

PARLIAMENTARY DEBATES

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GENERAL COMMITTEES

Public Bill Committee

MARRIAGE (SAME SEX COUPLES) BILL

Eleventh Sitting

Thursday 7 March 2013

(Morning)

CONTENTS

Written evidence reported to the House.

CLAUSES 9 and 10 agreed to.

SCHEDULE 2 under consideration when the Committee adjourned till this day at Two o'clock.

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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 |

Public Bill Committee

Thursday 7 March 2013

(Morning)

[MR GARY STREETER *in the Chair*]

Marriage (Same Sex Couples) Bill

Written evidence to be reported to the House

MB 98 Rev. John Hibberd
 MB 99 Equality and Human Rights Commission—
 supplementary evidence
 MB 100 Lesbian and Gay Foundation
 MB 101 UNISON
 MB 102 Dr Peter G. May
 MB 103 Barry Crown
 MB 104 Dr Carla Skinner
 MB 105 Affinity

11.30 am

The Minister of State, Department for Culture, Media and Sport (Hugh Robertson): On a point of order, Mr Streeter. For the convenience of the Committee I want to take the opportunity to clarify something. We had a long debate at the end of our last sitting on the interaction between the Lord Chancellor and any change in policy from the Church in Wales. I want to confirm that we will take that way and do everything we can to meet its requirements. If we are able to do that, we will table a substantive amendment on Report.

Kate Green (Stretford and Urmston) (Lab): Further to that point of order, Mr. Streeter. I welcome what the Minister said. I am grateful for his assurance, as I am sure the Church in Wales will be. On that basis, we would not want to press the amendment to a vote.

The Chair: I am grateful to both colleagues.

Clause 9

CONVERSION OF CIVIL PARTNERSHIP INTO MARRIAGE

Mr David Burrowes (Enfield, Southgate) (Con): I beg to move amendment 49, in clause 9, page 9, line 5, at end insert—

‘(1A) Such a procedure must include a ceremony which reflects the requirements of Section 1(2).’

The Chair: With this it will be convenient to discuss amendment 50, in clause 9, page 9, line 8, at end insert—

‘(2A) Such a procedure must include a ceremony which reflects the requirements of Section 1(2).’

Mr Burrowes: Welcome, Mr Streeter, to day four. There is a feeling of excitement and anticipation about today. Despite the pitch being worn in places, Team marriage is full of energy, enthusiasm and excitement about today’s proceedings. The amendments are in my name and those of my hon. Friends the Members for East Worthing and Shoreham and for Strangford.

As you know, Mr Streeter, I am a criminal defence solicitor and have often had to defend cases that I found objectionable. If I were asked to defend same-sex marriage, I would get to clause 9 and have to tell my clients—let us say, in this case, the Government—that it is a gap in their defence. The gap is the lack of a requirement for a public ceremony, which amendment 50 seeks to plug. As I understand it, the central part of the Government’s defence of the redefinition of marriage is that it is so important—the Secretary of State says that it is a “gold standard”—that it should be extended to same-sex couples. They want to equalise same-sex and opposite-sex marriage. As solicitor for the defence, I would look for evidence to support their case that draws same-sex relationships within the same substantive framework as marriage.

Clause 1, and most of the Bill, focuses on the marriage ceremony, and from reading the Bill one would assume that its point was to provide access to the marriage ceremony. One would also assume that the Government believe not just that marriage is important, but that the marriage ceremony is important. The ceremony makes the marriage legitimate, as the Minister told us at the Committee’s first sitting. On Second Reading, we heard evidence and genuinely moving accounts of how extending marriage to same-sex couples will allow public acceptance and endorsement of same-sex relationships.

The implication is that a ceremony with vows provides a formal stamp of approval. However, I do not see any ceremony in clause 9. Subsections (1) and (2) refer only to a conversion—let us call it an upgrade—for existing civil partners to be married. Subsection (1) says that that will be

“under a procedure established by regulations”.

That prospect of a paper upgrade does not sound romantic or publicly affirming. The Committee has heard representations that the cost of a marriage upgrade should be under £100. We have heard that marriage is a gold standard, and I am not sure what the price of gold is at the moment—

Tim Loughton (East Worthing and Shoreham) (Con): It is around \$1,600.

