



## HOUSE OF COMMONS

*To: All MPs*

25 January 2013

### **EQUAL MARRIAGE**

Today Parliament has published the Marriage (Same Sex Couples) Bill, which will enable same-sex couples to marry in England and Wales. The legislation will enable same-sex couples to marry in a civil ceremony. It will also ensure those religious organisations that wish to do so can opt in to conduct marriage ceremonies for same-sex couples.

The legislation reiterates the Government's absolute commitment to religious freedom and ensures that no religious organisation or individual minister can be forced to conduct same-sex marriages. Furthermore 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.

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. I do not believe that people should be excluded from marriage simply because they love someone of the same sex. Opening up marriage to all couples, will strengthen, not weaken, the vital institution of marriage, and help ensure that it remains an essential building block of society.

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. Marriage reform has ensured that as society has changed, so marriage has changed and has become available to an increasingly broad range of people. This legislation continues that tradition.

#### **Legal position**

I have always been crystal clear that I would not put forward any legislation that did not allow for the absolute protection of religious organisations. The Bill protects and promotes religious freedom, by enabling religious organisations to act in line with their doctrines and beliefs. It contains a number of explicit legal locks to ensure that no religious organisation or minister can be compelled to conduct a same-sex marriage ceremony, whilst enabling those religious organisations which want to be able to marry same-sex couples to do so.

The Bill's '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.

### **Church of England and Church in Wales**

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. 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. Unlike any other religious body in this country, their clergy have a specific legal duty to marry parishioners and the Bill contains specific measures to deal with their unique legal position. 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.

There has been some suggestion that the Church of England and the Church in Wales would be unable to opt in to same sex marriage should they wish to do so, this is not the case. 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.

These provisions are required to take account of these Churches' particular legal circumstances – they do not provide more, or less, protection than is given to other religious organisations. We have discussed these protections with the Church of England and the Church in Wales extensively and are confident that these protections address the very particular circumstances of the Church of England and the Church in Wales.

### **Teaching in schools**

There has been some debate about how this Bill will affect teachers and teaching about marriage in schools. Let me make it absolutely clear, that teachers will continue to have the clear right to express their own beliefs, or that of their faith's in a professional way, such as that marriage should be between a man and a woman. No teacher will be required to promote or endorse views which go against their beliefs. As with any area of the curriculum, 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 happens and where subjects such as divorce or sex and relationship education 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 lesson that they do not consider appropriate.

I enclose a factsheet about equal marriage, a short explanatory guide to the Bill and some information about common myths about equal marriage, but please do feel free to contact me if you have any further questions. I look forward to a free and rigorous debate as this legislation passes through Parliament.



**Maria Miller**

*Secretary of State for Culture, Media and Sport  
and Minister for Women and Equalities*