

**RESPONSE OF THE COUNCIL FOR PUBLIC AFFAIRS OF THE
PRESBYTERIAN CHURCH IN IRELAND TO THE NORTHERN
IRELAND OFFICE CONSULTATION ON SAME-SEX RELIGIOUS
MARRIAGE IN NORTHERN IRELAND**

FEBRUARY 2020

Question 1: Do you agree that the consent of the governing authority should be required before officiants can be appointed to solemnise same-sex religious marriage? **YES**

The Presbyterian Church in Ireland upholds the historic and Christian position that marriage is exclusively between one man and one woman. PCI welcomes this proposal which requires the consent of the governing authority, in this case the General Assembly, before officiants can be appointed to solemnise same-sex religious marriage. This recognises the role of the General Assembly as the governing body within PCI on these matters, and also the right of PCI to continue to uphold its position on marriage.

Question 2: Do you agree that officiants should be free to choose whether to solemnise same-sex marriage, even where their religious body chooses to consent to such marriages? **YES**

PCI welcomes this approach for those who do not wish to consent to solemnise a same-sex marriage, even if the governing authority or religious body does consent, therefore providing protection for individual officiants within the law. This is in line with Article 9 of the European Convention on Human Rights which provides for the right to manifest religion or belief in worship, teaching, practice and observance.

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? **YES**

PCI agrees with the proposed general definition of ‘governing authority’ which recognises the role of the General Assembly as the supreme governing authority of the denomination. Some additional consideration may be required for smaller or independent groupings of churches. However, PCI recognises that under the proposals (question 5 below) no individual officiant will be compelled to solemnise same-sex marriage, even if their governing authority does consent to such ceremonies

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? **YES**

PCI agrees with this proposal that would recognise the General Assembly in statute as the governing authority of PCI.

Question 5: Do you agree that no religious bodies or persons acting on behalf of such bodies should be compelled to undertake specified activities relating to same-sex marriage? **YES**

PCI agrees that no religious body or person acting on behalf of such bodies should be compelled to undertake specified activities relating to same-sex marriage. This is important to uphold Article 9 of the European Convention on Human Rights.

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**

Paragraph 49 of the consultation document specifies core functions which religious bodies and officiants will not be compelled to undertake. In that regard PCI welcomes the inclusion in paragraph 49 of the phrase “ceremony or event to make the formation of a marriage”. PCI would wish the legislation to guard against the unintended consequence whereby a same-sex couple and a registered officiant may wish to use premises under the authority of a governing body which has not given consent to the solemnisation of same-sex marriages.

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**

PCI welcomes that the exceptions outlined which will cover ceremonies at the time a marriage is solemnised as well as ‘blessings’ and other ceremonies provided after the marriage or civil partnership is formed. However as indicated above PCI would wish the legislation to provide protection against an unintended consequence whereby a same-sex couple and a registered officiant may wish to use premises under the authority of a governing body which has not given consent to the solemnisation of same-sex marriages.

That notwithstanding, PCI does have significant concerns about the increased privatisation of religious conviction and belief, including the Christian faith in the public square. The introduction of this legislation may negatively impact on local businesses such as florists and photographers which are not religious bodies but whose owners or employees do not wish to separate their business practices from their right to manifest their religion in practice and observance. The same could be said of those employed by local authorities and other public bodies.

People of faith are part of the fabric of everyday life in Northern Ireland serving their neighbours and local communities through their businesses, public service, support for the marginalised and many other ways. In an increasingly pluralist society, creative ways should surely be found to facilitate reasonable accommodations that properly value the role of conscience in the public square. For example in the case of a civil registrar, who may not wish to officiate at a same-sex marriage ceremony, a local council could provide alternative arrangements to protect that employee’s freedom of conscience, whilst not frustrating the legal right of individuals to avail of the new legislative provisions.

This is not a licence to discriminate. On the contrary it is a reminder that we must be wary of unintended consequences for one section of our society when seeking to provide protections for another, and of the necessity for continued high quality dialogue and engagement on these issues to facilitate the common good.

In these matters reasonable accommodations must be found and, if necessary, provided for through legislation. To compel people of faith to compromise their strongly held religious convictions, or indeed force people of faith out of valuable roles in our community, runs contrary to what we all desire to be – an open, tolerant and pluralist society where everyone can play their part.

Question 8: Do you agree that the proposed protections (set out in sections 1.6 – 1.9) relating to consent, non-compulsion and equality law exceptions are appropriate for ministers/chaplains working in secular organisations? **YES**

PCI agrees that the proposed protections relating to consent, non-compulsion and equality law exceptions are appropriate for ministers/chaplains working in secular organisations.

Question 9: If you represent a religious body in Northern Ireland, would you choose to give consent to solemnise same-sex marriages? **NO**

The settled and historic Christian position of PCI is that marriage is exclusively between one man and one woman. This was confirmed by the General Assembly (the denomination's supreme governing authority) as recently as 2015 following the Referendum on Marriage in the Republic of Ireland.

Question 10: Organisational information

The Presbyterian Church in Ireland (PCI) has over 217,000 members belonging to 535 congregations across 19 Presbyteries throughout Ireland, north and south. The Council for Public Affairs is authorised by the General Assembly of the Presbyterian Church in Ireland to speak on behalf of PCI on matters of public policy.

Question 11: Publication of response

PCI consents to the publication of its response.

Question 12: Regional information

While the Presbyterian Church in Ireland is an all-island denomination this response has been developed in Northern Ireland.



Rev Daniel Kane (Convener of the Council for Public Affairs)



Rev Trevor D Gribben (Clerk of the General Assembly)