



## Same-sex marriage and civil partnerships

Standard Note: SN/HA/5882  
Last updated: 25 January 2012  
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Section: Home Affairs Section

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The *Civil Partnership Act 2004* creates a union which is very similar, but not fully identical, to marriage. Civil partners have the same rights and responsibilities as married couples in many areas. However, civil partnership is a completely new legal relationship, distinct from marriage. A valid marriage can be entered into only by a male and a female, whereas a civil partnership is available only to same-sex couples.

Some people have argued that same-sex couples should be able to marry and that opposite-sex couples should be able to enter into a civil partnership. In 2006, the Family Division ruled that withholding from same-sex partners the actual title and status of marriage did not constitute a breach of their rights under the European Convention on Human Rights. The European Court of Human Rights has since ruled, in a case brought by two Austrians, that there is no obligation, under Article 12, for states to recognize same-sex marriage.

When enacted, the *Civil Partnership Act 2004* prohibited civil partnership registrations taking place on religious premises. However, section 202 of the *Equality Act 2010* and the *Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011*, which came into effect on 5 December 2011, enable civil partnerships to be registered on religious premises where religious organisations permit this, and the premises have been approved for the purpose. Section 202 also states, for the avoidance of doubt, that religious organisations will not be obliged to host civil partnerships if they do not wish to do so. The Church of England and the Roman Catholic Church have said that they will not host civil partnership registrations. Some other faith groups, including the Quakers in Britain, Liberal Judaism and Unitarianism have supported the revised legislation.

The Government has announced that it intends to consult separately on a move towards equal civil marriage and partnerships. This announcement has received a mixed reaction from interested parties.

A separate Library standard note (SN/HA/5608) [Civil Partnerships](#) deals more generally with civil partnerships.

This note deals with the position in England and Wales.

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## 1 How does civil partnership differ from marriage?

The *Civil Partnership Act 2004* (CPA 2004) creates a union which is very similar, but not fully identical, to marriage. Civil partners have the same rights and responsibilities as married couples in many areas including tax, social security, inheritance and workplace benefits. However, civil partnership is a completely new legal relationship, exclusively for same-sex couples, distinct from marriage.

The most significant difference between the two types of union is that a valid marriage can be entered into only by a male and a female,<sup>1</sup> whereas a civil partnership is available only to same-sex couples.<sup>2</sup> There are also other differences:

- at present, civil partnership can only be a civil, and not religious, procedure, whereas opposite-sex couples can, in relevant circumstances, choose to have either a religious or a civil marriage ceremony (but see section 3 of this note for information about civil partnership registration in religious buildings and section 4 of this note for information about a proposed Government consultation on equal civil marriage and partnerships)
- adultery is not a ground for dissolution of a civil partnership (as it is for divorce), nor is consummation a criterion for validity (as it is in marriage); however, infidelity may be a contributory factor where 'unreasonable behaviour' is cited as a ground for seeking dissolution of a civil partnership
- there are differences in procedure: a civil partnership is formed when the second partner signs the relevant document, whereas a civil marriage is formed when the couple exchange spoken words and then the register is signed.

Successive Governments have steadily removed differences between married, cohabiting and same-sex couples by, for example: allowing single people and same-sex couples to adopt; extending domestic violence legislation to all couples; calculating benefits by household occupation rather than married status; and extending occupation rights to partners and parental responsibilities to all categories of persons.

## 2 The impact of the *Human Rights Act 1998*

### 2.1 Background

Section 3(1) of the *Human Rights Act 1998* (HRA 1998) requires all UK legislation to be interpreted, as far as possible, in a way which is compatible with the rights laid down in the European Convention on Human Rights. Where it is not possible to interpret an Act in compliance with the Convention, then a declaration of incompatibility may be issued by the court under section 4 of the HRA 1998. The declaration does not invalidate the legislation; it is for the legislature to decide whether to amend the Act.

