subsection—

(i) for “14 days” substitute “28 days”, and

(ii) for “91” substitute “91(1)”, and

(c) after that subsection insert—

“(2) In the case of a civil partnership to be registered by an approved celebrant, the civil partnership schedule completed in accordance with subsection (1) is to be issued by the district registrar to one or both of the parties to the intended civil partnership.

(3) The district registrar may not issue the civil partnership schedule on a date earlier than 7 days before the date of the intended civil partnership unless authorised to do so by the Registrar General.”.

(13) After section 94 insert—

“94A Persons who may register civil partnerships

(1) A civil partnership may be registered by and only by—

(a) a person who is—

(i) a celebrant of a religious or belief body prescribed by regulations made by the Scottish Ministers, or who, not being a celebrant, is recognised by a religious or belief body so prescribed as entitled to register civil partnerships on its behalf,

(ii) registered under section 94B, or

(iii) temporarily authorised under section 94E, or

(b) a person who is a district registrar or assistant registrar appointed under section 87.
(2) The Scottish Ministers may prescribe a religious or belief body under subsection (1)(a)(i) only if—

(a) the body requests them to do so, and
(b) the Scottish Ministers are satisfied that the body meets the qualifying requirements.

(3) For the avoidance of doubt, nothing in subsection (1)(a) or (2)(a)—

(a) imposes a duty on any religious or belief body to make a request referred to in subsection (2)(a),
(b) imposes a duty on any such body to nominate under section 94B any of its members to be registered as empowered to register civil partnerships,
(c) imposes a duty on any person to apply for temporary authorisation under section 94E to register civil partnerships,
(d) imposes a duty on any person who is an approved celebrant in relation to civil partnerships to register civil partnerships.

(4) In this Part—

(a) any such person as is mentioned in subsection (1)(a) is referred to as an “approved celebrant”,
(b) a civil partnership registered by an approved celebrant is referred to as a “religious or belief civil partnership”,
(c) a civil partnership registered by an authorised registrar is referred to as a “civil registration”.

(5) In subsection (2)(b), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

94B Registration of nominated persons as celebrants

(1) A religious or belief body, not being prescribed by virtue of section 94A(1)(a)(i), may nominate to the Registrar General any of its members who it desires should be registered under this section as empowered to register civil partnerships.

(2) The Registrar General must reject a nomination under subsection (1) if in the Registrar General’s opinion—

(a) the nominating body is not a religious or belief body,
(b) the nominee is not a fit and proper person to register a civil partnership,
(c) there are already registered under this section sufficient members of the same body as the nominee to meet the needs of that body, or
(d) the nominating body does not meet the qualifying requirements.

(3) In subsection (2)(d), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(4) Where the Registrar General accepts a nomination made under subsection (1), the Registrar General—

(a) must determine the period during which the nominee is empowered to register civil partnerships, being a period of not more than 3 years,
(b) may determine that the nominee is empowered to register civil partnerships only in such area or place as the Registrar General may specify, and

(c) may make acceptance of the nominee’s registration subject to such other conditions as the Registrar General thinks fit.

(5) Nothing in subsection (4)(a) prevents the Registrar General from accepting a further nomination of that nominee, in accordance with this section, to take effect at any time after the end of the period determined by the Registrar General under subsection (4)(a).

(6) The Registrar General must—

(a) if accepting a nomination made under subsection (1)—

(i) so inform the nominee and the nominating body, specifying the period during which the acceptance has effect and any condition to which the acceptance is subject,

(ii) enter the name of the nominee, the nominating body and such other particulars as the Registrar General thinks fit in a register which the Registrar General must establish and maintain and which must be made available for public inspection at all reasonable times free of charge,

(b) if rejecting a nomination made under subsection (1), by notice in writing inform the nominating body of the reasons for that rejection.

(7) For the purposes of subsection (6)(b), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(8) If the nominating body is aggrieved by a rejection under this section it may, within 28 days of receiving notice of the rejection, appeal to the Scottish Ministers.

(9) On any such appeal the Scottish Ministers may—

(a) direct the Registrar General to accept the nomination, or

(b) confirm the rejection of the nomination,

and must inform the nominating body of their decision and the reason for it; and their decision is final.

(10) If a reason given for confirming the rejection of a nomination is that the nominating body is not a religious or belief body, the body may, within 42 days of receiving notice of the confirmation, appeal against the decision to the Court of Session and seek the determination of that court as to whether the body is a religious or belief body.

(11) If—

(a) the Court determines that the nominating body is a religious or belief body; and

(b) the reason mentioned in subsection (10) was the only reason given for confirming the rejection of the nomination,

the Registrar General must give effect to the determination as if it were a direction under subsection (9)(a) to accept the nomination.
Removal of celebrant’s name from register

(1) Subject to the provisions of this section, the Registrar General may remove the name of a person registered under section 94B from the register on the ground that—

(a) the person has requested that the person’s name should be so removed,

(b) the body which nominated the person under section 94B(1) no longer desires that the person should be so registered,

(c) the person—

(i) has, while registered as an approved celebrant, been convicted of an offence under this Part,

(ii) has, for the purpose of profit or gain, been carrying on a business of registering civil partnerships,

(iii) is not a fit and proper person to register civil partnerships, or 

(iv) for any other reason, should not be registered as an approved celebrant.

(2) The Registrar General may not remove the name of a person from the register on any ground mentioned in subsection (1)(c) unless the Registrar General has given the person at least 21 days notice in writing of the intention to do so.

(3) For the purposes of subsection (2), notice which is given by electronic means is to be treated as in writing if it is received in a form which is legible and capable of being used for subsequent reference.

(4) The Registrar General must—

(a) in the notice given under subsection (2), specify the ground of removal and call upon the person to give any reasons, within the period specified in the notice, why the person’s name should not be removed from the register, and

(b) consider any representations made within that period by the person.

