



The Scottish
Government

Registration of Civil Partnerships
Same Sex Marriage:
Consultation Analysis

Equalities



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Registration of Civil Partnerships Same Sex Marriage: Consultation Analysis

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Scottish Government Social Research
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Lucy Robertson,
Craigforth

EXECUTIVE SUMMARY

Background

1. On 2nd September 2011 the Justice Directorate of the Scottish Government launched a public consultation on the possibility of allowing religious ceremonies for civil partnerships and the possible introduction of same sex marriage.
2. Under the Marriage (Scotland) Act 1977, any two persons may marry in Scotland as long as they meet six key requirements, one of which is that they are not of the same sex. Marriage can take place through either a religious or a civil ceremony. Civil partnerships were established in the United Kingdom in 2004 and allow same sex couples to obtain legal recognition of their relationship. The responsibilities and rights of civil partners are very similar to those for married couples, although in Scotland civil partnership ceremonies may not take place in religious premises and the partnership can only be registered by a civil registrar.

The Consultation process and who responded

3. The aim of the consultation was to seek views on the proposed changes. The Scottish Government's consultation paper set out 20 questions: 9 relating to civil partnership, 10 relating to the same sex marriage proposals and a final question asking for further views.
4. The Scottish Government consultation response form set out all of the 20 consultation questions. A number of other organisations or groups also developed their own amended or abridged versions of the consultation form, produced postcards or arranged petitions. All responses received, in whatever format, were analysed with an overall aim of identifying key issues and ensuring that the full range and depth of views was represented.
5. A total of 77,508 responses were received, with all but 375 being submitted by individual members of the public. Of the 375 responses submitted by groups, the majority were made by bodies or organisations with a clear religious connection. Responses were also received from a number of groups and organisations working in the third sector, some of which had clear religious affiliations whereas others did not. These „Other“ groups included a number of Lesbian, Gay, Bisexual and Transgender (LGBT) and equality focused campaign or support groups.
6. The majority of responses (62,608 or 81%) were submitted by people living in Scotland, although many were received from people living in other parts of the UK (13,741 or 18%). Only a small number of responses (1,128 or 1%) were received from outwith the UK altogether.

Views on the proposed introduction of religious civil partnership

7. The first nine questions within the consultation paper asked about the possibility of changing the law to allow civil partnerships to be registered through religious

ceremonies and then sought views on some of the possible arrangements that could be put in place.

8. Of the 44,801 respondents that answered the question, 52% did not agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies. Reasons given for opposing the introduction of religious civil partnership included the following:
 - Partnership relationships should only be between one man and one woman;
 - Civil partnerships were always designed to be a purely civil – and hence secular – arrangement and were expressly set up to be separate to and distinct from marriage;
 - Although the current proposals are permissive - essentially that religious bodies would be *able* rather than *required* to conduct religious civil partnerships – permissive proposals could quickly change to demand certain action; and
 - That the current arrangements offer all the necessary legal protections to same sex couples.
9. Among the 39% that did agree that legislation should be changed, reasons given for supporting the introduction of religious civil partnership included the following:
 - Gay and lesbian people may hold sincere religious convictions and the proposed changes would allow them to have an important event such as the registering of a civil partnership registered through a ceremony reflecting their faith; and
 - There should be equality in relationships, and Scotland should move towards a situation in which there are not same sex or opposite sex legislative arrangements, but simply civil partnership or marriage.

Other views relating to religious civil partnership

10. The consultation moved on to consider a number of specific issues of relevance if any proposals on religious civil partnership were to be taken forward, including whether the proposals for England and Wales (which would allow civil partnerships to be registered on religious premises) would be appropriate for Scotland. The majority of respondents (59% of those that answered this question) thought they would not.
11. The majority also disagreed with allowing religious celebrants to register civil partnerships in religious buildings and with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple. Reasons given included that the religious celebrant would still be, and would be seen to be, a representative of their faith group or denomination. Reasons given by those in favour included support for standardising the arrangements for same sex and opposite sex couple unions.

12. Although respondents tended to be polarised at many of the questions, when the focus was on *requiring*, as opposed to *allowing*, religious celebrants or bodies to undertake civil partnership (and indeed same sex marriage) ceremonies there was a high degree of consensus, with 94% of the respondents that answered agreeing that religious bodies should not be required to register civil partnerships. Reasons given included the critical importance of upholding freedom of belief and conscience and that the State could not, and should not, force religious bodies to do something they consider to be wrong.
13. The consultation also asked whether religious celebrants should be allowed to register civil partnerships if their religious body has decided against doing so. The majority of respondents that answered this question felt they should not. Further comments made included that individual celebrants had a duty to conform to the decisions made by the religious body they represent and should leave that body if they do not feel able to do so. The appropriate relationship between the State and religious bodies was also raised and it was suggested that it is not the role of the State to enact legislation that would have the potential to promote disunity within faith groups.
14. Finally, in relationship to religious civil partnership, respondents were asked if they felt there was a need for legislative provision to ensure that the premises of religious bodies could not be used for civil partnership ceremonies against their wishes. A majority thought provision was required, with those that opposed the introduction of religious civil partnership tending to consider specific legislation to be necessary, and those that supported religious civil partnership tending to think it unnecessary. Further comments made included that specific legislation must be put in place to protect those that own and manage religious premises from challenge under equality legislation. The contrasting position was that current legislative provision is sufficient and that ownership of premises already gives religious bodies control over what takes place on those premises.

Views on the proposed introduction of same sex marriage

15. The first question on same sex marriage asked respondents whether they agreed that the law in Scotland should be changed to allow same sex marriage. As the first and most fundamental question about same sex marriage, this question was included within all the amended forms, prepared letters, postcards and petitions received, and hence received the largest number of responses across all the consultation questions. The number of comments received was also high, with many respondents making their most substantive, or in some cases only, comment at this question.
16. Across all respondents, a clear majority (67%) opposed changing the law to allow same sex marriage. However, there were differences in the balance of opinion when respondents' country of residence was taken into account. The route through which a response was submitted was also a factor. Key points to note are:
 - Although the majority of respondents living in Scotland were against the proposals, the proportion opposed was lower than for all respondents. A very

high proportion of respondents living in other parts of the UK did not support the introduction of same sex marriage in Scotland;

- A very substantial majority of those that submitted a postcard or signed a petition were in opposition; and
- Those that responded through a form were evenly split.

17. Reasons given for opposing the introduction of same sex marriage included that:

- Marriage is, and has always been, between one man and one woman. This included an understanding of marriage as a lifelong, monogamous, heterosexual relationship designed for procreation and instituted by God;
- No government had the right, or indeed could, redefine something that is universally understood within Scotland and beyond;
- The introduction of same sex marriage could equate to a fundamental attack on freedom of belief and conscience, particularly if any religious group or celebrant were forced to undertake ceremonies;
- For some, freedom of belief and conscience would be threatened if same sex marriage is legalised, irrespective of whether anyone or any religious group was required to be involved in any way;
- When the civil partnership legislation was being prepared it was indicated that marriage would continue to be between a man and a woman and the current proposals go against the assurances that were given at that time; and
- The introduction of same sex marriage would be representative of a wider secularisation of society and a move away from the Christian values on which Scotland was built. There were associated concerns about the impact any changes could have on Scottish society more widely and particularly about the impact on children.

18. Reasons given for supporting the introduction of same sex marriage included that:

- Scotland, as a forward-thinking country, should stand up for the fundamental principle of equality regardless of sexual orientation. Not to take action to equalise the arrangements between opposite and same sex couples could be seen as tantamount to state-sponsored discrimination;
- The very simple human desire to marry the person that you love and to make a public and binding commitment to a life partner in front of family and friends should be recognised;
- Someone of faith from the LGBT community is entitled to freedom of religion and belief and should not be prevented from having such a significant life event as a lifelong partnership solemnised within their faith;

- A civil partnership may be seen as a second-best alternative that does not come with the same significance for individuals and society as marriage. This may have an impact on the way society treats people from the LGBT community and contribute to a perception that people within the LGBT community are second-class citizens with lesser entitlements; and
- The introduction of same sex marriage would make a positive contribution towards ending discrimination faced by transgender people.

Other views relating to same sex marriage

19. The remaining questions (with the exception of Question 20) asked for respondents' views on a number of specific issues of relevance if any proposals on same sex marriage were to be taken forward.
20. As with religious civil partnership, a much greater degree of consensus emerged between those supporting and opposing same sex marriage once questions moved on to consider whether religious bodies or celebrants should be *required* rather than *allowed* to undertake same sex marriages. A clear majority of respondents thought that no element of compulsion should be put in place, with further comments often focusing on respecting freedom of belief and conscience and ensuring that no religious body or individual celebrant could be required to act in a way that is contrary to their faith. An alternative position was that the State should not put in place opt-out clauses and there were concerns that little would be achieved if opt-out clauses were put in place. The assumption here was that only a small number of religious bodies and few celebrants would agree to conduct same sex marriages.
21. As with regard to religious civil partnerships, a majority of those that answered the related question considered that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage. Further comments made included that the right for a religious body to make a collective decision not to solemnise same sex marriages must be respected by all its individual celebrants and that the licence to act as a celebrant is not bestowed on celebrants simply as individuals, but because they are representatives of their religious body.
22. Again echoing the balance of opinion in relation to religious civil partnerships, a majority of the respondents that answered the question considered there was a need for legislative provision to ensure that the premises of religious bodies could not be used for same sex marriage ceremonies against their wishes. Further comments made included that:
 - These are complex issues, and will require careful scrutiny from those with the necessary legal skills and understanding;
 - The current legislative provision is sufficient and that ownership of premises already gives religious bodies control over what is permitted to take place on those premises; and

- Specific, water-tight legislation must be put in place to protect those that own and manage religious premises from challenge under equality legislation.
23. The penultimate question in the consultation paper effectively spanned the two issues of same sex marriage and civil partnership by asking respondents whether civil partnership should remain available if same sex marriage is introduced. The majority of those that answered this question did believe that civil partnership should remain available, although the reasons why people thought so were many and varied and appeared influenced by, but not determined by, their views on the key questions on the introduction of religious civil partnership or same sex marriage. Further comments included that:
- Civil partnership should be retained as a clear and very distinct alternative which would highlight the difference between civil partnership as originally envisaged and any same sex marriage arrangements that might be put in place;
 - Some couples might well prefer a clearly civil, secular option, particularly if they do not have a faith and see even civil marriage as something that has developed out of religious conventions; and
 - Civil partnership for opposite sex couples should be introduced.

Other issues

24. Respondents also had the opportunity to register any further comments they wished to make and were asked specifically for views on a range of issues, including the potential implications of the proposals for transgender people and possible transitional arrangements. Specific comments on these issues included that:
- People from the transgender community should have the same basic rights to marry (or stay married to) the person they love as anyone else and the introduction of same sex marriage could help avoid the need for a married transgender person to divorce in order to have their acquired gender legally recognised through a gender recognition certificate; and
 - The focus of any transitional arrangements should be on keeping things as simple and straightforward as possible – for example through a straightforward change of status from civil partnership to marriage if both parties were in agreement.
25. Other comments made often restated views given elsewhere within the respondents' consultation submission, although there were some further issues raised. These included that:
- The potential total cost of the proposed changes to the UK, including if opposite sex civil partnerships were to be introduced, could be as high as £5 billion to the UK over a 10 year period;

- The proposals fail to take account of the right for Scotland's religious communities to worship freely and within the tenets of their faith;
- The consultation paper specifically, and the proposals more widely, appeared to give no consideration to the best interests of Scotland's children and future generations; and
- The proposed introduction of same sex marriage would be of such fundamental significance to the future of Scottish society that it would be appropriate to call a referendum and ask Scotland's people to decide.

Overall

26. As noted earlier, the majority of the individuals and groups that responded to the consultation were very firmly on one side of the debate or the other – few, if any, respondents had mixed views and the considerable majority either supported both propositions or strongly opposed both. Nevertheless, some respondents did try to see the alternative point of view and sought areas where compromise might be possible.
27. It was when considering whether any legislation should *allow* rather than *require* religious bodies to be involved that consensus did emerge and there were very few respondents who considered that religious bodies or celebrants should be required to undertake ceremonies which they were not comfortable with. Although approaching the basic proposals from very different starting points, many respondents were united in their insistence that Scotland must remain a country in which freedom of religious conscience is treated with the utmost respect.

Analysis and Reporting

28. The main focus of the report is on qualitative data, reflecting the nature of the material received. Quantitative analysis has been undertaken for the parts of each question where respondents were asked to agree or disagree with proposals. It is less appropriate to focus on quantitative material for a number of reasons, including that:
- Not all of the respondents addressed the questions specifically, nor did they all do so using the standard form.
 - Respondents covered similar issues at different points on the response form.
 - Some responses were submitted on behalf of organisations and represented the views of a number of respondents. It would be impossible to identify the actual number of individuals represented by a response.
 - The consultation process involved "opting in" and cannot be seen to be representative.

1 INTRODUCTION

- 1.1 On 2nd September 2011 the Justice Directorate of the Scottish Government launched a public consultation on the possibility of allowing religious ceremonies for civil partnerships and the possible introduction of same sex marriage. The aim of the consultation was to seek views on the proposed changes.
- 1.2 This report sets out the findings from the independent analysis of the consultation responses that were submitted to the Scottish Government by the consultation closing date of 9th December 2011.

Background to the consultation

- 1.3 Civil partnerships were established in the United Kingdom in 2004 and allow same sex couples to obtain legal recognition of their relationship. In the seven years since the first civil partnerships took place in December 2005, a total of 3,861 civil partnerships have taken place in Scotland¹.
- 1.4 The responsibilities and rights of civil partners are very similar to those for married couples, although there are key differences between civil partnership and marriage. Notably, in Scotland a marriage can be conducted through either a religious or a civil ceremony, while civil partnership ceremonies may not take place in religious premises and the partnership can only be registered by a civil registrar. These civil arrangements are designed to be clearly secular in nature and essentially to mirror civil marriage. However, there is nothing to prevent a same sex couple seeking to receive a religious blessing of their union; whether to offer such a blessing is a decision for religious bodies and their celebrants².
- 1.5 The bar on civil partnerships being registered in religious premises was removed for England and Wales in 2010. The UK Government introduced regulations in early 2012 (following consultation in 2011) so that civil partnerships can be registered in religious premises in England and Wales, but emphasised that the measure is entirely voluntary, with each faith group free to decide whether they wish to allow their premises to be used for civil partnership registrations.
- 1.6 In relation to marriage, under the Marriage (Scotland) Act 1977, any two persons may marry in Scotland as long as they meet six key requirements, one of which is that they are not of the same sex³. Marriage can take place through either a religious or a civil ceremony. In the seven years between

¹ Statistics can be sourced at: <http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/bmd-preliminary/2011.html>. Please note that figures for 2011 are currently provisional.

² More information on the civil partnership arrangements for Scotland can be found at: <http://www.gro-scotland.gov.uk/regscot/registering-a-civil-partnership-in-scotland.html>

³ More information on getting married in Scotland can be found at: <http://www.gro-scotland.gov.uk/regscot/getting-married-in-scotland/i-want-to-get-married-in-scotland-how-do-i-go-about-it.html>

2005 and 2011, a total of 204,687 marriages took place in Scotland⁴. Of the 28,480 marriages that took place in 2010, 51% were through civil ceremonies, with the rest being carried out by religious or other belief bodies⁵.

- 1.7 Civil marriages must be solemnised⁶ by a district or assistant registrar appointed by the Registrar General. They must take place in a registration office or at an approved place. Religious marriages may be solemnised by a minister of the Church of Scotland or by a celebrant from one of the other religious bodies that have been prescribed to solemnise marriage by Scottish Ministers. They may take place anywhere. The religious bodies that are currently prescribed by the regulations are:
- Baptist Union of Scotland;
 - Congregational Union of Scotland;
 - Episcopal Church in Scotland and other Anglican Communion Churches;
 - Free Church of Scotland;
 - Free Presbyterian Church of Scotland;
 - Hebrew Congregation;
 - Methodist Church in Scotland;
 - Religious Society of Friends;
 - Roman Catholic Church;
 - Salvation Army;
 - Scottish Unitarian Association; and
 - United Free Church of Scotland.
- 1.8 In addition to those religious bodies noted above, other religious bodies may nominate celebrants to the Registrar General. Those authorised to solemnise marriage include celebrants from the United Reformed Church, the Jehovah's Witnesses, the Christian Brethren and the Islamic, Hindu and Buddhist faiths. There are also provisions which allow the Registrar General to grant any person a temporary written authorisation to solemnise marriages. These provisions are used, for example, to authorise deacons of the Church of Scotland and Humanist celebrants.

Initial views of the Scottish Government

- 1.9 The consultation paper set out the Scottish Government's initial views on religious registration of civil partnerships and the possible introduction of same sex marriage (page 1 of the consultation paper):

⁴ Statistics can be sourced at: <http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/bmd-preliminary/2011.html>. Please note that figures for 2011 are currently provisional.

⁵ Further information on the number of marriages in Scotland, including whether religious or civil, can be found in Tables 7.6 and 7.7 at: <http://www.gro-scotland.gov.uk/statistics/theme/vital-events/general/ref-tables/2010/marriages-and-civil-partnerships.html> Figures for the type of ceremony are not yet available for 2011.

⁶ Solemnise is defined in the Oxford English Dictionary as to „duly perform (a ceremony esp. of marriage)“.

“The Scottish Government is choosing to make its initial views clear at the outset of this consultation. We tend towards the view that religious ceremonies for civil partnership should no longer be prohibited and that same sex marriage should be introduced so that same sex couples have the option of getting married.”

1.10 The paper also made it clear that no decisions have been reached and that all views expressed would be taken into account. The Government’s view was also that no religious body or its celebrants should be *required* to carry out same sex marriages or civil partnership ceremonies.

1.11 With specific reference to the civil partnership proposals for England and Wales, the Scottish Government considered that equivalent arrangements would not be appropriate for Scotland for three main reasons:

- The focus in Scotland is on who should be able to act as an approved celebrant or an authorised registrar. The proposals for England and Wales reflect their different tradition, with its focus on the concept of “approved premises”;
- The proposal for registrars to carry out official duties on religious premises would be contrary to the law, practice and tradition in Scotland, where a distinction has always been made between civil and religious ceremonies; and
- The proposals for England and Wales do not allow same sex couples to have a religious service even if a religious body and celebrant are content to carry out the service.

1.12 The UK Government’s proposals on same sex marriage in England and Wales were published on 15 March 2012, after Scotland’s consultation paper was issued. The UK Government’s proposal is to enable same sex couples to have a civil marriage but to make no changes to religious marriage. The UK Government also proposes the retention of civil partnerships for same sex couples and allowing couples already in a civil partnership to convert this into a marriage. There is also a proposal that individuals will, for the first time, be able legally to change their gender without having to end their marriage.

The consultation questions

1.13 The Scottish Government’s consultation paper set out 20 questions: 9 relating to civil partnership, 10 relating to the same sex marriage proposals and a final question asking for further views. The 9 questions relating to civil partnership were as follows:

Question 1: Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

Question 2: Do you think that the proposals in England and Wales on registration of civil partnership in religious premises would be appropriate for Scotland?

Question 3: Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

Question 4: Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

Question 5: Do you agree that religious bodies should not be required to register civil partnerships?

Question 6: Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

Question 7: Do you agree that individual religious celebrants should not be required to register civil partnerships?

Question 8: Which of the options do you favour to ensure that religious celebrants do not have to register civil partnerships against their will?

Question 9: Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

1.14 The 10 questions relating to same sex marriage were as follows:

Question 10: Do you agree that the law in Scotland should be changed to allow same sex marriage?

Question 11: Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Question 12: Do you agree with the introduction of same sex civil marriage only?

Question 13: Do you agree with the introduction of same sex marriage, both religious and civil?

Question 14: Do you agree that religious bodies should not be required to solemnise same sex marriage?

Question 15: Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?

Question 16: Do you agree that religious celebrants should not be required to solemnise same sex marriage?

Question 17: Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will?

Question 18: Religious bodies may not wish their premises to be used to solemnise same sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

Question 19: If Scotland should introduce same sex marriage, do you consider that civil partnership should remain available?

