

## PROFORMA FOR CIVIL PARTNERSHIPS CONSULTATION RESPONSES

**The consultation closes on 23 June 2011.** Please let us have your response by that date.

When responding, it would be helpful if you could provide the following information.

Please fill in your name and address, or that of your organisation if relevant. You may withhold this information if you wish, but we will be unable to add your details to our database for future consultation exercises.

### Contact details:

Please supply details of who has completed this response.

Response completed by (name):

Position in organisation (if appropriate):

Name of organisation (if appropriate):

Address:

Contact phone number:

Contact e-mail address:

Date:

### Confidentiality

Under the Code of Practice on Open Government, any response will be made available to the public on request, unless respondents indicate that they wish their views to remain confidential. If you wish your response to remain confidential, please tick this box and say why. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

I would like my response to remain confidential (please tick if appropriate):

Please say why

You or your organisation

**Q(i) In what capacity are you responding?**

As an individual (if so, please go to Q1 in the main comments section)

On behalf of an organisation (if so, please go to Q(ii) below)

Other (please specify)

**Q(ii) Is your organisation**

(please tick the boxes that apply to your organisation)

A faith group or a religion or belief organisation

A lesbian, gay and bisexual (LGB) group or body

An equality group or body

A local authority or local authority organisation

An owner or manager of premises approved for civil partnership registrations

A professional, trade union or staff association

A legal organisation

A statutory body

Other – please specify

**Note:**

In addition to the completed proforma, you can also send other supporting information if you so wish.

Completed forms should be e-mailed to the following address:-

**civilpartnerships@geo.gsi.gov.uk**

If you are posting the form please send to:-

Civil Partnerships Consultation Responses  
Government Equalities Office  
Discrimination Law Team  
1st Floor Fry-North West Quarter  
2 Marsham Street  
London SW1P 4DF

Thank you for completing this response form.

**Question 1: Do you have any comments on our proposals for requiring faith groups' consent for an application to a local authority for a religious premises to be used for the registration of civil partnerships?**

Please place a cross in the appropriate box

Yes  No

Comments

**Question 2: Do you have any comments on the three ways in which decisions can be taken about allowing civil partnerships to be registered on religious premises? Do they cover the circumstances of all faith groups?**

Do you have any comments on the three ways in which decisions can be taken about allowing civil partnerships to be registered on religious premises?

Please place a cross in the appropriate box

Yes  No

Comments

No comment

Do they cover the circumstances of all faith groups?

Please place a cross in the appropriate box

Yes  No  Unsure

Please explain why

**Question 3: Would your faith group want to have a specified body or person to take the decision whether or not to consent to civil partnership registrations on its premises? If so, what or who would this body or person be?**

Would your faith group want to have a specified body or person to take the decision whether or not to consent to civil partnership registrations on its premises?

Please place a cross in the appropriate box

Yes  No  Not sure

Please explain why

Humanists are not a 'faith group'.

Who would this body or person be?

Please give details

**Question 4: Do you have any comments on our proposals for ensuring that faith groups' consent is demonstrated in an application to the local authority for a religious premises to be approved as a place where civil partnerships may be registered?**

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Please place a cross in the appropriate box

Yes  No

Comments

No comment

**Question 5: Do you agree that, taken together, the arrangements we propose will prevent religious premises being approved as places where civil partnerships may be registered if the faith group concerned has not consented to it?**

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Please place a cross in the appropriate box

Agree  Disagree  Not sure

Please explain why



**Question 6: Do you have any comments on our proposals for enabling faith groups who had given consent to reverse that decision?**

Please place a cross in the appropriate box

Yes

No

Comments

No comment

**Question 7: Do the arrangements proposed above cover all the premises which meet the definition of religious premises in the Civil Partnership Act 2004? If not, what types of religious premises are excluded?**

Do the arrangements proposed above cover all the premises which meet the definition of religious premises in the Civil Partnership Act 2004?

Please place a cross in the appropriate box

Yes  No  Not sure

**Comments**

For some groups, such as Quakers and Jews, the proposed arrangements do not seem to replicate marriage law. For example, effectively the proposals prevent Quakers CP ceremonies taking place other than in registered premises whereas marriages may take place anywhere.

If not, what types of religious premises are excluded?

Please give details

**Question 8: Do you have any other comments on our proposals for identifying religious premises that may be approved for hosting the registration of civil partnerships?**

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Please place a cross in the appropriate box

Yes  No

Comments

No comment.

**Question 9: Do you agree with our proposals for enabling faith groups to decide who should be able to register civil partnerships of their premises? Do you believe further safeguards might be needed? If so, what might these be?**

Do you agree with our proposals for enabling faith groups to decide who should be able to register civil partnerships of their premises?

Please place a cross in the appropriate box

Agree  Disagree  Not sure

Please explain why

No comment

Do you believe further safeguards might be needed?

Please place a cross in the appropriate box

Yes  No  Not sure

Comments

No comment

If so, what might these be?