(5) Where a person’s name has been removed from the register on any of the grounds mentioned in paragraph (c) of subsection (1), the person or the body which nominated the person under section 94B(1) may, if aggrieved by the removal, within 28 days of receiving notice of the removal appeal to the Scottish Ministers.

(6) On an appeal under subsection (5) the Scottish Ministers may give any direction they think proper to the Registrar General as to the removal from, or restoration to, the register of the person’s name; and such direction is final.

(7) Where a person has received a notice in pursuance of subsection (2), the person must not register a civil partnership unless and until the person’s name is restored to the register or, as the case may be, the Registrar General has decided not to remove the person’s name from the register.
### 94D Alterations to register maintained under section 94B

(1) A body registered in pursuance of section 94B(6)(a)(ii) must notify the Registrar General of any of the following events (if practicable, within 21 days of its occurrence)—

(a) any change in the name or the address of the body or any amalgamation with any other religious or belief body, giving the name and address of any approved celebrant who is a member of the body so registered,

(b) the death of an approved celebrant who is a member of the body so registered,

(c) any change of name, address or designation of an approved celebrant who is a member of the body so registered,

(d) the cessation of an approved celebrant who is a member of the body so registered from exercising the functions of an approved celebrant, giving the person’s name and address.

(2) The Registrar General must, on receipt of any such notification, make whatever alteration to the register maintained under section 94B the Registrar General considers necessary or desirable.

### 94E Temporary authorisation of celebrants

(1) The Registrar General may, in accordance with such terms and conditions as may be specified in the authorisation, grant to any member of a religious or belief body a temporary written authorisation to register—

(a) a civil partnership or partnerships specified in the authorisation, or

(b) civil partnerships during such period as is specified in the authorisation.

(2) The Registrar General may grant an authorisation to a person under subsection (1) only if satisfied that the religious or belief body of which the person is a member meets the qualifying requirements.

(3) The Registrar General may grant an authorisation to a person under subsection (1)(b) only if the religious or belief body of which the person is a member—

(a) is prescribed by virtue of section 94A(1)(a)(i), or

(b) has nominated members (whether or not including that person) under section 94B(1).

(4) In subsection (2), the “qualifying requirements” are such requirements as may be set out in regulations made by the Scottish Ministers.

(5) For the purposes of subsection (1), an authorisation which is issued by electronic means is to be treated as written if it is received in a form which is legible and capable of being used for subsequent reference.”.

(14) In section 95 (further provision as to registration)—

(a) in subsection (1), after “85” insert “the approved celebrant or, as the case may be,”,

(b) after subsection (1) insert—
“(1A) In the case of a religious or belief civil partnership, the parties to the civil partnership must, within 3 days of signing the civil partnership schedule in accordance with section 85(4), deliver the civil partnership schedule, or send it by post or arrange that it is delivered, to the district registrar.”;

(c) in subsection (2), for “after the civil partnership schedule has been signed, the authorised registrar” substitute “after—

(a) in the case of a civil registration, the civil partnership schedule has been signed in accordance with section 85, or

(b) in the case of a religious or belief civil partnership, the district registrar receives the civil partnership schedule,

the district registrar”,

(d) after subsection (3) insert—

“(3A) The district registrar must not enter the particulars set out in the civil partnership schedule relating to a religious or belief civil partnership in the civil partnership register unless and until the registrar receives a duly signed civil partnership schedule in respect of that civil partnership.

(3B) Where the Registrar General is satisfied that—

(a) a civil partnership has been properly registered, and

(b) the civil partnership schedule in respect of the civil partnership has been duly signed but has been lost or destroyed,

the Registrar General may direct the district registrar to complete an exact copy of the original civil partnership schedule and, so far as practicable, to arrange for its signature by those persons who signed the original schedule.

(3C) As soon as possible after the copy schedule has been signed, the district registrar must cause the particulars as set out in it to be entered into the civil partnership register.”;

(e) in subsection (4), after “their” insert “civil”.

(15) After section 95 insert—

“95ZA Registrar’s power to require delivery of civil partnership schedule

(1) Where the civil partnership schedule is not delivered to the district registrar within 21 days from the date of registration as entered in the schedule, the registrar may serve a notice in the prescribed form on either of the parties to the civil partnership requiring that party within 8 days from the date of service to deliver the schedule, or send it by post, to the registrar.

(2) If a person on whom a notice has been served under subsection (1) fails to comply with the notice, the district registrar may serve on the person a second notice in the prescribed form requiring the person to attend personally at the registration office of the district registrar, within 8 days from the date of service of the second notice, for the purpose of delivering the civil partnership schedule to the district registrar to enable the registrar to enter the civil partnership in the civil partnership register.”.

(16) In section 95A (validity following entry in civil partnership register), in subsection (1), after “95(2)” insert “or (3C)”.

(17) In section 96 (civil partnership with former spouse)—
(a) in subsection (3)(b), for “91” substitute “91(1)”, and
(b) in subsection (3)(c), for “paragraph (b)” substitute “subsection (1)(b)”.

(18) In section 97 (certificates of no impediment for Part 2 purposes)—
(a) in subsection (4), for “14 days” substitute “28 days”, and
(b) after subsection (5) insert—

“(5A) For the purposes of subsection (5), an objection which is submitted by
electronic means is to be treated as in writing if it is received in a form which is
legible and capable of being used for subsequent reference.”.

