

---

**From:** Stockwell SW (Simon) <Simon.Stockwell@gov.scot>

**Sent:** 12 June 2018 13:42

**To:** [REDACTED]

**Subject:** Prescribed status



Marriage and Civil  
Partnership...



Letter attached.

Simon Stockwell  
Family and Property  
Scottish Government



---

**From:** Stockwell SW (Simon) <Simon.Stockwell@gov.scot>

**Sent:** 12 June 2018 13:43

**Subject:** Prescribed status



Marriage and Civil  
Partnership...



Letter attached.

Simon Stockwell  
Family and Property  
Scottish Government



---

**From:** Stockwell SW (Simon) <Simon.Stockwell@gov.scot>

**Sent:** 12 June 2018 13:43

**To:** [REDACTED]

**Subject:** Prescribed status



Marriage and Civil  
Partnership...

Dear [REDACTED]

Letter attached.

Simon Stockwell  
Family and Property  
Scottish Government

[REDACTED]  
[REDACTED]

**From:** Stockwell SW (Simon) <Simon.Stockwell@gov.scot>  
**Sent:** 19 February 2019 18:49  
**To:** [REDACTED]  
**Subject:** RE: Prescribed status

[REDACTED]

Thank you. That is a very helpful update.

Simon Stockwell  
Family Law Team  
Scottish Government

[REDACTED]

**From:** [REDACTED]  
**Sent:** 19 February 2019 10:31  
**To:** Stockwell SW (Simon) <[Simon.Stockwell@gov.scot](mailto:Simon.Stockwell@gov.scot)>  
**Subject:** RE: Prescribed status

Hi Simon,

I hope you're well.

Firstly, my apologies on omitting to update you on our progress.

As you would expect, it's something that we take extremely seriously and have been working on the requirements since we last communicated in June.

One of the main pieces of work has been to integrate all of our policies into one, easy to manage document, a "Celebrant Handbook". It is hoped that this should also make the task of analysing our application for Prescribed Status a simpler one.

We are also currently taking advice from a specialist employment lawyer, to ensure that our policies are in line with current employment law and are fit for purpose.

The CHA is not an employer of course, but we need to ensure that the relationship between the organisation and its Celebrants is a fair and sustainable one.

Once all that is completed, we will be ready to make our formal application.

If you need any further information, please do not hesitate to get in touch.

Best wishes,

[REDACTED]

[REDACTED]

Caledonian Humanist Association is a non-profit making organisation

**Data Protection**

To serve the interests of those who choose to use my services and to fulfil my role as a Humanist Celebrant, I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the Data Protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. The privacy notice on the CHA's website explains how I do this.

Information in this e-mail, including any attachments, may be confidential or privileged and is intended only for the addressee. Opinions expressed may be personal to the author rather than represent Association policy. The sender has taken reasonable precautions against the presence of viruses but recipients should also check.

**From:** [Simon.Stockwell@gov.scot](mailto:Simon.Stockwell@gov.scot) <[Simon.Stockwell@gov.scot](mailto:Simon.Stockwell@gov.scot)>  
**Sent:** 19 February 2019 09:56  
**To:** [REDACTED]  
**Subject:** RE: Prescribed status

[REDACTED]

Hi. Can I check the latest on this?

Simon Stockwell  
Family Law Team  
Scottish Government

[REDACTED]

**From:** [REDACTED]  
**Sent:** 17 June 2018 10:32

**To:** Stockwell SW (Simon) <[Simon.Stockwell@gov.scot](mailto:Simon.Stockwell@gov.scot)>

**Subject:** RE: Prescribed status

Dear Simon,

Thank you for sending this on to me.

I'm going to be on holiday for the next couple of weeks and will give it my full attention when I return.

Best wishes,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Caledonian Humanist Association is a non-profit making organisation

#### **Data Protection**

To serve the interests of those who choose to use my services and to fulfil my role as a Humanist Celebrant, I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the Data Protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. The privacy notice on the CHA's website explains how I do this.

Information in this e-mail, including any attachments, may be confidential or privileged and is intended only for the addressee. Opinions expressed may be personal to the author rather than represent Association policy. The sender has taken reasonable precautions against the presence of viruses but recipients should also check.

**From:** [Simon.Stockwell@gov.scot](mailto:Simon.Stockwell@gov.scot) <[Simon.Stockwell@gov.scot](mailto:Simon.Stockwell@gov.scot)>

**Sent:** 12 June 2018 13:42

**To:** [REDACTED]

**Subject:** Prescribed status

[REDACTED]

Letter attached.



