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