

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT
GENERAL COMMITTEES

Public Bill Committee

MARRIAGE (SAME SEX COUPLES) BILL

Third Sitting

Thursday 14 February 2013

(Morning)

CONTENTS

Written evidence reported to the House.
Examination of witnesses.
Adjourned till this day at Two o'clock.

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Monday 18 February 2013

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IN GENERAL COMMITTEES

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The Committee consisted of the following Members:

Chairs: † MR JIM HOOD, MR GARY STREETER

- | | |
|---|---|
| † Andrew, Stuart (<i>Pudsey</i>) (Con) | † McDonagh, Siobhain (<i>Mitcham and Morden</i>) (Lab) |
| † Bradshaw, Mr Ben (<i>Exeter</i>) (Lab) | † McGovern, Alison (<i>Wirral South</i>) (Lab) |
| † Bryant, Chris (<i>Rhondda</i>) (Lab) | † Reynolds, Jonathan (<i>Stalybridge and Hyde</i>) (Lab/
Co-op) |
| † Burrowes, Mr David (<i>Enfield, Southgate</i>) (Con) | † Robertson, Hugh (<i>Minister of State, Department for
Culture, Media and Sport</i>) |
| † Doughty, Stephen (<i>Cardiff South and Penarth</i>)
(Lab/Co-op) | † Shannon, Jim (<i>Strangford</i>) (DUP) |
| Ellison, Jane (<i>Battersea</i>) (Con) | † Swayne, Mr Desmond (<i>Lord Commissioner of Her
Majesty's Treasury</i>) |
| Gilbert, Stephen (<i>St Austell and Newquay</i>) (LD) | † Williams, Stephen (<i>Bristol West</i>) (LD) |
| † Grant, Mrs Helen (<i>Parliamentary Under-Secretary
of State for Women and Equalities</i>) | |
| † Green, Kate (<i>Stretford and Urmston</i>) (Lab) | Kate Emms, Alison Groves, <i>Committee Clerks</i> |
| † Kirby, Simon (<i>Brighton, Kemptown</i>) (Con) | |
| † Kwarteng, Kwasi (<i>Spelthorne</i>) (Con) | |
| † Loughton, Tim (<i>East Worthing and Shoreham</i>)
(Con) | † attended the Committee |

Witnesses

Michael Bartlet, Parliamentary Liaison Secretary, The Religious Society of Friends (Quakers in Britain)

Derek McAuley, Chief Officer, General Assembly of Unitarian and Free Christian Churches

Rev. Gareth Powell, Assistant Secretary, Methodist Conference

Dr Augur Pearce, Elder and Secretary, Law and Polity Advisory Group, United Reformed Church

Public Bill Committee

Thursday 14 February 2013

(Morning)

[MR JIM HOOD *in the Chair*]

Marriage (Same Sex Couples) Bill

Written evidence to be reported to the House

MB 04 LGBT + Liberal Democrats
 MB 05 United Reformed Church
 MB 06 National Union of Teachers
 MB 07 UK Intersex Association
 MB 08 Joe O'Donnell
 MB 09 Katherine Rock
 MB 10 Brian Herbert Thomas Weller
 MB 11 Stuart Davis
 MB 12 A. P. Jones
 MB 13 Nicholas Britton
 MB 14 Rob Goldspink
 MB 15 O. B. Hepworth
 MB 16 Erich Hou
 MB 17 George Curtis
 MB 18 Dr Sharon Kathleen Dane
 MB 19 Erika Baker
 MB 20 HighLight
 MB 21 Nyall Davies
 MB 22 Lesbian and Gay Lawyers Association

11.30 am

The Committee deliberated in private.

Examination of Witnesses

Michael Bartlet and Derek McAuley gave evidence.

11.32 am

The Chair: We will now hear oral evidence from the Religious Society of Friends and the general assembly of Unitarian and Free Christian Churches. For the record, please introduce yourselves to the Committee.

Michael Bartlet: I am Michael Bartlet, and I am the parliamentary liaison secretary for the Quakers in Britain.

Derek McAuley: I am Derek McAuley, and I am the chief officer of the general assembly of Unitarian and Free Christian Churches.

The Chair: Welcome.

Before I call the first Member to ask a question, I again want to remind all Members that questions should be limited to matters within the scope of the Bill and that we must stick strictly to the timing in the programme

order agreed by the Committee. I hope that I will not have to interrupt mid-sentence, but I will do so if need be.

Q264 Kate Green (Stretford and Urmston) (Lab): If this legislation passes, is it the intention of your organisations to offer same-sex marriages, and if so, why it is important for you to be able to do that?

Michael Bartlet: On behalf of Quakers, yes, we would definitely want to offer same-sex marriages. For us, it is a question of both liberty and equality. We see the legislation as removing barriers to same-sex couples being able to marry in just the same way as heterosexual couples currently can. Since our yearly meeting in 2009, we have been seeking exactly this kind of legislation. We are delighted that the Government are making it possible and, it appears, in such a way that it will not create additional administrative burdens, as civil partnerships in religious premises have.

Derek McAuley: The Unitarian general assembly is supportive of the legislation. Unitarians have been undertaking same-sex blessings for probably 30 years. We were one of the very first Churches to do that. Our general assembly, throughout the past 20 years, has supported the increasing inclusion of LGB—lesbian, gay and bisexual—people within society and within religious bodies. We are very supportive: the very first religious premises that was registered for civil partnerships was a Unitarian chapel, and in fact the very first civil partnership in a religious premises was also in a Unitarian church. We are very supportive of the legislation.

Q265 Kate Green: If you have celebrants who are not willing to conduct the marriages, how would you handle that?

Derek McAuley: In our case, all our congregations are autonomous and independent, as are all our ministers and authorised people, who may be lay persons as well. It will be an individual choice. The fact that the general assembly is supportive does not mean that every Unitarian chapel, minister or lay person will conduct the ceremonies; it is down to individual choice. We promote and support that view for other Churches and take that view for ourselves.

Michael Bartlet: From the point of view of Quakers, the problem would not arise. In Quaker weddings, it is the couple who are getting married who marry each other, and those in the meeting are but witnesses to that. One of the witnesses is the registering officer who is appointed by the local meeting, so the problem would not arise for us.

Q266 Kate Green: And are you confident that the protections in the legislation will work in terms of ensuring that you are able to offer these celebrations without challenge and equally, in the case of the Unitarians, that individuals can refuse to conduct them if they wish?

Derek McAuley: From our perspective, as far as we are concerned, the definition of the authorising body allows us to say that the individual churches and chapels will authorise and make the decision on, first, whether to register the building for same-sex marriage and, secondly, whether to appoint an authorised person, be that person a minister or lay person. So I think that

those safeguards apply for ourselves as for others—the legislation is clear. We welcome the fact that the processes are similar to marriage, but with an additional step, so there will not be the bureaucratic burden that there is with civil partnerships on religious premises. Also, I hope that there will not be the cost, because one of the big impediments against civil partnerships on religious premises has been the fact that local authorities are sometimes charging £1,000, £2,000 or £3,000, which is way above what is reasonable in many circumstances.

Michael Bartlet: From the point of view of Quakers, we are very comfortable with the legislation. We also feel it is important that no denomination is compelled to do something that they would not do. From our point of view, we feel that the legislation strikes a fair balance between different denominations in enabling those who would like to, such as ourselves, to be able to, while not compelling others who do not currently feel that that is what they want to do.