Simon Stockwell  
Family and Property  
Scottish Government



\*\*\*\*\*

This e-mail (and any files or other attachments transmitted with it) is intended solely for the attention of the addressee(s). Unauthorised use, disclosure, storage, copying or distribution of any part of this e-mail is not permitted. If you are not the intended recipient please destroy the email, remove any copies from your system and inform the sender immediately by return. Communications with the Scottish Government may be monitored or recorded in order to secure the effective operation of the system and for other lawful purposes. The views or opinions contained within this e-mail may not necessarily reflect those of the Scottish Government.

Tha am post-d seo (agus faidhle neo ceanglan còmhla ris) dhan neach neo luchd-ainmichte a-mhàin. Chan eil e ceadachd a chleachdadh ann an dòigh sam bith, a' toirt a-steach còraichean, foillseachadh neo sgaoileadh, gun chead. Ma 's e is gun d'fhuair sibh seo gun fhiosd', bu choir cur às dhan phost-d agus lethbhreac sam bith air an t-siostam agaibh agus fios a leigeil chun neach a sgaoil am post-d gun dàil. Dh'fhaodadh gum bi teachdaireachd sam bith bho Riaghaltas na h-Alba air a chlàradh neo air a sgrùdadh airson dearbhadh gu bheil an siostam ag obair gu h-èifeachdach neo airson adhbhar laghail eile. Dh'fhaodadh nach eil beachdan anns a' phost-d seo co-ionann ri beachdan Riaghaltas na h-Alba.

\*\*\*\*\*

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

\*\*\*\*\*  
\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.  
\*\*\*\*\*  
\*\*\*\*\*

---

This email has been scanned by the Symantec Email Security.cloud service.  
For more information please visit <http://www.symanteccloud.com>

\*\*\*\*\*  
\*\*\*\*\*

This email has been received from an external party and has been swept for the presence of computer viruses.  
\*\*\*\*\*



T: [REDACTED]  
E: simon.stockwell@gov.scot

[REDACTED]

By email: [REDACTED]

Our ref: A 21228713  
12 June 2018

Dear [REDACTED]

**REQUEST FOR PRESCRIBED STATUS UNDER THE MARRIAGE (SCOTLAND) ACT 1977 AND THE CIVIL PARTNERSHIP ACT 2004**

1. I refer to our correspondence about humanist bodies being prescribed so that celebrants are authorised to solemnise marriage between persons of different sexes and persons of the same sex and to register civil partnership without the need to be registered as approved celebrants.
2. This letter outlines the information required by the Scottish Government to take forward applications to be prescribed. The information must come separately from each individual body. I am writing in similar terms to the Caledonian Humanist Association and Independent Humanist Ceremonies, who have made inquiries about being prescribed.
3. There are provisions in the 1977 Act and in the 2004 Act that religious or belief bodies must meet “qualifying requirements”, which may be laid down by the Scottish Ministers in Regulations, before being prescribed. However, no qualifying requirements are yet in place. The Scottish Ministers will need to consult with religious and belief bodies and other interested parties before laying any down. As a result, the decision on whether to prescribe a religious or belief body which has made a request is entirely at the discretion of the Scottish Ministers.
4. As you know, in 2016 the Scottish Ministers prescribed Humanist Society Scotland. The Policy Note [ [http://www.legislation.gov.uk/ssi/2016/427/pdfs/ssipn\\_20160427\\_en.pdf](http://www.legislation.gov.uk/ssi/2016/427/pdfs/ssipn_20160427_en.pdf) ] for this Scottish Statutory Instrument (SSI) outlined the factors Ministers considered in exercising that discretion, when deciding to prescribe Humanist Society Scotland. Ministers will consider similar factors when dealing with any other request from a religious or belief body to be prescribed, as well as any other factors coming to their attention that they consider relevant.
5. In order to take applications forward, a body must



