MARRIAGE AND CIVIL PARTNERSHIP (SCOTLAND) BILL

SUBMISSION FROM MICHELLE MCGARVA

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 registrarsâ€™ 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 Advocateâ€™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.

Are you responding as...

a private individual

Michelle McGarva
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