Please give details

**Question 10: Do you agree that religious premises should be open to the public while a civil partnership is registered?**

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Please place a cross in the appropriate box

Agree  Disagree  Not sure

**Comments**

They should have the same access requirements as any secular approved premises where a CP is registered.

**Question 11: Do you agree that religious premises should be subject to the same conditions that apply to secular approved premises about the layout of the building and the use of the room in which the civil partnership is registered before the registration takes place?**

Please place a cross in the appropriate box

Agree  Disagree  Not sure

Comments

Yes, they should be subject to the same conditions that apply to secular approved premises.

**Question 12: Might the requirements cause difficulties for particular faith groups who wish to opt in to the measure? How might these be resolved?**

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Might the requirements cause difficulties for particular faith groups who wish to opt in to the measure?

Please place a cross in the appropriate box

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Not sure	<input checked="" type="checkbox"/>
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Comments

How might these be resolved?

Please give details

**Question 13: Do you agree that religious premises should be able to keep their religious symbols, decorations and objects in place while civil partnerships are registered?**

Please place a cross in the appropriate box

Agree  Disagree

Please explain why

The suggestions to keep the religious ceremony completely distinct, separate and following the CP proceedings seem sensible and clear. The CP must remain a secular, civil act with no religious ceremony during it or as part of it whatsoever.



**Question 14: Do you agree with our proposals for arrangements for religious services following civil partnership registrations?**

Please place a cross in the appropriate box

Agree  Disagree

**Comments**

The proposals are reasonable, but we are surprised at the lack of reference to the arrangements for marriages in churches where the registrar attends and registers the marriage legally in a procedure held typically in the vestry rather than the body of the church. This would provide one possible model for civil partnerships.

**Question 15: Do you agree with our proposals for the process for applying for a religious premises to be approved for civil partnership registrations?**

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Please place a cross in the appropriate box

Agree  Disagree  Not sure

Comments

No comment

**Question 16: What fee might need to be charged to enable local authorities to cover their costs?**

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Please give details

No comment

**Question 17: Do you agree that the local authority should be able to revoke the approval of a religious premises that ceased to meet the conditions on which it was granted?**

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Please place a cross in the appropriate box

Agree  Disagree

Comments

**No comment**

**Question 18: Do you have any comments on the proposals for keeping records of the location of religious approved premises?**

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Please place a cross in the appropriate box

Yes

No

Comments

No comment

**Question 19: Do you have any comments on the proposals for training and guidance?**

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Please place a cross in the appropriate box

Yes  No

**Comments**

The training and guidance needs to make it absolutely clear that registrars are not permitted by law to include any religious elements during a CP on religious or secular approved premises.

We would also recommend guidance for faith groups to make the same points clear.

It is not clear from this consultation whether there will be guidance for local authorities, i.e. the employers of civil registrars. This will be important because it is conceivable that a couple might request a CP in a place of worship but that a registrar would not want to conduct it because they are a) civil registrars trained and employed to register CPs in secular premises and/or b) because they have a personal reason for not wanting to enter or work in a place of worship.

This consultation, focused as it is only to cater to the needs of faith groups rather than the registrars or the service users, does not deal with those kind of issues. We recommend that GEO undertakes more work on the wider issues that the implementation of this law will raise.

**Question 20: Are there other administrative issues for which special arrangements may be required for religious premises? What might these arrangements be?**

Are there other administrative issues for which special arrangements may be required for religious premises?

Please place a cross in the appropriate box

Yes  No  Not sure  x

Comments

No comment

What might these arrangements be?

Please give details

**Question 21: Do you have any other points or issues you wish to raise about enabling civil partnerships to be registered on the premises of faith groups who permit this?**

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Please place a cross in the appropriate box

Yes  No

**Comments**

Allowing the 'faith group' to nominate their ministers as registrars would be a threat to the secular nature of the ceremony. It would be very difficult for the minister to avoid religious references, gestures etc during the CP registration if s/he was performing it in the run-up to or even in the middle of a religious service. Far better to have local authority registrars. It would also be very undesirable to use such religious registrars for general CP work elsewhere – and prospectively maybe also as a marriage registrar. Non-religious clients already have no guarantee whatever that registrars for civil marriages and partnerships share their non-religious beliefs and to have clergy acting as registrars would be a serious blow, however scrupulously they behaved.

We are concerned that the issues at stake for all involved have not been sufficiently problematised in this consultation, and therefore it is perhaps the case that not all the relevant questions have been asked. See our response to Question 28 for more detail.



