

ANNEX I: QUESTIONNAIRE

RESPONDENT INFORMATION FORM

Please note: this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name (if applicable)

The LGBT Group of St Mary's Cathedral, Glasgow

Title: The Very Rev

Surname Holdsworth
First name Kelvin

2. Contact details

300 Great Western Road, Glasgow
Postcode G4 9AD Email office@thecathedral.org.uk

3. Which country are you resident in? (please select one of the options below)

Scotland Rest of the UK Rest of the World

4. Permissions - I am responding as...

Individual / Group/Organisation
Please tick as appropriate

The Scottish Government generally seeks to publish responses to a consultation, in summary and, where possible, in detail. We would like your permission to publish:

Please tick ONE of the following boxes

Your name along with your response
or
Just your response (anonymous)
or
Please do not publish my response at all

The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on this site).

Are you content for your **response** to be made available?

Please tick as appropriate
 Yes No

Are you content for Scottish Government to contact you again in relation to this consultation?
Please tick as appropriate Yes No

CONSULTATION QUESTIONS

These consultation questions seek views on the detail of the legislation that will: introduce same sex marriage; allow civil partnerships to be registered through religious or belief ceremonies; and make other changes to marriage law. Further information on the detail of the legislation is available below each question (see 'more information') and in the consultation paper.

There is no obligation to answer all of the questions – you may answer as many or as few as you like.

Impact assessments

Question 1 (Paragraphs 1.14 to 1.17 and Annexes J and K).

Do you have any comments on the impact assessments prepared in relation to the proposed legislation?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We have no view on the impact assessments.

General changes to marriage law

Question 2 (Paragraphs 2.02 to 2.04)

Do you have any comments on allowing opposite sex and same sex civil marriage ceremonies to take place anywhere agreed between the registrar and the couple, other than religious premises?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We welcome this change. Couples who seek to be married in hotels, castles and other venues should be easily able to book a registrar for this ceremony.

Question 3 (Paragraphs 2.05 to 2.10)

Do you have any comments on establishing belief ceremonies as a third type of ceremony, alongside religious and civil, for getting married in Scotland?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We question whether it is appropriate and indeed legal to restrict this to secular groups. There seems no reason why non-religious people should have the privilege of being able to join together in societies in which any of them could be registered as a marriage celebrant whereas religious people would not receive that freedom. It is direct discrimination against religious people and we believe that would be wrong.

The boundaries between religion and “secular” life are not nearly so clear as many people seem to believe. For example some of us identify as Christian Humanists and don’t see any reason why we should not be able to form a Christian Humanist group which would be able to identify celebrants able to perform a marriage.

Question 4 (Paragraphs 2.11 to 2.14)

Do you have any comments on amending section 8 of the Marriage (Scotland) Act 1977 so that Church of Scotland deacons are authorised automatically to solemnise opposite sex marriage?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We have no comments to make about this it is a matter for the Church of Scotland.

Question 5 (Paragraphs 2.15 to 2.21)

Do you have any comments on establishing tests that a religious or belief body must meet before its celebrants can be authorised to solemnise marriage or register civil partnership?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We believe that the tests that have been suggested are inappropriate. We think it is unreasonable to exclude the possibility of people being paid money in order to conduct services for others. We do not feel the state should get into the business of stating what pastoral care people should receive around a marriage. We do believe that it is reasonable to expect that a marriage celebrant has not been convicted for fraudulent offences, immigration offences or offences against the vulnerable. We would welcome legislation to establish these tests rather than the ones already proposed.

Question 6 (Paragraphs 2.28 to 2.31)

Do you have any comments on abolishing the concept of marriage by cohabitation with habit and repute where a couple erroneously believed themselves to be married but it transpired after one of them died that the marriage was not valid?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We welcome this proposal as we believe that there needs to be absolute clarity over who is and who is not married.

Same sex marriage

Question 7 (Paragraphs 3.03 to 3.07 and Annex A)

Do you have any comments on the proposals for authorising religious and belief celebrants who wish to solemnise same sex marriage?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We disagree with the current plans insofar as they establish that the law will protect those who wish to opt out of conducting same-sex marriages but does nothing to respect the consciences of those who would wish to do them who are currently able to conduct opposite sex marriage.

We believe that anyone who is able to marry a straight couple should automatically be able to marry a same-sex couple. We believe that churches should be able to exercise their own internal discipline on same-sex couples but that this should not be subject to legislation.