Mr Burrowes: That is not £100. In some ways it could be referred to as fool’s gold. Perhaps regulations will specify, as they did with mobile phone upgrades, that if people have been in a civil partnership for so many years, they will not have to pay anything and will automatically receive an upgraded model.

To defend my client—the Government—from such an attack, I would have to do some background reading, which forms the basis of amendment 49. Is there a wish for civil partners to have a ceremony, which would make amendments 49 and 50 irrelevant?

I have spent some time away from the Committee reading the Standing Committee proceedings of the Civil Partnerships Bill in 2004. My right hon. Friend the Member for Rutland and Melton (Mr Duncan) and

the hon. Member for Rhondda (Chris Bryant) were active with other hon. Members in pursuing a spoken declaration or verbal statement when two people commit to each other at the time of registration. My right hon. Friend the Member for Rutland and Melton said—this goes to the heart of my amendment—that

“the fundamental point is that if we are to ascribe to the moment a civil partnership is entered into the value that most of us in Committee feel attaches to the arrangement that is being made, the absence of a recognised and understood verbal commitment, in a form which in itself becomes increasingly recognised and valued, is a weakness and an omission in the Bill.”

The amendment is intended to deal with what might be seen as a weakness and an omission in this Bill.

The hon. Member for Rhondda intervened, as he is prone to do now and again, and said, “I wholeheartedly agree”. The hon. Gentleman, who had tabled some amendments about the particular type of spoken declaration, continued:

“All I am saying is that I believe that the process of them saying those things out loud and in front of witnesses is a significant part of the process of them making a declaration about their relationship and commitment. It would be more appropriate if witnesses were to hear people saying those two things rather than merely assenting to them”.

He also said that he hoped that

“the Government are trying to arrive at a situation where there is an acceptance that there will be some form of ceremony and that people will have some degree of flexibility.”

The hon. Gentleman was asked whether he agreed with the proposition about same-sex marriage, which is at the heart of this Bill, and he answered that

“I do not support that; I believe that marriage is an institution that is ordained of God and should be celebrated between a man and a woman. However, I also believe that two men or two women can have a relationship that in many ways mirrors that between a man and a woman but is not identical. Therefore, I believe that we should have in law separate institutions that reflect that reality. The truth is that just because two elements of the ceremonies may be similar, that does not necessarily mean that they are identical, nor that we believe that they should be. I do not think that one is more valuable than the other—they are simply different. Nevertheless, certain elements are needed, notably the declaration of assent and the declaration that people are not barred, by virtue of some legal impediment, from entering into the civil partnership.” —[*Official Report, Standing Committee D*, 21 October 2004; c. 68-70.]

I could not have put better myself the defence of the equal value, but with different institutions, of marriage and civil partnerships. There are four dissenters here, and there is still time for the hon. Gentleman to come over and join us in the dissenting ranks and to make the same statement, which I would uphold.

Looking back to 2004, there was a desire for a public ceremony that allowed an exchange of vows or a public declaration at the time of registration. Attempts were made to mirror the Marriage Act 1949, but the then Government recognised the legal problems of equating the form of words in the ceremony with those for marriage. My right hon. Friend the Member for Rutland and Melton has described to me the proper understanding of civil partnerships and marriage as two parallel lines—different, but equal lines. Perhaps that is similar to the view of the hon. Member for Rhondda in 2004.

In clause 9, the two lines of civil partnerships and marriage are now merging. However, the Government’s reluctance to place explicitly in the Bill a ceremony attached to the civil partnership conversion is hard to

understand and hard for me to defend. We are left with clause 9, which will create a new bureaucratic route into marriage without any marriage ceremony and, without amendment 49, I will struggle to defend the Government, to whom I am always trying to be helpful. How can I set out the Government’s case that the Bill is all about equality for same-sex couples to be married like opposite-sex couples, when only same-sex couples can be civil partners and have this conversion—perhaps this paper upgrade—to marriage, so skipping the other formal requirements of the Marriage Act?

