Equal Opportunities Committee

4th Report, 2014 (Session 4)

Report on Subordinate Legislation

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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.”

*(Standing Orders of the Scottish Parliament, Rule 6.9)*

**Membership:**

Christian Allard
Marco Biagi (Deputy Convener)
John Finnie
Alex Johnstone
John Mason
Margaret McCulloch (Convener)
Siobhan McMahon

**Committee Clerking Team:**

**Clerk**
Ruth McGill

**Assistant Clerk**
Ailsa Burn-Murdoch
Equal Opportunities Committee

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The Committee reports to the Parliament as follows—

Background

1. At its 19th meeting on 20 November 2014, the Equal Opportunities Committee formally considered the following instrument—
   - The Marriage (Same Sex Couples)(Jurisdiction and Recognition of Judgements)(Scotland) Regulations 2014 [draft];

2. The instrument was laid on 29 October 2014 and is subject to affirmative procedure. It was referred to the Equal Opportunities Committee as lead committee as it relates to the Marriage and Civil Partnership (Scotland) Act 2014 (‘the 2014 Act’). The Act allows same sex couples to marry, with the expectation that the first marriage ceremonies could take place from 31 December 2014.

3. The 2014 Act received Royal Assent on 12 March 2014. As well as making marriage available to same sex couples, the 2014 Act—
   - puts belief celebrants (such as humanist celebrants) on the same footing as religious celebrants;
   - provides an opt-in procedure for religious and belief bodies and celebrants who wish to solemnise same sex marriages;
   - includes a range of protections for bodies and celebrants who do not wish to solemnise same sex marriages;
   - provides the opportunity for civil partners to change their civil partnership to a marriage;
   - relaxes the rules relating to where a civil marriage ceremony can take place;
   - provides for the option of a ‘religion or belief’ civil partnership where the religious or belief body has opted in to registering civil partnerships; and,

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2 Available at: http://www.legislation.gov.uk/asp/2014/5/contents
removes the requirement for a couple to divorce before an individual can obtain a full gender recognition certificate.

4. The instrument anticipates that, with the introduction of same sex marriage in Scotland, cases relating to same sex marriages will come before the Scottish courts. The regulations make rules determining what should happen in relation to court cases which have an international element.

Delegated Powers and Law Reform Committee consideration

5. The Committee noted that the Delegated Powers and Law Reform Committee considered the instrument at its meeting on 11 November 2014 and, in its report, agreed it did not need to draw it to the attention of the Parliament.

Equal Opportunities Committee consideration

6. The Cabinet Secretary for Health and Wellbeing, Alex Neil and accompanying Scottish Government officials, gave evidence on the instrument at the Equal Opportunities Committee meeting on 20 November.

7. The Cabinet Secretary moved the motion lodged in his name: S4M-11570-- That the Marriage (Same Sex Couples) (Jurisdiction and Recognition of Judgements) (Scotland) Regulations 2014 [draft] be approved.

8. The motion was agreed to.

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