How would you characterise your views on the Bill in general?
In support

How would you characterise your views on the introduction of same sex marriage, so that same sex couples can 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 "veto" the trans person's gender recognition 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 be a prerequisite 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