(19) In section 100 (offences)—
(a) in subsection (2)—

(i) in paragraphs (c), (d) and (e), after “being” insert “an approved celebrant
or, as the case may be,”, and
(ii) in paragraph (f), for the words from “a” in the second place where it
appears to the end substitute “in accordance with section 93”,
(b) after subsection (3) insert—

“(3A) A person commits an offence if the person—

(a) registers a civil partnership in an area or place in which by virtue of
section 94B(4)(b) the person is not permitted to register a civil
partnership,
(b) registers a civil partnership in contravention of section 94C(7),
(c) being a person temporarily authorised under section 94E—

(i) if authorised under subsection (1)(a) of that section, registers a
civil partnership not specified in the authorisation,
(ii) if authorised under subsection (1)(b) of that section, registers a
civil partnership outwith the period specified in the authorisation,
(iii) in either case, registers a civil partnership otherwise than in
accordance with such terms and conditions as may be specified in
the authorisation,
(d) being a party to a civil partnership, fails to comply with a notice served
under section 95ZA(2).

(3B) A person guilty of an offence under subsection (3A) is liable on summary
conviction to a fine not exceeding level 3 on the standard scale.”, and

(c) in subsection (4), for “or (2)” substitute “, (2) or (3A)”.

(20) In section 126(4) (regulations), after “section” insert “94A(1)(a)(i) or (5), 94B(3),
94E(4) or”.

(21) In section 135(1) (interpretation of Part 3)—
(a) after the definition of “the 1965 Act” insert—

““approved celebrant” has the meaning given by section 94A(4)(a);”,
(b) after the definition of “civil partnership schedule” insert—

““civil registration” has the meaning given by section 94A(4)(c);”, and
(c) after the definition of “registration office” insert—

““religious or belief body” means an organised group of people—
(a) which meets regularly for religious worship, or
(b) the principal object (or one of the principal objects) of which is to
uphold or promote philosophical beliefs and which meets regularly
for that purpose;
“religious or belief civil partnership” has the meaning given by section
94A(4)(b);”.

(22) For Schedule 10 substitute—

“SCHEDULE 10
(introduced by section 86)
FORBIDDEN DEGREES OF RELATIONSHIP: SCOTLAND

1. Relationships by consanguinity
   Parent
   Child
   Grandparent
   Grandchild
   Sibling
   Aunt or uncle
   Niece or nephew
   Great-grandparent
   Great-grandchild

2. Relationships by affinity referred to in section 86(3)
   Child of former spouse
   Child of former civil partner
   Former spouse of parent
   Former civil partner of parent
   Former spouse of grandparent
   Former civil partner of grandparent
   Grandchild of former spouse
   Grandchild of former civil partner.”.

23 Power of district registrar to require evidence of nationality: civil partnership

In section 88 of the 2004 Act (notice of proposed civil partnership), after subsection (7)
(inserted by section 22(5) of this Act) insert—

“(8) A district registrar to whom a notice under subsection (1) is submitted may
require the person submitting the notice to provide the district registrar with
specified nationality evidence relating to each of the intended civil partners.
Part 2—Civil partnership

(9) A requirement under subsection (8) may be imposed at any time—
   (a) on or after the submitting of the notice under subsection (1), but
   (b) before the district registrar completes the civil partnership schedule.

(10) In subsection (8), “specified nationality evidence” means such evidence of that
5 person’s nationality as may be specified in guidance issued by the Registrar General.”.

24 Recognition of overseas relationships

(1) The 2004 Act is amended as follows.

(2) In section 214 (general conditions in relation to recognition of overseas relationships)—

   (a) after paragraph (b) insert—

   “(ba) the relationship is not one of marriage,”, and

   (b) in paragraph (c), for the words from the second “or” to the end substitute “but are

   not treated as married”.

(3) In Schedule 20 to the 2004 Act (specified relationships), the following entries are
10 repealed—

   “Argentina marriage”,
   “Belgium marriage”,
   “Brazil marriage”,
   “Canada marriage”,
   “Denmark marriage”,
   “Iceland marriage”,
   “Mexico: Mexico City Federal District marriage”,
   “Netherlands marriage”,
   “Norway marriage”,
   “Portugal marriage”,
   “South Africa marriage”,
   “Spain marriage”,
   “Sweden marriage”,
   “United States of America: California marriage”,
   “United States of America: Connecticut marriage”,
   “United States of America: District of Columbia marriage”,
   “United States of America: Iowa marriage”,
   “United States of America: Massachusetts marriage”,
   “United States of America: New Hampshire marriage”,
15 “United States of America: New York marriage”,
   “United States of America: Vermont marriage”. 

20
Dissolution of civil partnership: evidence

(1) Article 2 of the 2012 Order (which disapplies from certain actions for dissolution of civil partnership section 8(3A) of the Civil Evidence (Scotland) Act 1988 (requirement for evidence other than that of a party to the civil partnership)) is to be taken to have been in force since 5 December 2005 and to have had effect in relation to actions raised before 30 March 2012 as it has effect in relation to actions raised on or after that date.

(2) The “2012 Order” is the Evidence in Civil Partnership and Divorce Actions (Scotland) Order 2012 (SSI 2012/111).

Bigamy

(1) In section 24 of the 1977 Act (offences)—

(a) before subsection (1) insert—

“(A1) A person (“A”) commits an offence if A purports to enter into a marriage with another person (“B”) knowing that either or both—

(a) A is already married to or in a civil partnership with a person other than B, or

(b) B is already married to or in a civil partnership with a person other than A.

(A2) A person who commits an offence under subsection (A1) is liable—

(a) on conviction on indictment, to imprisonment for a term not exceeding 2 years or to a fine (or both),

(b) on summary conviction, to imprisonment for a term not exceeding 12 months or to a fine not exceeding the statutory maximum (or both).”, and

(b) in subsection (1)(ii), for “prescribed sum” substitute “statutory maximum”.

(2) In section 100 of the 2004 Act (offences)—

(a) in subsection (1), for “registers” substitute “purports to register”, and

(b) in subsection (3)(b), for “level 3 on the standard scale” substitute “the statutory maximum”.

(3) The common law offence of bigamy is abolished.