There have been some significant cases in UK courts on the status of same-sex couples since the HRA 1998. For example, in 2004, the House of Lords case of *Ghaidan v Godin Mendoza* considered the right of a same-sex partner to succeed to a protected tenancy under the *Rent Act 1977* after the death of the tenant.<sup>3</sup> The claimant based his claim on Article 8 (the right to a private life and family life) and Article 14 (that there should be no discrimination in the rights granted by the state). The House of Lords held that

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<sup>1</sup> *Matrimonial Causes Act 1973*, section 11(c)

<sup>2</sup> *Civil Partnership Act 2004*, section 3(1)(a)

<sup>3</sup> *Ghaidan v Godin-Mendoza* [2004] UKHL 30

the law should be interpreted so as to avoid discrimination; and there was no reason for treating the same-sex partner of the tenant any differently from the opposite-sex partner when it came to succession.

Two separate but connected arguments have been advanced, that, based on perceived rights under the HRA 1998, same-sex couples should be able to marry and opposite-sex couples should be able to enter in to a civil partnership.

## **2.2 Should marriage be an option for same-sex couples?**

Although civil partnerships confer many of the same rights and responsibilities as marriage, there have been calls for same-sex marriage to be permitted. The law does not allow this at present,<sup>4</sup> and in a 2006 case, the Family Division ruled that this does not constitute a breach of human rights legislation.

The case in question was *Wilkinson v Kitzinger*. A same-sex couple had married in Vancouver where the law permits such marriages. They then came to the UK and wanted their marriage to be recognised as such here. They sought from the court a declaration under section 4 of the HRA 1998 that section 11(c) of the *Matrimonial Causes Act 1973*, which provides that a marriage is void unless the parties are respectively male and female, was incompatible with Articles 8 (right to respect for private and family life), 12 (right to marry) and 14 (prohibition of discrimination) of the European Convention on Human Rights; likewise section 215 of the CPA 2004 which provides that a relationship formed overseas, even if regarded as marriage there, is to be treated as a civil partnership in the UK. The claimants did not accept that civil partnerships were separate but equal to marriage; in their view, civil partnerships were not equal symbolically.

The court did not accept the couple's arguments and held that the withholding from same-sex partners of the actual title and status of marriage did not constitute a breach of their Convention rights:

By withholding from same-sex partners the actual title and status of marriage, the Government declined to alter the deep-rooted and almost universal recognition of marriage as a relationship between a man and a woman, but without in any way interfering with or failing to recognise the right of same-sex couples to respect for their private or family life in the sense, or to the extent, that European jurisprudence regards them as requiring protection. Withholding of recognition of their married status does not criminalise, threaten, or prevent the observance by, such couples of an intimate, private life in the same way as a married heterosexual couple and indeed provides them, as so far European jurisprudence does not dictate, with all the material legal rights, advantages (and disadvantages) of those enjoyed by married couples. Not only does English law recognise and not interfere with the right of such couples to live in a very close, loving, and monogamous relationship; it accords them also the benefits of marriage in all but name.<sup>5</sup>

More recently, in June 2010, in a case brought by two Austrians, the European Court of Human Rights ruled that there was no obligation under Article 12 for states to recognize same-sex marriage.<sup>6</sup>

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<sup>4</sup> Section 4 of this note sets out information about the Government's proposed consultation on equal civil marriage and partnerships

<sup>5</sup> *Wilkinson v Kitzinger* [2006], EWHC 222, [2007] 1FLR 295

<sup>6</sup> Case of *Schalk and Kopf v Austria 2010* (Application No. 30141/04) 24 June 2010. See also, 'The European Court's Hidden but hopeful message on same-sex marriage', *Guardian*, 29 June 2010

### 2.3 Should civil partnerships be an option for heterosexual couples?

When civil partnerships were introduced, the previous Government's stated view was that it was not necessary to extend eligibility to heterosexual couples because they already had the option to marry and the legal consequences of the two institutions are very similar.<sup>7</sup>

The CPA 2004 prohibits opposite-sex couples from entering into a civil partnership. In 2009, this prohibition was challenged by Tom Freeman and Katherine Doyle, who attempted to register as civil partners at their local register office. On being turned away, the couple were reported to have said that they would consider challenging the legislation in the European Court of Human Rights (ECtHR) claiming breaches of Articles 8, 12 and 14.<sup>8</sup>

It has been reported that in February 2011, eight couples, four same-sex and four opposite-sex, filed a joint application in the ECtHR in a bid to overturn the prohibition on same-sex civil marriages and on heterosexual civil partnerships.<sup>9</sup>

## 3 Civil partnerships in religious buildings: the *Equality Act 2010*

When enacted, the CPA 2004 prohibited civil partnership registrations taking place on religious premises. However, [section 202 of the \*Equality Act 2010\*](#) (EA 2010) has now removed the prohibition.

