

TUV Response to “Gay Marriage” consultation

Traditional Unionist Voice is a Unionist political party which has representation in the Northern Ireland Assembly and at local government level in the Province. One of the four founding principles of our party is that we will be “supportive of traditional family values”. Having this as a founding principle it will come as no surprise that we resolutely oppose these proposals.

Marriage is intrinsically the union of a man and a woman. This has been recognised throughout history and across all cultures. Marriage benefits society in many ways – not least because it includes the possibility of procreation.

Traditional Unionist Voice, therefore, regards “gay marriage” as an oxymoron.

Even if one believes that a government has a right to enact legislation changing something which has been in existence from the beginning of time, one cannot argue that the current government has an electoral mandate to do it as neither the Conservative nor the Liberal Democrat manifestos contained a commitment on the issue.

Turning to the actual content of consultation, TUV objects to the wording throughout the document. It would be clear to any objective reader that the consultation is designed to encourage responses in favour of so called “gay marriage”. The very title of the document – “Equal civil marriage consultation” - implies that so-called “gay marriage” is a matter of equality and human rights. TUV does not accept that HMG’s proposals are addressing any inequality.

Additionally, TUV notes with concern that self-styled human rights campaigner Peter Tatchell appears to have been given privileged access to the consultation process. In an article published on 31st March Mr Tatchell stated: ““So far, we are outnumbered by opponents of same-sex marriage. This is disastrous. We’ve only got two weeks to reverse this imbalance”. How was Mr Tatchell able to make such a statement? His comments raise serious questions about the entire consultation exercise.

TUV takes issue with the claim contained within the Consultation’s Summary of Proposals that “no change is proposed” when it comes to opposite-sex couples. There will be many people who are already married or who will marry in the future who will feel that the unique nature of their union has been devalued in the eyes of HMG (but certainly not their own) if “gay marriage” is given the same status as traditional marriage.

TUV believes that redefining marriage to include “gay marriage” will dilute the meaning of marriage for everyone because a marriage will, in the eyes of the State, cease to be what it has been from the dawn of human history – the union of one man and one woman.

TUV is opposed to granting those in existing civil partnerships the right to convert their civil partnerships to marriages. It is noteworthy that when the civil partnership legislation was being debated back in 2004 Jackie Smith stated:

“The whole point, however, is that civil partnership is not civil marriage, for a variety of reasons, such as the traditions and history—religious and otherwise—that accompany marriage. It is not marriage” (House of Commons, 9th November 2004).

Yet now, as many predicted, civil partnership is being used as a stepping stone to full “marriage”.

TUV opposes the proposal that those legally seeking to change their gender could remain married. We also oppose the suggestion that transsexuals should be allowed to convert an existing civil partnership to marriage.

Question 1. Do you agree or disagree that all couples, regardless of their gender, should be able to have a civil marriage ceremony?

Disagree.

Question 2. Please explain the reasons for your answer.

TUV is opposed to same sex marriage. Having said that, TUV has to question why this question has been asked as it would appear that the issue has been predetermined before the consultation exercise is over.

In an interview with The Independent in March 2012 which was widely reported elsewhere the Equalities Minister Lynne Featherstone said that her mind is already made up and gave a "cast-iron guarantee" that civil gay marriage would become law by the next general election in 2015.

"There is no rolling back whatsoever. The essential question is not whether we are going to introduce same-sex civil marriage but how."

Such a dictatorial attitude and disregard for the consultation process is completely unacceptable.

Question 3. If you identify as being lesbian, gay, bisexual or transsexual would you wish to have a civil marriage ceremony?

N/A

Question 4. If you represent a group of individuals who identify as being lesbian, gay, bisexual or transsexual would those you represent wish to have a civil marriage ceremony?

N/A

Question 5. The government does not propose to open up religious marriage to same-sex couples. Do you agree or disagree with this proposal?