(4) In section 13 of the Presumption of Death (Scotland) Act 1977 (defence to charge of bigamy)—

(a) for “bigamy” substitute “committing an offence under section 24(A1) of the Marriage (Scotland) Act 1977 or section 100(1) of the Civil Partnership Act 2004”,

(b) after “marriage” insert “or civil partnership”, and

(c) after “spouse” insert “or civil partner”.
PART 4
CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

27 Change of gender of married persons or civil partners

Schedule 2 (change of gender of married persons or civil partners) has effect.

28 Renewed marriage or civil partnership following issue of full gender recognition certificate

1. The Scottish Ministers may by regulations make provision about—
   (a) the solemnisation of a renewed marriage between the parties to a protected Scottish marriage following the issue of a full gender recognition certificate to a party (or both parties) to the marriage,
   (b) the registration of a renewed civil partnership between the parties to a protected Scottish civil partnership following the issue of full gender recognition certificates to both parties to the civil partnership.

2. Regulations under subsection (1) may in particular make provision—
   (a) about the submitting by the parties to the protected Scottish marriage of notice of intention to enter into a renewed marriage,
   (b) about the submitting by the parties to the protected Scottish civil partnership of notice of intention to enter into a renewed civil partnership,
   (c) about the information to be provided by the parties,
   (d) about the provision of evidence by the parties,
   (e) for the parties to appear before any person or appear at any place,
   (f) conferring functions on persons in relation to a renewed marriage or renewed civil partnership,
   (g) for fees, of such amounts as are specified in or determined in accordance with the regulations, to be payable in respect of—
      (i) the submitting of notice of intention to enter into a renewed marriage or renewed civil partnership,
      (ii) the exercise of any function conferred by virtue of paragraph (f).

3. Functions conferred by virtue of subsection (2)(f) may include functions relating to—
   (a) the recording of information relating to a renewed marriage or renewed civil partnership,
   (b) the issuing of certified copies of any information recorded,
   (c) the conducting of services or ceremonies in connection with a renewed marriage or renewed civil partnership.

4. Before making regulations under subsection (1), the Scottish Ministers must consult the Registrar General of Births, Deaths and Marriages for Scotland.

5. Regulations under subsection (1)—
   (a) may include consequential, supplementary, incidental, transitional, transitory or saving provision,
Part 5

Registration services

28A Grounds of divorce: interim gender recognition certificate followed by full certificate

(1) Section 1 of the Divorce (Scotland) Act 1976 (grounds of divorce) is amended as follows.

(2) In subsection (1)(b) (issue of interim gender recognition certificate as ground on which decree of divorce may be granted), at the beginning insert “subject to subsection (3B),”.

(3) After subsection (3A) (as inserted by section 5(3)) insert—

“(3B) Subsection (1)(b)—

(a) does not apply where, under the Gender Recognition Act 2004, the Gender Recognition Panel issue a full gender recognition certificate to the person to whom the interim gender recognition certificate was issued, but

(b) continues to apply despite a full gender recognition certificate being issued to that person by the sheriff under section 4E of that Act.”.

PART 5

REGISTRATION SERVICES

29 Provision of certain information to district registrars

In section 39C(1)(a)(i) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (provision of certain information to district registrars), for “section 34(3)” substitute “section 34(4)”.

29A Form of register of marriages

In section 54 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (regulations), after subsection (1) insert—

“(1A) Regulations prescribing the form of a register of marriages under section 32 may make different provision for different cases or circumstances.”.
PART 6
GENERAL PROVISIONS

30 Interpretation
In this Act—

“the 1977 Act” means the Marriage (Scotland) Act 1977,
“the 2004 Act” means the Civil Partnership Act 2004.

31 Ancillary provision
(1) The Scottish Ministers may by order make such supplementary, incidental, consequential, transitional, transitory or saving provision as they consider necessary or expedient for the purposes of, or in connection with, or for giving full effect to, any provision of this Act.

(1A) An order under subsection (1) may make different provision for different purposes.

(2) An order under subsection (1) may modify any enactment (including this Act).

(3) Subject to subsection (4), an order under subsection (1) is subject to the negative procedure.

(4) An order under subsection (1) containing provisions which add to, replace or omit any part of the text of an Act is subject to the affirmative procedure.

32 Commencement
(1) This section and sections 30, 31 and 33 come into force on the day after Royal Assent.

(2) The other provisions of this Act come into force on such day as the Scottish Ministers may by order appoint.

(3) An order under subsection (2) may include transitional, transitory or saving provision.

33 Short title
The short title of this Act is the Marriage and Civil Partnership (Scotland) Act 2014.
SCHEDULE 1
(introduced by section 6)

JURISDICTION IN PROCEEDINGS RELATING TO SAME SEX MARRIAGES

Domicile and Matrimonial Proceedings Act 1973

1 (1) The Domicile and Matrimonial Proceedings Act 1973 is amended in accordance with this paragraph.

(2) After section 8 insert—

“8A  Same sex marriages

(1) Sections 7 and 8 do not apply in relation to marriages between persons of the same sex.

(2) Schedule 1B (jurisdiction in relation to same sex marriages (Scotland)) has effect.”.

(3) In section 10 (ancillary and collateral orders), after subsection (1B) insert—

“(1BA) In relation to a marriage between persons of the same sex, subsection (1) does not give the Court of Session or a sheriff court jurisdiction to entertain an application in proceedings where—

(a) the court is exercising jurisdiction in the proceedings by virtue of regulations under paragraph 2 of Schedule 1B; and

(b) the making or variation of an order in consequence of the application would contravene the regulations.”.