**Question 22: Does this approach sufficiently protect faith groups and ministers of religion, or is additional protection needed?**

Please place a cross in the appropriate box

Yes       No       Not sure

Comments

No comment

**Question 23: Can you provide any evidence of the number of individuals in England and Wales who might wish to register their civil partnership on religious premises each year?**

Please place a cross in the appropriate box

Yes  No

Evidence

No comment

**Question 24: Can you suggest whether or not specific religious premises, congregations or dominations will seek to make use of this provision? If you are responding on behalf of a faith group, is your faith group likely to allow civil partnerships to be registered on its premises?**

Can you suggest whether or not specific religious premises, congregations or denominations will seek to make use of this provision

Please place a cross in the appropriate box

Yes  No

Please give details

No comment

If you are responding on behalf of a faith group, is your faith group likely to allow civil partnerships to be registered on its premises?

Please place a cross in the appropriate box

Yes  No

Please give details of your faith group

**Question 25: Can you provide any additional evidence of the possible costs religious premises will incur when hosting a civil partnership, in addition to those discussed in the impact assessment?**

Please place a cross in the appropriate box

Yes

No

Evidence

No comment

**Question 26: Can you provide any further data or examples of costs and benefits which have not already been included in the Impact Assessment? Do you have any comments on the assumptions, approach or estimates we have used?**

Can you provide any further data or examples of costs and benefits which have not already been included in the Impact Assessment?

Please place a cross in the appropriate box

Yes  No

Please give details

No comment

Do you have any comments on the assumptions, approach or estimates we have used?

Please place a cross in the appropriate box

Yes  No

Comments

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**Question 27: Can you provide any further information or views to help us calculate the economic benefits of this measure?**

Please place a cross in the appropriate box

Yes

No

Please give details

No comment

**Question 28: Does the equality impact assessment properly assess the implications for people with each of the protected characteristics? If not, please explain why.**

Please place a cross in the appropriate box

Yes  No

Please explain why –

In addition to answering this question we would like to make a more general comment about the whole way this consultation is framed.

Rather than focusing on the needs of religious LGB people who are unable to get married because of the opposition of religious institutions and religious leaders to permitting a truly equal marriage law, the language of this consultation is all about the needs of religious organisations. The focus is on whether the measures are acceptable to them as opposed to what would be in the best interests of those seeking CPs on religious premises.

The Equality Impact Assessment seems similarly framed.

In addition, the EIA on the protected characteristic of ‘religion or belief’ is wholly inadequate, seems to take an incorrect reading of the legal term ‘religion or belief’ and, potentially unlawfully, fails to take into account any non-religious beliefs whatsoever.

The Government Equalities Office, which is responsible for equality on grounds of non-religious beliefs, has failed completely to make any mention of non-religious belief in its EIA, let alone any mention in the consultation. This is nothing short of alarming.

The British Humanist Association’s Chief Executive and Head of Public Affairs met with Emma Reed, Head of LGBT Policy at GEO, to discuss not only civil partnerships on religious premises but also marriage, and in particular the effects on the relative rights of non-religious people that changes in the law would have. However, there is no mention of any consultation with us as the national charity working on behalf of non-religious people in the UK and none of our concerns has been addressed at any point in this consultation.

In reference specifically to the EIA, the term ‘religion or belief’ includes non-religious beliefs, such as Humanism. This is enshrined in our domestic legislation, in the Equality Act 2010 (which even makes special reference to the inclusion of Humanism in the explanatory notes), and is supported by national and European case law. Any EIA on religion or belief must by law take account of the equality impact on non-religious people as well as religious people. This EIA does not do this. Moreover, it seems to take a different reading where it specifies the term ‘religion or religious belief’ – again, with no mention of the non-religious element to the protected characteristic at all. Even if the EIA asserted, for example, that there would be no

impact at all on non-religious people, that at least would suggest they had been considered rather than completely excluded.

In fact, through permitting CPs to be held in religious premises a *new* inequality is created for humanist LGB couples who, unlike their religious counterparts, have no way of having an equivalent ceremony. Henceforth, religious same-sex couples wishing to have a CP will be able to have their CP hosted in a place of worship, whereas humanist same-sex couples will not be able to have a legal humanist CP (e.g. partly officiated over by a humanist celebrant). This new inequality exacerbates the inequality that already exists in relation to marriage, where (unlike in Scotland) humanist weddings are not capable of being lawful marriages but religious weddings are.

At present, and unlike marriage in England and Wales, CPs are equal for all and do not discriminate on grounds of religion or belief, being civil and secular. Although the partnership itself will remain secular, religious couples will now enjoy the choice whether to have their CP hosted in a place of worship or in a secular venue. It is true that some will not be able to, because their religion or place of worship does not recognise same-sex partnerships but the law is changing to allow that possibility. For humanist same-sex couples there is no such choice.

We are wholly sympathetic to those religious couples who wish to see their CPs held in a place of worship. However, the change in law to allow this clearly creates a new inequality on grounds of religion or belief and it is alarming that the GEO has not thought to refer to this in the consultation or EIA.

Rather than tinker with the provisions around civil partnerships, our preferred move would be to see the marriage law reformed to encompass heterosexual and same-sex marriage – either civil or according to a religion or belief, the latter including both religious and humanist options.