### 3.1 Section 202

Section 202 of the EA 2010 amends section 6 of the CPA 2004, by repealing the legal prohibition on civil partnerships being registered on religious premises in England and Wales. Section 202 also amends section 6A of the CPA 2004, which contains a power to make regulations about the approval of premises for the registration of civil partnerships, by specifying that such regulations may provide for different premises to be approved for registration of civil partnerships from those approved for registration of civil marriages, and for different provision to be made for different kinds of premises. The regulations governing the approval of premises for the registration of civil partnerships had previously aligned provision for civil partnerships with that for civil marriages.<sup>10</sup>

Section 202 does not amend section 2(5) of the CPA 2004 which provides that “no religious service is to be used while the civil partnership registrar is officiating at the signing of a civil partnership document”.

Section 202 originates from amendments to the *Equality Bill* moved in the House of Lords by the Labour peer, Lord Alli. It was passed by both Houses of Parliament on a free vote.

The removal of the ban on civil partnership registrations on religious premises affects England and Wales. In Scotland and Northern Ireland, marriage and civil partnerships are matters for the devolved administrations.

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<sup>7</sup> Women and Equality Unit, *Civil Partnership – A framework for the legal recognition of same-sex couples*, June 2003

<sup>8</sup> See, for example, “[Heterosexual couple begin legal fight after being refused civil partnership](#)”, *guardian.co.uk*, 24 November 2009

<sup>9</sup> See, for example, “[Gay wedding ban in church may be lifted](#)”, *Guardian*, 13 February 2011, see also the [Equal Love campaign](#) website (at 24 January 2012)

<sup>10</sup> *Marriages and Civil Partnerships (Approved Premises) Regulations 2005*

### 3.2 Religious organisations not obliged to host civil partnership registrations

The EA 2010 specifies that regulations may set out, in relation to particular denominations, who has the authority to decide whether civil partnerships can be registered on any of their premises. It also inserts into the CPA 2004 a statement, for the avoidance of doubt, that religious organisations will not be obliged to host civil partnerships if they do not wish to do so.

### 3.3 Implementation of section 202

#### Government consultation

On 31 March 2011, the Government Equalities Office published [Civil partnerships on religious premises: a consultation](#). This consultation paper sought views on proposals to enable faith groups to host civil partnership registrations by implementing section 202 of the EA 2010. The consultation period ended on 23 June 2011.

The consultation paper proposed a two stage process for enabling civil partnerships to be registered on particular religious premises:

- first, the faith group concerned would have to agree to permit civil partnership registrations on their premises; faith groups would be able to specify a person or body of persons entitled to consent to applications being made for individual premises to be approved for the registration of civil partnerships
- second, on proof of consent from the faith group, the local authority in whose area the premises are located would have to approve the premises – the approval process would be similar to that for secular buildings applying to become approved premises for civil marriages and civil partnerships.

The consultation paper included detailed proposals relating to these two stages.

#### Government Response

On 2 November 2011, Lynne Featherstone, the Equalities Minister, announced in a [written ministerial statement](#) that the Government had published an analysis of the consultation responses together with its [response](#) to the consultation, which included draft regulations.<sup>11</sup> She confirmed that section 202 of the *Equality Act 2010* would be implemented.<sup>12</sup>

In its response, the Government noted that a large number of individuals responding opposed the principle of implementing section 202, but the Government confirmed its commitment “to taking this important step for religious freedom and LGB rights”.<sup>13</sup> The Government reiterated that the provisions would be entirely voluntary in nature and that it would be for faith groups to “opt into rather than out of” the new regime.<sup>14</sup>

To the extent that it was not already in force, section 202 was implemented on 5th December 2011.<sup>15</sup>

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<sup>11</sup> [Summary of Responses - Civil Partnerships on religious premises: A consultation](#), Government Equalities Office, 2 November 2011

<sup>12</sup> [HC Deb 2 November c37WS](#)

<sup>13</sup> p4

<sup>14</sup> p7

<sup>15</sup> SI 2011/2646, [The Equality Act 2010 \(Commencement No. 8\) Order 2011](#)

### ***Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011***

Further legislation was necessary to amend the approved premises regulations.