(4) Before Schedule 2 insert—

“SCHEDULE 1B
(introduced by section 8A)

JURISDICTION IN RELATION TO SAME SEX MARRIAGES (SCOTLAND)

Introduction

1 (1) This Schedule has effect with respect to the jurisdiction of the Court of Session and of the sheriff court to entertain, in relation to same sex marriages, proceedings for—

(a) divorce,

(b) separation,

(c) declarator of marriage,

(d) declarator of nullity of marriage,

(e) declarator of recognition, or non-recognition, of a relevant foreign decree.

(2) References in this Schedule to “relevant proceedings” are to such proceedings as are mentioned in sub-paragraph (1).

(3) In this Schedule—

“relevant foreign decree” means a decree of divorce, separation or nullity granted outwith a member State,
“same sex marriage” means a marriage between persons of the same sex.

*Power to make provision corresponding to EC Regulation 2201/2003*

2 (1) The Scottish Ministers may by regulations make provision—

(a) as to the jurisdiction of courts in Scotland in relevant proceedings in relation to a same sex marriage where one of the parties to the marriage—

(i) is or has been habitually resident in a member State,

(ii) is a national of a member State, or

(iii) is domiciled in a part of the United Kingdom or in the Republic of Ireland, and

(b) as to the recognition in Scotland of any judgment of a court of another member State which orders the divorce or separation of the parties to a same sex marriage, or the annulment of a same sex marriage.


(3) The regulations may provide that for the purposes of this Schedule and the regulations “member State” means—

(a) all member States with the exception of such member States as are specified in the regulations, or

(b) such member States as are specified in the regulations.

(4) The regulations may make provision under sub-paragraph (1)(b) which applies even in a case where the date of the divorce, separation or annulment is earlier than the date on which this paragraph comes into force.

(5) The regulations are subject to the affirmative procedure.

*Divorce or separation*

3 (1) The Court of Session has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or

(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage is domiciled in Scotland on the date on which the proceedings are begun.

(2) The sheriff court has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if (and only if)—

(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—
(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

(3) Despite sub-paragraph (2), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain proceedings for the divorce or separation of the parties to a same sex marriage if the following requirements are met—

(a) the parties married each other in Scotland,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Declarator of marriage

4 (1) In relation to a same sex marriage, the Court of Session has jurisdiction to entertain proceedings for declarator of marriage if (and only if) either of the parties to the marriage—

(a) is domiciled in Scotland on the date on which the proceedings are begun,

(b) was habitually resident in Scotland throughout the period of one year ending with that date, or

(c) died before that date and either—

(i) was at death domiciled in Scotland, or

(ii) had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) In relation to a same sex marriage, the sheriff court has jurisdiction to entertain proceedings for declarator of marriage if (and only if)—

(a) the requirements of paragraph (a), (b) or (c) of sub-paragraph (1) are met in relation to either party to the marriage, and

(b) either party of the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

Nullity of marriage

5 (1) The Court of Session has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or
(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage—

(i) is domiciled in Scotland on the date on which the proceedings are begun, or

(ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) The sheriff court has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if (and only if)—

(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

(3) Despite sub-paragraph (2), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain proceedings for declarator of nullity of a same sex marriage if the following requirements are met—

(a) the parties married each other in Scotland,

(b) no court has, or is recognised as having, jurisdiction under regulations under paragraph 2, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.

Recognition, or non-recognition, of foreign decrees

6 (1) The Court of Session has jurisdiction to entertain proceedings for declarator of recognition, or non-recognition, of a relevant foreign decree relating to a same sex marriage if (and only if)—

(a) the Scottish courts have jurisdiction under regulations under paragraph 2, or

(b) no court has, or is recognised as having, jurisdiction under those regulations and either party to the marriage—

(i) is domiciled in Scotland on the date on which the proceedings are begun, or

(ii) died before that date and either was at death domiciled in Scotland or had been habitually resident in Scotland throughout the period of one year ending with the date of death.

(2) The sheriff court has jurisdiction to entertain proceedings for declarator of recognition, or non-recognition, of a relevant foreign decree relating to a same sex marriage if (and only if)—
(a) the requirements of paragraph (a) or (b) of sub-paragraph (1) are met, and

(b) either party to the marriage—

(i) was resident in the sheriffdom for a period of 40 days ending with the date on which the proceedings are begun, or

(ii) had been resident in the sheriffdom for a period of not less than 40 days ending not more than 40 days before that date, and has no known residence in Scotland on that date.

Supplementary provision

7 (1) Paragraph 3(1) does not affect any rule of law under which the Court of Session has jurisdiction in certain circumstances to entertain proceedings for separation as a matter of necessity and urgency.

(2) Paragraphs 3 and 5 do not affect any jurisdiction of a sheriff court to entertain any proceedings for separation, divorce or declarator of nullity of marriage remitted to the court under any enactment or rule of court, if entertaining the proceedings would not contravene regulations under paragraph 2.

(3) At any time when proceedings are pending in respect of which a court has jurisdiction by virtue of any of paragraphs 3 to 6 (or this paragraph), the court also has jurisdiction to entertain other proceedings, in respect of the same marriage, for divorce, separation or declarator of marriage or of nullity of marriage even though that jurisdiction would not be exercisable under any of paragraphs 3 to 6.”.

Presumption of Death (Scotland) Act 1977

2 In section 1 of the Presumption of Death (Scotland) Act 1977 (actions of declarator of the death of missing persons), after subsection (4) insert—

“(4A) Despite subsection (4), the sheriff court of the sheriffdom of Lothian and Borders at Edinburgh also has jurisdiction to entertain an action of declarator if—

(a) the pursuer in the action and the missing person are married to each other and are of the same sex,

(b) they married each other in Scotland, and

(c) it appears to the court to be in the interests of justice to assume jurisdiction in the case.”.
SCHEDULE 2
(introduced by section 27)

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

PART 1

APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

Introductory

1 The Gender Recognition Act 2004 is amended in accordance with this Part of this schedule.

Interpretation

2 In section 25 (interpretation)—

(a) the existing words become subsection (1),

(aa) in the definitions of “full gender recognition certificate” and “interim gender recognition certificate”, for “5 or 5A” substitute “4C, 4E, 4F, 5, 5A or 5D”,

(b) before the definition of “registered psychologist” insert—

“protected Scottish civil partnership” means a civil partnership registered in Scotland,

“protected Scottish marriage” means a marriage solemnised in Scotland,”, and

(d) after subsection (1) insert—

“(2) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of this Act as having been registered in Scotland if—

(a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order, and

(b) details of the civil partnership have been sent to the Registrar General for Scotland.