- 1.15 The final question (Question 20) asked for any further comments, although in particular invited views on the potential implications of the proposals for transgender people, on possible transitional arrangements and recognition of Scottish same sex marriages elsewhere. Comments were also invited on forced and sham marriages, and on the potential financial and equality implications of the proposals.
- 1.16 Craigforth Consultancy and Research were appointed to undertake the analysis by the Scottish Government after a competitive tendering process and this report sets out the analysis of consultation responses undertaken by Craigforth. The next chapter (Chapter 2) gives an overview of the consultation process and the approach taken to the analysis. Chapter 3 looks at a range of contextual issues of relevance to the subsequent analysis. The report then presents the analysis from all of the twenty consultation questions, with Chapters 4 and 5 covering the possible introduction of religious civil partnership and Chapters 6 and 7 the possible introduction of same sex marriage. Chapter 8 gives an overview of additional comments made at Question 20 and the final chapter (Chapter 9) presents a short summary of the key themes to emerge from the analysis of responses to the consultation.

2 THE CONSULTATION PROCESS

Overview of the consultation process

- 2.1 As noted earlier, the Scottish Government launched a public consultation on the possibility of allowing religious ceremonies for civil partnerships and the possible introduction of same sex marriage in September 2011. The consultation paper was available from the Scottish Government's website, and was also sent to a range of organisations likely to have an interest in the proposals, including religious groups, equality groups and a number of voluntary sector organisations⁷.
- 2.2 In addition to the public consultation process, representatives of the Scottish Government met with a range of organisations with particular interest in the issues covered by the proposals. These organisations included a number of the religious bodies that currently undertake religious marriages (as set out at paragraphs 1.7 and 1.8) and a range of equality or voluntary sector organisations with a specific interest in the proposals. A full list of all groups the Scottish Government met is at Annex C to this report.
- 2.3 The views expressed at those meetings will be outlined by the Scottish Government and, together with the analysis of responses received to the public consultation set out within this report, are part of the evidence base used to inform decision making on this issue.

Types of responses received

- 2.4 The standard Scottish Government consultation response form set out all of the 20 consultation questions and was made available to any interested parties through the Scottish Government's website. Hard copies of the consultation response form were also distributed to various religious and equality groups, and sent out on request to members of the public. A copy of the response form is included as Annex A to this report.
- 2.5 Following the launch of the consultation, a small number of organisations (including the Christian Institute and the Equality Network) approached the Scottish Government to discuss the possibility of developing their own amended versions of the consultation form. The Scottish Government agreed that responses submitted on amended versions of the consultation form would be included in the analysis. In addition to those that consulted the Scottish Government, some other groups also developed their own approach to the consultation. All responses received, in whatever format, have been included in the analysis.
- 2.6 The alternative consultation forms were generally abridged, in that they selected a small number of the 20 questions. In some cases, the original consultation questions were either merged or reworded. In addition to these

⁷ A list of the organisations to which the paper was issued forms Annex B to this report and was also contained within the consultation paper, available at:
<http://www.scotland.gov.uk/Publications/2011/09/05153328/0>

abridged or amended consultation forms, a number of other organisations prepared materials in other formats through which members of the public could express their opinion. These included prepared letters, petitions and postcard campaigns. Details of the non-standard responses received, along with a summary of their content, are set out in Table 1 below. Although it was not possible to identify the organising group for all postcards or amended forms submitted, information contained within all these responses has been included within the analysis.

Table 1
Details of main non-standard responses and their content

Organising group or body	Type of response	Content
Christian Institute	Amended form	Questions 1, 5, 6, 7, 9, 10, 11
Equality Network	Amended form	Questions 1, 5/11 (combined question), 10, 13, 19, 20
Equality Network	Postcard	Standard Text
Lanarkshire Mosque, North Lanarkshire Muslims Alliance	Amended form	All 20 questions, no additional comments other than at Question 20
LGBT Youth Scotland	Amended form	Questions 1, 5/11 (combined question), 10, 13, 19, 20
Muslim Council of Scotland	Postcard	Standard text
NUS Scotland (various)	Amended form	Questions 1, 5/11 (combined question), 10, 13, 19, 20
Roman Catholic Church	Postcard	Standard text
Scottish Youth Parliament	Prepared letter	Suggested text, plus option for additional comment Contains answers to Questions 1, 5, 10, 11, 13
Scottish Youth Parliament	Postcard	Standard text
UNISON Scotland Equal Marriage	Amended form	Questions 1, 5/11 (combined question), 10, 13, 19, 20

- 2.7 The Scottish Government also received a number of petitions. All petitions received contained a statement which clearly equated to at least one of the consultation questions (which was generally Question 10), and the number of signatories has been included in the main quantitative analysis at the appropriate questions.
- 2.8 Including all of the above response types (and also signatories on petitions) a total of 77,508 responses were received. The breakdown of these responses by response type is set out Table 2 below.

Table 2
Number of responses received by response type

Response type	Number received
Standard form	10,441
Amended form	33,634
Prepared letter	1,593
Postcard	26,383 ⁸
Petition	5,457 ⁹
Total	77,508

2.9 The analysis set out within this report looks at responses received through the standard or amended forms, along with prepared letters¹⁰; these responses were accompanied by the Respondent Information Form that is required before a response can be included within the main analysis. However, the views expressed through postcards or petitions have been included in counts against any question that was clearly answered within their submission¹¹. For example, many of the postcards submitted asked whether people agreed that the law in Scotland should be changed to allow same sex marriage (Question 10). Examples of text submitted through the prepared letters, postcards and petitions are included as Annex D to this report and the proportion of overall responses received according to their principal „source“ is set out in Figure 1 below.

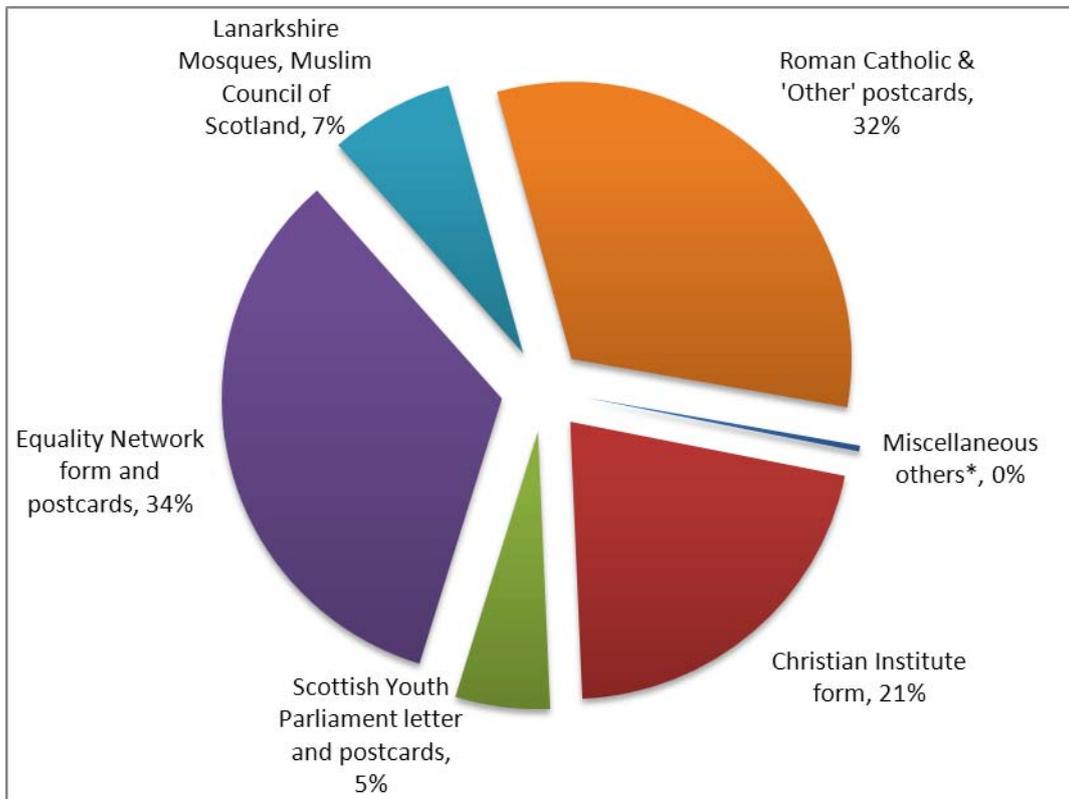
⁸An additional 67 blank postcards were received but contained insufficient information to be included

⁹ Contained within 47 separate petitions, all but one of which were opposed to the introduction of same sex marriage

¹⁰ The prepared letters took the form of a prepared statement that was made available for copying and submission with the addition of the required respondent information.

¹¹ This applies primarily to Question 10, but also in some instances to Questions 1 and 11.

Figure 1
Responses by organisation(s) promoting responses



*There were a number of other amended forms submitted for which the source could not be identified and the total number of responses summed to less than 1% of all responses.

2.10 Other correspondence received by the Scottish Government has been logged and considered separately. A brief summary of the other correspondence received is included as Annex G, but otherwise their content is not considered further within this report.

Approach to the analysis

2.11 The overall aim of the Craigforth contract was to undertake a robust analysis of the quantitative and qualitative responses and then report that analysis identifying key issues and ensuring the range and depth of views was presented.

2.12 Before the main qualitative analysis began, the Scottish Government organised a briefing session with a small number of groups with a particular interest in the issue, including some of those that had previously met with the Scottish Government (as set out at paragraph 2.2). The aim of the briefing session was to share detail on how the analysis of the consultation responses would be conducted and for attendees to raise any questions or comments they may have had on this process.

Project management and quality assurance

- 2.13 Project management arrangements were established at the outset and were followed throughout, including regular contact between the Scottish Government's Project Manager and the Project Lead for Craigforth. A Scottish Government Reference Group was established and was available to offer support and advice throughout. Reference Group members were all Scottish Government social researchers experienced either in undertaking consultation analysis themselves or in the management of large-scale, externally commissioned analysis.
- 2.14 In addition to the usual quality assurance processes being followed by both the Scottish Government and Craigforth, additional measures were also built in. A researcher from the Scottish Government, who was not otherwise involved in the project, assisted with the development of the coding framework¹² and undertook an independent analysis of many of the group responses. A senior associate of Craigforth (a highly experienced consultation analyst with no other involvement in the contract), undertook a review of the draft report, and Reference Group members also conducted a peer review.

Receipt and logging of responses

- 2.15 The Family Law Team of the Scottish Government was responsible for the initial processing of all responses submitted by the consultation closing date of 9th December 2011. All responses received on a standard form, an amended form, or as a prepared letter were assigned a unique reference number and details of the response (name and country of respondent, whether replying as a group or individual, and degree of confidentiality requested by the respondent) recorded on a spread sheet. Any hard copy responses received were also scanned after logging to create an electronic copy.
- 2.16 As part of the logging process, checks were carried out for multiple responses submitted by the same individual. When more than one response had been submitted against an identical name and address, only one of the responses was recorded as to be included within the final analysis. If the content of any multiple responses differed, the response with greatest content was logged and retained for analysis¹³.

Transfer of responses

- 2.17 Electronic copies of all responses and the spread sheet on which these were recorded were transferred into a secure area of the Scottish Government's server to which Craigforth was allowed temporary access to retrieve data. All

¹² Information on the coding framework is given at paragraph 2.24.

¹³ Only a relatively small number of respondents submitted more than one response, with some of those that did so indicating that they were submitting a further response because of concerns that an earlier response might not have been received i.e. these were essentially replacement rather than duplicate responses. Overall, fewer than 100 responses were removed, either as having been replaced or as duplicates.

responses were transferred to Craigforth through this route; no responses were emailed.

- 2.18 Once received by Craigforth, all electronic responses were held on Craigforth's own internal server. No electronic responses were transferred to or saved to any other location. All responses were printed, numbered and checked off against the logging spread sheet created by the Scottish Government. On publication of the final report, all electronic copies of responses will be deleted and all hard copies will be disposed of through Craigforth's long-standing arrangements for the disposal of confidential material.

Quantitative analysis

- 2.19 Each of the consultation questions (with the exception of Question 20) invited respondents to give a quantitative response – principally to select „Yes“, „No“ or „Don't Know“. Two questions (Questions 8 and 17) gave respondents two options to choose between. Respondents were also given the opportunity to make a further, qualitative comment if they chose.
- 2.20 All quantitative responses were entered into the statistical analysis package used by Craigforth. The unique reference number was used as the primary identifier for each response in the quantitative analysis and then all subsequent qualitative analysis. When an additional comment was made against any question, this was also recorded.
- 2.21 The number of respondents answering varied considerably from question to question, most obviously depending on whether a question was included within the amended forms (see Table 1 above). The quantitative information within this report presents the counts against each question simply according to the number of people that answered that question, and does not sum all responses to a standard base by including figures for „not answered“. This is primarily because of the possible and varied combination of „not answered“ and „not given the opportunity to answer“ options. However, the number of *potential maximum respondents* has been given at each question. This is essentially the greatest number of people that could have answered any question based on the type of response they chose to submit (see Table 1 and Figure 1 above).
- 2.22 Once all data entry had been completed, Craigforth's standard data verification and quality assurance processes were followed, including completeness and internal logic checks – for example that no more than the potential maximum number of respondents were recorded as having answered a question.

Qualitative analysis

- 2.23 All the comments made were read and analysed. Over 180,000 separate comments were made, although the proportion of respondents that commented at each question was very variable: for example, 45% of respondents made a comment at Question 1 but only 15% made comments at Question 8.
- 2.24 Given the scale of the task, a structured approach to analysing the qualitative data was adopted. An analytical framework (coding framework) was developed using a sample of around 10% of responses. A separate code was created to cover each broad theme being raised – a code was created if upwards of around 1 out of 50 responses in the sample raised a particular issue¹⁴. Examples of codes at Question 10 (on the introduction of same sex marriage) might, for example, include „*everyone should be able to marry the person they love*“ or „*marriage is between a man and a woman*“. This coding framework was amended as required during the qualitative analysis. These amendments tended to relate to relatively specific but relevant issues being raised by small numbers of respondents - an example might include existing celebrants commenting on how they would be affected by the proposals.
- 2.25 Each code within the framework was assigned a unique identifier (in this consultation analysis the letters of the alphabet were used). The coding of all additional comments was recorded on hard copies of the responses. Every time a comment included a point that corresponded to a code, the unique identifier for that code was added to the margin of the paper copy. If multiple themes appeared within a single comment, all the relevant codes were applied.
- 2.26 All coding was then entered into Craigforth’s statistical analysis package against the unique identifier for each respondent (as for the quantitative analysis). Once all coding had been entered, standard data verification and quality assurance processes were again followed, before the number of occasions on which each code was recorded – in effect the number of occasions on which each theme was raised by respondents – was generated.
- 2.27 The main focus of the report is on qualitative data, reflecting the nature of the material received. As noted above, quantitative analysis has been undertaken for the parts of each question where respondents were asked to agree or disagree with proposals. It is less appropriate to focus on quantitative material for a number of reasons, including that:
- Not all of the respondents addressed the questions specifically, nor did they all do so using the standard form.
 - Respondents covered similar issues at different points on the response form.

¹⁴ Since respondents either tended to be broadly in favour of or broadly opposed to the proposals, this effectively equated to around 1 in 25 or more of those broadly opposed raising a similar point, or around 1 in 25 or more of those broadly in favour raising a similar point.

- Some responses were submitted on behalf of organisations and represented the views of a number of respondents. It would be impossible to identify the actual number of individuals represented by a response.
- The consultation process involved "opting in" and cannot be seen to be representative.

Reporting

- 2.28 In advance of the reporting, a structure for the final report was agreed with the Reference Group. As noted above, drafts of the main report were submitted for comment and any necessary revisions made. Given the scale of the response, and the importance of fair and balanced reporting of all views expressed, it was decided that no single respondent would be referred to during reporting and no quotes would be used.
- 2.29 The main analysis is presented question by question from Chapter 4 onwards, echoing the structure of the consultation document. The results of the quantitative analysis (essentially the response to the yes/no questions) are presented within a table at each question. The subsequent commentary sets out the main findings from the analysis of additional comments made and reflects the nature of qualitative analysis itself, in that it aims to cover the breadth and depth of views expressed, rather than attempt quantification. However, to ensure consistency within the reporting, standard definitions were used when referring to the frequency with which any particular code appeared at any particular question. To reflect the breadth of opinion, this approach was applied separately to comments made by those that broadly supported the proposals and those that broadly opposed the proposals. The common terms used were applied as follows:
- „*many*“ was used when 1 in 3 or more of those who were in favour and commented or who were opposed and commented, raised a particular issue;
 - „*some*“ was used when 1 in 10 or more but fewer than 1 in 3 raised an issue;
 - „*a number*“ was used when 1 in 25 or more but fewer than 1 in 10 raised an issue: and
 - a „*small number*“ or „*a few*“ was used when fewer than 1 in 25 raised an issue but it was considered of particular relevance (see paragraph 2.24 above).
- 2.30 Overall, therefore, the report is designed to reflect the nature of the consultation process, in that it provides an overview of the opinions submitted by members of the public with a particular focus on both the balance and also the range of views expressed.
- 2.31 The content of responses has not been vetted for factual accuracy and the importance placed on hearing views from all perspectives means responses which may contain factually inaccurate information but nevertheless reflect

strongly held views have been taken into account. Chapters 3 to 9 reflect the views of those who have responded to the consultation and not the authors of this report, who do not offer any comment or judgement on those opinions.

3 SETTING THE ANALYSIS IN CONTEXT

- 3.1 This chapter looks at a range of factors that give context to the subsequent analysis of responses to individual questions, including who responded to the consultation, respondents' understanding of the current arrangements, and issues respondents raised in relation to the consultation process itself¹⁵.
- 3.2 The only additional information gathered as part of the consultation process that can be used for analysis is the response category of the respondent (whether representing a group or responding as an individual) and the country of residence.

Who were the respondents?

- 3.3 Of the 77,508 responses received, only 375 (<1%) were submitted by groups and the remaining 77,133 (99%) by individuals. A breakdown of the group responses submitted by type of organisation is set out in Table 3 below and a full list of all group respondents is included as Annex E¹⁶.

Table 3
Group responses by type of organisation

Type of organisation	Number received
Religious and other belief bodies	22
Individual religious institutions or regional groups	224
Groups with religious affiliations	56
„Other“ groups	42
Political groups and unions	16
Local authorities and professional bodies	5
Businesses or private practices	10
Total	375

- 3.4 The majority of group responses (81%) were made by bodies or organisations with a clear religious connection. A number of the main religious or other belief bodies that currently conduct religious marriages (as set out at paragraphs 1.7 and 1.8) made a submission setting out their official position. In addition, a large number of responses came from individual religious institutions or regions, principally from individual churches, but also including some presbyteries or diocese. The denominations represented included the Baptist, Episcopalian, Methodist, and Roman Catholic Churches, along with the Church of Scotland, Free Church of Scotland and Free Church of Scotland (Continuing). A number of Mosques or Madrasas also made

¹⁵ These issues were not raised under any particular question. The use of terms referring to proportion (many, some etc.) have been used according to the proportion that commented anywhere within their submission relative to the number that commented at Question 1 (as the question with the highest comment rate) but have been drawn from answers made at all questions.