Q267 Tim Loughton (East Worthing and Shoreham) (Con): Can I just explore the Quaker position a bit, Mr Bartlet? I am not as familiar with it as perhaps I should be, particularly as I have a group of Quaker constituents who are persistent in writing to me on a regular basis about all manner of things. You said that you do not marry people; members of the Quaker Church are only witnesses. That was set down by George Fox in 1669. I gather that what he said exactly was that

“Friends cannot consent that they should join them together: for we marry none; it is the Lord’s work, and we are but witnesses.”

Can you explain to me the process that happened, so that in 2009 you became in favour of being witnesses at same-sex marriages?

Michael Bartlet: Yes. First, on the point of being witnesses to a marriage, I think, properly, that is also the theological understanding more broadly in the Christian Church since the Council of Trent—that it is actually the couple themselves who make the commitment in the presence of God.

From the point of view of Quakers, since at least the 1960s we have been concerned by the problems that gay people have suffered in society. For a long time—since a book written in the 1960s, “Towards a Quaker View of Sex”—we have been concerned that gay members of our community should be able to play as full a part as heterosexual members.

We make decisions at our annual body—our yearly meeting—to which all members of the Society of Friends are admitted and can attend. In York in 2009, it was a remarkable experience. We were not expecting at that stage to go as far as asking specifically to be able to marry same-sex partners, but there was an overwhelming consensus. I was there myself, and I think that what really influenced the yearly meeting in session were the stories of gay people and the ways that they would like to be able to celebrate the fullness of their loving, committed and faithful relationships in exactly the same way as our heterosexual members can.

Q268 Tim Loughton: Can I just follow that up? I fully appreciate that; what I am trying to get my head around is what really changed. I am particularly keen to investigate what changed between 2004, when civil partnerships came in, and now, that we need to go on to full-blown

same-sex marriage. Was there unanimity in 2009? Is it possible that at your yearly meeting in the future you may reverse that decision? Are there a number of your celebrants who disagree with that situation and who may refuse to participate in these ceremonies in their Friends meeting houses?

Michael Bartlet: Talking from the point of view of Quakers in England and Wales, in the Britain yearly meeting there was an overwhelming consensus. Those who felt uncomfortable about it may have had personal reservations, but recognised that it was the overwhelming will and sense of discernment of God within the society that that is what we were asking for. I think the idea that we would want to go back on that is as unlikely as us feeling that women would not play as full a part in the society as men. It is really a sense of our settled religious experience that we would like to be able to marry our same-sex partners in our worshipful meetings.

Q269 Tim Loughton: So you think it will happen in all premises of the Quakers around the country if this becomes law.

Michael Bartlet: We are a society with quite an ageing profile, and even heterosexual marriages do not take place in every meeting, but I do not feel that there would be meetings that would in any sense be opposed. As I was explaining earlier, we do not have a celebrant; we have a registering officer appointed by the area meeting who is the witness and reports the marriage legally to the state.

Stephen Williams (Bristol West) (LD): I have three Quaker meeting houses in Bristol West and a Unitarian church, so I very much look forward to same-sex weddings taking place in all four of those locations later this year. Do either of you favour the extension of the right to marry loving couples to other organisations such as humanists?

Michael Bartlet: As regards Quakers, it is not something that we have considered in our decision-making process. My personal view is that I would feel comfortable with it, but it is not something on which we have a settled view within the Quakers—within the Society of Friends.

Derek McAuley: Similarly, the Unitarian general assembly has not discussed that, although if one goes back in history, to the extension and creation of civil marriage, Unitarians were very supportive of civil marriage because it enabled atheists to get married rather than, then, having to go to only the Church of England—apart from the Jews and the Quakers. The logic of that would point to supporting that, as in Scotland, where humanists and other groups can carry out marriages.

Q270 Stephen Williams: From the information we have, it seems as though—it says here—there are about 23,000 Quakers across Great Britain. I just wondered how many Unitarians there were and whether you have assessed how many weddings are likely to take place in the foreseeable future in your meeting houses and churches.

Derek McAuley: There are about 5,000-plus members, plus attenders and friends, so our community is very small. We have always been small in numbers. Even back in 1851, in the great census, there were 26 million Anglicans and 46,000 Unitarians. The freedoms that we were aspiring to then were that we wished to have a

Unitarian marriage Act so that Unitarians could get married in the same way that Quakers could. Until 1837, Unitarians had to be married in the Church of England, even though that was in many ways offensive to our religious views.

We are open in terms of who we will marry. You do not have to be a member of the Unitarian denomination to be married in a Unitarian church. We were very receptive in the 1960s to divorced couples—we still are—who could not get married anywhere else. We were also very receptive to mixed-faith couples who found themselves in a situation in which neither of the religious groups to which they belonged would marry them. People have come to Unitarian chapels and churches seeking a marriage with a religious element because they believed that having just a civil marriage was not sufficient. The way in which we perform marriages clearly complies with the legal requirements, but the minister or authorised person will discuss with the individuals the nature of that marriage and the flavour that we can integrate within it. We are very flexible, and we anticipate that with same-sex marriages, as with the very few civil partnerships that have taken place on religious premises, we will adopt a similar approach.

Q271 Mr Ben Bradshaw (Exeter) (Lab): I think you may have answered my question, Mr McAuley, but I wanted to ask whether it is currently the case for both of you, and will be the case with same-sex marriages, that you do not have to be a Quaker or Unitarian to have the ceremony on your premises.

Derek McAuley: That is correct. We take people at face value, and if they come to us in good faith seeking a religious ceremony, we will normally go with that.

Michael Bartlet: Quaker marriage procedure is not an alternative form of marriage for the general public. Although many people who marry at Quaker meetings may not formally be members, it is something for people who are in sympathy with Quaker views and see themselves as adherents. Part of the process of preparing for marriage takes place in the context of our area meetings. It is not for the general public, but for those who share Quaker values.

Q272 Mr Bradshaw: Some of the other religious organisations we have heard from that are opposed to the Bill base their opposition on their approach to Scripture and doctrine. How has your approach to Scripture and doctrine led you to a different conclusion?

Michael Bartlet: From the point of view of Quakers, we see the Gospels and the Bible as very important, but not in any sense as literal truth. They must be read with a spirit of love and in the context of time. Over the past three centuries, just as there has been a move among the general public to accept much greater equality of women, there has been a move to understand that wrongs in the 17th century, such as slavery, are no longer seen as they were then. We see a similar process happening with our understanding of gay people and human sexuality. We do not in any sense see that as being against the spirit of the Gospels, but we do not take the literal views that some Christian denominations might.

Derek McAuley: In terms of Scripture, the Unitarian approach is that we came out of, and are based within, the Christian tradition. Many Unitarian services look

like a traditional Christian service with hymns, a sermon, prayers and reflection. We draw on the traditions of not just Christianity; we draw on humanist tradition, the creative work of artists and musicians, and science. We draw on a lot of spiritual insight, not just the Hebrew Scriptures and the New Testament. Although historically, for Unitarians, the figure of Jesus as a man was significant, in this century we also draw on other historic figures.

Q273 Tim Loughton: Mr Bartlet, may I come back to you with a couple of points? How many members do the Quakers have at the moment?

Michael Bartlet: If you look at members and also those who are in sympathy and regularly attend, the number is about 23,000. I can give you exact figures—

Q274 Tim Loughton: That will do; do not worry. The 23,000 figure is fine. What I am interested in is that your name, along with the Unitarians and the liberal Jews, has been prayed in aid an awful lot by the Government and the proponents of the Bill. On my rough calculation, your combined congregation amounts to 38,000 people. What is your relationship with, and what is the Quaker view of—in my experience of dealing with the Quakers, it is slightly different from that of other religions—the Government, the role of Government, and how beholden you are to Government?

