

# WEST DUNBARTONSHIRE COUNCIL

## Report by the Interim Executive Director of Corporate Services

Corporate and Efficient Governance Committee: 23 November 2011

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**Subject: The Registration of Civil Partnerships/Same Sex Marriage – A consultation**

### **1. Purpose**

- 1.1** To inform the Committee of the Scottish Government's consultation paper on the Registration of Civil Partnerships and Same Sex Marriage and to ask the Committee to consider submitting a response to the Scottish Government on behalf of this Council.

### **2. Background**

- 2.1** The Scottish Government has launched a consultation paper seeking views on the possibility of allowing religious ceremonies for civil partnerships and the possible introduction of same sex marriage.
- 2.2** The Scottish Government is of the initial view that religious ceremonies for civil partnerships should no longer be prohibited and that same sex marriage should be introduced so that same sex couples have the option to get married. The Scottish Government also believes that no religious body or its celebrants should be required to carry out same sex marriages or civil partnership ceremonies.
- 2.3** The consultation paper asks consultees to respond to a number of questions which seek a view or an opinion of a personal nature which could be influenced by a person's religious or moral beliefs. This being the case, the Committee is asked to respond to the general principles involved and not the individual questions.
- 2.4** This report will set out the main issues which are discussed in the paper and reflect on the impact on the registration service.

### **3. Main Issues**

#### Religious Civil Partnerships

- 3.1** The proposal that legislation be changed to allow civil partnerships to be registered through religious ceremonies will have little or no impact on the registration service. In 2010, the West Dunbartonshire Registration Service only conducted three civil partnerships therefore any loss of income would not be significant.

- 3.2** However, it is important that the current distinction between civil and religious ceremonies be maintained i.e. when ceremonies are conducted by registrars it should be completely secular; there should be no readings from authorised religious services or texts, hymns or religious music. In addition, religious celebrants should not be allowed to conduct religious ceremonies in council premises and registrars should not be allowed to conduct ceremonies in religious premises. In effect, the same clear distinctions which currently exist between religious and civil marriage ceremonies should be retained in order to avoid a blurring of the two ceremonies.

### Same Sex Marriage

- 3.3** While same sex marriage is considered by some religious bodies to be controversial, the impact on the registration service would not be significant. Indeed, if the Scottish Government decides that only same sex 'civil' marriage will be permitted then it is possible that the Council could gain further income from providing this additional service. The ceremony and paperwork would be very similar to that of civil partnerships albeit the wording would vary. It could also mean that in the future, depending on the outcome of the consultation, registration offices will hold four types of register for marriage and civil partnership: one for same sex marriage; one for heterosexual marriage; one for same sex civil partnership; and one for heterosexual civil partnership.
- 3.4** For the same reasons as outlined in paragraph 3.2 above, it would again be important to retain a clear distinction between civil and religious same sex marriage ceremonies.
- 3.5** The Scottish Government has also asked that if same sex marriage is introduced would it be necessary to retain civil partnerships. It is possible that some couples regardless of their sexual orientation would still prefer to enter into a civil partnership to gain the same responsibilities and rights as married couples without having to marry. Therefore the removal of civil partnerships would remove this as an option.

## **4. People Implications**

- 4.1** If same sex civil marriages were to be introduced by the Scottish Government there would be very little training required for registration staff who have already been trained to conduct civil partnership ceremonies. Given the small number of same sex marriage ceremonies which are likely to be required each year there would not be a significant impact on the workload of the service.

## **5. Financial Implications**

- 5.1** The introduction of religious civil partnerships could reduce the number of civil partnerships which the West Dunbartonshire Registration Service conducts each year but given the small numbers involved the financial impact would be minimal.

**5.2** The introduction of same sex civil marriages could increase the number of ceremonies which the West Dunbartonshire Registration Service conducts each year but again, given the small numbers involved, the financial impact would be minimal.

## **6. Risk Analysis**

**6.1** This report is seeking a response to a consultation paper therefore there is no risk to the Council.

## **7. Equalities Impact Assessment (EIA)**

**7.1** The Scottish Government has made it clear that it is of the view that no religious body or its celebrants should be required to carry out same sex marriages or civil partnership ceremonies. Therefore, if same sex marriages and/or religious civil partnerships are introduced, there should be no negative impact on any equality groups. Indeed, failure to implement such legislation could be deemed to have an adverse impact on same sex couples who currently do not have the same right to marry as heterosexual couples.

## **8. Strategic Assessment**

**8.1** This consultation exercise has no direct impact on the Council's Strategic priorities.

## **9. Conclusions and Recommendations**

**9.1** The introduction of same sex marriages and/or religious civil partnerships will have very little impact on the Council's Registration Service. However, it will address the current inequalities which exist between the rights of same sex and heterosexual couples in relation to marriage.

**9.2** It is recommended that the Committee agrees:-

- (a) to inform the Scottish Government that this Council supports the introduction of religious civil partnership ceremonies and same sex marriage in Scotland, in principle, providing the current distinctions between civil and religious ceremonies are maintained; and
- (b) to invite individual Members to submit their own responses to the questions asked within the consultation paper.



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**Date: 19 October 2011**

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**Appendices:** None

**Background Papers:** The Registration of Civil Partnerships Same Sex  
Marriage – A Consultation by the Scottish Government

**Wards Affected:** All wards.