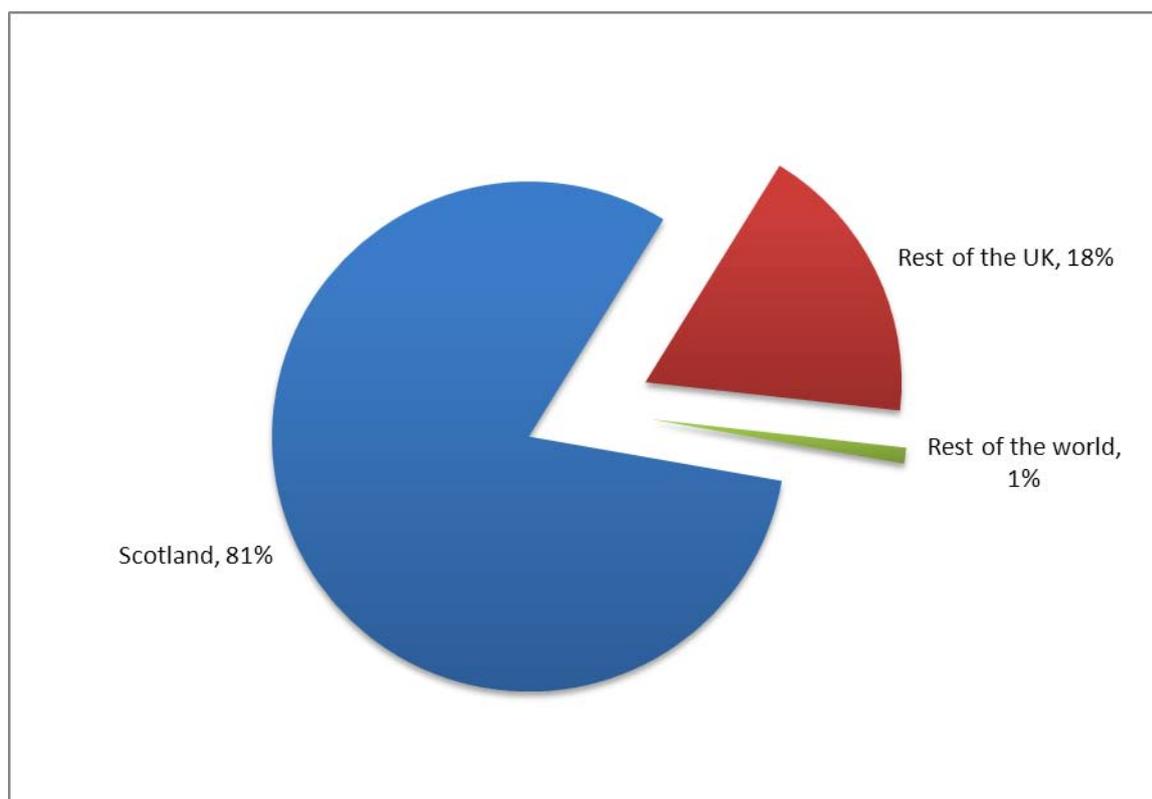
¹⁶ An area-based analysis based on address has not been undertaken since address does not necessarily indicate the geographical remit of the organisation and no information about the area covered and particularly whether Scotland only, the whole of the UK or England and Wales only was gathered through the Respondent Information Form.

submissions. The Churches and Mosques making submissions came from across Scotland, ranging from Dumfries to Lerwick and from Aberdeen to Stornoway, and were based in rural, mixed and urban communities.

3.5 Responses were also received from a number of groups and organisations working in the third sector, some of which had clear religious affiliations whereas others did not. These „Other“ groups included a number of Lesbian, Gay, Bisexual and Transgender (LGBT) and equality focused campaign or support groups, as well as student unions or associations. Other types of organisation making submissions included political parties or branches, trade unions and private businesses or professional practices. There were also a small number of submissions from groups that have a „professional interest“ in the registration of civil marriages or partnerships, namely local authorities and a professional body representing Registrars.

3.6 As part of the logging of responses undertaken by the Scottish Government, a record was made of the country of residence of all respondents¹⁷. This information has been analysed according to whether respondents live in Scotland, another part of the United Kingdom, or elsewhere, and is displayed in Figure 2 below¹⁸.

Figure 2
Respondents by area of residence



¹⁷ For these purposes, group respondents were classified according to the address given on their Respondent Information Form

¹⁸ This information was taken from the respondent logging spreadsheet created by the Scottish Government.

- 3.7 The majority of responses (81% or 62,608 responses) were submitted by people living in Scotland¹⁹, although many were received from people living in other parts of the UK (18% or 13,741 responses). Only a small number of responses (1% or 1,128 responses) were received from outwith the UK altogether, with most originating from Australia, Canada or the USA²⁰.

Understanding of the current system and the proposals

- 3.8 In undertaking the analysis of all responses received, and particularly the additional comments made, a number of issues emerged which are not about the profile of respondents, but which may nevertheless have had some impact on how people responded to the consultation.
- 3.9 First, it was clear that there is some confusion about the current arrangements for both marriage and civil partnership. For example, some respondents thought opposite sex couples can currently enter into a civil partnership, whilst others thought that any two people could also enter into such a partnership. In the latter case, the assumption appeared to be that a civil partnership is a legal agreement relating primarily to property rights, which would, for example, be open to siblings living together and wishing to leave each other their property. Some respondents from organisations that have a role in the administration of civil partnerships and civil marriages reported that the current system, particularly in relation to civil partnership, is not well understood by the wider public.
- 3.10 There were also occasional misunderstandings about the specific details of the current proposals. Perhaps the most common misconception was that references to religious bodies, religious celebrants or religious premises applied to the Christian faith only, and that no other faiths would be affected by the proposals. There was also a notable tendency to use the terms civil partnership and marriage synonymously, and particularly to make reference to marriage when answering questions about civil partnership (Questions 1-9). In contrast, some respondents continued to refer to civil partnership when answering questions about same sex marriage, with a small number of respondents explicitly stating that they were doing so because they did not recognise that same sex marriage could exist and hence they were not prepared to use the term.

Issues with the consultation process

- 3.11 Respondents raised some issues with the consultation process itself which they felt may have affected how people responded. In particular, a number of respondents suggested that the consultation questions were too numerous, were repetitive and were confusingly worded; the use of double negatives was

¹⁹ Since respondents have chosen to give their views – and are therefore essentially a self-selecting sample – no further conclusions can or should be drawn as to this group's relationship to the whole Scottish population.

²⁰ There were 31 responses for which it was not possible to identify a country of residence for the respondent.

the subject of particular criticism. A number of respondents also commented on the absence of an option to abstain at particular questions.

- 3.12 Some respondents voiced their suspicions that the consultation document and questions had been deliberately designed to confuse and to elicit particular responses. In addition to concerns about the questions themselves, some people also raised some process-related issues. For example, some respondents said they had trouble accessing the consultation document or had found it difficult to locate some of the information they required within that document. A few respondents were concerned that those with no internet access or limited ICT skills may have been unable to submit a response. A number of respondents expressed the view that the types of issues outlined above could have been significant enough to affect the overall outcome of the consultation.

Preliminary observations

- 3.13 The remaining chapters of this report present analysis of the findings from the consultation on a question by question basis. Before beginning, however, there are some preliminary observations which, while not specific to any particular question, set much of the subsequent analysis in context.
- 3.14 First and foremost, strength of feeling on these issues was clear and, on occasions, this was reflected through the language used and the tone of the comments made. It was also the case that very few respondents had mixed or nuanced views on the subject, with the majority coming down very clearly on one side of the argument or the other²¹.
- 3.15 For many of those that were opposed to the introduction of religious civil partnership and same sex marriage, the proposals were seen as part of a wider attack on faith communities more generally, and the Christian community in particular. A sense of the rapid secularisation of Scottish society and a move away from the country's traditional Christian roots was a cause of enormous concern for a number of respondents, many of whom expressed the view that the Scottish Government is listening to a small but very vocal minority, whilst ignoring the „silent“ majority.
- 3.16 In contrast, some of those that supported the proposals were concerned that the public statements made by some religious groups and their leaders might encourage the Scottish Government to back away from a proposal that would actually be supported by the majority of Scots. Again, there was a perception that a vocal and powerful minority might be allowed to dictate the agenda and have a disproportionate influence on policy makers.
- 3.17 Despite positions being polarised, however, some respondents did try to see the issue from other people's point of view, and to acknowledge the reasons why others might take a different view to their own. Some of those opposed to the introduction of same sex marriage wanted to make it clear that they

²¹ 95% of those that gave a yes/no answer at both Questions 1 and 10 gave the same answer i.e. they answered „yes, „yes“ or „no“, „no“.

were not, and objected to being perceived as, homophobic simply because they could not agree that the right to marry should be extended to same sex couples. Equally, some of those that supported the introduction of same sex marriage acknowledged that many of faith would not consider same sex marriage to be acceptable and should not be put on a position where they were forced to compromise their beliefs.

- 3.18 Finally, a number of respondents submitting responses on behalf of the main religious bodies commented that their own internal structures and decision-making processes did not necessarily allow them either to answer the consultation questions as posed, or provide a collective and agreed response within the timescales established for the public consultation. Some noted that their own religious body's internal decision-making is effectively still ongoing, and hence their submissions only represent their position „at a point in time“ and may be subject to change or greater clarification in the future. It was also pointed out that Churches which are members of wider Communion may wish to discuss these issues with other members of that Communion and that taking such a consultative approach inevitably takes time.
- 3.19 However, the importance of Churches being part of such an important debate was also raised, along with a view that some of that debate would be internal and would potentially highlight differences of opinion within churches themselves. Given all of these issues, some who responded called for the Scottish Government to take more time in consulting on, and then reaching a decision about, changes that could have such a significant impact on religious bodies.

4 VIEWS ON THE PROPOSED INTRODUCTION OF RELIGIOUS CIVIL PARTNERSHIP

- 4.1 Questions 1 to 9 of the consultation paper asked for views on the proposed introduction of religious civil partnership²² in Scotland. As noted earlier, civil partnership has been available for a number of years, but at present its registration is purely secular and can have no religious component. The first nine questions within the consultation paper asked about the possibility of changing the law to allow civil partnerships to be registered through religious ceremonies and then sought views on some of the possible arrangements that could be put in place. This chapter discusses the views expressed at the first of these questions. The next chapter (Chapter 5) covers the remaining questions on religious civil partnership.
- 4.2 Although Questions 1 to 9 related specifically to religious civil partnership only, some respondents made reference to same sex marriage in the additional comments they made; this applied to around 1 in 10 of the comments made. For the purposes of the analysis, these comments have not been taken to apply to religious civil partnership²³, although all answers to the quantitative parts of the questions have been included in the analysis.

Question 1

Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

- 4.3 As the first and most fundamental question about allowing civil partnerships to be registered through religious ceremonies, Question 1 was included within most of the amended forms as well as some of the prepared letters received, but not within most of the postcards or petitions received. The number of comments received was also high with many of the comments made at Question 1 covering issues that could also have been applicable at some of the subsequent questions, but which tended to form part of a single, cohesive statement when made at Question 1. Table 4 below sets out the overall balance of opinion by area of residence on the proposal to allow civil partnerships to be registered through religious ceremonies.

²² „Religious civil partnership“ is used throughout this report to refer to proposed legislative changes to allow civil partnerships to be registered through a religious ceremony.

²³ There was no basis for concluding that respondents intended their further comments to apply to civil partnership and the clear analytical routines being followed did not allow for meaning to be inferred.

Table 4
Question 1 by area of residence of respondents

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	17,597	39%	15,428	51%	1,657	12%	496	45%
No	23,241	52%	11,542	38%	11,292	83%	396	36%
Don't Know	3,963	9%	3,078	10%	673	5%	208	19%
Total	44,801	100%	30,048	100%	13,622	100%	1,100	100%
<i>Potential maximum respondents = 45,668</i>								

Note: percentages may not sum to 100% due to rounding

Note: Figures for *Scotland*, *Rest of the UK* and *Rest of the World* do not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Table 5
Question 1 by type of response

	Forms		Prepared letters	
	N	%	N	%
Yes	16,004	37%	1,593	100%
No	23,241	54%	-	-
Don't Know	3,963	9%	-	-
Total	43,208	100%	1,593	100%
<i>Potential maximum respondents = 45,668</i>				

Note: percentages may not sum to 100% due to rounding

- 4.4 Fifty two percent of those that responded to this question were against a change in the legislation to allow civil partnerships to be registered through religious ceremonies. The proportion of respondents that did not know whether they supported the change or not was relatively high at around 1 in 10. While no firm conclusions can be drawn as to why this may be, a number of respondents did acknowledge this to be a complex issue and one on which they could see both sides of the argument. A very substantial majority (more than 8 in 10) of those that answered „Don't know“ at Question 1 went on to support the introduction of same sex marriage.
- 4.5 As with many of the comments made at the principal question on same sex marriage (Question 10), those that did have a clear view on religious civil partnership often made further comments that were within the spirit of one of two broad positions; either that religious unions of the type proposed can only be between a man and a woman and anything else would be contrary to religious teachings; or that everyone should have the same opportunity to form a union irrespective of their sexual orientation and that this should include being able to have their union registered within their own belief system.

Reasons for opposing the proposed introduction of religious civil partnership

- 4.6 Many respondents' opposition to allowing religious civil partnerships stemmed from a fundamental objection to same sex relationships and a belief that partnership relationships should only be between one man and one woman. Many of these respondents identified themselves as members of the Christian faith and made it clear that their adherence to what they termed „Biblical truth“ meant they believed same sex relationships to be wrong. For some, this meant that anyone in a gay or lesbian relationship could not expect to have that union recognised by the Christian faith. Some suggested that the Scottish Government should repeal the 2004 legislation that brought civil partnerships into being.
- 4.7 Some respondents took a different stance, commenting that in their view the current arrangements offer all the necessary legal protections to same sex couples, but that there could not, and should not, be any religious registration of such a union. In fact, many commented that civil partnerships were always designed to be a purely civil – and hence secular – arrangement and were expressly set up to be separate to and distinct from marriage. Many were of the view that this distinction must be very clearly maintained.
- 4.8 Some respondents, including some of the main religious bodies that are currently authorised to undertake marriage ceremonies, stressed that religious organisations should have the freedom to decide which types of ceremonies they feel able to carry out and bless without any fear of what they saw as state interference. In particular, a number of respondents felt that religious ceremonies should only be for people who are not only adherents of the faith in which the ceremony is being conducted, but who also subscribe in full to the beliefs of that faith. A small number of respondents commented that this would apply equally to anyone in an opposite sex relationship, and that, for example, many denominations do not feel able to allow divorced people to get remarried through a religious ceremony: these respondents were often of the view that the option for opposite sex couples in this situation would be a civil ceremony, and that this should also apply to same sex couples. A number of respondents on both sides of the debate acknowledged that same sex couples can already have a blessing, or some kind of affirmation of their civil partnership, if they are able to find a celebrant who is willing to perform the ceremony. A number of those opposed to the introduction of religious civil partnership felt this should be sufficient.
- 4.9 Many respondents, including a number of group respondents, said that when the civil partnership legislation was being prepared it was indicated that marriage would continue to be between a man and a woman. Some respondents suggested that the current proposals went against assurances that were given at the time. This also made some respondents think that irrespective of any assurances given this time around, proponents of further changes to marriage legislation (such as polygamy) would find themselves pushing at an open door.

- 4.10 There were two main concerns. The first was a further blurring of the lines between civil partnership and marriage, and a concern that if Scotland were to introduce a combination of same sex religious civil partnership and same sex civil marriage it would only be a matter of time before a move was made towards the same sex religious marriage which some particularly opposed. The other major concern expressed was that although the current proposals are permissive - essentially that religious bodies would be *able* rather than *required* to conduct religious civil partnerships – people feared that permissive proposals could quickly change to demand certain action. Some respondents questioned whether the Scottish Government, or any legislation that was enacted, would ever be able to protect religious bodies and individual celebrants from any subsequent legal challenge.
- 4.11 A number of respondents suggested it was just a matter of time before someone made a legal challenge through the courts with the aim of requiring a religious body to register their civil partnership, and that the outcome of that challenge could not be guaranteed. Whilst generally opposed to any change, some of the main religious bodies called for the strongest of legal safeguards to protect clergy should the proposals go ahead, and many other respondents also stressed that it would be vital to protect freedom of belief and conscience in Scotland. A number of respondents cited examples of people either being subject to prosecution, or in some other way penalised, because they wished to remain true to their religious principles within either a work or business context. A small number of respondents who identified themselves as religious celebrants were concerned that they themselves could be subject to legal challenge - and by extension compromised religious freedom - should the changes go ahead. Some of these celebrants felt they would have no choice but to resign their positions in order to avoid being placed in such a situation.
- 4.12 Finally, a number of respondents, including some of the religious bodies that responded to the consultation, commented that the issue of religious civil partnerships would be a very divisive one within some of Scotland's major religious groups. Concerns were expressed for the unity and strength of these groups and about the impact division could have on both the individual members of that body and on Scottish society more widely.

Reasons for supporting the proposed introduction of religious civil partnership

- 4.13 Turning now to consider the main arguments put forward by those that supported the introduction of religious civil partnerships, it was clear that, for some, their support for the proposed changes was about recognising that gay and lesbian people may hold sincere religious convictions and that they should be able to have an important event such as the registering of a civil partnership through a ceremony reflecting their faith. A small number of respondents of faith explained that, for them, to do otherwise would mean that an essential dimension – namely the dimension of faith – would be missing from one of the most significant events in their lives. A number of respondents did recognise that it might be possible to have a religious

blessing of a civil partnership, but felt this did not have the same significance attached to it, either by they themselves or by society more widely.

- 4.14 In essence, some respondents took the view that this is an issue of religious freedom with a few going on to suggest that this applies not only to those individuals who would like to have a religious civil partnership, but also to the celebrants and religious bodies that would wish to carry them out. However, some respondents also stressed that the religious freedoms of those that would not wish to be involved must also be respected and protected.
- 4.15 From a pragmatic stand point, a small number of respondents suggested that religious civil partnership might be acceptable to some bodies that would not support same sex marriage, and hence its introduction had the potential to widen the number of religious bodies that were prepared to offer a ceremony to those wanting their civil partnership registered within their faith community.
- 4.16 For many others, however, the issue was less about personal faith than about a commitment to the basic principle that there should be equality in relationships, and that Scotland should move towards a situation in which there are not same sex or opposite sex legislative arrangements, but simply civil partnership or marriage. This led some to suggest (either at Question 1 or elsewhere) that the arrangements should also be changed to allow for opposite sex civil partnership. This particular issue will be discussed further at Question 19.
- 4.17 From the same basic „equalising“ starting point, others concluded that religious civil partnership, along with civil partnership more generally, remains a second-class arrangement, that the current provisions have served their purpose, and that the time has come to abolish civil partnership and replace it with same sex marriage. A number of respondents, whilst supporting the introduction of same sex marriage, nevertheless felt that civil partnerships should remain as the purely secular, legal arrangement they were always designed to be and which some people find an entirely satisfactory option.

5 OTHER VIEWS RELATING TO RELIGIOUS CIVIL PARTNERSHIP

- 5.1 At Questions 2 to 9, the consultation moved on to consider a number of specific issues of relevance if any proposals on religious civil partnership were to be taken forward.

Question 2

Do you think that the proposals in England and Wales on registration of civil partnership in religious premises would be appropriate for Scotland?

- 5.2 The bar on civil partnerships being registered in religious premises was removed for England and Wales in 2010. The UK Government introduced regulations in early 2012 (following consultation in 2011) so that civil partnerships can be registered in religious premises in England and Wales. The UK Government has emphasised that the measure is entirely voluntary, with each faith group free to decide whether they wish to allow their premises to be used for civil partnership registrations. Question 2 asked respondents to consider whether the proposals for England and Wales would also be appropriate for Scotland. The overall balance of opinion on the appropriateness of these arrangements for Scotland is set out in Table 6 below.

Table 6
Responses to Question 2

	All Respondents	
	N	%
Yes	887	11%
No	4,743	59%
Don't Know	2,460	30%
Total	8,090	100%
<i>Potential maximum respondents = 10,707</i>		

Note: percentages may not sum to 100% due to rounding

- 5.3 Only a small proportion of respondents (just over 1 in 10 that answered the question) agreed that the arrangements proposed for England and Wales would be appropriate for Scotland, whilst the majority (just under 6 in 10) did not. Around 1 in 3 respondents did not know or did not have a view, with a number of those going on to suggest that they had insufficient understanding of the proposals to allow them to make an informed comment.
- 5.4 Respondents that felt the English and Welsh proposals would have merit for Scotland did so for a variety of reasons, although tended to make only limited comments. The points made in support included that the proposals would promote equality and increase individual freedom and choice. Some respondents were also of the view that the whole of the UK should operate to the same set of arrangements, although more considered that Scotland had

always done things differently and that if the proposals are progressed, the approach taken should reflect the country's particular legal tradition relating to marriage.