(3) A marriage which was registered outside the United Kingdom under the Foreign Marriage Act 1892 (other than a marriage registered by virtue of section 18 of that Act) is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.

(4) A marriage which was solemnised outside the United Kingdom and registered under an Order in Council made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.

(5) A consular marriage in relation to which the relevant part of the United Kingdom is Scotland is to be treated for the purposes of this Act as having been solemnised in Scotland.
(6) In subsection (5)—

“consular marriage” means a marriage solemnised in accordance with Part 1 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under it,

“relevant part of the United Kingdom”, in relation to such a marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) of that Part of that Schedule for the purposes of the marriage.”.

Evidence

3 In section 3 (evidence), before subsection (7) insert—

“(6D) If the applicant is a party to a protected Scottish marriage, an application under section 1(1) must also include—

(a) a statutory declaration by the applicant that the applicant wishes the marriage to continue after the issue of a full gender recognition certificate (if that is the case), and

(c) either—

(i) a statutory declaration by the applicant’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the spouse has made such a declaration), or

(ii) a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included.

(6E) If an application includes a statutory declaration of consent by the applicant’s spouse under subsection (6D)(c)(i), the Gender Recognition Panel must give the spouse notice that the application has been made.

(6F) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include a statutory declaration as to where the civil partnership was registered and, if the civil partnership was registered outside the United Kingdom, that details of the civil partnership have been sent to the Registrar General for Scotland.”.

Successful applications

4 In section 4 (successful applications)—

(a) after subsection (1) insert—

“(1A) The certificate is to be a full gender recognition certificate if the applicant is neither married nor in a civil partnership.”,

(b) in subsection (2) (as substituted by paragraph 3 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013)—

(i) after first “is” insert “also”,

(ii) paragraph (a) is repealed,

(c) in subsection (3) (as so substituted)—
(i) in paragraph (b), at the beginning insert “subject to subsection (3C)(b),”;
(ii) in paragraph (e), at the beginning insert “subject to subsection (3C)(c),”;
(d) after subsection (3B) (as so substituted) insert—

“(3C) The certificate is also to be a full gender recognition certificate if—

(b) the applicant is a party to a protected Scottish marriage and both parties to the marriage consent to the marriage continuing after the issue of a full gender recognition certificate, or

e) the applicant is a party to a protected Scottish civil partnership and the Gender Recognition Panel has decided to issue a full gender recognition certificate to the other party to the civil partnership.

(3D) The certificate is to be an interim gender recognition certificate if—

(a) the applicant is a party to a protected Scottish marriage and either party to the marriage does not consent to the marriage continuing after the issue of a full gender recognition certificate,

(b) subject to subsection (2)(b), the applicant is a party to a marriage which is not a protected Scottish marriage,

(c) the applicant is a party to a protected Scottish civil partnership and the other party to the civil partnership has not made an application under section 1(1),

(d) the applicant is a party to a protected Scottish civil partnership and the Gender Recognition Panel has decided not to issue a full gender recognition certificate to the other party to the civil partnership, or

e) subject to subsection (2)(c), the applicant is a party to a civil partnership which is not a protected Scottish civil partnership.

(3E) If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected Scottish marriage, the Panel must give the applicant’s spouse notice of the issue of the certificate.

(3F) Subsection (3C)(c) is subject to section 5C.”.

Issue of full gender recognition certificate after interim certificate: applicant married

5 Before section 5 insert—

“4C Married person with interim certificate: issue of full certificate (Scotland)

(1) A Gender Recognition Panel must issue a full gender recognition certificate to a person in either of the following cases.

(2) Case A is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,

(b) the person was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,

(c) the person is still a party to that protected Scottish marriage, and

(d) both parties to the marriage now consent to the marriage continuing after the issue of the full gender recognition certificate.
(3) Case B is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,
(b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,
(d) the submitting of notice has resulted in the civil partnership becoming a marriage,
(e) the person is a party to that marriage, and
(f) the person’s spouse consents to the marriage continuing after the issue of the full gender recognition certificate.

(4) If, on an application under subsection (2) or (3), the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.

(5) An application under subsection (2) must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.

(6) An application under subsection (3) must be made within the period of six months beginning with the day on which the civil partnership becomes a marriage.

(7) An application under subsection (2) or (3) must include a statutory declaration of consent (within the meaning of section 3(6D)(c)(i)) made by the person’s spouse.

(8) An application under subsection (3) must also include—

(a) evidence of the date on which the notice referred to in subsection (3)(c) was submitted, and
(b) evidence that the civil partnership has become a marriage.

(9) If an application is made under this section, the Panel must give the applicant’s spouse—

(a) notice of the application, and
(b) if the Panel grants the application, notice of the issue of the full gender recognition certificate.

4D Application under section 4C: death of spouse

(1) In a case where an application is made under section 4C(2) or (3) and the applicant’s spouse dies before the application is determined—

(a) the application is to be treated as an application, made under section 5(2) in a case where a spouse has died, for a full gender recognition certificate to be issued, and
(b) that application is to be treated as having been made at the time when the application under section 4C was made.

(2) The Gender Recognition Panel determining the application must specify the period within which the applicant is to produce the required evidence in support of the new application.