Michael Bartlet: Thank you. That is a very good question. Since the time of the Commonwealth, Quakers have always had a relationship with Government that has not been entirely easy, in that we have always had a high view of conscience and the importance of following your conscience. That, however, also goes alongside a deep respect for government and the rule of law. I do not think that Quakers have ever tried to justify a legislative change that we have sought on the basis of numbers. For instance, Quaker marriages were first implicitly recognised in Lord Hardwicke's Marriage Act 1753, and then explicitly recognised in the Marriage Act 1836. If you were looking in the 19th century—I can give exact figures if you want—I would be surprised if there were more than around 100 Quaker marriages a year. It is not something that we ask for on account of numbers; it comes from a sense of the indivisibility of religious liberty and the sense that if the established Church and the Roman Catholic Church should be able to follow their religious leadings, so should smaller religious groups such as Quakers and our Unitarian brothers and sisters.

Q275 Tim Loughton: I do not dispute that. I am trying to get at why you need the Government to legislate that marriage can now be a different thing—between same-sex couples. What is to stop your particular faith, which is a bit different from other faiths we have had here, performing the ceremony—I want to follow on by asking about that—and saying that these two same-sex persons are now Quaker-married, regardless of how the Government would view it, because you do not believe that the Government should trump your view of what marriage is, as you are only witnesses to it, because it is something that God gives those two people? So why do they need to be married in the eyes of the Government?

Michael Bartlet: Those were not exactly my words—the use of “trump”—but to go back to the 17th century, when Quaker marriage developed at a time of persecution, we felt that there was the need to provide pastoral oversight as well as a sense of recognising the important experience that was taking place in a marriage between a couple who were committing to each other in the spirit of God—the importance of holding together that inward religious sense in a spiritual ceremony and having careful, considered reports of those marriages that would be recognised by the state. Right from the early days of Quakers, the spiritual and the legal have been indivisible in marriage. Indeed, that is recognised in the Marriage Act 1949 with our ability to appoint our own registering officers. It is both the relationship that is inward and spiritual, and the outward and legal concomitant. What matters for us today is that we would like same-sex couples to be open to the same process so that we do not discriminate and so that barriers are removed and they can access marriage just as heterosexual couples can.

Q276 Tim Loughton: I do not want to hog the questions, although we could have this fascinating debate all day. I do not think that you have answered my point as to why you still need marriage to change in the law for you to be able to marry same-sex couples under Quaker ceremony.

The other point that I want to ask you about quickly is on when you say that it is down to the two people who decide to get married and you are just witnesses to it. Can they tailor-make their ceremony? I have not been to a Quaker wedding, so I do not know how it works, but could they effectively say, “We want our Quaker wedding ceremony not to have any mention of God in it”?

Michael Bartlet: A Quaker wedding ceremony takes place in silence—

Tim Loughton: That answers my question then.

Michael Bartlet: To start with it takes place in gathered silence, but there is also a very clear, prescribed form of words that has to be used at the time the couple make their commitment to each other. They stand in the quiet of the meeting and say, “Friend, I take this my friend to be my husband or wife, promising, through divine assistance”—or, if they prefer, they say, “with God’s help”—“to be unto him or her a loving and faithful husband or wife so long as we both on earth shall live,” and the register is signed. That is a form of words that needs to be used.

To come back to your previous question, if I did not answer it fully, the importance for Quakers is that the spiritual, and the legal and practical, are all brought together into that one form of commitment.

Q277 Kwasi Kwarteng (Spelthorne) (Con): Thank you very much for that full answer. An aspect of the Bill that I am particularly interested in is the protection it gives the Church of England, in that it has essentially been ring-fenced. I wanted to know what you thought about that special protection for the established Church.

Michael Bartlet: As a denomination, we feel it is important that the state provides equally for denominations and recognises their own religious insights. On a personal view, I wonder whether quite so many locks are necessary, but that is not the view of my denomination. We are

comfortable with the legislation for Quakers and recognise that it is important that other denominations can also be comfortable with it.

Q278 Kwasi Kwarteng: How watertight do you think the quadruple lock is?

Michael Bartlet: I would not want to add anything to the evidence of David Pannick and Helena Kennedy, who covered that brilliantly.

Q279 Jim Shannon (Strangford) (DUP): I want to put the same question to both your organisations. I believe you referred to having about 10,000 Unitarians at this time. Is that correct?

Derek McAuley: I said about 5,000 members, as well as regular attendees, friends and supporters, so yes.

Q280 Jim Shannon: And for the Quakers it was about 23,000. I do not want to take anything away from your Churches, and your opinion is obviously important to the Committee, but you are small, minority Churches, and I just want to put matters into perspective. First, in relation to 10 or 20 years ago, would you say that your numbers have fallen greatly? Secondly, as organisations, although I am sure that you have been able to have blessing ceremonies for same-sex relationships over the past number of years, if, inadvertently, you supported legislation that made things difficult for large Churches with millions of followers across the whole United Kingdom, would you feel that what you were doing here today would be wrong?

I think you mentioned about 100 marriages over the last period of time. I would be interested to hear how many marriages have been carried out in Unitarian churches over the last number of years, and do you see those numbers decreasing?

Derek McAuley: The first question was whether we have fallen aside. Yes, we have declined for decades, following the trend of all main religious groups within Britain, particularly the historic denominations. Your second question was—

Q281 Jim Shannon: If a legislative change came through the Committee and was ultimately passed by the House and, by what you are saying to us today, you were inadvertently complicit in a change that had an impact on larger Churches—those with millions of followers—how would you feel about that?

Derek McAuley: Ultimately, we have our own perspective. We put forward our views. We believe that Parliament should allow us to conduct same-sex marriages. Parliament should address the concerns of other denominations in the same way, taking the principle of religious freedom. We recognise, in answer to the previous question, the particular situation of the Church of England and the Church in Wales, given their legal responsibilities. We feel that the legislation shows a way forward that can address our needs and the needs of our members, and the needs of those Churches that do not wish to perform same-sex marriages.

Q282 Jim Shannon: My question to you was this, Mr McAuley: how would you feel if the Bill impacted on all those other larger Churches and the millions of followers that they have, and if they felt victimised,

[Jim Shannon]

discriminated against, annoyed, angered or displeased—whatever terminology you want to use? How would you feel about that? You have not answered that question.

Derek McAuley: Unitarians, over the centuries, have been discriminated against and persecuted. We are only celebrating this year the 200th anniversary of when legislation was passed by Parliament to allow Unitarians to hold their beliefs. We are conscious of how other people will feel, and I would hope that Parliament will take account of that in the legislation and that no one will be forced to do what they do not want to do, either as institutions or individuals.

Q283 Jim Shannon: My last question was on how many marriages you have.

Derek McAuley: We do not know. Because our congregations are autonomous, and we are an assembly of autonomous congregations, we do not collect that information centrally. I am aware that there are some churches that are very popular and will do 10, 15 or 20 marriages. There are some churches that will do very few, because they are in rural locations or city centres. We do not actually know, in terms of marriages.

Michael Bartlet: Briefly, in response from Quakers, looking at 2010 and 2011, the most recent years we have records for, while the number of adult members has fallen slightly, from 14,260 to 14,031, the number of members and attenders has increased slightly, from 22,875—sorry, can I give you those figures in a written note afterwards? I am not sure whether they are accurate. We would feel that, in other countries that have accepted same-sex marriage, such as South Africa and Spain, the sky has not fallen in, even for those denominations, such as Roman Catholics, who are who predominantly wholesale opposed at the moment. What we value about the Government legislation is that it seems to provide a possibility for those denominations, such as the Church in Wales, that might in the future want to opt in, to do that at a time when they feel ready and comfortable to do so.

