

The facts about equal marriage

January 2013

Marriage is a hugely important institution in this country. The principles of long-term commitment and responsibility which underpin it bind society together and make it stronger. The Government believes that we should not prevent people getting married unless there are very good reasons – and loving someone of the same-sex is not one of them.

Marriage is not static. It has always been an evolving institution. In the 19th century inequalities prevented Catholics, Atheists, Baptists and many others from marrying except in the Anglican Church. In the 20th century the law was changed to recognise married men and married women as equal before law. Opening up marriage to all couples, will strengthen, the vital institution of marriage, and help ensure that it remains an essential building block of society.

In January 2013, the Government introduced the Marriage (Same Sex Couples) Bill into Parliament to make the legislative changes necessary to enable same-sex couples to marry.

What the legislation will do

The Marriage (Same Sex Couples) Bill will:

- enable same-sex couples to marry in civil ceremonies;
- ensure those religious organisations that wish to do so can opt in to conduct marriage ceremonies for same-sex couples;
- protect those religious organisations that do not wish to marry same-sex couples from successful legal challenge;
- enable civil partners to convert their partnership to a marriage, if they wish; and
- enable individuals to change their legal gender without having to end their marriage.

Religious protections

The Bill reflects the Government's commitment that no religious organisation, or individual minister of religion, will be forced to conduct same-sex marriages. Article 9 of the European Convention on Human Rights guarantees the right to freedom of religion, and the Bill protects and promotes religious freedom through the Government's 'quadruple lock'. This ensures that religious organisations and individual ministers can act in accordance with their beliefs on this issue.

The quadruple lock:

- Makes clear that a religious marriage ceremony of a same-sex couple will only be possible if:
 - I. the governing body of the religious organisation has opted in by giving explicit consent to same-sex marriages;
 - II. the individual minister is willing to conduct the marriage; and
 - III. if it takes place in a place of worship, those premises have been registered for marriages of same-sex couples.
- Explicitly states that no religious organisation can be compelled to opt in to marry same-sex couples or to permit this to happen on their premises; and no

religious organisation or minister can be compelled to conduct same-sex marriage ceremonies.

- Amends the Equality Act 2010 to make clear that it is not unlawful discrimination for a religious organisation or individual minister to refuse to marry a same-sex couple.
- Ensures that the common law legal duty on the clergy of the Church of England and the Church in Wales to marry parishioners will not extend to same-sex couples. It also protects the Church of England's Canon law, which says that marriage is the union of one man with one woman, so that it does not conflict with civil law.

The Bill contains specific measures to deal with the unique legal position of the Church of England and the Church in Wales. Unlike any other religious body in this country, their clergy have a specific legal duty to marry parishioners. The Bill also ensures that Anglican Canon law, which says that marriage is the union of one man with one woman, does not conflict with civil law.

Both the Church of England and the Church in Wales have been very clear that they do not currently wish to conduct same-sex marriages. The Government respects this and the Bill provides the necessary legal protections for them as it does for other religious organisations that do not wish to marry same-sex couples.

As with every other religious organisation, the Church of England and the Church in Wales will be able to decide for themselves whether and when to allow marriages of same-sex couples according to their rites. Should the Church of England so decide, it could bring forward to the Synod an Amending Canon to amend its Canon law and a Measure to amend the Book of Common Prayer and change the Marriage Act. Like all Synodical legislation the Measure would be subject to parliamentary approval. Should the Church in Wales decide to allow same-sex marriages, the Bill sets out a procedure for its governing body to ask the Lord Chancellor to make secondary legislation enabling it to do so.

During the course of both the consultation and the drafting of the legislation, the Government has had numerous and detailed discussions with stakeholders about the provisions within the Bill. These discussions have included a number of religious organisations including the Church of England, the Catholic Church and the Church in Wales.

What the changes mean

There are many misconceptions around what equal marriage may mean:

- **Teaching and schools** - The Government has been clear clear that teachers will continue to have the clear right to express their own beliefs, or that of their faith, such as that marriage should be between a man and a woman, as long as it is done in an appropriate way. No teacher will be required to promote or endorse views which go against their beliefs.
- However, teachers will of course be required to teach the factual position that under the law, marriage can be between opposite-sex couples and same-sex couples. There are many areas within teaching, particularly within faith schools, where this already occurs and where subjects such as divorce are taught with sensitivity. The guidance governing these issues is the same guidance that will govern how same sex marriage in the classroom will be approached. Equally,

parents will continue to have the right, to withdraw their children from sex education lessons that they do not consider appropriate.

- **Freedom of speech** – The Government is committed to freedom of speech and has always been absolutely clear that being able to follow your faith openly is a vital freedom that the Government will protect. Everyone is entitled to express their view about same-sex marriage at work or elsewhere.
- **The terms 'husband' and 'wife'** – The Government is not removing the use of the terms 'husband' and 'wife' or 'mother' and 'father'.

Next steps

The Marriage (Same Sex Couples) Bill is now being considered by Parliament and will be subject to rigorous scrutiny and debate in the House of Commons and House of Lords.