(3) In this section—

“new application” means the application under section 5(2) which the person is, by virtue of subsection (1), treated as having made, “required evidence” means the evidence required by section 5(4).

4E Married person with interim certificate: issue of full certificate on application to the sheriff (Scotland)

(1) A person may make a summary application to the sheriff for the issue of a full gender recognition certificate where—

(a) an interim gender recognition certificate has been issued to the person,
(b) the person is a party to a protected Scottish marriage, and
(c) the person is not in possession of a statutory declaration by the person’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate.

(2) The sheriff must grant an application made under subsection (1) if the sheriff is satisfied that—

(a) the applicant was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,
(b) the applicant is still a party to that protected Scottish marriage, and
(c) the application was made within the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(3) If an application is made under this section, the sheriff must give the applicant’s spouse—

(a) notice of the application, and
(b) if the sheriff grants the application, notice of the issue of the full gender recognition certificate.

(3A) Where the sheriff issues a full gender recognition certificate, the sheriff must send a copy to the Gender Recognition Panel.

4F Death of civil partner or spouse: issue of full certificate (Scotland)

(1) A Gender Recognition Panel must issue a full gender recognition certificate to a person in either of the following cases.

(2) Case A is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,
(b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued, and

(d) the person’s civil partner died—

(i) before the submitting of notice had resulted in the civil partnership becoming a marriage, and

(ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(3) Case B is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,

(b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,

(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,

(d) the submitting of notice resulted in the civil partnership becoming a marriage, and

(e) the person’s spouse died—

(i) within the period of six months beginning with the day on which the civil partnership became a marriage, and

(ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(4) If, on an application under subsection (2) or (3), the Panel is not satisfied—

(a) as mentioned in that subsection, or

(b) that the person is neither married nor a civil partner,

the Panel must reject the application.

(5) An application under subsection (2) or (3) must be made within the period of six months beginning with the day on which the death occurs.

(6) An application under subsection (2) or (3) must include evidence of—

(a) the death of the person’s civil partner or, as the case may be, spouse and the date on which it occurred,

(b) the date on which the notice under section 3(1) of the 1977 Act was submitted.”.

5A In section 5 (issue of full certificates where applicant has been married), after subsection (1), insert—

Issue of full gender recognition certificate after interim certificate: grounds of divorce

(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued, and

(d) the person’s civil partner died—

(i) before the submitting of notice had resulted in the civil partnership becoming a marriage, and

(ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(3) Case B is where, on an application by the person, the Panel is satisfied that—

(a) an interim gender recognition certificate has been issued to the person,

(b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,

(c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,

(d) the submitting of notice resulted in the civil partnership becoming a marriage, and

(e) the person’s spouse died—

(i) within the period of six months beginning with the day on which the civil partnership became a marriage, and

(ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.

(4) If, on an application under subsection (2) or (3), the Panel is not satisfied—

(a) as mentioned in that subsection, or

(b) that the person is neither married nor a civil partner,

the Panel must reject the application.

(5) An application under subsection (2) or (3) must be made within the period of six months beginning with the day on which the death occurs.

(6) An application under subsection (2) or (3) must include evidence of—

(a) the death of the person’s civil partner or, as the case may be, spouse and the date on which it occurred,

(b) the date on which the notice under section 3(1) of the 1977 Act was submitted.”.
“(1A) Subsection (1) does not apply where a full gender recognition certificate has already been issued, to the party to whom the interim gender recognition certificate was issued, by the sheriff under section 4E.”.

Applications by both civil partners

5C Protected Scottish civil partnership: applications by both civil partners

(1) This section applies where a Gender Recognition Panel decides to issue a full gender recognition certificate to a party to a protected Scottish civil partnership.

(2) The Panel must not issue the full gender recognition certificate to that person unless the Panel issues a full gender recognition certificate to the other party to the protected Scottish civil partnership.

(3) In such a case, the Panel must issue both certificates on the same day.

(4) Those certificates take effect at the beginning of the day on which they are issued.

5D Protected Scottish civil partnership: power to make further provision for issue of full certificate

(1) The Scottish Ministers may by order provide for the issue by a Gender Recognition Panel, on an application under section 1(1) by a qualifying person, of a full gender recognition certificate in additional circumstances to those specified in section 4(3C)(c) or 5C.

(2) In subsection (1), “qualifying person” means a person who is a party to a protected Scottish civil partnership.

(3) An order under subsection (1) may include, in particular, provision about—

(a) the evidence or other information that is to be included with an application,

(b) the procedure to be followed in determining an application, including provision for the giving of notice to any person,

(c) the effect of the issuing to the applicant of a full gender recognition certificate in relation to the civil partnership to which the applicant is party.

(4) Provision under subsection (3)(c) may include, in particular, provision for changing the civil partnership into a marriage.

(5) An order under subsection (1) may modify this Act or any other enactment.

(6) Before making an order under subsection (1), the Scottish Ministers must consult the following persons on a copy of the proposed draft order—

(a) the Registrar General for Scotland,

(b) the Gender Recognition Panel, and

(c) such other persons as the Scottish Ministers consider appropriate.”.
Appeals etc.

7 In section 8 (appeals etc.)—
   (a) in subsection (1), before “5(2)” insert “4C, 4F,”,
   (b) in subsection (5), before “5(2)” insert “4C, 4E, 4F,”,
   (c) before subsection (6) insert—
      “(5B) If an application under section 1(1), 4C, 4E, 4F, 5(2), 5A(2) or 6(1) is granted,
      the applicant’s spouse or civil partner may apply to the Court of Session to
      quash the decision to grant the application on the grounds that its grant was
      secured by fraud.”,
   (d) in subsection (6), before “the” in the first place where it appears insert “or an
      application under subsection (5B)”.