The *Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011* were laid before Parliament on 8 November 2011 and came into force on 5 December 2011.<sup>16</sup> These Regulations amended the *Marriages and Civil Partnerships (Approved Premises) Regulations 2005*<sup>17</sup> so as to enable religious premises to be approved as places where civil partnership registrations (but not civil marriages) may take place.

Registration of civil partnerships will remain secular, even when taking place on religious premises. This means that the registration may not be led by a minister of religion or other religious leader (unless that person is also a civil partnership registrar and is leading the proceedings solely in that capacity), must not include extracts from an authorised religious marriage service or readings from sacred religious texts, hymns or other religious chants, or involve any religious ritual or any form of worship. However, the restriction on any religious content during the civil partnership registration on religious premises applies only during the formal civil partnership registration itself. The Registrar General has issued guidance about religious content:

5.15 The couple should be advised that only a civil, non-religious registration can be permitted by the civil partnership registrar. The contents of any proceedings should be agreed in advance by the civil partnership registrar who will be attending the registration. If the parties wish to have a ceremony before or after the registration of their civil partnership, this should proceed as discussed and agreed with the registration authority prior to registration. Where the registration is taking place on approved religious premises, the parties should discuss and agree how any religious ceremony can precede or follow the registration. The civil partnership registrar will not be acting as a civil partnership registrar during any such ceremony.<sup>18</sup>

The regulations reiterate that faith groups will not have to permit civil partnership registrations on their premises:

Nothing in these Regulations places an obligation on a proprietor or trustee of religious premises to make an application for approval of those premises as a place at which two people may register as civil partners.

### **3.4 House of Lords debate on motion to annul regulations**

On 16 December 2011, the House of Lords debated a motion to annul the *Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011*.<sup>19</sup> The motion was moved by Baroness O’Cathain (Conservative), who stressed that she was not trying to oppose civil partnerships. She said that her purpose was to address “the widely held concerns that the regulations threaten religious freedom”. Baroness O’Cathain acknowledged that the Government intended to create an entirely voluntary system but said that senior lawyers had advised that the interplay between the regulations and equality law could result in legal pressure on churches that do not want to register civil partnerships. According to Professor Mark Hill QC, local authorities could say that the public sector equality duty required them to oblige churches to register for civil partnerships as a

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<sup>16</sup> SI 2011/2661, *The Marriages and Civil Partnerships (Approved Premises) (Amendment) Regulations 2011*

<sup>17</sup> SI 2005/3168

<sup>18</sup> *The Registrar General’s guidance for the approval of premises as venues for civil marriages and civil partnerships*, Fourth edition, Revised December 2011

<sup>19</sup> HL Deb 15 December 2011 cc1408-1447

precondition of being able to register for marriage. Baroness O’Cathain said that the House should not pass regulations that failed to fulfil the intention of the Government.

Lord Alli, whose amendments to the *Equality Bill* had resulted in section 202, disagreed with Baroness O’Cathain and said that the regulations supported religious freedom.

Lord Falconer of Thoroton, the former Labour Lord Chancellor, disagreed with the legal opinions quoted by Baroness O’Cathain and said that the legal advisers of the Roman Catholic Church, the Church of England, the Home Office and the Equality Commission had all said that there was no legal risk.<sup>20</sup> He expressed the firm opinion that section 202 would not give rise to discrimination proceedings:

My unequivocal view, ... is that the provision that the noble Lord, Lord Alli, and I have quoted has the effect of making sure that no discrimination proceedings can be brought under the Equality Act or under the convention in English law as a result of a church saying no to civil partnerships being solemnised on their premises. That is the problem and I am absolutely clear that there is no possibility of discrimination legislation, based on the Equality Act, as a result of the drafting of Section 202.<sup>21</sup>

The Bishop of Oxford did not consider that the regulations would interfere with religious freedom. He said that the advice of the legal office of the General Synod was clear that it would be perfectly lawful for churches, chapels and other places of worship to decline to register their places of worship as premises for civil partnerships. The Bishop of Blackburn was less confident about the legal advice given to the Church of England: “I think that the legal advice given to the Church of England in some areas may be open to question”.<sup>22</sup>

Various opinions were voiced during the debate.