- 5.5 Of those that did not agree that the proposals for England and Wales would be acceptable, many simply restated their opposition to civil partnerships in any shape or form, whilst a number restated their objection to there being any connection between religion and civil partnerships, including through the use of religious premises. As at Question 1, there were concerns that the clear distinction between civil partnership and marriage would be lost, and also that the proposals would force religious bodies and those of faith to have some connection to something they cannot in all conscience agree with.
- 5.6 A number of respondents also questioned what would be achieved by holding a civil ceremony within a religious building, other than allowing same sex couples to have access to a greater choice of venues for their civil partnership. Some of these respondents questioned whether the benefits that would result for same sex couples warranted the concern that was being caused to some religious bodies and some people of faith.
- 5.7 Others who were more supportive towards to the idea of religious civil partnerships also questioned the rationale behind the proposed arrangements for England and Wales, although from the perspective that they do not go far enough. A number of respondents were of the view that the absence of a religious element to the ceremony itself meant that little would be achieved, and that the changes would not address the fundamental problem some same sex couples face – namely that they wish to have their union registered through a ceremony that reflects their faith. The continuing lack of equity between the arrangements for opposite and same sex couples was also raised. In particular, a small number of respondents suggested that, as with a opposite sex marriage, there should be no absolute requirement for a registrar to be present at the registration of a same sex union.
- 5.8 Finally, a small number of respondents were of the view that the proposed arrangements for England and Wales would be procedurally unworkable in Scotland, and might also be unworkable in England and Wales. The points raised here were principally in relation to the governance structures for independent churches, with potential problems highlighted including the constitutional independence of individual churches meaning the „consent“ requirement would not be workable.

Question 3

Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

Question 4

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

5.9 The consultation then went on to ask respondents whether they agreed with allowing religious celebrants to register civil partnerships in religious premises and then in other places agreed between the celebrant and the couple. The overall balance of opinion at Questions 3 and 4 is set out in Table 7 below. These questions have been reported together as many respondents referred back to their comments at Question 3 as their only comment at Question 4.

**Table 7
Responses to Questions 3 and 4**

	Question 3		Question 4	
	N	%	N	%
Yes	1,339	13%	1,681	18%
No	8,702	86%	6,105	67%
Don't Know	124	1%	1,312	14%
Total	10,165	100%	9,098	100%
<i>Potential maximum respondents = 10,707</i>				

Note: percentages may not sum to 100% due to rounding

- 5.10 A majority of respondents agreed with neither proposition, although opinion was more mixed when it came to allowing religious celebrants to register civil partnerships in places other than religious premises. Of the two proposals, this was also the one on which respondents were more likely to be undecided.
- 5.11 Irrespective of the location, many respondents again restated their opposition to any religious component to civil partnerships. The majority of those that objected to a ceremony being held in religious premises also objected to a ceremony being conducted by a religious celebrant in any other location. This was principally because the religious celebrant would still be, and would be seen to be, a representative of their faith group or denomination.
- 5.12 Those in favour also tended to approach these questions from much the same positions as they had put forward at Questions 1 and 2, and supported proposals as part of a general direction of travel towards there being no difference in the arrangements for same sex and opposite sex couple unions.
- 5.13 A small number of respondents from both sides of the debate supported celebrants only being allowed to register civil partnerships outwith religious premises. For those generally opposed to religious civil partnerships, this had the advantage of at least ensuring that the ceremonies did not take place within religious premises. For those broadly in favour of religious civil partnerships, this option at least allowed celebrants that were willing to conduct such ceremonies the opportunity to do so without coming into open conflict with the religious body to which they belonged.
- 5.14 A number of those that supported religious celebrants being allowed to register civil partnerships acknowledged that, beyond those from the small number of religious bodies that are in support of the proposals, few religious celebrants were likely to want to do so. Most were of the view that no pressure should be placed on these celebrants and that no-one should be

forced to conduct a ceremony that was contrary to their beliefs. Many of those opposed to the proposals were also concerned about either celebrants or their religious body coming under pressure to conduct religious civil partnerships. These concerns were similar to those around „pushing at an open door“ that were discussed in paragraphs 4.9-4.10 above.

Question 5

Do you agree that religious bodies should not be required to register civil partnerships?

5.15 Although respondents tended to be polarised at many of the questions, when the focus was on *requiring*, as opposed to *allowing*, religious celebrants or bodies to undertake civil partnership (and indeed same sex marriage) ceremonies there was a high degree of consensus. The first of these questions to arise was Question 5, and the overall results are set out in Table 8 below²⁴.

**Table 8
Responses to Question 5**

	All Respondents	
	N	%
Yes	23,232	94%
No	885	4%
Don't Know	568	2%
Total	24,685	100%
<i>Potential maximum respondents = 25,350</i>		

Note: percentages may not sum to 100% due to rounding

5.16 Almost all of the respondents that answered this question agreed that religious bodies should not be required to register civil partnerships. In fact a small number of respondents, including some of the main religious bodies that submitted a response, were somewhat puzzled by the use of „required“ within the question, particularly since they are under no obligation to undertake marriage ceremonies, but rather choose so to do. Even the suggestion that different arrangements might apply to religious civil partnership was seen as strange.

5.17 The separation of religious bodies and the State (generally referred to as the Church and State) was seen as important by some, and maintaining this separation meant that religious bodies must remain free to choose which ceremonies they conduct. For many of those that supported or opposed

²⁴ One of the amended forms issued had an amalgamated version of questions 5 and 11. Most of those that commented at this amalgamated question made comments that related specifically to same sex marriage and hence the analysis (both quantitative and qualitative) has been included at Question 11.

religious civil partnerships, upholding freedom of belief and conscience was critically important. Many respondents simply felt that the State could not, and should not, force religious bodies to agree to something they considered to be fundamentally wrong.

- 5.18 Some respondents were also concerned that if anyone did try to force religious bodies to act in a way they believed to be wrong, tensions would simply increase and positions become even more polarised. A few respondents went on to suggest that absolutely nothing would be achieved by placing religious bodies in such a difficult position and it could be extremely counter-productive, especially if the more liberal elements of religious bodies were put in a position of being forced to take sides.
- 5.19 Some on both sides of the debate also doubted that same sex couples would want to have a civil partnership ceremony under the auspices of a religious body that does not believe their civil partnership ceremony should have a religious element and may well consider that their relationship itself is wrong. A number of respondents commented that a civil partnership is supposed to be a joyous celebration but this was unlikely to be achieved within a negative environment.
- 5.20 Finally, whilst the very considerable majority of respondents agreed that religious bodies should not be required to register civil partnerships, a small proportion of respondents took a different view. These respondents generally felt that by allowing religious bodies to opt out of the proposed arrangements, the State would be facilitating and, arguably, even encouraging discrimination against LGBT people. Some also commented that very few religious bodies would be likely to offer civil partnership if it were voluntary, and hence little, if anything, would be achieved by making the change. A small number of respondents suggested that whilst religious bodies should not be able to operate a blanket opt out, individual celebrants should still be in a position to decline to officiate at same sex ceremonies.

Question 6

Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

Question 7

Do you agree that individual religious celebrants should not be required to register civil partnerships?

- 5.21 The consultation next asked whether religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships and then whether individual religious celebrants should not be required to register civil partnership. Again, these two questions were often linked by respondents, and hence have been reported

accordingly. Please note that Questions 6 and 7 were included on the amended form through which the majority of those broadly opposed to the proposals submitted their response, but were not included in the form used by the majority of those who broadly supported the proposals. The overall balance of opinion is set out in Table 9 below.

**Table 9
Responses to Questions 6 and 7**

	Question 6		Question 7	
	N	%	N	%
Yes	19,842	87%	20,106	89%
No	1,910	8%	1,214	5%
Don't Know	1,186	5%	1,208	5%
Total	22,938	100%	22,528	100%
<i>Potential maximum respondents = 23,774</i>				

Note: Percentages may not sum to 100% due to rounding.

- 5.22 The majority of respondents that answered this question felt that individual celebrants should not be allowed to register civil partnerships if their religious body had decided against doing so. Similarly the majority felt that individual celebrants should not be required to register civil partnerships.
- 5.23 Freedom of choice and conscience once again emerged as a central theme; many respondents who made a comment suggested that the freedom of the religious body to make a collective decision not to register civil partnerships must be respected by all its individual celebrants as well as the wider community. However, respondents were equally clear that individual celebrants should have the right to act according to their own conscience. There were particular concerns that Scotland should not become the kind of country in which people are persecuted because of their faith and that the country's long-standing tradition of tolerance and freedom of worship should be respected.
- 5.24 Many respondents made an explicit assumption that Christian organisations which are true to their faith would decide not to register civil partnerships, and that the same would apply to religious celebrants. In other words, that there would be no conflict between the two if they were both following principles laid down in the Bible. Whilst many respondents were clear that religious celebrants should conform to the decision made by their religious body, this was dependent on the religious body having made what they saw as the correct decision – in other words having decided not to register civil partnerships. If the religious body had decided to register civil partnerships - and hence had made what some respondents were clear would be an incorrect decision – most of these respondents suggested that individual celebrants would be required by conscience to disobey their religious body.
- 5.25 Many others made the point that religious celebrants are employed by their religious body, and that in no other sphere would it be considered acceptable for an employee to expressly disobey instructions given to them by the people

paying their salary. A number of respondents commented that celebrants should have been fully aware of the beliefs of their religious body when they took on their role and should remain faithful to those beliefs.

- 5.26 Similarly, some others commented that their licence to act as a celebrant is not bestowed on them simply as individuals, but because they are a representative of their religious body. Some felt, therefore, that if they are not able to conform to the teachings of that body, they should resign their position and join a group whose doctrines they do feel able to uphold. To do otherwise would not only create internal tensions, but would also give an impression of disunity to those outwith the religious body, and a number of respondents felt it was important for religious bodies to send a clear, straightforward message to the rest of Scottish society on this issue. A number of respondents were of the view that the standing of religious bodies would be undermined if they did otherwise.
- 5.27 Overall, many respondents were clear that individual celebrants should respect the decision made by the leaders of their religious body and some also suggested that obedience to those in authority is part of the Christian tradition. However, there was also recognition from some religious body respondents that individual members of their Church may hold different views to that of the leadership. A small number of respondents commented that not all denominations have an authority-based hierarchy which they saw as implied by some of the consultation questions, but rather may have no central decision-making structures – in other words, celebrants are not accountable to the religious body but to their own congregation.
- 5.28 Beyond the issue of the relationship between individual celebrants and their religious body, many respondents were clear that it is not the role of the State to interfere in the way religious bodies organise and run themselves, and it is certainly not the role of the State to enact legislation that would have the potential to promote disunity and dissent within faith groups. A number of respondents suggested this might actually be the intention of the Scottish Government in bringing forward these proposals, and that promoting faction and disharmony within religious bodies would contribute to part of a wider agenda to secularise Scottish society.
- 5.29 Although in a minority, there were those that disagreed with the proposals at Questions 6 and 7. Those that thought celebrants should be able to register civil partnerships if their religious body had decided against tended to focus on promoting the individual freedom of conscience and belief of the celebrant, rather than the religious body more widely. Many of those that thought celebrants should be required to register civil partnerships if a change in the law was made felt this was the best way to ensure there is positive change and that religious civil partnership ceremonies are actually made available.

Question 8

Which of the options do you favour to ensure that religious celebrants do not have to register civil partnerships against their will?

5.30 The consultation paper proposed two possible options for ensuring that, if they were to be introduced, religious celebrants would not have to register civil partnerships against their will. The options were as follows:

- **Option 1** would be to extend the existing authorisations of celebrants under the Marriage (Scotland) Act 1977 for opposite sex marriage so that the same celebrants would automatically have the ability to register civil partnerships. It would be made clear that religious bodies and celebrants who did not wish to register civil partnerships would not be required to do so; and
- **Option 2** would be to set up a new procedure, separate to that for the solemnisation of opposite sex marriage, under which all religious bodies who wished to register civil partnerships could advise the Registrar General which celebrants they would like to be authorised to register civil partnerships. It would be made clear that it would not be discriminatory to decide against seeking approval to register civil partnerships.

5.31 Respondents' preferences are set out in Table 10 below, and then in Table 11 have been cross-tabulated according to whether they agreed with the introduction of religious civil partnership or not (Question 1). To set these responses in context, some respondents reported that they had been unable to find the options at all within the consultation paper, whilst others were unable to access the options whilst completing their response form and hence were commenting from memory.

Table 10
Response to Question 8

	All Respondents	
	N	%
Option 1	885	10%
Option 2	4,641	54%
Neither	3,124	36%
Total	8,650	100%
<i>Potential maximum respondents = 10,707</i>		

Note: percentages may not sum to 100% due to rounding

Table 11*
Option preferred by view on introduction of religious civil partnership

	Support religious civil partnership		Oppose religious civil partnership		Don't know	
	N	%	N	%	N	%
Option 1	605	57%	257	3%	15	22%
Option 2	139	13%	4,461	60%	21	31%
Neither	319	30%	2,755	37%	32	47%
Total	1,063	100%	7,473	100%	68	100%
<i>Potential maximum respondents = 10,707</i>						

Note: percentages may not sum to 100% due to rounding

*The number of respondents here is lower than at Table 10 because of the loss of those respondents that did not answer Question 1.

- 5.32 A small majority of those that answered this question expressed their preference for Option 2, although many others opted for neither alternative and only a small proportion preferred Option 1. Those that support the introduction of religious civil partnership tended to prefer Option 1, whilst those that opposed its introduction tended to prefer Option 2. Only a very small proportion of those that opposed the introduction of religious civil partnership favoured Option 1.
- 5.33 It was also the case that in their further comments, a number of those that had stated a preference for Option 2 made it very clear that they had done so *only* because they saw it as the least worst option. In essence, some respondents were saying that although they would very much prefer not to see the introduction of religious civil partnership, if it is introduced Option 2 is the slightly more tolerable of the two sets of arrangements proposed. Many of those that had selected „Neither“ as their answer also made a similar point in their further comments.
- 5.34 Respondents who considered Option 2 as preferable generally did so because they felt it would result in registration being seen as the exception rather than the rule, and that by extension, this would offer greater protections to religious celebrants. Some respondents that opposed the introduction of religious civil partnership were of the view that Option 1 would be open to particular challenge under equality legislation, with some also suggesting that lobbying is already underway to remove any safeguards that the legislation would currently offer.
- 5.35 Concerns around challenges under equality legislation led many to call for explicit, additional protections being put in place through amendment of the current equality legislation. However, others were concerned that the necessary powers have not been devolved to the Scottish Government and hence any assurances made in Scotland would be dependent on the co-operation of the UK Government which, even if promised, could not be guaranteed.
- 5.36 The relatively small number of respondents that preferred Option 1 and made additional comments generally saw Option 1 as the simpler alternative and also the option that was most likely to promote equality and a common and consistent set of arrangements, irrespective of whether for opposite or same sex couples.
- 5.37 The few alternative suggestions that were made tended to focus on placing the onus on those who wish to conduct civil partnership ceremonies to register to do so. It was also suggested that within Option 2, there should be a facility which would allow religious bodies the ability to opt in or out collectively and, by extension, manage matters relating to religious civil partnership on the same collective basis as they may do marriage. It was also suggested that both options were overly simplified solutions to an extremely complex situation and, in particular, that they did not reflect the complexity and diversity of the governance and management arrangements in place across Scotland’s religious bodies. Furthermore, some respondents

thought that religious bodies that are UK-wide would face problems if the arrangements in Scotland were different to those for the rest of the UK.

Question 9

Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

- 5.38 The final question about religious civil partnerships asked respondents if they felt there was a need for legislative provision to ensure that the premises of religious bodies could not be used for civil partnership ceremonies against their wishes. This was another of the questions that was included on the amended form through which the majority of those broadly opposed to the proposals submitted their response, but that was not included in the amended form used by the majority of those who broadly supported the proposals.
- 5.39 This question, along with the equivalent question about same sex marriage (Question 18), was considered particularly confusing, and many respondents commented on the use of the double negative. However, basic „internal logic“ checks (using other key answers given but particularly comments made) would suggest that the majority of respondents did negotiate the question successfully. Results are presented in Table 12 below.

Table 12
Response to Question 9

	All Respondents	
	<i>N</i>	%
Yes	6,560	29%
No	13,074	58%
Don't Know	2,844	13%
Total	22,478	100%
<i>Potential maximum respondents = 23,774</i>		

Note: percentages may not sum to 100% due to rounding

- 5.40 A majority of respondents did not agree that no legislative provision was required – in other words, a majority thought provision was required. Although respondents that opposed the introduction of religious civil partnership tended to consider specific legislation to be necessary, and those that supported religious civil partnership tended to think it unnecessary, the relationship between respondents' answers at Question 9 and other questions (such as Question 1) was less direct than at many other questions²⁵. Given that many people's comments at Question 9 focused on their understanding

²⁵ A cross-tabulation of responses at Question 9 with overall support for or opposition to the introduction of religious civil partnership (as expressed at Question 1) is presented within Annex F at page 93.

of the property law, rather than the „rights and wrongs“ of civil partnership, this is perhaps unsurprising. Indeed, a number of respondents acknowledged that these were potentially complex issues which they felt were best left to the legal profession.

- 5.41 Those that made further comments tended to approach this issue from one of two basic positions. Some simply considered that current legislative provision is sufficient and that ownership of premises already gives religious bodies control over what is permitted to take place on those premises. These respondents included religious bodies that either broadly supported or broadly opposed the introduction of religious civil partnership.
- 5.42 However, many of those that commented thought that specific, legislation must be put in place to protect those that own and manage religious premises from challenge under equality legislation. A number of potential complexities that would need to be taken into account when framing such legislation were suggested, including the many different models for sharing premises both between different religious groups and between religious and non-religious groups. A small number of respondents also questioned where, within any religious body’s hierarchy, the decision about whether the premises could be used would rest, while others commented that not all religious bodies have hierarchical structures and that any legislation would need to take this into account.

6 VIEWS ON THE PROPOSED INTRODUCTION OF SAME SEX MARRIAGE

- 6.1 Questions 10 to 19 of the consultation asked for views on the possible introduction of same sex marriage in Scotland. This chapter covers the first of these questions (Question 10). The next chapter (Chapter 7) covers the remaining questions on same sex marriage.

Question 10

Do you agree that the law in Scotland should be changed to allow same sex marriage?

- 6.2 As the first and most fundamental question about same sex marriage, Question 10 was included within all the amended forms, prepared letters and postcards received, and hence received the largest number of responses across all the consultation questions. The number of comments received was also high, with many respondents making their most substantive, or in some cases only, comment at this question. Many comments made at Question 10 covered issues that could also have been applicable at some of the subsequent questions, but which tended to form part of a single, cohesive statement when made at Question 10. The analysis of comments made reflects the approach taken by respondents, and hence there will be some repetition in the analysis presented later in the report.
- 6.3 Tables 13 and 14 below set out the overall balance of opinion on the introduction of same sex marriage. Given the particular importance of this question, the results are also presented according to the area of residence of respondent and then by the type of response received.

Table 13
Question 10 by area of residence of respondents

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	24,904	32%	22,223	36%	1,913	14%	749	67%
No	51,802	67%	39,724	64%	11,699	86%	368	33%
Don't Know	161	<1%	110	<1%	48	<1%	2	<1%
Total	76,867	100%	62,057	100%	13,660	100%	1,119	100%

Potential maximum respondents = 77,508

Note: percentages may not sum to 100% due to rounding

Note: Figures for *Scotland*, *Rest of the UK* and *Rest of the World* do not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Table 14
Question 10 by type of response

	Forms		Prepared letters		Postcards		Petitions	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Yes	20,618	47%	1,593	100%	2,653	10%	40	1%
No	22,655	52%	-	-	23,730	90%	5,417	99%
Don't Know	161	<1%	-	-	-	-	-	-
Total	43,434	100%	1,593	100%	26,383	100%	5,457	100%
<i>Potential maximum respondents = 77,508</i>								

Note: percentages may not sum to 100% due to rounding

6.4 Across all respondents, a clear majority opposed changing the law to allow same sex marriage. However, there were differences in the balance of opinion when respondents' country of residence was taken into account. The route through which a response was submitted was also a factor. Key points to note are:

- Although the majority of respondents living in Scotland were against the proposals, the proportion opposed was lower than for all respondents. A very high proportion of respondents living in other parts of the UK did not support the introduction of same sex marriage in Scotland, whilst the majority of respondents from outwith the UK altogether were in favour;
- A very substantial majority of those that submitted a postcard or signed a petition were in opposition; and
- Those that responded through a form were evenly split²⁶.