TUV agrees that religious marriages should be preserved for traditional male/female marriages. However, we would question how HMG distinguishes between religious and civil marriages. This distinction does not exist in law. Indeed, HMG concedes this point in Paragraph 2.9 of the consultation document (“There is currently no legal definition of religious or civil marriage though the Marriage Act 1949”). Furthermore, TUV notes that the assurances that civil partnerships would not become “gay marriages” was cast aside in a few short years. We are therefore sceptical about HMG’s guarantees relating to religious

marriages. We also note the fear expressed in many quarters that this guarantee could be challenged in the European Courts.

TUV welcomes the content of Paragraph 2.12 (“We are also aware that the doctrines of many faiths hold the view that marriage can only be between a man and a woman, and this belief is contained within the teachings of their faith. We are clear that no one should face successful legal action for hate speech or discrimination if they preach their belief that marriage should only be between a man and a woman”). However, such assurances will be treated with scepticism by people of faith who have seen Bed and Breakfast owners successfully prosecuted for refusing to allow a same sex couple accommodation and numerous other cases where the interests of the “gay rights” lobby have trumped those of people who object to homosexuality on religious grounds.

TUV notes the contents of Paragraph 2.16:

Non-consummation and adultery are currently concepts that are defined in case law and apply only to marriage law, not civil partnership law. However, with the removal of the ban on same-sex couples having a civil marriage, these concepts will apply equally to same-sex and opposite-sex couples and case law may need to develop, over time, a definition as to what constitutes same-sex consummation and same-sex adultery.

TUV would observe that the inability of HMG to provide “a definition as to what constitutes same-sex consummation and same-sex adultery” is an admission of sorts that “gay marriage” is an oxymoron.

While the government is moving forward on allowing same-sex couples to enter into civil marriage, we are also seeking to retain the existing regime of civil partnerships, for same-sex couples only.

The government is also committed to retaining the provision which enables civil partnership registrations to take place on religious premises. No changes would be made to the provision i.e. it will remain voluntary for faith groups and the ban will remain on any religious element forming part of the civil partnership registration. Please see page 11 of the consultation document for further details.

Question 6. Do you agree or disagree with keeping the option of civil partnerships once civil marriage is made available to same-sex couples?

Disagree. TUV is opposed to civil partnerships. We note that HMG has not left any space for those responding pro forma online to explain the reasoning behind their response to this question. This is a major flaw with the consultation process and effectively renders the question meaningless.

Question 7. If you identify as being lesbian, gay or bisexual and were considering making a legal commitment to your partner, would you prefer to have a civil partnership or a civil marriage?

N/A

Question 8. The government is not considering opening up civil partnerships to opposite-sex couples because we have been unable to identify a need for this. However, we appreciate that there are a number of views on this issue.

Do you agree or disagree with this proposal?

TUV agrees. We believe civil partnerships should be abolished across the board, not opened up to opposite-sex couples.

Conversion of civil partnerships to marriage

Civil partnerships allowed many same-sex couples to formally register their relationship, getting equivalent rights, responsibilities and protections to those available to opposite sex couples through marriage. However, we are aware that had the option of a marriage been available, some same-sex couples may have chosen to enter into a marriage, rather than a civil partnership.

We are therefore proposing that couples will be able to convert their civil partnership into a civil marriage should they wish to. Those who do not wish to convert their civil partnership will be able to remain in their civil partnership and suffer no legal detriment. Please see page 12 of the consultation document for information on how we envisage the conversion process would work.

Question 9. If you are in a civil partnership would you wish to take advantage of this policy and convert your civil partnership into a marriage?

TUV takes issue with the way in which this question is worded as it precludes those who are not currently in in civil partnership from commenting on the conversion of civil partnerships to marriages.

We wish to make it clear that we as a party are resolutely opposed to civil partnerships being converted into marriages. It was clearly stated in the Commons when the legislation was being introduced that “**civil partnership is not civil marriage, for a variety of reasons, such as the traditions and history—religious and otherwise—that accompany marriage. It is not marriage**”. This should remain the case.

Question 10. We would not propose introducing a time limit on the ability to convert a civil partnership into a marriage.

Do you agree or disagree?

Once again those responding pro forma online are prevented from making the point which TUV would make in response to this question – we are opposed to civil partnerships being converted into marriages.

When responding online citizens are denied the right to say this.