Baroness Royall of Blaisdon, Shadow Leader of the House of Lords, said that the legislation itself was clear. She quoted a statement from the Catholic Bishops’ Conference of England and Wales, which took a similar view to the Church of England:

As the regulations require prior consent, the measure can have no impact on Catholic premises. The church welcomes the fact that the Government has made an explicit statement in the draft regulations that nothing in them creates any obligation to make an application for approval. This will help rebut any attempt to mount spurious cases of unlawful discrimination against churches which do not host civil partnerships.<sup>23</sup>

Baroness Royall said that the Opposition shared the Government’s view that the provision was voluntary and said that this opinion was supported by the Equality and Human Rights Commission.

Lord Henley, Minister of State at the Home Office, said that he was grateful for the debate. He spoke of the importance of ensuring that there were sufficient protections from legal challenge for faith groups who do not wish to host civil partnership registrations on their premises and set out why he thought this had been achieved:

We are confident that faith groups will not be forced to host civil partnership registrations on their premises if they do not wish to do so.

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<sup>20</sup> [HL Deb 15 December 2011 c1417](#)

<sup>21</sup> [HL Deb 15 December 2011 cc1419-20](#)

<sup>22</sup> [HL Deb 15 December 2011 c1428](#)

<sup>23</sup> [HL Deb 15 December 2011 c1442](#)

The fundamental point is that Section 202 of the Equality Act inserts into the Civil Partnership Act 2004 the statement:

"For the avoidance of doubt, nothing in this Act places an obligation on religious organisations to host civil partnerships if they do not wish to do so."

As the noble Baroness, Lady Royall, seemed to imply, one does not need to be much of a lawyer to know that that is about as clear as you can get. We need only to repeat those words:

"For the avoidance of doubt",

again and again to make that quite clear. Therefore we are grateful that the noble Lord, Lord Alli, made it clear as could be when he put in his amendment. .... Similarly, the order makes it clear when it says, in proposed new Regulation 2B:

"Nothing in these Regulations places an obligation on a proprietor or trustee of religious premises to make an application for approval of those premises".

You do not have to be a lawyer to know that that is pretty clear.

It cannot be argued that religious organisations could be at risk of successful legal challenge under other provisions in the Equality Act 2010 when it was that Act which itself put that statement into the Civil Partnership Act. We can, indeed must, assume that Parliament speaks consistently in one Act and, I would hope, in all other Acts. The regulations, similarly, cannot override primary legislation and the primary legislation that enables these regulations makes it clear there is no obligation. To make this abundantly clear, that is reiterated in new Regulation 2B, which is inserted by these regulations and which I read out.

There are further protections for ministers of religion. As the process is to approve premises rather than individuals, it ensures that no ministers will be able to host civil partnerships unless the premises they lead the worship at are approved. Ministers also benefit from the protections in Schedule 23 to the Equality Act, which allows faith groups to restrict the use of their premises on the basis of religious doctrine or the strongly held convictions of the religion's followers.

Finally, other protections exist in the regulations we are debating. When making an application for religious premises to be approved, the trustee or proprietor of the premises will be required to provide the necessary consent from the governing authority of the faith or faith groups using the premises. Where more than one organisation uses the premises for worship, all will need to provide their consent to an application being made. If one organisation does not consent, the approval would be refused or immediately revoked by the local authority. There will also be a period of 21 days for public consultation on each application, where the local authority will consider the objections.

The Government consider that this package of protections is comprehensive and removes the possibility of legal challenge.<sup>24</sup>

Lord Henley also repeated what he had said in a letter to peers, that, although he did not believe that this would happen, if a successful legal challenge were ever brought, the

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<sup>24</sup> [HL Deb 15 December 2011 cc1444-5](#)

Government would immediately review the relevant legislation: “We are absolutely clear that the voluntary nature of this measure must be maintained.”<sup>25</sup>

Baroness O’Cathain said that she would withdraw her motion if Lord Henley confirmed, in a ministerial Statement from the Dispatch Box, that he was convinced that the protection for the avoidance of doubt in the 2004 Act applied to the 2010 Act. Lord Henley gave this assurance:

My Lords, I confirm again to my noble friend that that is exactly what I said. Section 202 inserts an amendment into the 2004 Act but it is equally true that it is in the Equality Act; it is a vehicle for this. It is proper to say that it is Parliament’s intention that that is the position. I do not think I can be any clearer than that.<sup>26</sup>

The motion was withdrawn.