- provide a statement on why it wishes to be prescribed;
- provide information on its constitution;
- provide information on how its office-bearers are appointed;
- provide evidence that it meets the definition of a “religious or belief body” under section 24 of the 1977 Act and section 135 of the 2004 Act. Under section 24 of the 1977 Act and section 135 of the 2004 Act, the definition of a “religious or belief body” is “an organised group of people – (a) which meets regularly for religious worship, or (b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose”;
- indicate when it began to nominate persons to the Registrar General so that the Registrar General could register them as celebrants. The Scottish Ministers would normally only prescribe a body if its celebrants have been solemnising marriages for at least three years;
- provide evidence of a track record (at least 3 years) of compliance with the requirements in Scotland in relation to marriage and civil partnership ceremonies and, where necessary, of taking action against any celebrants who are not complying with those requirements. The Scottish Ministers would discuss any application with the Registrar General, to establish what views the Registrar General has on the body’s track record. The Scottish Ministers appreciate that bodies may have little or no track record in relation to civil partnership ceremonies given that the number of civil partnership ceremonies now is low and most of them are civil;
- provide evidence that, if prescribed, the body would deal properly with any concerns about a particular celebrant and has an appropriate disciplinary process in place that allows for the suspension or dismissal of a celebrant if the celebrant is convicted of an offence under the 1977 Act or under the 2004 Act; or has, for the purpose of profit and gain, been carrying on a business of solemnising marriage or registering civil partnership; or is not a fit and proper person to solemnise marriage or register civil partnership; or, for any other reason, should not be solemnising marriage or registering civil partnership;
- supply its disciplinary policy for celebrants and a copy of its guidance notes for celebrants;
- confirm that its celebrants do not for the purpose of profit or gain carry on a business of solemnising marriage or registering civil partnership;
- outline the training which its celebrants receive in relation to the solemnisation of marriage and registration of civil partnership and, in particular, what training is in place to tackle sham marriage and civil partnership and forced marriage;
- confirm that it is not aware of any other reason why it would be inappropriate for it to be prescribed;
- provide information on any costs or savings which might arise for the body if it should be prescribed. (The Policy Note which accompanies SSIs has to give an indication of any costs arising from the SSI. This information does not have to be detailed);
- advise on how the body would wish to be described in any SSI if it should be prescribed.

5. The authorisations for opposite sex marriage, same sex marriage and civil partnership are separate: it is possible to be authorised for all three or just two or just one. In relation to same sex marriage and civil partnership, the Scottish Government has indicated that where a body opts in to solemnise same sex marriage or register civil partnership but has celebrants who choose not to take part, it might be better for that body to seek authorisation from the Registrar General for those celebrants who do wish to solemnise same sex marriage and register civil partnership rather than be prescribed. Given this, each body

seeking to be prescribed should confirm that its celebrants would not refuse to solemnise a marriage or register a civil partnership just because the couple are same sex.

6. Finally, when preparing any SSI prescribing a religious or belief body for the first time, the Scottish Government would normally prepare an Equality Impact Assessment (EQIA). Information on the EQIA process can be found on the Scottish Government website at <http://www.gov.scot/Topics/People/Equality/Equalities/EqualFramework/EvidencePSED/EQIA>

Yours sincerely

SIMON STOCKWELL  
Family and Property



T: [REDACTED]  
E: [simon.stockwell@gov.scot](mailto:simon.stockwell@gov.scot)

[REDACTED]  
[REDACTED]  
[REDACTED]

By email: [REDACTED]

Our ref: A 21226911  
12 June 2018

Dear Mr [REDACTED]

**CALEDONIAN HUMANIST ASSOCIATION: REQUEST FOR PRESCRIBED STATUS UNDER THE MARRIAGE (SCOTLAND) ACT 1977 AND THE CIVIL PARTNERSHIP ACT 2004**

1. Thank you for your letter of 17 September 2017 making a request for Caledonian Humanist Association to be prescribed under section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977; section 8(1B)(a)(i) of the 1977 Act and section 94A(1)(a)(i) so that Caledonian Humanist Association celebrants are authorised to solemnise marriage between persons of different sexes and persons of the same sex and to register civil partnership without the need to be registered as approved celebrants.
2. There are provisions in the 1977 Act and in the 2004 Act that religious or belief bodies must meet “qualifying requirements”, which may be laid down by the Scottish Ministers in Regulations, before being prescribed. However, no qualifying requirements are yet in place. The Scottish Ministers will need to consult with religious and belief bodies and other interested parties before laying any down. As a result, the decision on whether to prescribe a religious or belief body which has made a request is entirely at the discretion of the Scottish Ministers.
3. As you know, in 2016 the Scottish Ministers prescribed Humanist Society Scotland. The Policy Note [ [http://www.legislation.gov.uk/ssi/2016/427/pdfs/ssipn\\_20160427\\_en.pdf](http://www.legislation.gov.uk/ssi/2016/427/pdfs/ssipn_20160427_en.pdf) ] for this Scottish Statutory Instrument (SSI) outlined the factors Ministers considered in exercising that discretion, when deciding to prescribe Humanist Society Scotland. Ministers will consider similar factors when dealing with any other request from a religious or belief body to be prescribed, as well as any other factors coming to their attention that they consider relevant.
4. In order to take your application forward, please:





- provide a statement on why the Caledonian Humanist Association wishes to be prescribed;
- provide information on the constitution of the Caledonian Humanist Association;
- provide information on how your office-bearers are appointed;
- provide evidence that the Caledonian Humanist Association meets the definition of a “religious or belief body” under section 24 of the 1977 Act and section 135 of the 2004 Act. Under section 24 of the 1977 Act and section 135 of the 2004 Act, the definition of a “religious or belief body” is “an organised group of people – (a) which meets regularly for religious worship, or (b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose”;
- indicate when the Caledonian Humanist Association began to nominate persons to the Registrar General so that the Registrar General could register them as celebrants. The Scottish Ministers would normally only prescribe a body if its celebrants have been solemnising marriages for at least three years;
- provide evidence of a track record (at least 3 years) of compliance with the requirements in Scotland in relation to marriage and civil partnership ceremonies and, where necessary, of taking action against any celebrants who are not complying with those requirements. The Scottish Ministers would discuss any application with the Registrar General, to establish what views the Registrar General has on the body’s track record. The Scottish Ministers appreciate that the Caledonian Humanist Association may have little or no track record in relation to civil partnership ceremonies given that the number of civil partnership ceremonies now is low and most of them are civil;
- provide evidence that, if prescribed, the Caledonian Humanist Association would deal properly with any concerns about a particular celebrant and has an appropriate disciplinary process in place that allows for the suspension or dismissal of a celebrant if the celebrant is convicted of an offence under the 1977 Act or under the 2004 Act; or has, for the purpose of profit and gain, been carrying on a business of solemnising marriage or registering civil partnership; or is not a fit and proper person to solemnise marriage or register civil partnership; or, for any other reason, should not be solemnising marriage or registering civil partnership;
- supply your disciplinary policy for celebrants and a copy of your guidance notes for celebrants;
- confirm that Caledonian Humanist Association celebrants do not for the purpose of profit or gain carry on a business of solemnising marriage or registering civil partnership;
- outline the training which Caledonian Humanist Association celebrants receive in relation to the solemnisation of marriage and registration of civil partnership and, in particular, what training is in place to tackle sham marriage and civil partnership and forced marriage;
- confirm that the Caledonian Humanist Association is not aware of any other reason why it would be inappropriate for it to be prescribed;
- provide information on any costs or savings which might arise for the Caledonian Humanist Association if it should be prescribed. (The Policy Note which accompanies SSIs has to give an indication of any costs arising from the SSI. This information does not have to be detailed);
- advise on how the Caledonian Humanist Association would wish to be described in any SSI if it should be prescribed.



5. The authorisations for opposite sex marriage, same sex marriage and civil partnership are separate: it is possible to be authorised for all three or just two or just one. In relation to same sex marriage and civil partnership, the Scottish Government has indicated that where a body opts in to solemnise same sex marriage or register civil partnership but has celebrants who choose not to take part, it might be better for that body to seek authorisation from the Registrar General for those celebrants who do wish to solemnise same sex marriage and register civil partnership rather than be prescribed. Given this, please confirm that Caledonian Humanist Association celebrants would not refuse to solemnise a marriage or register a civil partnership just because the couple are same sex.

6. Finally, when preparing any SSI prescribing a religious or belief body for the first time, the Scottish Government would normally prepare an Equality Impact Assessment (EQIA). Information on the EQIA process can be found on the Scottish Government website at <http://www.gov.scot/Topics/People/Equality/Equalities/EqualFramework/EvidencePSED/EQIA>

Yours sincerely

SIMON STOCKWELL  
Family and Property



T: [REDACTED]  
E: simon.stockwell@gov.scot

[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

By email: [REDACTED]

Our ref: A 21228021  
12 June 2018

Dear [REDACTED]

**INDEPENDENT HUMANIST CEREMONIES: REQUEST FOR PRESCRIBED STATUS UNDER THE MARRIAGE (SCOTLAND) ACT 1977 AND THE CIVIL PARTNERSHIP ACT 2004**