6.5 As noted earlier, many respondents made additional comments at Question 10, and many of these comments were substantial. In essence, however, most comments fell within one of two general positions. Many of those opposed to the introduction of same sex marriage made the same point: that marriage has always been, and can only be, between one man and one woman. Those that supported the introduction of same sex marriage generally expressed their support for the fundamental principle of equality regardless of sexual orientation, or simply that everyone should be able to marry the person they love.

Reasons for opposing same sex marriage

6.6 Many respondents' fundamental opposition to the introduction of same sex marriage stemmed from their conviction that marriage is, and has always been, between one man and one woman. Many respondents' understanding of marriage was as a lifelong, monogamous, opposite sex relationship designed for procreation and instituted by God. Some of those that were

²⁶ The majority of those that responded through a form or prepared letter and who were also resident in Scotland were in favour of the introduction of same sex marriage.

opposed to same sex marriage and commented at Question 10 made an explicit connection between their stance on this issue and their faith²⁷.

- 6.7 Respondents that clearly identified themselves as belonging to the Christian faith frequently stated that they had no choice but to conform to the authority of the written word of God and Biblical teachings. Some also included Biblical references in support of their arguments and to explain that they believe that same sex relationships are not part of the ideal will of God. Whilst some made their own strong disapproval of same sex relationships very apparent, others put forward their view that God loves everyone and that all are welcome within their religious group. This latter sentiment was expressed not only by individual respondents of faith but also in a number of the responses received on behalf of the main religious bodies. Nevertheless, for some respondents opposed to the introduction of same sex marriage, their personal belief system meant they could not support the proposals.
- 6.8 The issue of definition was of critical importance to many respondents and led some to suggest that the very term same sex marriage was, in their view, an oxymoron and critically that no government had the right, or indeed could, redefine something that is universally understood within Scotland and beyond. Some suggested that to do so would be tantamount to an attack on human rights. Frequent references were made to Article 12 of the European Convention on Human Rights (ECHR), namely that "*Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.*"²⁸ Some of those opposed to the introduction of same sex marriage interpreted Article 12 as meaning that a man and a woman have a right to marry each other, in other words that the ECHR implies that anything other than opposite sex marriage would be in breach of this right. It is of note, however, that some of those that supported same sex marriage interpreted the Article differently: to mean that all men and all women have the right to marry, but that in their view the Article does not prescribe to whom.
- 6.9 For many, the focus of comments was not so much on human rights more generally, but rather on freedoms of belief and conscience specifically, and it was apparent that some would see the introduction of same sex marriage as amounting to a fundamental attack on those freedoms. It appeared that for some, this attack would come simply from same sex marriage being legalised in Scotland, irrespective of whether they or their Church were involved in such ceremonies. For others, their concerns were more specifically linked to the possibility of their Church being forced to undertake such ceremonies.
- 6.10 A small number of respondents spoke of the personal impact the proposed changes would have, for example, in forcing them to resign from positions within their Church or even leave their denomination if it agreed to undertake

²⁷ There were also many respondents who did not make a specific reference to their Christian faith at Question 10 but did elsewhere within their response.

²⁸ The European Convention on Human Rights is available at:
http://www.echr.coe.int/NR/rdonlyres/D5CC24A7-DC13-4318-B457-5C9014916D7A/0/CONVENTION_ENG_WEB.pdf

same sex marriage ceremonies. Some of those that currently undertake marriage ceremonies (including one of the main religious bodies that is currently prescribed by the regulations to undertake marriage) indicated that they would not wish to be associated with any new definition of marriage and hence would remove themselves from the list of registered celebrants. It was also suggested that it is doubtful whether any amended definition of marriage would be recognised by many other established religious bodies.

- 6.11 Many respondents said that when the civil partnership legislation was being prepared it was indicated that marriage would continue to be between a man and a woman. Respondents suggested that the current proposals went against assurances that were given at the time. This also made some respondents consider that, irrespective of any assurances given this time, proponents of further changes to marriage legislation (such as polygamy) would find themselves „pushing at an open door“.
- 6.12 There was also a strong sense from some respondents that they felt under attack for trying to live within, and remain true to, their beliefs, and cases of other people of faith who have found themselves in court or lost employment (because they were upholding their religious beliefs) were often cited. Some respondents made connections between the introduction of same sex marriage, the secularisation of society and a move away from the Christian values on which Scotland was built. Concerns about the impact any changes could have on Scottish society more widely were also strongly expressed. Some respondents stressed their view that the institution of marriage is the bedrock of a stable society and that any move that (further) undermines the institution would be of detriment to all. They also felt such a shift would have a particularly negative impact on children, who they believed are best brought up in a stable family environment provided by both a mother and a father. There were also concerns that, if same sex marriage were to be introduced, it would then be promoted within schools and, in the view of some respondents, become part of a wider agenda of „normalising homosexuality“.
- 6.13 These concerns were often connected with a sense that the Scottish Government is responding to pressure from equality organisations more generally, and LGBT campaign groups in particular, and is unwilling to stand up to a small but vocal minority. A number of respondents questioned why, given all the other challenges the country faces, the Scottish Government is investing time and resources in looking at this issue at all, rather than dealing with problems that would be considered of much greater importance by the majority of those living in Scotland.
- 6.14 Finally, whilst the opinions set out above cover the content of the majority of comments made at Question 10, a small number of respondents did not wish to see the law changed for entirely different reasons. This group of respondents tended to consider marriage to be an outdated, patriarchal and essentially religious institution which should not be promoted. A small number of respondents also suggested that the Scottish Government would do better to invest its energies in addressing any issues that lead people to see civil partnership as inferior.

Reasons for supporting same sex marriage

- 6.15 As with those that opposed same sex marriage, those that supported the proposed change approached the issue from a position of general consensus, and often started from the fundamental principle that there should be equality regardless of sexual orientation. Some were of the view that Scotland has always been a forward-thinking country with a proud history of being a progressive, civilising influence in the world, beginning with the Enlightenment. It was suggested that Scotland should continue to lead the way or, at the very least, should not fall behind on issues of LGBT equality. Some respondents were concerned that this is an issue at all in 21st century Scotland and commented that treating people differently based on other characteristics, such as race, would never be considered acceptable. Some respondents suggested that for the Scottish Government not to take action to equalise the arrangements between opposite and same sex couples would be tantamount to state-sponsored discrimination.
- 6.16 Respondents supporting the proposed changes made frequent references to human rights, including, as discussed above, (paragraph 6.8) Article 12 of the European Convention on Human Rights. Respondents suggested that recent rulings from the European Court of Human Rights have made it clear that the reference to „men and women“ in Article 12 no longer means that the right to marry must in all circumstances be limited to two persons of the opposite sex. A number of respondents also felt that someone who is gay or lesbian should also be entitled to freedom of religion and belief and should not be prevented from having such a significant life event as a civil partnership or marriage solemnised within their faith.
- 6.17 It was clearly the case that the majority of respondents who stated that they held religious beliefs were opposed to the introduction of same sex marriage. However, there were exceptions, including a small number of the religious bodies that currently undertake religious marriage and that support the proposed introduction of same sex marriage. There were also a small number of religious celebrants who stated that they would be willing, or indeed would very much welcome, the opportunity to conduct same sex marriages, and in some cases also knew of couples within their congregation who would hope to have such a ceremony.
- 6.18 A small number of respondents stated that they would hope to enter into a same sex marriage, either as soon as it were made available or at some point further into the future, and were hoping it could be a religious marriage. Others explicitly stated that they would prefer a civil option. Although the reasons for this preference were not always stated, having no faith or being concerned that they would not be welcome within religious bodies was sometimes referred to.
- 6.19 Whether civil or religious, many of the respondents that supported same sex marriage commented about what they saw as the very simple human desire to marry the person that you love and to make a public and binding commitment to a life partner in front of family and friends. It was also clear that this was an issue of enormous personal importance to some of those that

supported a change. Whilst often acknowledging that a civil partnership ceremony would be an option, many felt it to be a second-best alternative that did not come with the same social significance for individuals and society. A small number of respondents who are in civil partnerships commented that they wished to, and felt they should be entitled to, refer to their legal lifelong partner as their husband or wife.

- 6.20 This issue of public perception was raised by a number of respondents. Some suggested that the current civil partnership arrangements are poorly understood by the wider community but that civil partnership is certainly seen as a lesser option. The impact that these perceptions can have on the way society treats people from the LGBT community was raised by a number of respondents and it was suggested that having different arrangements in place contributes to a perception people within the LGBT community are second-class citizens with lesser entitlements and that it may be acceptable to discriminate against them. Some very practical issues were also highlighted; for example, the belief that denial of the equal civil recognition of same sex relationships prevents many people from enjoying a whole range of rights with in areas such as welfare benefits and housing. Some group respondents suggested that civil partners may be being disadvantaged because those that provide services to the public simply do not know enough about the entitlements that may come from being in a civil partnership.
- 6.21 Whilst many respondents focused on the positives for individuals that could flow from the introduction of same sex marriage, a number made reference to the benefits to Scottish society more widely. For example, the public interests in favour of marriage that had often been identified by those opposed to the proposed changes were seen as applying equally to same sex couples by some of those in favour of the proposed changes. In essence, a number of respondents suggested that familial and societal cohesion, including the loving and responsible upbringing of children, would be supported rather than undermined by the introduction of same sex marriage.
- 6.22 Finally, some respondents also made specific points about the benefits that the introduction of same sex marriage would have in ending discrimination faced by transgender people. These issues will be covered in greater depth in the analysis of comments made at Question 20 (see Chapter 8).

7 OTHER VIEWS RELATING TO SAME SEX MARRIAGE

- 7.1 The remaining questions (with the exception of Question 20) asked for respondents' views on a number of specific issues of relevance if any proposals on same sex marriage were to be taken forward.
- 7.2 The proportion of respondents that answered some of these questions, and particularly went on to make further comments, were relatively low with many respondents referring back to their answers to previous questions. The analysis below reflects the approach taken by many that responded in grouping certain questions together.
- 7.3 There appear to be a number of reasons why the rate and extent of comments at some of the later questions were lower. First, many respondents made a comprehensive comment at Question 10 which covered the religious implications of same sex marriage, and also in many cases made it clear that they considered marriage to be an essentially religious institution. Hence some of the subsequent distinctions between civil and religious marriage within the consultation paper were not considered of particular relevance by respondents. Secondly, beyond the two main questions (Question 1 and 10) many respondents felt their comments on religious civil partnership were equally applicable to the equivalent question on same sex marriage. Finally, some respondents did suggest there were too many questions and did not feel able to make any further comment.

Question 11

Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Question 14

Do you agree that religious bodies should not be required to solemnise same sex marriage?

- 7.4 The figures presented for Question 11 include the answers given at a combination of Question 5 and 11 in some of the amended forms (see Table 1). This decision was made because the majority of additional comments made at this combined question referred to marriage rather than civil partnership. Please note that the figures (at both Question 11 and the combined Question 5/11 are presented separately in Annex F).

Table 15
Responses to Questions 11 (including 5/11) and 14

	Question 11 (including 5/11)		Question 11 only		Question 14	
	N	%	N	%	N	%
Yes	36,587	81%	25,819	95%	9,424	93%
No	5,899	13%	1,170	4%	563	6%
Don't Know	2,955	7%	235	1%	105	1%
Total	45,441	100%	27,224	100%	10,092	100%
<i>Potential maximum respondents at Q11 (including 5/11) = 46,484</i>						
<i>Potential maximum respondents at Q11 only = 28,010</i>						
<i>Potential maximum respondents at Q14 = 10,707</i>						

Note: percentages may not sum to 100% due to rounding

- 7.5 As with religious civil partnership, a much greater degree of consensus emerged between those supporting and opposing same sex marriage once questions moved on to consider whether religious bodies or celebrants should be *required* rather than *allowed* to undertake same sex marriages. A clear majority of respondents at both questions thought that no element of compulsion should be put in place.
- 7.6 Those respondents that also opposed the proposed introduction of same sex marriage tended to make comments that re-emphasised what they had already set out at Question 10, with the majority of comments making it clear that they believed same sex marriage to be wrong and contrary to the will of God. Some also suggested that their comments at Question 5 in relation to religious civil partnership applied equally to same sex marriage. In summary that:
- The separation of religious bodies and the State is important and maintaining this separation means that religious bodies must remain free to choose which ceremonies they conduct;
 - Freedom of belief and conscience must be respected and no individual celebrant can or should be required to act in a way that is contrary to their faith;
 - If anyone did try to force religious bodies or celebrants to conduct same sex marriages, tensions would increase and positions become even more polarised; and
 - It is in any case unlikely that same sex couples would want to be married within a religious body or by a religious celebrant fundamentally opposed to what they were doing.
- 7.7 Other concerns raised included that religious groups may be accused of homophobia if they do not agree to conduct same sex marriages and that religious celebrants may simply stop solemnising marriage altogether if faced with a barrage of accusation and possible legal challenges under equality legislation.

7.8 Whilst a majority agreed that religious bodies and celebrants should not be required to conduct same sex marriages if they did not wish to, some respondents saw things differently. Again, similar reasons were given as with regard to religious civil partnership, namely that the State should not put in place opt-out clauses that effectively allowed religious bodies and celebrants to act in a discriminatory way. There were also concerns that little would be achieved if there were no requirements, in that only a small number of religious bodies and few celebrants would agree to conduct same sex marriages. As with religious civil partnerships, a small number of respondents thought that whilst whole religious bodies should not be able to opt-out, individual celebrants should.

Question 12

Do you agree with the introduction of same sex civil marriage only?

Question 13

Do you agree with the introduction of same sex marriage, both religious and civil?

7.9 Questions 12 and 13 asked respondents to consider the case for same sex civil marriage only and then for both religious and civil same sex marriage. The overall balance of opinion at these questions is set out in Table 16 below. Note that the number of respondents at Question 13 is high as this was one of the questions included on the amended form through which the majority of those broadly in favour of the proposals submitted their response, although it was not included in the amended form used by the majority of those who broadly opposed the proposals.

Table 16
Responses to Questions 12 and 13

	Question 12		Question 13	
	N	%	N	%
Yes	439	6%	20,957	68%
No	6,293	79%	9,263	30%
Don't Know	1,190	15%	440	1%
Total	7,922	100%	30,660	100%
<i>Potential maximum respondents at Q12 = 10,707</i>				
<i>Potential maximum respondents at Q13 = 31,405</i>				

Note: percentages may not sum to 100% due to rounding

7.10 The results at both these questions need to be set very firmly within the context of how respondents answered other questions. First, at Question 12, a very substantial majority indicated that they did not agree with the introduction of same sex civil marriage only. However, when results are compared with those for other questions (and particularly those at Question

10²⁹) it is apparent that most respondents were not seeking to indicate that civil same sex marriage alone would be insufficient (in other words that they favoured *both* civil and religious same sex marriage), but rather that same sex marriage of *any* kind, including civil, was unacceptable. Further comments which, as at Questions 11 and 14 almost exclusively referred back to or repeated points made at Question 10, confirmed this interpretation.

- 7.11 The figures at Question 13 also need to be viewed in context– again comparison to responses at Question 10³⁰ suggests the figures are so different (from those at Question 12) because the question was included on some amended forms but not others. Further comments made at this question tended to emphasise the need for arrangements between opposite and same couples to be equalised and that this would only be the case if both the civil and religious options were at least a possibility. However, as at earlier questions, many also re-emphasised that the arrangements should allow rather than require religious bodies to conduct same sex marriages.
- 7.12 The only substantive additional point to emerge at Questions 12 and 13 related to the arrangements for all marriages and was a suggestion that the legal registration component of *all* marriages should be a civil arrangement between the couple and that State, as is the case in some other European countries. In addition to undergoing a civil marriage, those that so wished would then able to go on to have an optional religious ceremony that recognised their marriage within their belief system. Respondents putting forward this proposition often made reference to the arrangements in France in particular and, on a few occasions, also identified themselves as being celebrants.

Question 15

Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?

Question 16

Do you agree that religious celebrants should not be required to solemnise same sex marriage?

- 7.13 The consultation then moved on to ask respondents whether they agreed with allowing individual religious celebrants to solemnise same sex marriages if their religious body had decided against doing so, and then whether they agreed that religious celebrants should not be required to solemnise same

²⁹ A cross-tabulation of responses at Question 12 with overall support for or opposition to the introduction of same sex marriage (as expressed at Question 10) is presented within Annex F at page 93.

³⁰ A cross-tabulation of responses at Question 13 with overall support for or opposition to the introduction of same sex marriage (as expressed at Question 10) is presented within Annex F at page 94.

sex marriage. The overall balance of opinion at Questions 15 and 16 is set out in Table 17 below.

Table 17
Responses to Questions 15 and 16

	Question 15		Question 16	
	N	%	N	%
Yes	8,620	86%	9,291	93%
No	1,065	11%	473	5%
Don't Know	306	3%	224	2%
Total	9,991	100%	9,988	100%
<i>Potential maximum respondents at Q15 = 10,707</i>				
<i>Potential maximum respondents at Q16 = 10,707</i>				

Note: percentages may not sum to 100% due to rounding

- 7.14 A clear majority of respondents were in agreement at both questions, with many then restating their opposition to same sex marriage. Further comments made suggested that most respondents viewed these issues in much the same way as they had done with regard to religious civil partnership, with most considering that:
- The right for a religious body to make a collective decision not to solemnise same sex marriages must be respected by all its individual celebrants; and
 - Individual celebrants and religious bodies should also have the right to act according to their own conscience and Scotland must continue its long-standing tradition of tolerance and freedom of worship.
- 7.15 As with responses in relation to religious civil partnerships, many respondents made an explicit assumption that Christian organisations would want nothing to do with same sex marriage and that this would also apply to religious celebrants. Those that would do otherwise were frequently referred to as rogue celebrants who respondents felt would be acting contrary to Biblical principles. Whilst many respondents were clear that religious celebrants should conform to the decision made by their religious body, this was dependent on the religious body having made what they saw as the correct decision – in other words having decided not to undertake same sex marriage. If the religious body had decided to undertake same sex marriage - and hence had made what some respondents were clear would be an incorrect decision – most of these respondents suggested that individual celebrants would be required by conscience to disobey their religious body. Further points made again echoed comments relating to questions on religious civil partnership and included the following:
- Religious celebrants are employed by their religious body, and that in no other sphere would it be considered acceptable for an employee to expressly disobey instructions given to them by their employer;

- Celebrants should have been fully aware of what they were signing up to when they took on their role and should remain faithful to the beliefs and doctrine of the religious body to which they belong;
- The licence to act as a celebrant is not bestowed on celebrants simply as individuals, but because they are representatives of their religious body. This restricts their right to do as they please; and
- If they are not able to act as a true and faithful member of their religious body, they should resign their position and join a group whose doctrines they do feel able to uphold.

7.16 As before, some respondents were very concerned that the Scottish Government was even considering the possibility of legislation that would affect how religious bodies governed themselves, and the prospect of the State involving itself in the internal workings of religious bodies clearly angered many respondents.

7.17 However, a minority did feel it was the role of the State to do just that, and that religious bodies should not be able to instruct those that might wish to solemnise same sex marriages not to do so.

Question 17

Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will?

7.18 The consultation paper proposed two possible options for ensuring that, if they were to be introduced, religious celebrants would not have to register same sex marriages against their will. The options were as follows:

- **Option 1** would be to extend the existing authorisations of celebrants under the Marriage (Scotland) Act 1977 so that the same celebrants would have the ability to solemnise same sex marriage. It would be made clear that religious bodies and celebrants who did not wish to solemnise same sex marriage would not be required to do so; and
- **Option 2** would be to set up a new procedure, separate to that for the solemnisation of opposite sex marriage, under which all religious bodies who wished to solemnise same sex marriage could advise the Registrar General which celebrants they would like to be authorised. It would be made clear that it would not be discriminatory to decide against seeking approval to solemnise same sex marriage.