Q284 Mr David Burrowes (Enfield, Southgate) (Con): The Unitarian Church will opt in to perform same-sex marriages. Is that right?

Derek McAuley: Each individual congregation will have the opportunity to make its own decision to opt in.

Q285 Mr Burrowes: Where a Church, whether the Unitarian Church or otherwise, has collectively opted in to perform same-sex marriages, but an individual minister does not want to conduct them, would you share the Equality and Human Rights Commission's concern, based on its legal opinion—we will examine this later with the commission—that

“the bill in its present form could amount to the state acting unlawfully by interfering with the freedom of religious organisations...to enforce their religious doctrines within their particular organisation...the bill does not clearly provide for the freedom of religious organisations to ensure its employees or officials act in accordance with its ethos under Article 4 of the European Union Framework Directive”?

Do you share those concerns, particularly given the rich heritage of conscientious objection among the Quakers?

Derek McAuley: We certainly consider that the process, which is based on the current marriage legislation, where the building is registered, and then you appoint an authorised person—those are the rules that we currently apply to marriage—is being supplemented by a second step in both cases. So, the building has to be registered for same-sex marriage; the fact that you are registered for marriage is not sufficient, and there are some Unitarian chapels—I am aware of at least one—that are not registered for marriage, let alone anticipating registering for same-sex marriage, because they do not want the hassle of the administration. They will perform same-sex and opposite-sex blessings. The second stage, in relation to the individual—the celebrant or the authorised person—again gives a safeguard. So, if the safeguards apply to marriage to protect individuals, those safeguards will be reinforced for someone who does not want, for their own personal reasons, to be the authorised person for this particular situation.

Q286 Mr Burrowes: More generally on conscientious objections, do you have any concerns—this is directed to the Quakers as well—that go beyond the church ceremony and into people's workplaces, schools or the like?

Michael Bartlet: I do not think, from the point of view of Quakers, the problem of conscientious objection arises on this issue. Again, I was fully satisfied by the evidence that I heard from David Pannick and Helena Kennedy. The Government have clearly sought legal advice over the compatibility with convention rights. To me, the Bill would seem to strike a good balance between article 8 rights to family life, article 9 rights to freedom of religion, conscience and belief, the article 12 right to marry and article 14, on the prohibition of discrimination. So, this seems to us to be a balanced Bill that provides for those religions that want to celebrate same-sex marriage to be able to do so; at the same time, it is a permissive Bill that does not compel any one individual or denomination to do so who does not wish to do so.

Q287 Mr Burrowes: Have you had a chance to look at the legal advice of Robin Allen QC, who expresses reservations

Michael Bartlet: I have not read that.

Q288 Mr Burrowes: Finally, in terms of impact assessments, have you considered any impact—certainly, positive impact—of the open doors that there will be for same-sex marriage ceremonies on your congregations? Have you given any thought to that?

Derek McAuley: People who attend Unitarian services, particularly weddings, often find, “Ah, this is something different from the mainstream. This is what I'm looking for.” And they come back and become regular attenders and members. But we are not doing it in order to grow; we are doing it because we believe it is right, and it needs to be done, and we need to redress a genuine grievance.

Michael Bartlet: Quaker worship is open to all and we would welcome you or any other member of the panel who at any time would like to join us in Quaker worship.

Mr Burrowes: I have been.

Q289 Jonathan Reynolds (Stalybridge and Hyde) (Lab/Co-op): You have both given some extremely illuminating evidence, explaining why your organisations—your congregations—both support same-sex marriage. You will be aware that one of the objections, or concerns, from those churches that are against same-sex marriage has been about how teachers with strong religious views will deal with the subject of marriage in the classroom once this legislation is passed. Can I ask how you believe the subject of marriage should be dealt with in the classroom, given—I am sure—your own concern for your own religious views being treated with the same sort of respect that you would hope for any others?

Derek McAuley: Again, this would be a personal view. I think we have to trust the teachers. Teachers are professionals. Teachers who teach in this area of personal relationships will be professionals. They will have adequate guidance. We certainly have views on how religious education is taught, and it needs to be religious education rather than religious instruction in schools. Even in faith schools, they should be inclusive. But we can trust the teachers—that would be my view.

Michael Bartlet: From the point of view of Quakers, we would hope that the kind of pastoral advice that would be given regarding marriage, whether of a same-sex couple or a heterosexual couple, is that there is a commitment to a loving, long-term, lifelong relationship of fidelity. And I think that that would be the same regardless of sexuality.

What I would hope, in terms of teaching more broadly across the curriculum, is that there is room for teachers both to explain the law as they see it but also, in a reasonable, detached and open manner, to be able to explain that a diversity of views is possible, and to put their personal view forward in a way, provided it was not in any way proselytising.

Q290 The Parliamentary Under-Secretary of State for Women and Equalities (Mrs Helen Grant): Can I just clarify if you are both satisfied with the opt-in procedures set out in the Bill?

Michael Bartlet: Thanks very much for that. From a Quaker point of view, yes, we are comfortable with those procedures, and we also appreciate the particular reference to the recording clerk as the right authority for Quakers. So thank you.

Derek McAuley: And from a Unitarian point of view, we are happy with the Bill and the opt-in clauses around buildings and individuals, and with the sensitivity to our particular needs.

Michael Bartlet: Just briefly, and I am not speaking on behalf of Quakers, but I recognise from some of our non-conformist friends—among Welsh non-conformists, for instance—that there may be a complexity for their opt-in, and it might be helpful to pursue that issue with them. But for ourselves, we are certainly happy.

Q291 Chris Bryant (Rhondda) (Lab): It seems that the hierarchical churches have had a more difficult process to come to changing their minds on these kinds of issues. Opinion polls seem to suggest that in the Church of England and elsewhere members of the pews support change, but the hierarchy does not. Do you ever hold your meetings in other people's religious buildings?

Michael Bartlet: There are some places where we have that kind of sharing arrangement, yes.

Q292 Chris Bryant: Chaplaincies and the like?

Michael Bartlet: I think there are certainly cases where we share with Unitarian meeting houses.

Q293 Chris Bryant: You do not hold any events in Anglican churches?

Michael Bartlet: We certainly take part in ecumenical services at a local and national level. I am not aware of any Quaker marriages taking place in Anglican churches.

Q294 Chris Bryant: The reason I am asking is because one of the ironies may be that we pass all this legislation and the one place where you will not be able to have a same-sex marriage is in the Palace of Westminster. I just wondered whether Quakers or Unitarians would like to have the same opportunity afforded to the Roman Catholic church of holding services in St Mary's Undercroft?

Michael Bartlet: It is not something we have thought of.

Q295 Chris Bryant: Can I suggest you think of it now?

Michael Bartlet: We have on occasion with a former chaplain had Quaker meetings in the House of Commons in the Chaplain's Room and very much valued the opportunity for doing so.

Derek McAuley: I am sure Unitarians would welcome the opportunity to hold a service in the Palace of Westminster.

Q296 Stephen Doughty (Cardiff South and Penarth) (Lab/Co-op): I have had the pleasure of attending a number of Quaker services over the years. Truly they have been some of the most moving and beautiful services I have attended—sadly mainly funerals—but remarkable. I have not had the pleasure of going to a Unitarian service but I hope to at some point.

You raised an issue, Mr Bartlett, about complexity for non-conformist churches in Wales. Could you just explain that a little bit more? I did not quite understand.

Michael Bartlet: I do not in any sense speak on behalf of non-conformists but I am just aware of the difficulty for some denominations who do not have the clarity of decision-making process that the Quakers or Unitarians or indeed the larger churches have. That is something that may well be worth talking about to the free churches to make sure that the variety of their religious decision making gives them room to opt in to the Bill.