Question 8 (Paragraphs 3.08 to 3.10)

Do you have any comments on opt-outs for civil registrars who do not wish to solemnise same sex marriage?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We agree that there should be no statutory right for civil registrars to opt out of solemnising marriages of same-sex couples.

[And we would note that this question should be a question about marrying same-sex couples and not “same sex marriage” as we believe the government is going to establish one institution, marriage, which will be open to different kinds of couples and not two different institutions].

Question 9 (Paragraph 3.11 and Annex B)

Do you have any comments on the proposed approach in relation to freedom of speech?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We believe that the proposed legislation is adequate and no further legislation is necessary in this area.

Question 10 (Paragraphs 3.12 and 3.13 and Annex C)

Do you have any comments on the proposals in relation to education and same sex marriage?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We believe that no school should be teaching any form of discrimination. In particular we believe that no school should be teaching discrimination against LGBT people nor teaching discriminatory attitudes towards same-sex couple who happen to be married.

We believe the comparison with teaching racism is useful. No child should be subject to racist teaching, for example, someone teaching that couples of different races should not be able to marry. We believe that the same standards should be expected in relation to same-sex couples and their relationships.

All schools should have a responsibility to promote equality in LGBT areas and other areas where discrimination has at times occurred.

Question 11 (Paragraphs 3.21 to 3.29)

Do you have any comments on the proposals on the impact of same sex marriage on legislation, the common law or on private arrangements?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

With regard to fostering, we believe that there should be an absolute assumption that the law should act in the best interests of a child. No child (either a white child or a child from an ethnic minority) should be placed with parents with racist views. Similarly, no child should be placed with any couple who are known to be opposed to equality for LGBT people.

Question 12 (Paragraphs 3.21 to 3.29)

Are you aware of legislation where there is a need to make it clear that references to marriage or spouse should not extend to both opposite sex and same sex marriages or spouses?

If you are, please give details of the legislation and explain why it should not extend in this way. If not, please leave the box blank and go to the next question.

No.

Question 13 (Paragraph 3.31 to 3.33)

Do you have any comments on the proposed approach to the law on adultery?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We do not believe that this bill is an appropriate one to reform the law on adultery.

Question 14 (Paragraphs 3.35 and 3.36)

Do you have any comments on the proposed approach to the law on permanent and incurable impotency?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We have discussed this issue at some length and concluded that we have no comments to make in this area.

Question 15 (Paragraphs 3.41 to 3.47)

Do you have any comments on the proposed approach to the law on bigamy?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We welcome the recognition of marriages between same-sex couples across UK and international borders.

We believe that the government has a responsibility to ensure that no-one is disadvantaged in terms of receiving any pension because they happen to be gay.

Civil partnership

Question 16 (Paragraph 4.01 to 4.04)

Do you have any comments on the proposed approach to ensuring that religious and belief bodies and celebrants do not have to register civil partnerships?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We agree with the government's proposals in this area.

Question 17 (Paragraph 4.05 to 4.11)

Do you have any comments on the proposals for changing civil partnerships to a marriage?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We do not believe that there should be a requirement for a ceremony for couples who have already registered a civil partnership and who may already have had a ceremony.

We believe that a Civil Partnership should be able to be changed into a marriage for no fee.

We do not believe that Civil Partnerships should be available to opposite sex couples. Some of us believe that no further civil partnerships should be allowed to be registered once marriage law is changed to allow same-sex couples to register marriages. We think that Civil Partnership is something of an historical anomaly. We don't believe however, that it should be compulsory for couples in a Civil Partnership to automatically have to change to marriage.

Transgender people

Question 18 (Paragraphs 5.01 to 5.06 and Annex D).

Do you have any comments on the detailed proposals for allowing transgender people in a relationship to stay together, if they and their partner so wish, when obtaining the full Gender Recognition Certificate?

If you do, please provide them in the box below. If not, please leave the box blank and go to the next question.

We welcome the proposed changes in this area to allow transgendered people in a relationship to stay together if both wish to do so.

We note that work may need to be done to ensure that neither partner in such a relationship loses any pension rights.

We also note that the system of binary gender identities that is presumed in the legislation is not necessarily one in which all people of Scotland would be able to find a definitive identity which they feel applies to themselves.