7.19 Respondents' preferences are set out in Table 18 below and then in Table 19 have been cross-tabulated according to whether they agreed with the introduction of same sex marriage (Question 10). As at Question 8, a number of respondents reported that they had been unable to find the options at all within the consultation paper, whilst others were unable to access the options whilst completing their response form and hence were commenting from memory.

7.20 It was also the case that some of those opposed to the introduction of same sex marriage fundamentally objected to this question being posed at all. Of the questions about possible arrangements surrounding same sex marriage, Question 17 in particular was seen to imply that a decision had already been made and that the consultation process amounted to little more than window dressing. A number of respondents gave this reason for declining to answer or comment further.

Table 18
Response to Question 17

	All Respondents	
	N	%
Option 1	821	9%
Option 2	4,553	50%
Neither	2,853	31%
Don't know	894	10%
Total	9,121	100%
<i>Potential maximum respondents = 10,707</i>		

Note: percentages may not sum to 100% due to rounding

7.21 Overall, Option 2 received most support, although the proportion of respondents that opted for neither alternative was also high.

Table 19
Option preferred by view on the proposed introduction of same sex marriage

	Support same sex marriage		Oppose same sex marriage	
	N	%	N	%
Option 1	603	51%	207	3%
Option 2	108	9%	4,402	57%
Neither	283	24%	2,531	33%
Don't Know	191	16%	639	8%
Total	1,185	100%	7,779	100%
<i>Potential maximum respondents = 10,707</i>				

Note: Percentages may not sum to 100% due to rounding

7.22 Table 19 illustrates how views differed considerably depending on whether respondents supported the introduction of same sex marriage or not. Those who supported the introduction of same sex marriage tended to prefer Option 1, whilst those who did not preferred Option 2. However, as with the corresponding question on religious civil partnership (Question 8) a number of those that had stated a preference for Option 2 made it very clear that they had done so *only* because they saw it as the least worst option and that they fundamentally disagreed with the introduction of same sex marriage. Many of those that had selected „Neither“ as their answer also made a similar point in their further comments.

- 7.23 Respondents who considered Option 2 as preferable generally did so because they felt it would at least place some distance between opposite and same sex marriage and that, by extension, this would offer the greater protections to religious celebrants. It was also suggested that Option 2 would better reflect the widespread opposition of the Scottish faith community to the introduction of same sex marriage.
- 7.24 As with responses relating to religious civil partnerships, concerns were voiced that Option 1 would leave celebrants particularly open to legal challenges under equality legislation, with a number again suggesting that lobbying is already underway to remove any safeguards that the legislation would currently offer. These concerns led some to call for explicit and additional protections to be put in place through amendment of the current equality legislation. However, others were concerned that the necessary powers have not been devolved to the Scottish Government, and hence any assurances made in Scotland would be dependent on the co-operation of the UK Government which, even if promised, could not be guaranteed.
- 7.25 As at Question 8, a small number of respondents wished to remind the Scottish Government of the challenge involved in developing a set of arrangements that would work with the many and varied structures and governance arrangements in place across Scotland's religious bodies. Several of the main religious bodies also pointed out that they are part of wider organisations and work in partnership with those in other parts of the UK and that arrangements which applied only to Scotland could present significant challenges.
- 7.26 Those that preferred Option 1 often commented on its simplicity and also that it came closest to putting the same set of arrangements in place for opposite and same sex marriages. Some of those that preferred Option 1 did acknowledge that they could see why Option 2 might be preferable to some of the main religious bodies since it could go some way to allaying the latter's fears of being coerced into doing something they did not want to do. For that reason, Option 2 was sometimes seen as an acceptable compromise as a way forward.

Question 18

Religious bodies may not wish their premises to be used to solemnise same sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

- 7.27 Respondents were then asked whether there was a need for legislative provision to ensure that the premises of religious bodies could not be used for same sex marriage against their wishes. As at Question 9, the wording of the question was itself the subject of comment, with some suggesting it could have been deliberately designed to confuse.

Table 20
Response to Question 18

	All Respondents	
	N	%
Yes	2,157	22%
No	6,826	71%
Don't Know	694	7%
Total	9,677	100%
<i>Potential maximum respondents = 10,707</i>		

Note: percentages may not sum to 100% due to rounding

7.28 A majority of respondents did not agree that no legislative provision was required – in other words, a majority thought provision was required. As with questions relating to religious civil partnerships, although respondents that opposed the introduction of same sex marriage tended to consider specific legislation to be necessary, and those that supported the introduction of same sex marriage tended to think it unnecessary, the relationship between respondents' answer at Question 18 and other questions (such as Question 10) was less direct than at many questions. When it came to making additional comment, many respondents simply referred back to comments made at the earlier religious civil partnership related question. In summary, therefore, the comments made were that:

- These are complex issues, and will require careful scrutiny from those with the necessary legal skills and understanding;
- Some respondents thought that the current legislative provision is sufficient and that ownership of premises already gives religious bodies control over what is permitted to take place on those premises;
- The majority of respondents that commented considered that specific, water-tight legislation must be put in place to protect those that own and manage religious premises from challenge under equality legislation; and
- Some respondents thought that what they saw as discriminatory practice should not be protected through legislation.

7.29 A further point made was about the receipt of public funding. Occasional references were made to this issue at other questions, but primarily at Question 18. Some of those that supported the proposed introduction of same sex marriage suggested that religious bodies should not have the option to withhold the use of their premises for same sex marriage if they were in receipt of public funding to maintain or in any way support the running of the building in question. Concerns that just such an approach might be taken were raised by some of those that opposed the introduction of same sex marriage, and it was suggested that some of the services that religious bodies provide to the wider community might be forced to close if vital funding was withheld.

Question 19

If Scotland should introduce same sex marriage, do you consider that civil partnership should remain available?

- 7.30 The penultimate question in the consultation paper effectively spanned the two issues of same sex marriage and civil partnership by asking respondents whether civil partnership should remain available if same sex marriage is introduced. This was one of the questions included on the amended form through which the majority of those broadly in favour of the proposals submitted their response, but was not included in the amended form used by the majority of those who broadly opposed the proposals. The balance of views on this issue is set out in Table 21 below.

Table 21
Response to Question 19

	All Respondents	
	N	%
Yes	17,781	67%
No	3,852	14%
Don't Know	5,085	19%
Total	26,718	100%
<i>Potential maximum respondents =29,812</i>		

Note: percentages may not sum to 100% due to rounding

- 7.31 The majority of those that answered this question did believe that civil partnership should remain available, although the reasons why people thought so were many and varied, and there were less clear patterns and relationships between how people answered this question and their responses to key questions on the introduction of religious civil partnership or same sex marriage.
- 7.32 For example, a small number of respondents said they wished to see what they saw as the inferior option of civil partnerships abolished and replaced with their preferred option of marriage. These respondents generally felt that civil partnership would simply be rendered pointless by the introduction of same sex marriage. Others wanted to see civil partnership abolished because they objected to its existence in the first place – in other words, they were not so much commenting on the relationship between the two sets of arrangements as voicing their basic objection to any form of legal, or in any other way formal, recognition of same sex unions.
- 7.33 However, some others who opposed the introduction of same sex marriage favoured retention of civil partnership as a clear and very distinct alternative which would highlight the difference between civil partnership as originally envisaged and any same sex marriage arrangements that might be put in place.

- 7.34 Some respondents supported the retention of civil partnership because they felt some couples might well prefer a clearly civil, secular option, particularly if they do not have a faith and see even civil marriage as something that has developed out of religious conventions. Many simply suggested that maximising choice was a good thing, whilst a small number of respondents voiced concerns about the impact that abolishing civil partnership might have on current civil partners.
- 7.35 Many respondents, both in their comments at this question or elsewhere, or in answering a question added to some of the amended forms, expressed their support for the introduction of civil partnership for opposite sex couples. As with many other issues, this was generally about creating single, equivalent arrangements for both opposite and same sex couples, as well as the view that some opposite sex couples might prefer civil partnership as offering legal protections but without any of the cultural and religious overtones that may come with marriage. This concern was raised by some of those strongly opposed to the introduction of religious civil partnership and same sex marriage with opposite sex civil partnership seen as a development that would further undermine the institution of marriage.

8 FURTHER COMMENTS

- 8.1 The final question (Question 20) gave respondents the opportunity to register any further comments they wished to make about the issues covered in the consultation generally, but also asked specifically for any views on:
- The potential implications of the proposals for transgender people;
 - Possible transitional arrangements;
 - Recognition of Scottish same sex marriages elsewhere;
 - Forced marriage;
 - Sham marriage;
 - Potential financial implications; and
 - Potential equality implications.
- 8.2 This section focuses on issues that were raised at Question 20 but which have not been covered elsewhere in the analysis set out within this report. Many of the comments made at Question 20 were a general summation of issues covered elsewhere within the consultation and hence have not been repeated here.
- 8.3 Some respondents felt that several of the issues on which further comments were being invited were complex and required a reasonable level of knowledge and understanding in order to make an informed contribution. It was also suggested that the issues of forced and sham marriages were too important to be added to a consultation with a clearly distinct focus of its own. Those that did comment tended to acknowledge the seriousness of these issues and often also suggested that those involved in arranging such „marriages“ should be subject to the severest penalties.

Potential implications of the proposals for transgender people

- 8.4 Most of those that commented on the implications of the proposals for transgender people made a simple point that transgender people should have the same basic rights to marry (or stay married to) the person they love as anyone else. Whilst some respondents did suggest that no specific provisions should be made that support or encourage people to make changes to the body that they were born with, many others welcomed the benefits that the introduction of same sex marriage could bring to transgender people.
- 8.5 In particular, a number of respondents commented that it seemed wrong and even cruel that a married transgender person has to divorce in order to have their acquired gender legally recognised through a gender recognition certificate. A small number of respondents commented that the same would apply to someone in a civil partnership – in other words, they too would have to have their civil partnership dissolved in order to obtain a full gender recognition certificate. The financial and emotional implications of divorce or dissolution, both on the couples involved, but also their children and wider families, were raised by some respondents. It was suggested that as a

consequence, some people may choose to remain married and forgo gender recognition and that this can be very damaging for those involved. A small number of respondents went on to make specific technical points in relation to the Gender Recognition Act and how any changes could be implemented in Scotland.

Possible transitional arrangements

- 8.6 The majority of comments made on possible transitional arrangements focussed on making any transition as simple and straightforward as possible. Many respondents that commented questioned whether civil partnerships would need to be dissolved before couples could enter into a marriage, or whether they would simply be recognised as a marriage if both parties were in agreement. Those that expressed their view generally favoured the latter option.
- 8.7 A straightforward change of status was preferred by a number of respondents and was seen as having the advantage of avoiding solicitor or other fees being incurred in dissolving the civil partnership. It was also suggested that no significant registration costs should be incurred by those currently in civil partnerships and who wish to become a married couple.
- 8.8 Technical difficulties that would need to be addressed should a conversion mechanism be put in place were recognised by some respondents, including the effective start date of the marriage and the arrangements for the partnership property of the civil partnership being included in the matrimonial property of the marriage.
- 8.9 Finally, whilst some respondents suggested that any transitional arrangements put in place should be time limited – for example, that those in a civil partnership should have up to a year to re-register their relationship – others suggested that conversion arrangements which would work in either direction (civil partnership to marriage or marriage to civil partnership) should become a permanent part of the law.

Recognition of Scottish same sex marriages elsewhere

- 8.10 As with transitional arrangements, a number of respondents made a brief point on the recognition of Scottish same sex marriages elsewhere, but only a few went on to make more detailed comment. Some of these respondents suggested that Scotland should do all it can to ensure, and indeed should start from the assumption that, Scottish same sex marriages should receive full recognition in other jurisdictions. However, a number of other respondents suggested that same sex marriage would be considered entirely unacceptable to many other countries and nothing Scotland does or says will or should change that.
- 8.11 Some respondents noted that (at the time of responding) a consultation on same sex marriage was due to be issued in England and Wales in March 2012 and that, should same sex marriage be introduced on both sides of the border, there would be no greater issues than those that currently exist

because of the differences in Scottish marriage law and the corresponding legislation covering other parts of the UK. Some respondents felt that there could be challenges to be overcome if Scotland was alone in the UK in allowing same sex marriage, although these same respondents generally thought any issues should be no more difficult to resolve than in other areas where separate legal arrangements apply or in which the balance of devolved and reserved powers has an impact. Those that commented further generally suggested a robust approach, based on well-established international law on the inter-country recognition of marriages, should be adopted in discussions with countries beyond the UK.

Potential financial implications

- 8.12 Whilst a limited number of respondents made substantive comments on transitional arrangements or the implications of the proposals for transgender people, the financial implications of the proposed changes attracted wider comment. As at many of the other questions, respondents' views were almost always very clearly linked to their stance on the proposed introduction of religious civil partnership or same sex marriage, but tended to focus on the latter.
- 8.13 Some respondents commented on the costs associated with making any immediate changes and the administrative costs associated with any new system. A small number of respondents suggested these costs would be considerable, although many expected them to be relatively insignificant and essentially very much in line with the costs currently associated with the administration of civil partnerships and marriages. Some respondents were of the view that these relatively modest costs would in fact be a small and entirely rational cost to pay for creating a more equal society, while others could see no reason why, as likely tax payers, people wanting to enter into a same sex union should not receive the same services from the State as those entering into an opposite sex union.
- 8.14 Others commented on the potential total cost of the proposed changes to the UK, including if opposite sex civil partnerships were to be introduced. An estimated cost of £5 billion to the UK over a 10 year period was cited by very many respondents, whilst the basis on which any Scottish Government or wider UK figures for the cost of any changes had been calculated was questioned by some respondents and further clarity was sought. These questions were often connected to a wider point that the Scottish Government simply has no idea as to how many same sex couples might opt for marriage or a religious civil partnership and hence has no solid information base from which to develop any indicative costs.
- 8.15 Finally, some respondents commented on the suggestion within the consultation paper that Scotland could benefit from increased revenue from tourism if same sex couples travelled to Scotland to celebrate their wedding. Some respondents commented that this was an extraordinary factor to take into consideration when making a decision they believed could have such profound effects on Scottish society.

Potential equality implications

- 8.16 As with the debate more widely, comments made specifically about the equality implications of the proposals tended to see respondents falling into one of two broad camps. Those in favour of the proposals often reiterated the positive contribution these changes would make to create a more equal society in which marriage is simply marriage and no categorisation or qualification based on sexual orientation is necessary. Many saw the proposals as wholly benign and consistent with existing equality and anti-discrimination practice and legislation.
- 8.17 However, those generally opposed to the changes often commented that the proposals at best failed to take account of, and at worst showed a flagrant disregard for, the right for Scotland's religious communities to worship freely and within the tenets of their faith. Far from creating a more equal society, some commented that Scotland could see a return to religious persecution and become a country in which people were forced to choose between either breaking the law or violating their religious convictions. Many were also clear that their duty to God should and would come first.

Other comments

- 8.18 There were two additional points that were raised by a number of respondents and which hence warrant mention here.
- 8.19 First, a large number of respondents raised concerns that the consultation paper specifically, and the proposals more widely, appeared to give no consideration to the best interests of Scotland's children and future generations. In raising this issue, many respondents suggested that the proposals would undermine family life and that, as a result, more children would be raised outside the traditional family unit headed up by a mother and a father. There were also very considerable concerns that schools would be expected to promote an alternative, new definition of marriage, and that this would not only confuse the children themselves but would also put teachers who believed same sex marriage to be wrong in an impossible situation.
- 8.20 Finally, a number of respondents commented that the proposed introduction of same sex marriage would be of such fundamental significance to the future of Scottish society that it would only be appropriate to call a referendum and ask Scotland's people to decide.

9 SUMMARY CONCLUSIONS

- 9.1 When *Registration of Civil Partnership, Same Sex Marriage: A Consultation* closed in early December 2011, an unprecedented 77,508 responses had been received, making it the largest consultation exercise of its type ever held in Scotland.

Who were the respondents?

- 9.2 The largest proportion of these responses was received on forms that had been amended (essentially through selection of some of the 20 questions for inclusion) by organisations with a particular interest in the issues about which the Scottish Government was consulting: 33,634 responses were made through these amended forms. A further 10,441 respondents completed the standard consultation form and 1,593 prepared letters were received. An additional 26,383 postcards were also submitted, along with petitions containing 5,457 signatures.
- 9.3 The majority of the responses – all but 375 – were submitted by individual members of the public. Of the 375 group responses, 224 were submitted by individual or regional religious institutions, mostly individual churches. As might be expected, the majority of responses (81% or 62,608 responses) were submitted by people living in Scotland, although some were received from people living in other parts of the UK and a small number were received from outwith the UK altogether.
- 9.4 Many respondents made their strength of feeling about both religious civil partnership and same sex marriage very clear. Few respondents had mixed or nuanced views on the subject, with the majority coming down firmly on one side of the argument or the other - in other words wanting to see both religious civil partnership *and* same sex marriage introduced, or wanting neither brought in.
- 9.5 Those that supported religious civil partnership and same sex marriage generally did so because they felt their introduction would promote equality and, in the case of same sex marriage, that everyone should be able to marry the person they love. Those that opposed both religious civil partnership and same sex marriage generally did so because they felt them to be in conflict with their religious beliefs. In the case of marriage, many were of the view that it has always been, and can only be, between one man and one woman. Respondents that opposed the introduction of religious civil partnership and same sex marriage were in the majority, with 52% of those that responded to the consultation opposing the former and 67% opposing the latter, although the levels of support and opposition vary considerably depending on the type of response.

Support for religious civil partnership

- 9.6 Many respondents did support the introduction of religious civil partnerships, their support often stemming from the recognition that gay and lesbian people may hold sincere religious convictions and that they should be able to have an important event such as the registering of a civil partnership solemnised

through a ceremony reflecting their faith. For many others, however, the issue was less about personal faith than about a commitment to the basic principle that there should be equality in relationships, and that Scotland should move towards a situation in which there are not „same sex“ or „opposite sex“ legislative arrangements, but simply civil partnership or marriage. However, those that supported religious civil partnership also tended to respect the right for those that did not wish to be involved in these ceremonies to have the choice not to do so. Most were of the view that no pressure should be placed on these celebrants and that no-one should be forced to conduct a ceremony that was contrary to their beliefs.

Opposition to religious civil partnership

9.7 Many of those that opposed religious civil partnerships were of the view that partnership relationships should only be between one man and one woman and sometimes expressed a fundamental objection to same sex relationships. Those opposed frequently identified themselves as belonging to the Christian faith. As with many of those that supported religious civil partnerships, upholding freedom of belief and conscience was seen as critically important by most of those that opposed the proposed changes and many simply felt that the State could not, and should not, force religious bodies to agree to something they considered to be fundamentally wrong. There were particular calls for tolerance and freedom of worship to be respected. Another major concern was that although the current proposals are permissive they might quickly translate into the right to demand. A number of respondents suggested it was just a matter of time before someone made a legal challenge through the courts with the aim of requiring a religious body to register their civil partnership, and that the outcome of that challenge could not be guaranteed.

Support for same sex marriage

9.8 As with religious civil partnership, those that supported the introduction of same sex marriage often started from the fundamental principle that there should be equality regardless of sexual orientation. Some were of the view that Scotland has always been a forward-thinking country and were concerned that same sex marriage is an issue at all in 21st century Scotland, where to treat people differently based on other characteristics, such as race, would never be considered acceptable. Many respondents also commented on what they saw as the very simple human desire to marry the person they love and to make a public and binding commitment to a life partner in front of family and friends. Whilst often acknowledging that a civil partnership ceremony would be an option, many felt it to be a second-best alternative that did not come with the same social significance for individuals and society. As with religious civil partnership, those favouring the introduction of same sex marriage also tended very strongly to the view that no organisation or religious body should be required to be involved with same sex marriage ceremonies if they did not wish to do so.