Tim Loughton: Following on from my question about your relationship with the Government, Mr Bartlett, what would the Quakers' view be if the Government reintroduced conscription?

The Chair: Order. I do not think that is relevant.

Tim Loughton: Can I explain why it is?

The Chair: No I am sorry, you cannot explain why it is. It is not relevant to the Bill.

Q297 Mr Bradshaw: This is a question for Mr McAuley. If a lesbian or gay couple came to you and wanted to bring their priest who wanted to marry them, but whose own church forbade that, how would you handle that situation?

Derek McAuley: In each individual circumstance it would be up to the authorised person—the minister or the lay person—to discuss with the couple how that could be incorporated. Clearly the authorised person has to carry out a particular function in law.

Q298 Mr Bradshaw: Could that priest be the authorised person?

Derek McAuley: No, because the congregation governing body will appoint an authorised person, so it would not be someone in another denomination. However I could see a situation where a Church of England vicar could be invited to participate in and contribute to the service but it would have to be according to the Unitarian views of how a Unitarian marriage is performed.

Mr Bradshaw: Thank you.

Derek McAuley: We are quite broad in how we do things.

The Chair: This may have to be the last question, it is now 12.13 pm.

Q299 Stephen Williams: Thank you, Mr Hood. It was actually on an earlier question from Mr Loughton—that was in order—on the size of congregations and whether Parliament should take note of minority viewpoints, no matter how small. Would you agree with me that actually Quakers and Unitarians have been at the forefront of holding minority opinions in their time, including setting up the world's first anti-slavery organisation in Clifton in Bristol in my constituency in 1783, which of course was not at all a popular view at the time? Sometimes views that are held by a small number of people to start with can change the world. That is partly what your faith is about?

Derek McAuley: Yes. Unitarians have been at the forefront of social reform. We may be small in number, but we have had an impact more than our size, and often we speak for a much wider constituency rather than simply ourselves. Over the years we have worked with the Quakers around slavery. I am thinking of William Smith MP. We also worked on slavery with William Wilberforce, not just with the Quakers.

Michael Bartlet: Thank you for that question. We see our commitment to same-sex marriage as one aspect of equality. Equality, for Quakers, is something much deeper, on both a religious and a secular basis. We are concerned that everyone in this country has access to the full goods of society as much as is possible.

The Chair: Order. I am afraid that that brings us to the end of the time allocated for the Committee to ask questions of these witnesses. I thank you on behalf of the Committee. We will now hear oral evidence from the Methodist Church and the United Reformed Church.

Examination of Witnesses

Rev. Gareth Powell and Dr Augur Pearce gave evidence.

12.15 pm

The Chair: For the record, could you introduce yourselves to the Committee?

Rev. Gareth Powell: I am the Reverend Gareth Powell, the assistant secretary of the Methodist Conference.

Dr Pearce: I am Dr Augur Pearce, secretary to the law and polity committee of the United Reformed Church—that is polity, not policy. We advise on our denomination's internal rules and on the effect of the law of the land.

Q300 Chris Bryant: Could both of you just clarify whether that is for England or England and Wales?

Rev. Gareth Powell: From the Methodist point of view, it is England, Wales, Scotland, Malta and Gibraltar.

Q301 Chris Bryant: What is wrong with Northern Ireland?

Rev. Gareth Powell: That is a separate conference.

Dr Pearce: The URC has local churches in England, Wales and Scotland and on Jersey, Guernsey and the Isle of Man, but also not in Northern Ireland.

Q302 Chris Bryant: That sounded a bit like one-upmanship—you were listing more places. Do you want to lay out the formal position of your two Churches?

Rev. Gareth Powell: The position of the Methodist Church is that our doctrinal standards and our liturgical texts hold the traditional Christian viewpoint that marriage is between a man and a woman. In addition, over quite a long time, the Methodist Church has sought to engage in broader conversations about the involvement in the life of the Church of people who are in same-sex relationships and has committed itself not only to continue that work, but to value faithful relationships in the life of the Church. There will, of course, be a wide range of views in respect of that particular position. Our position, therefore, in terms of the Bill is that we are, at the moment, bound by the view of the Church in respect of marriage, but have been content with the provisions that have been made in the Bill for protection of those religious bodies that are, at this juncture, unable to support the main thrust of the Bill.

Q303 Chris Bryant: May I reply to that and come to the URC in a moment? It sounds quite fudgy, if you do not mind my saying so, but perhaps that is deliberate. I see from the smile on your face that it is deliberate. So you kind of want to like gay people, but you do not want to marry them?

Rev. Gareth Powell: Well, I do not think it is quite as sharp a distinction as that, even though it might feel fudgy for quite a lot of people, which might be why it works, I suppose.

Chris Bryant: A bit like alcohol.

Rev. Gareth Powell: I could not possibly comment about alcohol—

Tim Loughton: Withdraw that.

The Chair: Order.

Rev. Gareth Powell: I think the point is that the Methodist Church recognises that the question of same-sex marriage has been raised as a result of Government legislation, not as a result of the Church itself raising the question as to the interpretation of marriage. That is rather unlike the question about the support and provision for same-sex relationships in the life of the Church prior to this legislation, because that conversation arose long before there was a legislative programme in place.

Q304 Chris Bryant: But do you think homosexuality is a moral disorder?

Rev. Gareth Powell: No, that is not the view of the Methodist Church.

Q305 Chris Bryant: Would you bless same-sex unions?

Rev. Gareth Powell: The current position of the Methodist Conference is that it does not permit for the blessing of same-sex unions on Methodist premises.

Q306 Chris Bryant: What about elsewhere?

Rev. Gareth Powell: Yes, and there would be some Methodist ministers who would be very content to bless same-sex unions, but they are at the moment prohibited from doing that on Methodist Church premises.

Q307 Chris Bryant: May I put the same questions to the URC?

Dr Pearce: The URC came into existence in 1972, when two religious traditions united. Both of those traditions have, in their historic documents, statements that marriage is something that happens between a man and a woman, as you probably would expect of that period. Since then, the URC has made no clear definition of marriage at a denominational level and today the General Assembly, our governing body, has still not pronounced on the matter. It has not had time since the issue came on to the serious political agenda.

That is not the end of the story, however, because in our tradition we lay a lot of stress on subsidiarity. A lot of matters are dealt with at other levels of the Church than the General Assembly. It has been recognised that there is considerable diversity of opinion on same-sex relationships generally within our denomination. We went so far as to recognise the sincerity of the different opinions and commit ourselves to live together.

When it came to civil partnerships, the General Assembly gave a green light to local churches taking their own decision on whether to host civil partnerships on their premises. It is possible—we cannot predict this, because the General Assembly will not meet again until 2014—that the same decision may be taken in relation to same-sex marriage. Therefore, there may be local churches that wish to host and facilitate same-sex marriage. There are certainly many that would not. I do not for one moment deny that there is a considerable feeling that same-sex marriage is not ontologically possible and would require a major change of fundamental theological principle. There are others who interpret the essentials of that principle in a way that could accept, under modern conditions, same-sex marriage as a possibility.

Q308 Chris Bryant: I congratulate you on using the word “ontologically”. You are the first, of all the religious people we have had before us, to use that word. Not even the Catholics got that in. Mansfield college chapel has Cicero and Dante and all sorts of people on its walls. It seems odd that a denomination that has that breadth of theological and soteriological attitude would not want to have the same attitude towards LGBT marriage.