Under clause 9, a same-sex couple in a civil partnership who have not had the opportunity to make that exclusive, public “till death us do part” vow that is recognised by law, will not be formally required to make such a vow. They can marry simply by virtue of a bureaucratic process that is to be defined by the Registrar General or the Secretary of State. Moreover, their marriage will be regarded as having started when the civil partnership began, so it is effectively a retrospective conversion or upgrade. Amendments 49 and 50 provide the Government with a way forward by insisting that both means of converting a civil partnership to marriage involve a proper solemnisation, in accordance with paragraphs (a) to (d) of clause 1(2), which is referred to in the amendments.

Unless the Government bring same-sex marriage relationships into the same substantive framework as marriage through amendments 49 and 50, they must admit that they are changing it fundamentally, in effect creating two separate forms of relationship for which the Government want to use the will of Parliament to categorise as marriage, even though the two are quite different and will remain so. Broadening marriage into a relationship category that sprawls over different, and I believe weaker, levels and modes of commitment cannot do what the Government say that they are seeking to do, which is to strengthen the institution of marriage. It will serve to weaken it. Therefore, the Government should take seriously my attempt to help defend their case and support amendment 49.

Chris Bryant (Rhondda) (Lab): It is good to see you back in the Chair, Mr Streeter, and it is good to see that the hon. Gentleman keeps regular updates on every speech that I have ever made. If only he and his ilk had paid more attention when I first made that speech, we might have had a unanimous House of Commons, but he did not—I cannot remember if he was here at the time.

Mr Burrowes: Not quite.

Chris Bryant: He was a twinkle in Parliament’s eye—[*Interruption.*] He was not a twinkle in the eye of my hon. Friend the Member for Liverpool, West Derby (Stephen Twigg).

I thought that we had got rid of gold standard, platinum standard and all of that stuff. We should also get rid of the concept of upgrade, because people live their lives in different ways, and I still hold to the view that many people will want to be in a civil partnership and not in a marriage, even if they are a same-sex couple who would like to be able to declare their commitment one to another. That is why I am in favour

[Chris Bryant]

of keeping civil partnerships; I have never been in favour of getting rid of them. That option was considered at one point, and that is why it would be a good idea to have civil partnerships available for opposite-sex couples, as we debated last week.

Ceremony is an important part of the process for everyone at some stage. When I was a curate, I had to advise people about which ceremony they could or could not have. I never allowed the bride's mother to come to the rehearsal because, as I would point out to her, she did not have a role: brides' mothers always objected to everything. The only way that I was able to prevent it absolutely was when a mother of the bride had turned up and said: "I want it to be exactly the same as when I got married." I asked: "In which case, may I ask if they used the word 'fornication' in the service?" She said: "No." So I said: "In which case, it was an illegal marriage because it was not performed according to a rite and ceremony of the Church of England. Perhaps we should start all over again."

Ceremony is important. On another occasion, a friend of mine called Heather Coombes wanted to get married to a man called Max Hill; I had known them both from my university days, and they are still happily married today. They were insisting on having a song from "Brigadoon", called "The Heather on the Hill", but I thought that that was inappropriate for a Church of England service, so we did not have it. I did, however, allow the couple who wanted to get married in 18th century riding outfits, because nothing is said anywhere about what people have to wear in order to be able to get married.

When Jared and I performed our civil partnership here, one of the difficulties was that there is not much material out there that can be used for a civil partnership. In Committee, we have had evidence from people talking about how they have been providing more liturgical material, but religious material cannot be used because it is not allowed, or was not then allowed, so we wrote our own vows. Jared insisted that the most important vow that I had to make was that I would never make him eat fish, while he in turn vowed that he would never make me watch "Sex in the City 2", which I think applies to a whole category of movies and not only to that one. In keeping with many civil partnerships that I have been to, my former girlfriend sang a song and his former girlfriend was there as well. It was all very inclusive, and Cilla Black came—[*Interruption.*] It was not "Blind Date", no; but she was wearing a nice hat, yes. It has to be said that she is not entirely a socialist, but quite a lot are not these days.

My point is that ceremony is important. I very much hope that organisations such as Stonewall, should they be present in the room, will start to develop more liturgical—perhaps that is not the right word—forms of ceremony. Some of the most imaginative and moving events I have been to, where two people have committed to each other, have been civil partnerships, and that is because they have had to invent the ceremony for themselves.