1. Thank you for your letter making a request for Independent Humanist Ceremonies to be prescribed under section 8(1)(a)(ii) of the Marriage (Scotland) Act 1977; section 8(1B)(a)(i) of the 1977 Act and section 94A(1)(a)(i) so that Independent Humanist Ceremonies celebrants are authorised to solemnise marriage between persons of different sexes and persons of the same sex and to register civil partnership without the need to be registered as approved celebrants.
2. There are provisions in the 1977 Act and in the 2004 Act that religious or belief bodies must meet “qualifying requirements”, which may be laid down by the Scottish Ministers in Regulations, before being prescribed. However, no qualifying requirements are yet in place. The Scottish Ministers will need to consult with religious and belief bodies and other interested parties before laying any down. As a result, the decision on whether to prescribe a religious or belief body which has made a request is entirely at the discretion of the Scottish Ministers.
3. As you know, in 2016 the Scottish Ministers prescribed Humanist Society Scotland. The Policy Note [ [http://www.legislation.gov.uk/ssi/2016/427/pdfs/ssipn\\_20160427\\_en.pdf](http://www.legislation.gov.uk/ssi/2016/427/pdfs/ssipn_20160427_en.pdf) ] for this Scottish Statutory Instrument (SSI) outlined the factors Ministers considered in exercising that discretion, when deciding to prescribe Humanist Society Scotland. Ministers will consider similar factors when dealing with any other request from a religious or belief body to be prescribed, as well as any other factors coming to their attention that they consider relevant.
4. In order to take your application forward, please:



- provide a statement on why Independent Humanist Ceremonies wishes to be prescribed;
- provide information on the constitution of Independent Humanist Ceremonies;
- provide information on how your office-bearers are appointed;
- provide evidence that Independent Humanist Ceremonies meets the definition of a “religious or belief body” under section 24 of the 1977 Act and section 135 of the 2004 Act. Under section 24 of the 1977 Act and section 135 of the 2004 Act, the definition of a “religious or belief body” is “an organised group of people – (a) which meets regularly for religious worship, or (b) the principal object (or one of the principal objects) of which is to uphold or promote philosophical beliefs and which meets regularly for that purpose”;
- indicate when Independent Humanist Ceremonies began to nominate persons to the Registrar General so that the Registrar General could register them as celebrants. The Scottish Ministers would normally only prescribe a body if its celebrants have been solemnising marriages for at least three years;
- provide evidence of a track record (at least 3 years) of compliance with the requirements in Scotland in relation to marriage and civil partnership ceremonies and, where necessary, of taking action against any celebrants who are not complying with those requirements. The Scottish Ministers would discuss any application with the Registrar General, to establish what views the Registrar General has on the body’s track record. The Scottish Ministers appreciate that Independent Humanist Ceremonies may have little or no track record in relation to civil partnership ceremonies given that the number of civil partnership ceremonies now is low and most of them are civil;
- provide evidence that, if prescribed, Independent Humanist Ceremonies would deal properly with any concerns about a particular celebrant and has an appropriate disciplinary process in place that allows for the suspension or dismissal of a celebrant if the celebrant is convicted of an offence under the 1977 Act or under the 2004 Act; or has, for the purpose of profit and gain, been carrying on a business of solemnising marriage or registering civil partnership; or is not a fit and proper person to solemnise marriage or register civil partnership; or, for any other reason, should not be solemnising marriage or registering civil partnership;
- supply your disciplinary policy for celebrants and a copy of your guidance notes for celebrants;
- confirm that Independent Humanist Ceremonies celebrants do not for the purpose of profit or gain carry on a business of solemnising marriage or registering civil partnership;
- outline the training which Independent Humanist Ceremonies celebrants receive in relation to the solemnisation of marriage and registration of civil partnership and, in particular, what training is in place to tackle sham marriage and civil partnership and forced marriage;
- confirm that Independent Humanist Ceremonies is not aware of any other reason why it would be inappropriate for it to be prescribed;
- provide information on any costs or savings which might arise for Independent Humanist Ceremonies if it should be prescribed. (The Policy Note which accompanies SSIs has to give an indication of any costs arising from the SSI. This information does not have to be detailed);
- advise on how Independent Humanist Ceremonies would wish to be described in any SSI if it should be prescribed.



5. The authorisations for opposite sex marriage, same sex marriage and civil partnership are separate: it is possible to be authorised for all three or just two or just one. In relation to same sex marriage and civil partnership, the Scottish Government has indicated that where a body opts in to solemnise same sex marriage or register civil partnership but has celebrants who choose not to take part, it might be better for that body to seek authorisation from the Registrar General for those celebrants who do wish to solemnise same sex marriage and register civil partnership rather than be prescribed. Given this, please confirm that Independent Humanist Ceremonies celebrants would not refuse to solemnise a marriage or register a civil partnership just because the couple are same sex.

6. Finally, when preparing any SSI prescribing a religious or belief body for the first time, the Scottish Government would normally prepare an Equality Impact Assessment (EQIA). Information on the EQIA process can be found on the Scottish Government website at <http://www.gov.scot/Topics/People/Equality/Equalities/EqualFramework/EvidencePSED/EQIA>

Yours sincerely

SIMON STOCKWELL  
Family and Property