MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL
SUBMISSION FROM HUMANIST FELLOWSHIP OF SCOTLAND

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
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