Dr Pearce: There are feelings that the unity of the Church is important and that, to preserve that unity, the URC must avoid giving its denominational blessing to a step that many would find unacceptable. There are also feelings that this is a matter of conscience, that individual consciences are reflected in the membership of local churches and that local churches should do their own thing. I repeat: I cannot predict whether local churches of the URC will in fact be free to do their own thing or not, but we have a concern that the Bill should not place artificial obstacles in their way, if that is denominationally possible, and that is why we have evidence to give here.

Q309 Kwasi Kwarteng: A general question: what role do you think a Government have or Parliament has in defining marriage, which for your Churches is a sacred ritual? I wanted to get some impression of that.

Rev. Gareth Powell: Prior to this legislation, that was not a question that the Methodist Church was actively considering in terms of a legal definition of marriage. I think, however, that the Methodist Church would recognise that the situation in respect of civil marriage and its civil registration has always been based on a rather broader understanding of marriage than that which has previously been defined in statute. This legislation, in the particular context of the jurisdiction of this Methodist Conference, has brought into rather sharper focus a question that has clearly been around in a number of other European countries for a very long time, when there has been a greater separation between civil and religious marriage.

Dr Pearce: If marriage is going to produce legal effects, I think that the legislature and democratic society have an interest in determining what exactly will produce those legal effects.

The legal effects have differed over time. At some point in time, they involved one spouse ceasing to have any control over her property while the other one had all the control. That does not happen now. There is still, for example, an obligation to support, which the law has an interest in. There are responsibilities in relation to children, whether adopted or natural, which the law has an interest in, and so on.

The further interest that I think the law now has, in a climate where equality is considered to be important, is to ensure that legal institutions do not, by themselves, perpetuate inequality unless there is a very good reason for it. I think it is inevitable that the law has come to focus on marriage as one of the ways in which it has to strike the right balance.

Q310 Kwasi Kwarteng: Clearly, with respect to this legislation, there is a tension, is there not, between the state, and how the state defines marriage, and the religious denominations that we have? This is manifested in the quadruple lock, which is a phrase that I have never

[*Kwasi Kwarteng*]

heard of before, but which clearly has been designed for this Bill. How secure do you think the quadruple lock is? From my point of view as a Member of Parliament, it seemed odd that, if we were going down this route of equality, we should be ring-fencing and protecting the Church of England. What do you think about that?

Dr Pearce: One of the four limbs of the quadruple lock is solely concerned with the Church of England. If I could leave that one on one side at the moment, since the URC has not asked me to speak about the Church of England—if you insist, I will come back to it—the other three limbs are themselves really two. One says that Churches can opt in and another says that Churches will not be compelled to opt in. Really, you could regard that as two sides of a coin. Then you have the equality-law aspect of a lock.

My view is that if you have confidence in one of the locks, you have to ask why you need the others. The Equality Act 2010 provision, which takes the form of a new section 25A that the Bill will insert in the Equality Act, is, as far as I am concerned, the all-important thing, because it is only equality law that could ever, to my mind, make the owners of buildings feel that they are bound to acquire a certain licence for those buildings. The owner of a grocers shop is not forced to get a licence to sell alcohol simply because the possibility is there. It is because of equality law that there are fears that religious groups may be forced to exercise what would otherwise be entirely in their discretion.

Hence, I believe that the important thing should be to get all the protections you need into section 25A, so that equality law cannot be used to force a religious group into something it conscientiously cannot do. If you do that, the other part of the quadruple lock becomes unnecessary. This is represented by clause 2(1), which says:

“A person may not be compelled”.

Furthermore, there is a concern with the way that the subsection is now drafted. The subsection is the product of, obviously, a lot of work in the Department concerned, and it has been cut down from an earlier wording that said, “A person shall not be compelled by this Act” to do various things. That wording did not mean very much because the Act is a permissive Act; it was not going to compel anyone to do anything anyway.

What was necessary was that a person should not be compelled by equality law to do those things, and new section 25 does that. If the wording simply states that a person shall not be compelled, you have the difficulty that forms of compulsion with which the law should not be concerned can be challenged in court—for example, compulsion under the internal rules of a religious body, which should be free to decide for itself what its ministers, other office bearers or members should do, and compulsion in the sense of the enforcement of the trusts of religious buildings.

I will explain that latter point. Trustees are creatures of the law; they are not creatures of the rules of internal religious traditions. The sort of thing that internal religious traditions have are the Chief Rabbi, a bishop, a council of a Church, as in the URC, a prophet or whatever, but it is the trustees to whom the marriage legislation gives the power to apply for buildings to be

registered. There needs to be something, therefore, that binds the trustees to the directions of a religious authority, and if the Bill, as it stands, becomes law saying that a person cannot be compelled, we may have trustees going one way or the other without any religious control.

Q311 Kwasi Kwarteng: My rather cloudy conclusion—I followed most of what you said, but not everything—is that you do not feel that the quadruple lock, as provided in the Bill, is necessarily as watertight as it could be.

Dr Pearce: Leaving the Church of England on one side, I think what is necessary is a clear, comprehensive provision in the Equality Act that nothing in that Act will compel people to do the various things we are concerned with. Having got that, I do not think the other provisions are helpful.

Q312 Kwasi Kwarteng: You left the Church of England to one side, but just for the interest of the Committee, what is your personal view about the protection for the Church of England?

Dr Pearce: I am reluctant to answer that question, because the URC has appointed me to be its witness on matters concerning that Church. Although I have a view in relation to the Church of England, I know perfectly well that my view is not shared in the councils of the URC. Possibly, therefore, you would not want to hear my view here. If you really want a personal view, I can, of course, give it.

Kwasi Kwarteng: I would like that very much.

Dr Pearce: Well—

The Chair: Can you make a written reply?

Dr Pearce: I will certainly provide that in writing, but it will be a personal view, not a URC view.

Q313 Jim Shannon: Gentlemen, thank you for coming along. I am keen to hear comments from both of you. In relation to the Methodist Church, have you had from your congregation concerns from teachers and registrars, for instance, on how they feel about the so-called quadruple lock?

The Chair: Order. Mr Shannon, I am sorry to interrupt, but Members up here are saying that they cannot hear you. If you ask your questions through the microphone, we will all hear you.

Jim Shannon: Can I ask a question in relation to teachers and registrars? You have people in your Methodist Church organisation who will clearly have opinions on how the quadruple lock ensures that they are not impacted in their jobs. We have heard evidence individually and collectively indicating that many teachers have concerns. Have those concerns been expressed to the congregations of the Churches that you are in? You say that you do not have direction over the Methodist Church in Northern Ireland, but have you talked to that Church to gauge its opinion?

My question to you, Dr Pearce, is on what I have read in the background information, which refers to the polity advisory group. You mentioned the Baptist Union and the Church of Jesus Christ of Latter-day Saints.

Do you have direct contact with those two Churches? When you come here to express your opinion, are you expressing an opinion on behalf of those Churches, too? I hope that was a wee bit clearer, Mr Hood.

Rev. Gareth Powell: My office has not received any written submissions in respect of Methodists who may be teachers and registrars. I am sure that, in time, some of those will be articulated in a way that we will hear. I would rely on the professionalism of teachers to make the distinction between their own personal beliefs and that which they are required to teach as part of a curriculum, recognising that, from time to time, I dare say, some of us have not always said things that we ourselves personally believe. There is a requirement on people in those particular professions to discharge the duties required of them by their employment.

In respect of your question about Northern Ireland, we have not initiated a formal conversation with the Methodist Church in Ireland, which covers the whole island of Ireland, but we will do at some point when the progress of the Bill becomes clear and at an appropriate point in the life of the two Churches.

Dr Pearce: On the question of teachers, I am not personally aware of particular concerns from URC members who are teachers about what the Bill might or might not require, but of course there is no reason why I should be aware of them. Apart from my law and polity role, I am basically just a member of a local church, and those concerns would not come to me.