### **3.5 Will faith groups host civil partnership registrations on their premises?**

Civil partnerships may take place on religious premises only when the premises have been approved by the local authority. Where the faith group requires it, the application for approval must be made with the consent of the appropriate governing authority of the faith group concerned. There is no presumption that any faith group will wish to support an application for approval.<sup>27</sup> The Church of England and the Roman Catholic Church have indicated that they will not support such applications. Other faith groups are supportive of the revised legislation:

- The House of Bishops issued a pastoral statement in July 2005. Among other things, it affirmed that “clergy of the Church of England should not provide services of blessing for those who register a civil partnership” and that “where clergy are approached by people asking for prayer in relation to entering a civil partnership they should respond pastorally and sensitively in the light of the circumstances of each case.” The Church of England has now stated that no Church of England religious premises may become “approved premises” for the registration of civil partnerships without there having been a formal decision by the General Synod to that effect.<sup>28</sup>
- The Roman Catholic Church has stated that civil partnership registrations will not take place in Catholic churches.<sup>29</sup>
- The Quakers supported Lord Alli’s amendment to the *Equality Bill*, “on the grounds of both equality and religious liberty.”<sup>30</sup>
- Derek McAuley, Chief Officer of the General Assembly of Unitarian and Free Christian Churches, said that he was confident that many Unitarian churches and chapels will be registering their premises: “however it is as yet unclear how soon the legal processes to be followed with local authorities will be completed”.<sup>31</sup>

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<sup>25</sup> [HL Deb 15 December 2011 cc1445](#)

<sup>26</sup> [HL Deb 15 December 2011 cc1447](#)

<sup>27</sup> Home Office Identity and Passport Service, *Civil Partnerships on religious premises*, 1 December 2011

<sup>28</sup> Church of England, *Civil partnerships in religious premises*, 2 December 2011, at 25 January 2012

<sup>29</sup> Catholic Communications Network, *Statement From Archbishop Smith*, 21 February 2011, at 25 January 2012

<sup>30</sup> Quakers in Britain, *Quaker view on same sex marriages - updated January 2012*, at 25 January 2012

<sup>31</sup> Unitarians, *Civil Partnerships in Religious Premises a step forward*, at 25 January 2012

- The Home Office Identity and Passport Service has published some [further information about civil partnerships on religious premises](#) which includes information about faith groups which have indicated that they will consider applying for approval of premises:

The following organisations indicated in response to the Governments Consultation earlier this year that they would consider applying for approval:

- The North West London Area Quaker meeting and the Brighthouse West Yorkshire Area Quaker Meeting.
- The General Assembly of Unitarian and Free Christian Churches (although each Unitarian congregation is independent and therefore would make the decision itself).
- Liberal Judaism was supportive but has no particular premises.
- Metropolitan Church of Bournemouth.
- Quakers in Britain noted that Quakers as a whole were in favour but it would be for each meeting to decide whether to apply to approve their premises.
- Liberty Church, Blackpool.

The United Reformed Church have indicated that some congregations may opt in, although the numbers are unknown. We understand that the United Reformed Church (URC) will want any application to receive the consent of the General Assembly of the URC before submitting it to a local authority for consideration.<sup>32</sup>

## **4 Proposed consultation on equal civil marriage and partnerships**

### **4.1 Consultation announced**

At the same time as announcing the consultation on the implementation of section 202, the Government indicated that it would be consulting separately on a move towards equal civil marriage and partnerships:

This consultation document deals only with this specific measure and does not set out proposals for any other changes to civil partnerships or any changes to marriage. However, in our work on civil partnerships we have identified a desire from many to move towards equal civil marriage and partnerships, and will be consulting separately on how legislation can develop, working with all those who have an interest in this area.<sup>33</sup>