Opposition to same sex marriage

9.9 Many respondents' fundamental opposition to the introduction of same sex marriage stemmed from their conviction that marriage is, and has always been, between one man and one woman with many understanding marriage to be a lifelong, monogamous, opposite sex relationship designed for procreation and instituted by God. Many of those that were opposed to same sex marriage made an explicit connection between their stance on this issue and their faith. The issue of definition was of critical importance to many respondents and led many to suggest that the very term same sex marriage was, in their view, an oxymoron and that no government had the right, or indeed could, redefine something that is universally understood within Scotland and beyond. Some suggested that to do so would be tantamount to an attack on human rights and there was also a strong sense from some respondents that they felt under attack for trying to live within, and remain true to, their beliefs. These concerns led some to stress that separation of the religious bodies and the State is important and that maintaining this separation means that religious bodies must remain free to choose which ceremonies they conduct.

Overall

9.10 As noted earlier, the majority of the individuals and groups that responded to the consultation were very firmly on one side of the debate or the other – few, if any, respondents had mixed views and the considerable majority either supported both propositions or strongly opposed both. Nevertheless, some respondents did try to see the alternative point of view and sought areas where compromise might be possible.

9.11 It was when considering whether any legislation should *allow* rather than *require* religious bodies to be involved that consensus did emerge and there were very few respondents who considered that religious bodies or celebrants should be required to undertake ceremonies which they were not comfortable with. Although approaching the basic proposals from very different starting points, many respondents were united in their insistence that Scotland must remain a country in which freedom of religious conscience is treated with the utmost respect.

**ANNEX A
CONSULTATION FORM**

Question 1 (Paragraphs 2.12 and 2.13)

Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

- Yes
No
Don't know

Please give reasons for your answer.

Question 2 (Paragraphs 2.14 to 2.19)

Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?

- Yes
No
Don't know

If you have answered no, please explain what elements of the proposals in England and Wales you consider inappropriate for Scotland.

Question 3 (Paragraphs 2.20 to 2.24)

Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

- Yes
No
Don't know

Please give reasons for your answer

Question 4 (Paragraphs 2.20 to 2.24)

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

- Yes
No
Don't know

Please give reasons for your answer

Question 5 (Paragraph 2.25)

Do you agree that religious bodies should not be required to register civil partnerships?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 6 (Paragraphs 2.26 and 2.27)

Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 7 (Paragraphs 2.28 to 2.30)

Do you agree that individual religious celebrants should not be required to register civil partnerships?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 8 (Paragraphs 2.31 to 2.35)

Which of the options do you favour to ensure that religious bodies and celebrants do not have to register civil partnerships against their will?

Do you favour:

- Option 1
- Option 2
- Neither

If you have another option, please describe it.

Question 9 (Paragraphs 2.36 to 2.40)

Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 10 (Paragraphs 3.11 and 3.12)

Do you agree that the law in Scotland should be changed to allow same sex marriage?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 11 (Paragraph 3.13)

Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 12 (Paragraphs 3.14 to 3.18)

Do you agree with the introduction of same-sex **civil** marriage only?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 13 (Paragraph 3.19)

Do you agree with the introduction of same-sex marriage, **both** religious and civil?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 14 (Paragraphs 3.23 and 3.24)

Do you agree that religious bodies should not be required to solemnise same sex marriage?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 15 (Paragraphs 3.25 and 3.26)

Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 16 (Paragraphs 3.27 and 3.28)

Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 17 (Paragraphs 3.29 to 3.33)

Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will?

Do you favour:

- Option 1
- Option 2
- Neither
- Don't know

Please give reasons for your answer. If you have another option, please describe it.

Question 18 (Paragraphs 3.34 to 3.39)

Religious bodies may not wish their premises to be used to solemnise same sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 19 (Paragraph 3.41)

If Scotland should introduce same-sex marriage, do you consider that civil partnerships should remain available?

- Yes
- No
- Don't know

Please give reasons for your answer

Question 20 (Paragraph 4.19)

Do you have any other comments?

- Yes
- No

We are particularly interested in your views on:

- potential implications of the proposals for transgender people (paragraph 3.42)
- possible transitional arrangements (paragraphs 3.43 and 3.44);
- recognition of Scottish same sex marriages elsewhere (paragraphs 3.45 to 3.49);
- any comments on forced marriage (paragraphs 3.51 and 3.52)
- any comments on sham marriage (paragraph 3.53)
- potential financial implications (paragraphs 4.01 to 4.08);
- potential equality implications (paragraphs 4.09 to 4.14).

ANNEX B ORGANISATIONS SENT CONSULTATION PAPER

Action of Churches Together Scotland
Affirmation Scotland
Al-Jannah
AniRinchenKhandro (Kagyü SamyéDzong Edinburgh)
Apostolic Church
Assemblies of God
Association of Pension Lawyers
Association of Registrars of Scotland
Baha'i Council for Scotland
Baptist Union of Scotland
Barnardo's
BiScotland
British Association for Adoption and Fostering
Centre for Research on Families and Relationships
Children 1st
Children in Scotland
Church of Christ
Church of Jesus Christ of Latter-Day Saints (Mormon Church)
Church of Scotland
Church of the Nazarene
Christian Brethren
Christian Institute
Confederation of British Industry Scotland
Congregational Federation
Convention of Scottish Local Authorities (and all local authority Chief Executives)
Edinburgh Inter Faith Association
Elim Pentecostal Church
Episcopal Church in Scotland
Equality and Human Rights Commission Scotland
Equality Network
Evangelical Alliance
Faculty of Advocates
Families need Fathers
Family Law Association
Federation of Small Businesses, Scotland
Fife Buddhist Group
Forum of Private Business
Free Church of Scotland
Free Presbyterian Church of Scotland
Galva108
Gay and Lesbian Humanist Association
Glasgow Jewish Educational Forum
Hindu Temple of Scotland
Humanist Society Scotland
Imaan
Institute of Directors Scotland

Jehovah's Witnesses
Jewish Gay and Lesbian Group
Law Society of Scotland
Lesbian and Gay Christian Movement
LGBT National Youth Council
LGBT Network
LGBT Youth Scotland
Liberal Jewish Community
Margo MacDonald MSP
Members of the European Parliament representing Scotland
Methodist Church in Scotland
Metropolitan Community Church
Muslim Council of Scotland
National Records of Scotland
NUS Scotland
OneKirk
Pagan Federation of Scotland
Pensions Advisory Service
Pensions Regulator
Plymouth Brethren No 4
Quaker Lesbian and Gay Fellowship
Reformed Judaism
Relationships Scotland
Religious Society of Friends (Quakers)
Roman Catholic Church
Salvation Army
Scotland's Commissioner for Children and Young People
Scottish Chambers of Commerce
Scottish Churches Parliamentary Office
Scottish Conservative and Unionist Party
Scottish Council of Jewish Communities
Scottish Council for Voluntary Organisations
Scottish Court Service
Scottish Episcopal Church
Scottish Green Party
Scottish Human Rights Commission
Scottish Inter Faith Council
Scottish Labour Party
Scottish Law Commission
Scottish Legal Aid Board
Scottish Liberal Democrats
Scottish Marriage Care
Scottish National Party
Scottish Rainbow Covenant
Scottish Trade Union Congress
Scottish Transgender Alliance
Scottish Unitarian Association
Scottish Women's Aid
Scottish Youth Parliament
Seventh-Day Adventists

Sheriffs' Association
Scottish Sikh Women's Association)
Sikhs in Scotland
Spiritualists' National Union
Stonewall Scotland
United Free Church of Scotland
United Reformed Church
The Venerable Rewatha (Scotland's Buddhist Vihara)
Visit Scotland

**ANNEX C
GROUPS SCOTTISH GOVERNMENT REPRESENTATIVES MET WITH DURING
THE CONSULTATION PERIOD.**

Augustine United Church (Metropolitan Community Church & United Reformed Church)
Baptist Union of Scotland
Church of Scotland
Equality Network
Evangelical Alliance
Free Church of Scotland
Gender Recognition Group User Panel (UK)
LGBT Youth Scotland
Lanarkshire Muslim Women's Alliance
Methodist Church in Scotland
Muslim Council of Scotland
Pagan Federation of Scotland
Roman Catholic Church
Salvation Army
Scotland Transgender Alliance
Scottish Episcopal Church
Scottish Interfaith Council
Stonewall Scotland
Unitarian Church
United Free Church of Scotland
United Reformed Church

**ANNEX D
EXAMPLES OF TEXT FROM PREPARED LETTERS OR CAMPAIGN STYLE
POSTCARDS**

EQUALITY NETWORK AND SCOTTISH YOUTH PARLIAMENT POSTCARDS

I am sending this card in reply to the Scottish Government's consultation on same-sex marriage.

I agree that the law should be changed to allow same-sex couples to marry.

I agree that no religious body or religious celebrant should be required to conduct same-sex marriages.

I believe that the law should also be changed to allow mixed-sex couples to register a civil partnership.

MUSLIM COUNCIL OF SCOTLAND POSTCARD

Please let the Scottish Government know that:

I oppose any proposal to change the definition of marriage, and keep me updated on this issue.

'OTHER' POSTCARD

The Civil Partnership Act 2004 gives same sex couples equivalent protection with regard to taxation, inheritance law and pension rights. In civil society, it can be taken as reasonable and just that long term relationships are protected in law and this is now the case irrespective of the gender(s) of the couples involved.

Marriage as we currently understand and practice it has been the basis of Western society for more than a millennium and we deplore the unseemly haste with which the government seems to be attempting to fundamentally change this important institution. This change is even more alarming when viewed against the number of Civil Partnerships that have taken place since the act was brought into force, some 3,300 partnerships set against in excess of 175,500 marriages.

Please let the Scottish Government know that I oppose any proposal to redefine marriage and keep me updated on such campaigns.

ROMAN CATHOLIC CHURCH POSTCARD

Please let the Scottish Government know that I oppose any proposal to redefine marriage and keep me updated on such campaigns

SCOTTISH YOUTH PARLIAMENT PREPARED LETTER

I welcome the opportunity to respond to the consultation and share my views on what I consider to be an extremely important issue in Scotland today. Research consistently shows that marriage equality is supported by a clear majority of Scots, with 61% supporting same-sex marriage in the recent Scottish Social Attitudes Survey, and 74% of young people in Scotland backing the principle that laws regarding same-sex and mixed-sex relationships should be equal.

My views are in line with the objectives of the Scottish Youth Parliament's „Love Equally“ campaign for marriage equality – that same-sex couples should be allowed to get married if they want to; that mixed-sex couples should be allowed to register a civil partnership if they want to; and that if religious organisations want to perform same-sex marriages and civil partnerships they should be allowed to do so.

To that end, I agree that the law in Scotland should be changed to allow same-sex marriage, both religious and civil. I agree that legislation should also be changed so that civil partnerships could be registered through religious ceremonies and by religious celebrants should they wish to do so. I agree that religious bodies should not be required to solemnise same-sex marriage or register civil partnerships if they choose not to do so.

I consider that if Scotland introduces same-sex marriage, civil partnerships should remain available and I would urge the Scottish Government to legislate to allow mixed-sex couples to register civil partnerships if they wish to do so. This would provide equality under law for same-sex and mixed-sex relationships; allow a range of options for mixed-sex and same-sex couples to express their commitment to each other and prevent a situation where a transgender person in a civil partnership being forced to dissolve the partnership before receiving legal gender recognition.

ANNEX E

LIST OF GROUP RESPONDENTS

2-in-2-1

a:gender (Civil Service network for trans & intersex people)

Abbeygreen Church of Scotland, Lanark, Kirk Session of

Abbeyhill Baptist Church, Edinburgh

Abbotshall Parish Church, Kirkcaldy

Affinity

Airdrie Flowerhill Church of Scotland, Kirk Session of

All Saints Scottish Episcopal Church, Glasgow

Allington Baptist Church, Maidstone

Amnesty International Scotland

An Taghadh As Fheàrr

Anglican Mainstream

Apostolic Church of God, London

Argyll and the Isles, Roman Catholic Diocese of

Arran Christian Fellowship

ASLEF LGBT Representative Committee

Associated Presbyterian Churches of Scotland

Association of Registrars of Scotland

Aviemore and Kincaig Church of Scotland

Ayr Baptist Church

Ballykeel Pentecostal Church, Ballymena

Balm of Gilead Ministry International

Baptist Union of Scotland

Barn Christian Fellowship (The), Ceredigion

Barn Christian Fellowship (The), Droitwich

Bearsden Baljaffray Parish Church

Bellshill Baptist Church

Benbecula Church of Scotland, Kirk Session of

Bethel Baptist Church of Tain

Bible Families

Bible Theology Ministries

Bishopbriggs Free Church of Scotland

Bishops Conference of Scotland, Catholic Parliamentary Office

Blackridge Church, Bathgate

Bolton Lighthouse (The)

BOM Trust, London (The)

Bon Accord Free Church, Aberdeen

Bothwell Evangelical Church

Bracadale Free Church Continuing, Kirk Session of

Brecon Branch Society for Protection of Unborn Children

British Druid Order

Broughty Ferry Baptist Church, Dundee

Buckhaven Baptist Church

Calderwood Baptist Church, East Kilbride
Campbeltown Free Church of Scotland, Argyll
CARE for Scotland
Carmelite Monastery, Falkirk
Carrubbers Christian Centre, Edinburgh
Castlehill Baptist Church
Catholic Education Commission
Catholic Headteachers Association of Scotland
Catholic Truth
Central Baptist Church, Dundee
Centre for Research on Families and Relationships
Champion Life Church, Glasgow
Changing Attitude Scotland
Charlotte Baptist Chapel, Edinburgh
Christ Apostolic Church, Glasgow
Christchurch, Durham
Christian Brethren Assembly, Portessie
Christian Concern & The Christian Legal Centre
Christian Contact UK
Christian Institute (The)
Christian Life Ministries Asian Church, Coventry
Christian Party (Wales)
Christian Peoples Alliance
Christian Voice
Christian Watch
Christian Welfare Society, Sukkur, Pakistan
Christians in Action UK
Chryston U.F. Church of Scotland, Glasgow
Church at Stirling (The)
Church of Scotland
Church of Christ, Kirkcaldy
Church of God Scotland
Church of the Nazarene
Cleland Baptist Church, Motherwell
Coalition for Racial Equality and Rights
Coatbridge Mosque
Coatbridge United Reformed Church
Coatbridge West Free Church of Scotland
Comberton Baptist Church, Cambridge
Cornerstone Christian Fellowship
Council for the Status of the Family
CourageSCOTLAND
Cowdenbeath Baptist Church
Crofffoot United Free Church, Glasgow
Cross Free Church of Scotland, Kirk Session of
Cross Ness Church of Scotland, Kirk Session of

Crosshouse Gospel Hall
Culduthel Christian Centre, Inverness
Cumbernauld Free Church
Dalry Kirk Session
Dalsersf Parish Church, Larkhall, Kirk Session of
Deal Pentecostal Church
Demonstration of Holy Ghost and Power Ministry, Edinburgh
Denny Baptist Church
Destiny Church, Edinburgh
Destiny Church Trust
Discovery Cruising
Dornoch District Christian Fellowship
Drumchapel United Free Church of Scotland, Kirk Session of
Duirinish Free Church
Dumfries Evangelical Church
Dunbar Study Group
Duncan Street Baptist Church, Edinburgh
Ealing Christian Centre, London
East Dunbartonshire Council - Liberal Democrat Group
East Lothian Council
Easter Ross Reiki
Ebenezer Evangelical Church, Motherwell
Edinburgh Universities Scottish Nationalist Association
Edinburgh University Labour Students
Edinburgh University Students' Association LGBT + Action Group
Ekklesiathinktank
Elim Family Church, Coatbridge
Elim Pentecostal Church - Scottish Region
Elim Pentecostal Church, Huddersfield
Elim Pentecostal Churches, West Lothian
Emmanuel Christian Fellowship, Lerwick
English National Catholic Church
Equality and Human Rights Commission
Equality Network
Erskine Baptist Church
Erskine Independent Evangelical Church, Kilwinning
Evangelical Alliance in Scotland
Eyemouth Baptist Church
Falkirk & District Evangelical Leaders Forum
Families Need Fathers Scotland
Family Education Trust
Family Life International - UK (Human Life International)
Fareham Community Church
Fellowship of Independent Evangelical Churches in Scotland
Fernielea Gospel Hall, Aberdeen
Fife Muslim Educational and Cultural Centre

FIRE School of Ministry, USA
First Plumblin Apologetics
Forward Together
Free Church of Scotland
Free Church of Scotland (Continuing)
Free Presbyterian Church of Scotland
Freeland Church of Scotland, Kirk Session of
Gate Church, Dundee
Gateway Community Church, Perth
Gateway Group (Oban LGBT)
Gay Dads Scotland
Gay Men's Health
Gay Police Association in Scotland
Glasgow City Council
Glasgow Elim Church, Govanhill
Glasgow University LGBT Association
Glasgow University Students' Representative Council
Glenboig Christian Assembly
GMB Scotland
Gourock Baptist Church
Groundlevel Churches UK
Hadassah Prayer Group
Hamilton Baptist Church
Harris Free Church of Scotland (continuing), Kirk Session of
Heart to Heart
Highland Christian Schools Trust
Highland Law Practice
Highland LGBT Forum
Highway of Holiness Church, London
Highways-Byways-Missions
Holyrood Abbey Church of Scotland, Edinburgh
HOME, Falkirk
Hope Christian Fellowship, Glasgow
Hug Action for Mental Health
Humanist Society Scotland
Interlink
Inverkeithing Baptist Church
Islamic Medical Association
Islay Baptist Church, Bowmore
Jewish Gay and Lesbian Group
Johnstone High Parish Church of Scotland, Kirk Session of, Kilbarchan
Kelso Baptist Church
Kilmallie Free Church, Fort William
Kilmaurs: Maxwell & Kilmarnock, United Free Church of Scotland, Kirk Session of
Kilmuir and Stenscholl Free Church of Scotland (Continuing), Kirk Session of
Kilsyth Community Church

Kinfauns Family Church, Perth
Kings Church, Edinburgh
King's Fellowship (The), Inverness
Kingsview Christian Centre, Kirk Session of
Kintyre Embrace (Kintyre LGBT Group)
Kirkliston Community Church, Edinburgh
Kirkmuirhill Church of Scotland, Kirk Session of
Kirkstyle Baptist Church, Carluke
Knights of St Columba Province 1 Glasgow
Knightswood Free Church Continuing, Glasgow
Knock Free Church, Isle of Lewis
Larbert Pentecostal Church
Lesbian and Gay Christian Movement
LGBT Centre for Health and Wellbeing
LGBT Labour Scotland
LGBT National Youth Council
LGBT Network
LGBT Youth Scotland
LGBTory - The Conservative Party LGBT Group
Liberal Youth Scotland
Lighthouse Church (The), Poole
Linktown Church Kirkcaldy, Kirk Session of
Linwood Gospel Hall
Living Faith Fellowship, Southport
Livingston Free Church of Scotland
Livingston Pentecostal Church
Lochbroom & Coigach Free Church of Scotland
Lochgilphead & Lochfyneside Free Church of Scotland, Argyll
Logie & St John's (Cross) Church of Scotland, Dundee, Kirk Session of
Love Scotland Ltd
Madrasa Taleem-UI-Islam
Madrassal Arabia Islamia
Manish-Scarista Church of Scotland, Kirk Session of
Marsh Lane Pentecostal Church, Tipton
Martin's Memorial Church of Scotland, Kirk Session of
Maryburgh FC
Masjid Noor
Methodist Church in Scotland
Methodist Church in Sheltand
Metropolitan Community Church in Glasgow
Midlothian Council
Mothers at Home Ireland
Mothers' Union
Muslim Association of Nigeria
Muslim Council of Scotland
Mustard Seed Fellowship (The), Glenrothes