On the question of teachers, I very much agree with what Mr Powell has said. A teacher has to prepare children for the world that exists around them and out into which they will go. If that is a world in which people of the same sex marry each other, just as it is a world in which divorce sometimes happens, teachers should prepare children for that. That does not mean that they have to advocate same-sex marriage or divorce.

You asked me about the Latter-day Saints and the Baptist Union. I think the only context in which I mentioned them was simply as illustrations of different types of Church polity. The Latter-day Saints is very much a top-down institution in which doctrine and policy are ultimately determined in Salt Lake City and carried out by individual wards all over the world. The Baptist Union is a federation of independent congregations where ultimate decision-making lies at the local level. The URC is somewhere between the two. That is the only point that I was making regarding them. I have not contacted them in any way. That is simply fairly general knowledge for those who know those traditions. Was there another question?

Q314 Jim Shannon: You mentioned teachers in school preparing people for life. If teachers had a genuine religious conviction and opinion that prevented them from conveying perhaps the full teaching—the full indication—of what same-sex marriage wanted, do you feel that guidelines should be set down for teachers so that teachers with religious convictions would not be impacted inadvertently or wrongly by any legislation coming through?

Dr Pearce: There may be a case for that in some instances. I do not have enough briefing on the detail of what might or might not be required of teachers to answer that with any specificity. By and large, obviously,

schools should not be compelling teachers to say something that they do not believe. Whether they should have to deal with a subject that they find distasteful is a slightly different question. Perhaps, in some cases, it is necessary in order to do their job.

Q315 Tim Loughton: Can I ask you both briefly what your two Churches' attitudes towards homophobia are? Do you think that homophobia is a big problem in this country?

Rev. Gareth Powell: The Methodist Church abhors homophobia; I think it is as simple as that. The slightly longer answer that appeared as fudge is a reflection of that. The Church has engaged in a process whereby some of the fears inherent in homophobia and the consequences felt as a result of it are rather better and more clearly understood in the life of the Church and in society as a whole. Clearly, one's experience of homophobia will, I would have thought, be largely defined by one's particular experiences and the sorts of circles that one moves with and even perhaps one's own sexuality. We would acknowledge that there are occasions when there are significant instances of homophobia and that that is simply unacceptable in life and in seeing creation as being valued by God.

Q316 Tim Loughton: May I ask a follow up and then perhaps hear Dr Pearce's view on that? Do you think the Bill will do anything to address the problem of homophobia?

Rev. Gareth Powell: It will, in certain contexts, yes. The key point that we have observed in charting the piece of legislation is the inordinate difficulty of being able to have a conversation about the merits of the legislation in—I would not want it to be an hermetically sealed unit, but seeing it outside the debate of whether one thinks homosexuality is right or wrong. It has been a great shame that the merits or otherwise of the legislation have not been clearly understood. It has been coupled to another conversation, in some instances for other reasons.

Dr Pearce: On homophobia generally, I am not sure I can add a great to what Mr Powell has said, because the United Reformed Church also believes in treating people with respect and it sees no reason to be frightened of homosexual people. It does have an equal opportunities policy, which would make it unacceptable for those who work for us to insult people, for example, on the basis of their sexual orientation. We do not regard the holding of a serious conscientious view that same-sex relationships are wrong as homophobia. Many of our members hold that view and that is equally respected. I am not sure I can say a great deal more about that question. Could you remind me of the other issue you raised?

Q317 Tim Loughton: My take on all this is that we still have a problem with homophobia in society and that is what needs addressing. I am asking whether the Bill can add to that.

Dr Pearce: I believe that this Bill is one of a number of measures that over the years may normalise same-sex relationships. It would provide a context in which they are less different than they are at present. In the case of divorce, it became possible to get a judicial divorce in 1857, but it was still very much sort of beyond the pale

for anybody in polite society to do that. Divorce became a lot more frequent as a result of changes in 1936, and gradually, over the years since then, children are no longer stigmatised because their parents are divorced. People are allowed to do all sorts of things as divorcees that they could not do before. It is that sort of gradual change, with the law not actually forcing anything, but simply terminology leading the way people think—terminology is very important in this. Obviously, that is unfortunate for those who think that same-sex relationships are wrong, just as the change with divorce was unfortunate for those who thought that that was wrong, but in terms of gradually making homophobia less prevalent, it will slowly but surely have an effect.

Q318 Kate Green: I am not sure whether either of your institutions marries people in premises other than your own, such as armed forces chapels or chaplaincies. If the legislation passes, all denominations using a particular building would need to agree that any one can hold same-sex marriages in those premises. As you may not decide to offer same-sex marriages, do you envisage that you would want to prevent others from using the premises to do so where you also use those premises to conduct marriages?

Rev. Gareth Powell: Presumably, you are thinking there of premises that may not be subject to a sharing agreement under the Sharing of Church Buildings Act 1969, but are nevertheless commonly used. As it currently stands, the 1969 Act recognises some of the tensions that are inherent in different practices. Armed forces chapels are the most obvious example. That would clearly need to form part of the Church's consideration of the whole question of same-sex marriage. I do not mean that to be another fudge; I think it is genuinely part of the process of discernment in which the Church would be engaged. The Church would recognise, however, that it had no legal authority over those particular chapels. The Methodist Church could only make such a decision with regard to those premises that are either held in the model trusts of the Methodist Church or are deemed to be Methodist premises.

Q319 Kate Green: So you would not want to control the behaviour of other institutions in premises such as armed forces' chapels and, therefore, that would effectively require you to give consent to others conducting same-sex marriages on those premises if they wanted to?

Rev. Gareth Powell: In as much as we had any consent to give, yes. The question of whether or not a Methodist minister could officiate at that is another matter.

Q320 Kate Green: Sure, yes. That is a different question. For the Unitarians?

Dr Pearce: United Reformed.

Kate Green: Yes, sorry. That was the end of the previous session.

Dr Pearce: They begin with the same four letters, yes. I am really grateful to be asked this because this is the issue over which we have the greatest concern—not so much from the point of view of the United Reformed Church if it should decide not to solemnise same-sex marriage or even the point of view of an individual local church that decides not to do that. If a local church allows another group to use the premises, and

that group wishes to have same-sex marriage under its auspices, it would be perfectly possible for us to make it clear that it was the guest group and not the United Reformed Church that was doing that. I imagine that if the Bill becomes law in its current form and a consent to use is required from us, that consent to use might well be forthcoming. I cannot speak for the General Assembly, but I think it might be. Our concern is with the other side of the coin. What happens if the General Assembly says yes, and there are local churches that wish to solemnise same-sex marriage, but they meet in a building that is jointly used? At present, as you rightly say, whether it be under the consent to use mechanism or the consent to same-sex marriage mechanism, one way or the other, the other users of the building would have a veto over our ability to do that, and that we find unacceptable. For example, if a guest church is using the United Reformed Church's building because its own building is being renovated or because it consists entirely of asylum seekers who have very few resources and could not afford their own building, or even if a hospital chapel, which does not belong to any religious group, is used for worship by United Reformed Church members at one time and Roman Catholic members at another time, the idea that one denomination should have a veto over the activities of the other is something that we find very troubling. We find that troubling even though the United Reformed Church may never wish to do that. It is still possible that other religious groups may, and we do not see that that makes sense.

Kate Green: I am grateful for that answer.

Q321 Simon Kirby (Brighton, Kempton) (Con): I have two questions about protections, which we have discussed previously. Do you agree with Lord Pannick that it would be difficult to craft improvements to protections currently contained in the Bill? Secondly, do you agree that for both the Church of England and the Church in Wales, there is a need for a different route to opt in in the Bill because of their obligations under common law and, in the case of the Church of England, canon law?