Registration

8 (1) In section 10 (registration), before subsection (2) insert—
   “(1B) Where a full gender recognition certificate is issued by a Gender Recognition
   Panel or the sheriff to a person who is a party to a protected Scottish marriage
   or a protected Scottish civil partnership, the Panel must send a copy of the
   certificate to the Registrar General for Scotland.”.

   (2) In Schedule 3 (registration), in Part 2 (Scotland)—
      (b) in paragraph 19(1), before “5(2)” insert “4C, 4E, 4F,”, and
      (c) after paragraph 20 insert—
         “20A(1) The Registrar General may, with the approval of the Scottish Ministers, make
         regulations about—
            (a) the registration of qualifying Scottish marriages, and
            (b) the registration of qualifying Scottish civil partnerships.
         (1A) Regulations under sub-paragraph (1) may in particular make provision for fees
         to be payable in respect of things done under the regulations.
         (1B) Regulations under sub-paragraph (1) may make different provision for
         different cases or circumstances.
      (2) In this paragraph—
         “qualifying Scottish civil partnership” means a civil partnership
         registered in Scotland in a case where a full gender recognition
         certificate has been issued to each of the civil partners,
         “qualifying Scottish marriage” means a marriage solemnised in Scotland
         in a case where a full gender recognition certificate has been issued to
         one, or each, of the spouses.”.

Continuity of marriage

9 Before section 12 insert—
“11C Continuity of marriage: Scotland

(1) This section applies in relation to a protected Scottish marriage if (by virtue of section 4(3C)(b), 4C or 4E) a full gender recognition certificate is issued to a party to the marriage.

(2) The continuity of the protected Scottish marriage is not affected by the issuing of a full gender recognition certificate.”.

Continuity of civil partnership

10 After section 11C (inserted by paragraph 9) insert—

“11D Continuity of civil partnership: Scotland

The continuity of a protected Scottish civil partnership is not affected by the issuing of full gender recognition certificates (by virtue of section 4(3C)(c)) to both civil partners.”.

Foreign gender change and marriage

11 In section 21 (foreign gender change and marriage), subsections (2) to (5) are repealed.

PART 2

ALTERNATIVE GROUNDS FOR GRANTING APPLICATIONS FOR GENDER RECOGNITION CERTIFICATES

Introductory

11A The Gender Recognition Act 2004 is further amended in accordance with this Part of this schedule.

11B In section 2 (determination of applications), after subsection (3A) insert—

“(3B) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.”.

11C After section 3B insert—

“3C Alternative grounds for granting applications: Scotland

(1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with this section.

(2) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3D and meets the conditions in subsections (3) to (6).

(3) The first condition is that the applicant was a party to a protected Scottish marriage or a protected Scottish civil partnership on or before the date the application was made.

(4) The second condition is that the applicant—
Evidence for granting applications on alternative grounds

11D In section 3 (evidence), after subsection (9) insert—

“(10) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.”.

11E After section 3C (inserted by paragraph 11C) insert—

“Evidence for granting applications on alternative grounds: Scotland

(1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.

(2) The application must include either—

(a) a report made by a registered medical practitioner, or

(b) a report made by a registered psychologist practising in the field of gender dysphoria.

(3) If the application is based on the applicant having or having had gender dysphoria—
(a) the reference in subsection (2) to a registered medical practitioner is to one practising in the field of gender dysphoria, and
(b) that subsection is not complied with unless the report includes details of the diagnosis of the applicant’s gender dysphoria.

(4) Subsection (2) is not complied with in a case where—
(a) the applicant has undergone or is undergoing treatment for the purpose of modifying sexual characteristics, or
(b) treatment for that purpose has been prescribed or planned for the applicant,

unless the report required by that subsection includes details of it.

(5) The application must also include a statutory declaration by the applicant that the applicant meets the conditions in section 3C(3) and (4).

(6) The application must include—
(a) a statutory declaration as to whether or not the applicant is married or a civil partner,
(b) any other information or evidence required by an order made by the Scottish Ministers, and
(c) any other information or evidence which the Panel which is to determine the application may require,

and may include any other information or evidence which the applicant wishes to include.

(7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage.

(8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include—
(a) a statutory declaration of consent (within the meaning of section 3(6D)(c)(i)) by the applicant’s spouse (if the spouse has made such a declaration), or
(b) a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included.

(9) If the application includes a statutory declaration of consent by the applicant’s spouse, the Panel must give the spouse notice that the application has been made.

(10) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.”.

Membership of Panels determining applications on alternative grounds

11F In schedule 1 (Gender Recognition Panels), in paragraph 4, after sub-paragraph (3) insert—

“(4) But a Panel need not include a medical member when determining an application under section 1(1)(a) for a certificate to be granted in accordance with section 3C.”.
PART 3

CONSEQUENTIAL AMENDMENTS

12 (1) In section 7(1) (applications: supplementary), before “5(2)” insert “4C, 4F,”.

(2) In section 22(2)(a) (prohibition on disclosure of information), before “5(2)” insert “4C, 4F,”.

(3) In section 24 (procedure for orders and regulations)—

(a) in subsection (5), after “section” insert “3D(6)(b),”, and

(b) after subsection (5) insert—

“(5A) Regulations made by the Registrar General for Scotland under paragraph 20A of Schedule 3 are subject to the negative procedure.

(5B) An order under section 3C(5)(b)(ii) or 5D(1) is subject to the affirmative procedure.”.

3388
Marriage and Civil Partnership (Scotland) Bill
[AS PASSED]

An Act of the Scottish Parliament to make provision for the marriage of persons of the same sex; to make further provision as to the persons who may solemnise marriage and as to marriage procedure and the places at which civil marriages may be solemnised; to make provision for the registration of civil partnerships by celebrants of religious or belief bodies; to make provision about gender change by married persons and civil partners; to make a minor correction in relation to registration information; and for connected purposes.

Introduced by: Alex Neil
On: 26 June 2013
Bill type: Government Bill