Nailsea Baptist Church, North Somerset
New Life Christian Fellowship, Prestwick
New Life Church, Wickford
Newbuildings Independent Methodist Church
Newon Wallace Town Church Prayer Group, Ayr
North Ayrshire Council
North Uist & Grimsay & Berneray Free Church of Scotland, Carinish
North Uist & Grimsay Free Church of Scotland (Continuing), Kirk Session of
Northern Presbytery of the Free Church of Scotland (continuing)
Oasis Christian Centre, Livingston
Oasis Christian Fellowship, Bridge of Don
Oban Baptist Church
Old Luce Church of Scotland, Glenluce, Kirk Session of
Olivet Evangelical Church, Falkirk
On Eagles Wings
One Spirit Interfaith Foundation
Order of Friars Minor Capuchin, Franciscan Friary, Erith
Orwell Portmoak Parish Church, Kirk Session of
Paekakariki Christian Fellowship, New Zealand
Pagan Federation, Scotland (The)
Paisley Road West Mosque
Parenting across Scotland
Park Free Church Session, Isle of Lewis
Park United Reformed Church, Airdrie
Pentecostal Church of God (The), Nairn
Pentecostal Holiness Church Continuing, Colwyn Bay
Poolewe and Aultbea Free Church
Poolewe and Aultbea Free Church of Scotland (Continuing)
Portree Free Church (Continuing)
Presbytery of Glasgow and Argyll, Free Church
Presbytery of Lewis, Church of Scotland
Presbytery of Ross, Church of Scotland
Presbytery of the Western Isles, Isle of Lewis, Free Church of Scotland
Presbytery of Wigtown and Stranraer, Church of Scotland
Pride Glasgow
Protestant Truth Society & Evangelical Connexion, London
Public and Commercial Services Union
Putney Evangelical Church, London
Queen Margaret University Students' Union
Quest - A group for lesbian and gay Catholics
RACE Fellowship, Hatfield
Ramsey Independent Methodist, Isle of Man
Ratho Parish Church, Newbridge
RCCG - Balm in Gilead Parish, Leicester
RCCG - BeiKnowle Methodist Church, Bristol
RCCG - Bridge Road Grays, Essex

RCCG - City of Grace, Peterborough
RCCG - City of Zion Church, Cambridge
RCCG - Dominion Assembly, Liverpool
RCCG - FOL, Braintree
RCCG - Fruitfulland Parish, Tilbury
RCCG - Glasgow
RCCG - Grace Chapel, Chesterfield
RCCG - His Kingdom for all Nations, Gravesend, Kent
RCCG - Immanuel Sanctuary, Dartford, Kent
RCCG - JPP, Dagenham
RCCG - Kennington Lane, London
RCCG - Kingdom Builders Family, Luton
RCCG - Leicester
RCCG - Leyton, London
RCCG - Longthorpe Close
RCCG - New Wine Assembly, Dagenham
RCCG - Northampton
RCCG - Olney Road, London
RCCG - POJ Parish, Chelmsford
RCCG - Pycroft Way, London
RCCG - Sheffield
RCCG - Solution Assembly, Newcastle
Reformed Presbyterian Church of Scotland
Religious Society of Friends (Quakers) General Meeting for Scotland
Renfrew Trinity Church of Scotland, Renfrew
Revival Media
River of Life Church (The), Dumfries
Riverside Christian Church, Buckie
Roman Catholic Diocese of Paisley, Paisley
Salvation Army (The) - Scotland Office
Sandyford Henderson Memorial Church of Scotland, Glasgow
Sauchie & Fishcross U.F. Church, Kirk Session of
Scottish Christian Party
Scottish Council of Jewish Communities
Scottish Episcopal Church - General Synod Faith and Order Board
Scottish Green Party - Dunbartonshire Branch
Scottish Human Rights Commission
Scottish Independent Advocacy Alliance
Scottish Legal Action Group
Scottish Reformation Society (Lewis)
Scottish Young Greens
Scottish Youth Parliament
Seventh-day Adventist Church in Scotland
Shawbost Free Church of Scotland
Sheddocksley Baptist Church, Aberdeen
Sheehan Kelsey Oswald, Family Law Specialists

Skye and Harris, Associated Presbyterian Churches
Skye and Lochcarron Presbytery, Free Church of Scotland (continuing), Portree
Smith Business Services Ltd
Smithton-Culloden Free Church of Scotland, Kirk Session of
Society of St Vincent de Paul, Glasgow
Springs Christian Fellowship, Ware
St. Andrew's Church, Dumfries
St Andrew's Episcopal Church, Alford
St Andrew's Parish, St Peter's Parish & St Philip's Parish
St Catherine's Argyle Church of Scotland, Edinburgh
St Columba Church of Scotland New Charge
St Columba's Church of Scotland, Bridge of Don
St Devenick's Scottish Episcopal Church, Aberdeen
St Georges Church, Deal
St James' Church of Scotland, Kirk Session of, Broughty Ferry
St Mary's Episcopal Cathedral LGBT group
St Mary's Episcopal Cathedral, Glasgow
St Mary's Episcopal Church, Bridge of Weir
St Rollox Church of Scotland, Glasgow
Stewarton John Knox Parish, Kirk Session of
Stonewall Scotland
Stornoway Free Church Deacons' Court
Stornoway Free Church Session
Stornoway Reformed Presbyterian Church of Scotland, Isle of Lewis
Stornoway, Associated Presbyterian Churches
Strath and Sleat Church of Scotland, Isle of Skye, Kirk Session of
STUC
Swan Electronics
Thrapston Baptist Church
Torrance Parish Church, Glasgow
Totterdown Baptist Church, Bristol
Tradition Family Property Association
UNISON
UNISON Scotland
Unitarians in Edinburgh
United Free Church of Scotland
United Free Church of Scotland, Glasgow
United Free Church of Scotland, Tayport
United Reformed Church, Synod of Scotland - Church & Society Committee on behalf of the Synod
University and College Union Scotland
University of Abertay Dundee Students' Association LGBT Society
University of St Andrews Students' Association
University of Stirling Students' Union
Urban Creatures Chartered Architects
Vale of Aylesbury Vineyard Church

West Ferry, Douglas and Angus Home Fellowship Group, Central Baptist Church, Dundee
Westhill Free Church of Scotland (Continuing), Inverness
Whitley Bay Baptist Church
Wick and Strathy Associated Presbyterian Church, Kirk Session of
Wishaw Cambusnethan Old and Morningside Parish Church of Scotland
Wishaw Ebenezer
Woodlands Methodist Church Discussion Fellowship, Glasgow
Word of Life Church, Stratford on Avon
World in Need intl.
World Wide Marriage Encounter (Scotland)
Zia-UI-Quran Centre

ANNEX F - MAIN QUESTION RESPONSES, OVERALL AND BY AREA

Note: see paragraph 2.2 of the main report for explanation of „potential maximum respondents“.

Question 1

Do you agree that legislation should be changed so that civil partnerships could be registered through religious ceremonies?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	17,597	39%		15,428	51%	1,657	12%	496	45%
No	23,241	52%		11,542	38%	11,292	83%	396	36%
Don't Know	3,963	9%		3,078	10%	673	5%	208	19%
Total	44,801	100%		30,048	100%	13,622	100%	1,100	100%
<i>Potential maximum respondents = 45,668</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 2

Do you think that the proposals in England and Wales on registration of civil partnerships in religious premises would be appropriate for Scotland?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	887	11%		794	13%	87	5%	5	8%
No	4,743	59%		3,294	53%	1,405	78%	42	71%
Don't Know	2,460	30%		2,146	34%	301	17%	12	20%
Total	8,090	100%		6,234	100%	1,793	100%	59	100%
<i>Potential maximum respondents = 10,707</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 3

Do you agree with allowing religious celebrants to register civil partnerships in religious premises?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	1,339	13%		1,228	15%	100	5%	10	16%
No	8,702	86%		6,943	84%	1,706	93%	49	79%
Don't Know	124	1%		88	1%	33	2%	3	5%
Total	10,165	100%		8,259	100%	1,839	100%	62	100%

Potential maximum respondents =10,707

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 4

Do you agree with allowing religious celebrants to register civil partnerships in other places agreed between the celebrant and the couple?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	1,681	18%		1,431	20%	237	13%	12	20%
No	6,105	67%		4,680	65%	1,386	77%	37	63%
Don't Know	1,312	14%		1,117	15%	184	10%	10	17%
Total	9,098	100%		7,228	100%	1,807	100%	59	100%

Potential maximum respondents =10,707

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 5

Do you agree that religious bodies should not be required to register civil partnerships?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	23,232	94%		11,862	92%	11,020	97%	330	89%
No	885	4%		724	6%	147	1%	13	3%
Don't Know	568	2%		295	2%	242	2%	29	8%
Total	24,685	100%		12,881	100%	11,409	100%	372	100%
<i>Potential maximum respondents = 25,350</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Note: to avoid double counting the figures presented above do not include responses made at Question5/11 on the Equality Network amended form. These responses have been included within the figures at Question 11 (see relevant tables below).

Question 6

Do you consider that religious celebrants should not be allowed to register civil partnerships if their religious body has decided against registering civil partnerships?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	19,842	87%		9,313	86%	10,217	87%	301	81%
No	1,910	8%		1,136	10%	738	6%	35	9%
Don't Know	1,186	5%		406	4%	744	6%	35	9%
Total	22,938	100%		10,855	100%	11,699	100%	371	100%
<i>Potential maximum respondents = 23,774</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 7

Do you consider that individual religious celebrants should not be required to register civil partnerships?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	20,106	89%		8,981	87%	10,802	92%	312	83%
No	1,214	5%		571	6%	611	5%	32	9%
Don't Know	1,208	5%		828	8%	349	3%	30	8%
Total	22,528	100%		10,380	100%	11,762	100%	374	100%

Potential maximum respondents = 23,774

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 8

Which of the options do you favour to ensure that religious bodies and celebrants do not have to register civil partnerships against their will?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Option 1	885	10%		779	11%	100	8%	6	12%
Option 2	4,641	54%		4,437	60%	197	16%	5	10%
Neither	3,124	36%		2,149	29%	935	76%	38	78%
Total	8,650	100%		7,365	100%	1,232	100%	49	100%

Potential maximum respondents = 10,707

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 9

Religious bodies may not wish their premises to be used to register civil partnerships. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	6,560	29%		2,467	23%	3,940	34%	148	41%
No	13,074	58%		7,400	69%	5,524	48%	144	40%
Don't Know	2,844	13%		788	7%	1,984	17%	70	19%
Total	22,478	100%		10,655	100%	11,448	100%	362	100%
<i>Potential maximum respondents = 23,774</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 10

Do you agree that the law in Scotland should be changed to allow same sex marriage?

Question 10 - All Responses

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%		N
Yes	24,904	32%		22,223	36%	1,913	14%	749	67%
No	51,802	67%		39,724	64%	11,699	86%	368	33%
Don't Know	161	<1%		110	<1%	48	<1%	2	<1%
Total	76,867	100%		62,057	100%	13,660	100%	1,119	100%
<i>Potential maximum respondents = 77,508</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 10 - Standard or Amended Forms & Prepared Letters only

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	22,211	49%		19,566	65%	1,886	14%	740	67%
No	22,655	50%		10,585	35%	11,694	86%	365	33%
Don't Know	161	<1%		110	<1%	48	<1%	2	<1%
Total	45,027	100%		30,261	100%	13,628	100%	1,107	100%
<i>Potential maximum respondents = 45,668</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 10 - Postcards

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	2,653	10%		2,617	10%	27	87%	9	82%
No	23,730	90%		23,724	90%	4	13%	2	18%
Don't Know	-	-		-	-	-	-	-	-
Total	26,383	100%		26,341	100%	31	100%	11	100%
<i>Potential maximum respondents = 26,383</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 10 - Petitions

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	40	1%		40	1%	-	-	-	-
No	5,417	99%		5,415	99%	1	100%	1	100%
Don't Know	-	-		-	-	-	-	-	-
Total	5,457	100%		5,455	100%	1	100%	1	100%
<i>Potential maximum respondents = 5,457</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 11

Do you agree that religious bodies and celebrants should not be required to solemnise same sex marriage?

Question 11 Only* - All Responses

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	25,819	95%	14,202	95%	11,232	94%	371	94%
No	1,170	4%	594	4%	557	5%	18	5%
Don't Know	235	1%	128	1%	100	1%	7	2%
Total	27,224	100%	14,924	100%	11,889	100%	396	100%
<i>Potential maximum respondents =28,010</i>								

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

*These figures do not include answers given at Question 5/11 on Equality Network amended forms. These figures are presented separately below.

Question 11 Only* - Standard or Amended Forms & Prepared Letters

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	23,159	94%	11,577	94%	11,204	94%	364	94%
No	1,170	5%	594	5%	557	5%	18	5%
Don't Know	235	1%	128	1%	100	1%	7	2%
Total	24,564	100%	12,299	100%	11,861	100%	389	100%
<i>Potential maximum respondents =25,350</i>								

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

*These figures do not include answers given at Question 5/11 on Equality Network amended forms. These figures are presented separately below.

Question 11 - Postcards

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	<i>N</i>	%		<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Yes	2,620	100%		2,585	100%	28	100%	7	100%
No	-	-		-	-	-	-	-	-
Don't Know	-	-		-	-	-	-	-	-
Total	2,620	100%		2,585	100%	28	100%	7	100%
<i>Potential maximum respondents =2,620</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 11 - Petitions

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	<i>N</i>	%		<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Yes	40	100%		40	100%	-	-	-	-
No	-	-		-	-	-	-	-	-
Don't Know	-	-		-	-	-	-	-	-
Total	40	100%		40	100%	-	-	-	-
<i>Potential maximum respondents =40</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 5/11 (EQUALITY NETWORK & ASSOCIATED GROUPS AMENDED FORM ONLY)

Do you agree that religious bodies and celebrants should not be required to conduct same sex marriages of civil partnerships if it is against their wishes?

Question 5/11 Only - All Responses

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	10,768	59%	9,379	59%	892	54%	491	70%
No	4,729	26%	4,108	26%	494	30%	127	18%
Don't Know	2,720	15%	2,375	15%	256	16%	87	12%
Total	18,217	100%	15,862	100%	1,642	100%	705	100%
<i>Potential maximum respondents = 18,474</i>								

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 12

Do you agree with the introduction of same sex civil marriage only?

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	439	6%	326	5%	112	6%	1	2%
No	6,293	79%	4,643	77%	1,588	89%	58	94%
Don't Know	1,190	15%	1,095	18%	92	5%	3	5%
Total	7,922	100%	6,064	100%	1,792	100%	62	100%
<i>Potential maximum respondents = 10,707</i>								

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 13

Do you agree with the introduction of same sex marriage, both religious and civil?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	20,957	68%		18,464	70%	1,765	49%	710	89%
No	9,263	30%		7,418	28%	1,773	50%	68	9%
Don't Know	440	1%		388	1%	34	1%	17	2%
Total	30,660	100%		26,270	100%	3,572	100%	795	100%
<i>Potential maximum respondents = 31,405</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 14

Do you agree that religious bodies should not be required to solemnise same sex marriage?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	9,424	93%		7,640	93%	1,719	95%	60	97%
No	563	6%		482	6%	81	4%	0	0%
Don't Know	105	1%		88	1%	15	1%	2	3%
Total	10,092	100%		8,210	100%	1,815	100%	62	100%
<i>Potential maximum respondents = 10,707</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 15

Do you consider that religious celebrants should not be allowed to solemnise same sex marriages if their religious body has decided against solemnising same sex marriage?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	8,620	86%		6,937	85%	1,625	91%	54	86%
No	1,065	11%		963	12%	98	6%	3	5%
Don't Know	306	3%		245	3%	55	3%	6	10%
Total	9,991	100%		8,145	100%	1,778	100%	63	100%
<i>Potential maximum respondents = 10,707</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 16

Do you agree that individual religious celebrants should not be required to solemnise same sex marriage?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	9,291	93%		7,602	93%	1,627	93%	57	90%
No	473	5%		405	5%	66	4%	2	3%
Don't Know	224	2%		162	2%	58	3%	4	6%
Total	9,988	100%		8,169	100%	1,751	100%	63	100%
<i>Potential maximum respondents = 10,707</i>									

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 17

Which of the options do you favour to ensure that religious bodies and celebrants do not have to solemnise same sex marriage against their will?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Option 1	821	9%		720	9%	96	7%	5	10%
Option 2	4,553	50%		4,327	56%	220	16%	4	8%
Neither	2,853	31%		2,021	26%	797	58%	33	63%
Don't Know	894	10%		631	8%	252	18%	10	19%
Total	9,121	100%		7,699	100%	1,365	100%	52	100%

Potential maximum respondents = 10,707

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 18

Religious bodies may not wish their premises to be used to solemnise same sex marriage. Do you agree that no legislative provision is required to ensure religious premises cannot be used against the wishes of the relevant religious body?

	All Respondents			Scotland		Rest of the UK		Rest of the World	
	N	%		N	%	N	%	N	%
Yes	2,157	22%		1,584	20%	549	33%	23	41%
No	6,826	71%		5,925	74%	874	53%	24	43%
Don't Know	694	7%		466	6%	218	13%	9	16%
Total	9,677	100%		7,975	100%	1,641	100%	56	100%

Potential maximum respondents = 10,707

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 19

If Scotland should introduce same sex marriage, do you consider that civil partnerships should remain available?

	All Respondents		Scotland		Rest of the UK		Rest of the World	
	N	%	N	%	N	%	N	%
Yes	17,781	67%	15,338	68%	1,936	59%	493	64%
No	3,852	14%	3,026	13%	723	22%	101	13%
Don't Know	5,085	19%	4,299	19%	608	19%	175	23%
Total	26,718	100%	22,663	100%	3,267	100%	769	100%
<i>Potential maximum respondents = 29,812</i>								

Note: percentages may not sum to 100% due to rounding

Note: figures for *Scotland*, *Rest of the UK* and *Rest of the World* may not sum to *All Respondents* because country of residence could not be identified for a small number of respondents.

Question 8 X Question 1

	Support religious civil partnership		Oppose religious civil partnership		Don't know	
	N	%	N	%	N	%
Option 1	605	57%	257	3%	15	22%
Option 2	139	13%	4,461	60%	21	31%
Neither	319	30%	2,755	37%	32	47%
Total	1,063	100%	7,473	100%	68	100%
<i>Potential maximum respondents = 10,707</i>						

Note: percentages may not sum to 100% due to rounding

Question 9 X Question 1

	Support religious civil partnership		Oppose religious civil partnership		Don't know	
	N	%	N	%	N	%
Yes	884	55%	5,515	27%	129	24%
No	446	28%	12,352	61%	207	38%
Don't Know	271	17%	2,356	12%	212	39%
Total	1,601	100%	20,223	100%	548	100%
<i>Potential maximum respondents = 10,707</i>						

Note: percentages may not sum to 100% due to rounding

Question 12 X Question 10

	Support same sex marriage		Oppose same sex marriage		Don't know	
	N	%	N	%	N	%
Yes	117	9%	289	4%	23	46%
No	1,093	87%	5,146	78%	13	26%
Don't Know	50	4%	1,121	17%	14	28%
Total	1,260	100%	6,556	100%	50	100%
<i>Potential maximum respondents = 10,707</i>						

Note: percentages may not sum to 100% due to rounding

Question 13 X Question 10

	Support same sex marriage		Oppose same sex marriage		Don't know	
	<i>N</i>	%	<i>N</i>	%	<i>N</i>	%
Yes	20,719	97%	112	1%	38	36%
No	309	1%	8,849	98%	41	39%
Don't Know	383	2%	29	<1%	27	25%
Total	21,411	100%	8,990	100%	106	100%
<i>Potential maximum respondents = 31,405</i>						

Note: percentages may not sum to 100% due to rounding

Question 17 X Question 10

	Support same sex marriage		Oppose same sex marriage	
	<i>N</i>	%	<i>N</i>	%
Option 1	603	51%	207	3%
Option 2	108	9%	4,402	57%
Neither	283	24%	2,531	33%
Don't Know	191	16%	639	8%
Total	1,185	100%	7,779	100%
<i>Potential maximum respondents = 10,707</i>				

Note: Percentages may not sum to 100% due to rounding

ANNEX G

General correspondence – summary of views

During the consultation period the Scottish Government received 1276 letters and e-mails about the registration of civil partnership and same sex marriage. The correspondence has been considered separately and only a short summary is provided here.

The majority of the correspondence set out people's views on whether the Scottish Government should introduce same sex marriage.

The correspondence received has been broken down into "for", "against" and "mixed". "Mixed" was used to cover responses which are ambivalent or which are about the consultation process rather than expressing a clear view for or against.

The numbers are as follows:

For: 111 (9%)

Against: 1108 (87%)

Mixed: 57 (4%)

Some of the correspondence came from Members of Scottish Parliament or churches (e.g. a Kirk session) and may have covered the views of more than one constituent or person.

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