Question 11. Do you think there should be an option to have a civil ceremony on conversion of a civil partnership into a marriage?

No. TUV is opposed to civil partnerships being converted into marriages.

As part of the consultation on introducing equal civil marriage, we are working to ensure that transsexual people do not have to formally end their marriage in order to legally change their gender. This means:

- *removing the ban on same-sex couples having a civil marriage would enable those in a marriage, where an individual legally changes their gender, to remain married*
- *those in a civil partnership would be able to apply to convert their civil partnership into a marriage if the couple wanted to stay together when one of the couple applies to legally change their gender*

Please see page 14 of the consultation document for further details.

Question 12. If you are a married transsexual person, would you want to take advantage of this policy and remain in your marriage while obtaining a full Gender Recognition Certificate?

N/A

Question 13. If you are the spouse of a transsexual person, would you want to take advantage of this policy and remain in your marriage whilst your spouse obtained a full Gender Recognition Certificate?

N/A

Other issues

Depending on the outcome of this consultation, there are a number of more technical consequential issues which will require further consideration. These issues are listed below alongside a list of rights and responsibilities which will not be affected by these proposals.

Areas that will require further consideration:

- *state pensions*
- *survivor benefits in occupation pension schemes*
- *administrative processes for marriage and civil partnership*
- *international recognition*
- *devolution*
- *other legislation*

Issues that will not be affected:

No changes to, for example:

- *tax and benefits rights*
- *parenting rights*

- *immigration rules for those coming to the UK*
- *ability of religious organisations to preach and teach their beliefs on the definition of marriage*

Question 14. Do you have any comments on the assumptions or issues outlined above?

State pensions

Paragraph 2.33 of HMG's consultation document states:

“State pension rules apply differently to married men and women. When civil partnerships were introduced, it was decided to consider civil partners the same as ‘married men’ for state pension purposes.”

While we remain opposed to civil partnerships, TUV notes that those currently in a civil partnership have the same rights as married men for state pension purposes and therefore those in such unions cannot claim, by any stretch of the imagination, to be discriminated against.

International recognition

TUV is opposed to HMG “working to increase international recognition of same-sex relationships whether that was civil partnerships or civil marriages for same-sex couples” (paragraph 2.36).

Devolution

Being a party based in Northern Ireland we are particularly concerned about the status of any “gay marriage” performed in Great Britain if the couple should then move to Northern Ireland.

We note that while this consultation only relates to England and Wales HMG “will be considering the implications of any changes to the legislation of England and Wales and of Scotland for the recognition of marriage and/or civil partnerships. This also applies to the position in Northern Ireland” (paragraph 2.37).

TUV believes there should have been greater clarity when it came to the implications of these proposed changes in Northern Ireland. Will a “gay marriage” performed in Great Britain be recognised in Northern Ireland? We believe it should not.

Other legislation

TUV notes that HMG “are aware that there are a number of pieces of legislation, and Government literature which make reference to marriage being between a man and a woman. ... These would all be amended in line with the changes that Government would make” (paragraph 2.38).

We would observe that the “number of pieces of legislation, and Government literature” which would need to be amended should the proposed change go ahead is extremely large because HMG is proposing to fundamentally change an institution which is much, much

older than the State. This in and of itself should give the powers that be cause to pause and consider before they proceed down the path outlined in this consultation document.

Financial Costs

TUV notes that HMG's "best estimate" of the cost of the proposed change is £4.1 million with an upper estimate of £4.5 million.

This will arise, we are told in the consultation's accompanying Impact Assessment, because of "amendments to IT systems and administrative processes to register same-sex couples as married. There are costs from changes in the General Register Office (GRO), Department for Work and Pensions (DWP), Office for National Statistics (ONS), Her Majesty's Revenue and Customs (HMRC) and Ministry of Justice (MoJ). There are also familiarisation costs for registrars who conduct civil marriages."

TUV

- (a) Believe that the UK Government can ill-afford to waste such a sum on a proposal for which there is little public appetite and which has generated considerable opposition at any time but particularly during a time of austerity and
- (b) Questions whether the actual cost would not actually be considerably higher than HMG's estimate.