



# Consultation on same-sex religious marriage and conversion entitlements in Northern Ireland

## Response

ON BEHALF OF THE CHURCH OF IRELAND CHURCH AND SOCIETY COMMISSION



CHURCH OF IRELAND

# Church and Society Commission

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## Consultation on same-sex religious marriage:

### Question 1:

Do you agree that consent of the governing authority should be required before officiants can be appointed to solemnise same-sex religious marriage?

Yes

### Question 2:

Do you agree that officiants should be free to choose whether to solemnise same-sex marriages, even where their religious body chooses to consent to such marriages?

Yes

### Question 3:

Do you agree with the proposed general definition of “governing authority”, whose consent is required for religious bodies to solemnise same-sex religious marriages?

*Please note the general definition of “governing authority” in Northern Ireland is: ‘the person or persons recognised by the members of the religious body as competent for the purpose of giving consent’.*

Yes

### Question 4:

Do you agree that the definition of governing authority should also include a person or body (such as a recognised decision making body) that, on request, is specified in regulations by the Registrar General?

Yes

### Question 5:

Do you agree that no religious bodies or persons acting on behalf or under the auspices of such bodies should be compelled to undertake specified activities relating to same-sex marriage?

Yes

### Question 6:

Do you agree that religious bodies (including persons acting on their behalf and under their auspices) and officiants should not be compelled to undertake the core functions specified in paragraph 49?

Yes

### Question 7:

Do you agree that the existing protections plus the exceptions we are proposing to the Equality Act (Sexual Orientation) Regulations (Northern Ireland) 2006 and the Sex Discrimination (Northern Ireland) Order 1976 cover the services a religious body or person acting on its behalf might provide to the public in connection with same-sex marriage?

Yes

### Question 8:

Do you agree that the proposed protections (set out in sections 1.6, 1.7, 1.8 and 1.9) relating to consent, non-compulsion and equality law exceptions are appropriate for ministers/chaplains working in secular organisations?

Yes

### Question 9:

Given what has been covered in Part 1 of this consultation:

If you represent a religious body in Northern Ireland, would you choose to give consent to solemnise same-sex marriages?

Name of religious body: N/A

The Church and Society Commission, while a part of the Church of Ireland, cannot speak on behalf of the entire church. Rather, the goal of CASC is to provide direction to the church’s practical work in social theology. The Church of Ireland has previously indicated its stance on the issue of same-sex marriages.



## Consultation on conversion entitlements.

### Question 1:

Do you agree that same-sex couples in Northern Ireland should be permitted to convert their civil partnership to marriage?

Yes

If it has been decided to legalise same-sex marriage in a territory where such couples were previously only able to form civil partnerships it should be permitted for them to convert such a partnership to a marriage.

### Question 2:

Do you agree that opposite-sex couples in Northern Ireland should not be permitted to convert their civil partnership to marriage?

No

The Scottish proposal of synchronising the rights of same and opposite sex couples seems like a logical and clear solution.

### Question 3:

Do you think that opposite-sex couples should have the right to convert their marriage to a civil partnership?

No

This proposal does not cover any extant “gap” and does not need to be instated.

### Question 4:

Do you agree that same-sex couples in Northern Ireland should not be permitted to convert from marriage to a civil partnership?

Yes

### Question 5:

If we allow a civil partnership to be converted to a marriage, should the marriage be treated as existing from:

The date the civil partnership was formed?

Given the potential for this to solve potential issues, it seems a worthwhile proposal.

### Question 6:

If we allow a marriage to be converted to a civil partnership, should the civil partnership be treated as existing from:

The date the conversion takes place (i.e. the date the couple sign the conversion declaration)

### Question 6A:

If you have answered ‘the date the marriage was formed’, should it be possible for couples who married before December 2005 (i.e. when same-sex civil partnerships were introduced in Northern Ireland) to have their civil partnerships treated as existing since the date of their marriage?

N/A

### Question 7:

Do you agree that only those couples that formalised their relationships before 13 January 2020 should be able to convert?

No

There is no reasonable reason to restrict the ability to convert a civil partnership to a civil marriage to a strict timeframe. It is unlikely that demand will remain high after the “deadline” period anyway, in which case retaining the option causes little problem. If demand remains high then there is clearly a demonstrable reason for the option to be available to couples.



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### Question 8:

Do you agree that all conversion rights should be brought to an end after a fixed period of time?

No

As stated above, there does not seem to be any real reason to close off the conversion system. If both civil partnerships and civil marriages are extant then it makes reasonable sense that a couple could want to reinforce their commitment by converting from partnership to marriage. And, as also stated above, if demand tapers off then nothing has been lost by leaving the option open. If demand remains then it is clearly a worthwhile option.

### Question 9:

If you have answered yes to question 8, how long should couples (same-sex civil partners and opposite-sex married couples) have to convert their relationships from the date the conversion rights come into effect?

N/A

On behalf of the Church of Ireland Church and Society Commission.

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