Dr Pearce: I have already agreed, at the Chairman's suggestion, that I put in something in writing regarding the Church of England. If I could leave my comments on that, and the Church in Wales, to my written comments, I would be very grateful. But so far as other religious denominations are concerned, I totally agree, respectfully, with what Lord Pannick said on Tuesday.

Rev. Gareth Powell: I would broadly concur with Lord Pannick's view. We recognise that there would be some strengthening in terms of identifying the relevant governing body in a schedule as being the Methodist conference; that would simply mirror existing legislation in respect of the Sharing of Church Buildings Act 1969 and the Methodist Church Act 1976. In respect of the Church of England and the Church in Wales, it is for those bodies to comment. We recognise, however, their very particular position in common law and ecclesiastical law with respect to marriage duties.

Q322 Stephen Doughty: To follow on from the comments made by my hon. Friend the Member for Stretford and Urmston earlier about sharing, how many examples are there across the country in terms of sharing between

Methodists, the United Reformed Church and the Church of England in some cases, whether that is in military chapels or, indeed, in church buildings? I have seen quite a few, but I would like an idea of the scale.

Rev. Gareth Powell: I do not have the numbers available, but I can provide those if that would be helpful to the Committee. The majority of sharing agreements from the Methodist point of view would be with either the Church of England or the United Reformed Church. Of course, the question in respect of forces chaplaincies would, I imagine, be pretty common across those bases where we have a presence. Again, I could check that for the Committee.

Q323 Stephen Doughty: Is it just the buildings that are shared, or is anything else shared? I have been to one of those locations and seen literally the same congregation turning up but having a slightly different service or a different minister each time.

Rev. Gareth Powell: Yes. Without taking us down the path of the six categories of local ecumenical partnerships—mostly because I can remember only three—there will be a variety of situations. In some instances it is simply a sharing of the building by separate congregations, but in other instances there would be one congregation sharing a building. There would be more of the former than the latter.

Q324 Stephen Doughty: How would the decision-making process work when more is shared than just the building? If one congregation wanted to opt-in that happened to be more dominated, say, by the URC, how would those opt-in arrangements work? Would there have to be agreement among them, or could it be vetoed if, say, the Methodist Church did not agree to go ahead with same-sex marriage but URC members did? How would that work?

Rev. Gareth Powell: That would be part of the consideration of the whole question and the series of questions raised by the Bill if and when the Church came to address that question. It is not without precedent in that there is some permission within the Sharing of Church Buildings Act for that already and, of course, in some instances where congregations share worship and/or buildings, some level of accommodation has already had to have been made around the questions of the marriage of people who have previously been married and infant baptism. In terms of considering the implications of the Bill, we would look to the precedents created there.

Q325 Stephen Doughty: Could you share some further information on how those decision-making processes work for the marriage of divorcees, for example?

Rev. Gareth Powell: Yes, I can put that in a written statement.

Dr Pearce: I am afraid that I am no more helpful on statistics than Mr Powell. The Bill, in what it is putting into the Marriage Act 1949 in new sections 44A to 44D, describes three different categories of building in joint use: there are those subject to a formal sharing agreement under the 1969 Act, and then those covered by section 6(4) of the 1969 Act. I suspect that, since that section is not quoted anywhere, most people will have skated over it; that section is actually a catch-all that repays careful investigation as to the type of situations where the veto would apply if the Bill as it stands becomes law.

Then there are other shared buildings. In respect of those, the whole question has been left to be dealt with in regulations. I would like to see, if there is to be any veto provision at all, the whole thing to be dealt with in regulations so that religious bodies can come together and talk about their real concerns—both positive and negative—before the law becomes fixed. The sharing agreement situation is the one in which there is the greatest moral case for a veto, because that is where different churches have agreed to act co-operatively in sharing one building and to consult each other on what they do. My main comment there is, if they are going to do that in a formal agreement, why cannot that agreement also provide for the question of same-sex marriage, and why, therefore, can the Bill's veto not be made subject to what a sharing agreement says?

Q326 Mr Burrowes: What number of members do you have?

Dr Pearce: In October last year, 61,627.

Rev. Gareth Powell: In terms of membership it is around 260,000, with what we would class as a community role of an equal number.

Q327 Mr Burrowes: In terms of the buildings, just to take it a stage further in a different direction: say, down the line, the conferences decide they want to opt in to same-sex marriages; and knowing that your buildings are well used by a variety of organisations and Christians of different denominations; knowing, also, that there are those that use the premises for weddings, and that those denominations also will continue to hold a traditional view of marriage; would that impact on their continued involvement in your buildings, if, down the line, you come to a view that you uphold same-sex marriage? Also, any other organisations and charities that will use your buildings—say, for example, a marriage guidance charity that similarly upholds a traditional view of marriage: will that affect their continued involvement?

Rev. Gareth Powell: Under the provisions that we have for use of our buildings there is a requirement that nothing takes place on the premises that is not in accordance with our standing orders. The question, of course, of what is taught by other religious groups that use our premises is also covered by internal legislative provisions, so that nothing can be taught that is contrary to Methodist Church doctrine.

The particular point of interest that you raise would be, for example, an organisation that was providing marriage guidance or marriage preparation. I think that is one of those areas that we would need to return to once the Church had reached a decision on its view of same-sex marriage, and how it sought to accommodate—which I think, on a number of other areas, it already does—differing views that it might not totally agree with, although it recognised the need for a particular group to have use of a community space.

Q328 Mr Burrowes: Have you sought legal opinion in relation to your earlier reservations concerning clause 2? I was very interested to hear your concerns in relation to the issue of compelling Ministers to participate in same-sex marriages. Have you sought your own legal opinion as a Church?

Dr Pearce: We have not had the text of the Bill long enough to obtain professional legal opinion. We have not even decided whether that is something on which we feel we need it. I am a lawyer myself. This is my opinion at the moment.

Q329 Mr Burrowes: But it is also the opinion of Robin Allen QC on behalf of the EHRC.

Dr Pearce: I am glad to hear it. I have not seen his opinion.

Q330 Mr Burrowes: It may be interesting for you to discuss with them some of your concerns on clause 2, in relation to concerns on religious freedom.

Dr Pearce: I would be happy to.

Q331 Mr Bradshaw: Mr Powell, we heard from your Anglican colleagues that they are actively reviewing their whole theology of human sexuality, under the review under Sir Joseph Pilling, and that there may be changes in their approach to civil partnerships. Is the Methodist Church undergoing a similarly active review, or is that in prospect?

Rev. Gareth Powell: As it happens, the Methodist conference last year was asked to reconsider the Church's position in respect of the blessing of civil partnerships

on Methodist Church premises. Knowing at that stage—the Conference met in July—of the potential existence of the Bill, the Methodist Council, which meets between Conferences, took the view that it would put a pause on that piece of work, simply because it would seem more sensible to undertake the work in light of the Bill. The short answer is yes. It is in the context of a particular question about civil partnerships, but it would now seem very sensible to take the two items together.

Q332 Mr Bradshaw: So your position is under review?

Rev. Gareth Powell: Yes. As the one responsible for the formulation of the agenda, I will be inviting the Methodist Conference in June to say whether or not it wishes to engage in a more formal review, and the extent of the review.

The Chair: Order. That brings us to the end of the time allotted for the Committee to ask questions of our witnesses. I thank Rev. Powell and Dr Pearce on behalf of the Committee.

Ordered, That further consideration be now adjourned.—
(*Mr Swayne.*)

1 pm

Adjourned till this day at Two o'clock.