In April 2011, Lord Tebbit asked how the Government defined "equal civil marriage and partnerships". Lord Wallace of Saltaire replied for the Government that a definition of "equal civil marriage and partnerships" would be "one of the key issues to be considered during the further consultation with all those who have an interest in this area in due course".<sup>34</sup>

On 17 September 2011, in a [speech](#) to the Liberal Democrat Conference, Lynne Featherstone announced that, in March 2012, the Government would begin a formal

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<sup>32</sup> Home Office Identity and Passport Service, [Civil Partnerships on religious premises](#), 1 December 2011

<sup>33</sup> [HC Deb 31 March 2011 cc36-7WS](#)

<sup>34</sup> [HL Deb 26 April 2011 c24WA](#)

consultation on how to implement equal civil marriage for same sex couples, and that this would allow the necessary legislative changes to be made by the end of this Parliament.<sup>35</sup>

Yvette Cooper, the Shadow Equalities Minister, welcomed the Government's announcement: "we have called for and support same-sex marriage and we welcome this shift in Government policy."<sup>36</sup>

On 26 September 2011, a Home Office [press release](#) indicated that the consultation would cover only civil marriage for same-sex couples, not religious marriage or civil partnerships for opposite-sex couples.<sup>37</sup>

In his [speech](#) to the Conservative Party Conference on 5 October 2011, the Prime Minister also commented on the issue of same-sex marriage:

I once stood before a Conservative conference and said it shouldn't matter whether commitment was between a man and a woman, a woman and a woman, or a man and another man. You applauded me for that. Five years on, we're consulting on legalising gay marriage.

And to anyone who has reservations, I say: Yes, it's about equality, but it's also about something else: commitment. Conservatives believe in the ties that bind us; that society is stronger when we make vows to each other and support each other. So I don't support gay marriage despite being a Conservative. I support gay marriage because I'm a Conservative.<sup>38</sup>

## 4.2 Reaction to consultation announcement

The consultation announcement received a mixed reaction. It was welcomed by equality campaigners, although some expressed disappointment at the delay in starting the consultation. Peter Tatchell, the gay rights campaigner, said that ending sexual orientation discrimination in marriage law was the right thing to do.<sup>39</sup> Some faith groups were critical of the planned consultation. A Church of England spokesperson was reported to have commented that "The Church of England's view remains that marriage is a life-long relationship entered into between a man and a woman."<sup>40</sup> The Most Rev Vincent Nichols, head of the Roman Catholic Church in England and Wales, was reported to have warned against the proposal to "annexe the territory of marriage" for same-sex couples and "weaken" an institution at the heart of society.<sup>41</sup> It has also been reported that some Conservative MPs would be unhappy with a redefinition of marriage.

Published statements include:

- Stonewall, [Stonewall Response to Government Equal Marriage Consultation Announcement](#), 17 September 2011
- Christian Institute, [Redefining marriage: huge implications](#), 19 September 2011

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<sup>35</sup> [Speech in full - Lynne Featherstone](#), *ePolitix.com*, 17 September 2011 (at 25 January 2012)

<sup>36</sup> [We will keep pressure on Government to enact measures like same-sex marriage and make a reality out of their rhetoric - Cooper](#), 19 September 2011 (at 25 January 2012)

<sup>37</sup> Home Office press release, [Government to consider options for equal civil marriage for same-sex couples](#), 26 September 2011

<sup>38</sup> [David Cameron: Leadership for a better Britain](#), 5 October 2011, Conservatives website (at 25 January 2012)

<sup>39</sup> [A marriage of equals](#), *Guardian*, 18 September 2011

<sup>40</sup> [Gay and lesbian marriage to be considered in spring legal review](#), *Guardian*, 17 September 2011

<sup>41</sup> [Archbishop 'very disappointed' with gay marriage move](#), *Telegraph*, 18 November 2011

- Christian Concern, [Coalition set to introduce full homosexual marriage](#), 19 September 2011
- Affinity Gospel Churches in Partnership, [Statement on Marriage](#), November 2011

Media coverage includes:

- [“Gay and lesbian marriage to be considered in spring legal review”](#), *Guardian*, 17 September 2011
- Peter Tatchell, [“A marriage of equals”](#), *Guardian*, 18 September 2011
- [“Gay marriage a step too far, says Tory Gerald Howarth”](#), *Telegraph*, 6 October 2011
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