

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)

Title: Mr Ms Mrs Miss Dr

Surname Holdsworth
Forename Kelvin

2. Contact details

St Mary's Cathedral, 300 Great Western Road, Glasgow	
Postcode G4 9AD	Email provost@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Please do not publish my response at all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.

Your comments

I have no comments to make about the impact assessments other than to observe that the financial impact on my congregation of a move to allow same-sex marriage would be positive. Though there might be some small administrative expenses I would expect to conduct more weddings and my congregation would thereby expect to receive increased wedding fees.

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.

I think this is a welcome development.

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.

The current proposals would introduce an obvious direct discrimination against religious people. If a group of people whose religious views are non-theistic can join together to form a society or organisation which would allow them to conduct weddings it seems quite wrong for the state to refuse to allow similar groups of theistic believers to join together to be able to perform marriages.

In other words, if humanist groups are allowed to conduct weddings, religious groups other than the churches should also be allowed to conduct weddings.

Not to allow this would be discriminatory on the basis of religion and subject to a human rights challenge.

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.

No comments. This 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.

Someone who wishes to celebrate a marriage should be someone who has not broken marriage laws, immigration laws or been found guilty of fraud. There is a case for ensuring that a marriage celebrant has no convictions which would lead someone to feel concern at their contact with vulnerable people.

It would be appropriate for the same safeguarding regulations to apply to all celebrants similar to those which currently are used by the churches.

I see no reason why someone should not charge a fee for providing a service.

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.

This would be a positive development. It needs to be possible to determine as clearly as possible in law whether someone is or is not married and it is not unreasonable to expect a couple to establish the fact of their marriage by a positive, intentional legal process.

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.

I believe that if someone is authorised to conduct a straight couple's marriage then they should automatically be authorised to conduct marriages of same-sex couples. The law should apply equally to people and what has been proposed is not equality. For these reasons, I do not support the current proposals for determining who can and who can not conduct the marriage of a same-sex couple.

If churches wish to limit the ability of a celebrant to conduct a marriage then they should continue to be able to do that through their own internal disciplinary procedure.

I look forward to being able to celebrate marriages for same-sex couples one day in my congregation (St Mary's Cathedral, Glasgow). I note with interest that once the state licenses marriages for same-sex couples, my own denomination (The Scottish Episcopal Church) will automatically have an authorised liturgy for blessing such couples – the service of Benediction, which is explicitly authorised in Canon Law for use with couples whose marriage is legal but which has not been performed according to the rites of the church.

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.

Civil registrars should not be able to opt out of performing marriage services for any couple who intend to contract a legal marriage. For that reason, I support these proposals.



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.

The government needs to balance a right to free speech with someone's right not to be subjected to harassment and abuse. There is no absolute right to free speech in this country and the government should not pander to any demands to make it appear that there is.

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.

I'm extremely concerned at the current proposals which could reintroduce an education system where children might find themselves unable to access information and services relating to being gay.

The education system should ensure that all pupils in all schools are educated in a way that ensures that children have ready and easy access to information about LGBT issues. Any attempt to limit that should be vigorously resisted.

There is no place for discrimination in the education system. No school should be tolerated in Scotland where discriminatory attitudes to anyone on the grounds of race, sexuality, gender identity etc are promoted or tolerated. It is unacceptable that public money should be used to provide education where discriminatory attitudes are promoted.

The only changes needed to the education system in this area are increased vigilance in the area of homophobic bullying.

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.

I have no comments to make in this area.

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.

I would favour the government and the courts deprecating the use of the term adultery and favouring instead the use of the term, "marital infidelity".

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.

I think the current proposals are appropriate.

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.

I have no comments to make.

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.

I don't believe it is appropriate for any religious group to be able to register a civil partnership. By definition, a civil partnership is a civil matter for civil authorities.

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.

I don't think that a couple who are in a civil partnership should necessarily have to go through a ceremony in order to change their partnership to a marriage.

I believe that such a couple should be able to change their partnership to a marriage at no cost to themselves. It is not their fault that the current legislation is discriminatory and so it should not be for them to fund a change in status.

I don't believe that there will be any need for civil partnerships once both straight and same-sex couples have access to marriage and would prefer that no new civil partnerships be allowed after that time.

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.

I welcome the proposals.

Scottish Government
December 2012