11.45 am

The clause is really in the Bill only because we set about creating civil partnerships, we cannot abolish them and we want to allow some people to convert to

marriage. I suggest to the hon. Member for Enfield, Southgate that all those people have had extensive ceremonies already. The average cost of a wedding is £21,000. Those who have, almost certainly, been through and enjoyed events, who have contributed substantially to the British economy and who have done so very tastefully and gracefully should not be forced to go through yet another ceremony.

I grant there is a theoretical possibility that some people who enter into civil partnerships once same-sex marriage is allowed will subsequently want to convert, but I think the number will be relatively small. One cannot account for all humanity, but I think the number will be relatively small because most people will choose a or b. All the amendments would do is force people such as myself to spend yet more money on another ceremony. Now, I am quite happy to have another party; indeed, I will invite the hon. Gentleman, and I will feel very upset if he does not come, because that will be an act of social exclusion, and it will prove that his homophobia, which he has always denied—

Mr Burrowes: There are already invitations in the post—

The Chair: Order.

Chris Bryant: Anyway, my point is simply this: all the amendments would do is make people who have often already spent large amounts on declaring their commitment one to another spend yet more money.

I hope the Government will answer the point. I presume this is a stand part debate as well—Mr Streeter, you are not looking like I have been a good boy in saying that.

The Chair: This is a debate on amendments.

Chris Bryant: We have not had many stand part debates, but I will shut up.

Tim Loughton: That is a difficult act to follow. You have allowed a very wide-ranging debate on these narrow amendments, Mr Streeter. The hon. Member the Son of the Valleys has outed some of his friends and named some of his former clients who like "Brigadoon", dress up in riding outfits and things like that, which may come back to haunt him at some stage.

I will not be nearly as indiscreet in my defence of the amendments, which are in my name and those of my hon. Friends. The amendments are perfectly sensible and in accordance with what the Government are trying to achieve in the Bill. One of the gaping holes in the Bill's internal logic, which the Minister has told us about time and time again, is how it defines same-sex marriage in ways that differ from opposite-sex marriage. The argument is that the Bill is somehow all about equality, which I dispute.

As a result, the Catholic Bishops' Conference, for example, asserts in its briefing that there is a distinct set of differences between opposite-sex and same-sex marriage in the Bill. In a way, the Bill legislates for something

part-way between civil partnership and marriage, as it is conventionally known at the moment. For instance, under schedule 4,

“Only conduct between the respondent and a person of the opposite sex may constitute adultery”.

That reflects the framework of civil partnership law, which has no provision for adultery, unlike marriage law. We will come on to that in later clauses, and I am sure you are very much looking forward to that, Mr Streeter.

In clause 9, we have another way of defining same-sex marriage that makes it a different institution. The Secretary of State thinks marriage is the gold standard, so she would presumably say that the clause provides for a lesser institution. The provision allows someone to convert a civil partnership into a marriage, instead of actually going to the trouble of getting married, so civil partners can just get their civil partnership converted. Now I know that, as he has just repeated, the hon. Member for the Valleys was upset with the Secretary of State for describing marriage as the “gold standard”, but, clearly, it must be different from civil partnerships, even if he does not regard it as better. However, the provision erases that difference.

What we heard from my hon. Friend the Member for Enfield, Southgate was very interesting when he cited those halcyon days of 2004. I had not realised, and I had not seen the words that he used in Committee, that there was indeed a sunlit road that led all the way to the valleys, as an extension of the one that led beyond the A27 to New Forest West, which my right hon. Friend the Member for New Forest West has trodden very carefully over the past nine years, but he says that he has recanted his earlier misdemeanours. I do not know when that recanting happened for the hon. Member for Rhondda, or what changed between 2004 and 2013, which was one of my opening gambits in discussing the Bill.

Chris Bryant: It happened on 27 March 2010, when I got married, or civilly partnered.

Tim Loughton: Well, that is a very interesting bit of detail, entirely born of self-interest and self-practice.

I said a moment ago that same-sex marriage, as the Bill defines it, is somewhere between marriage and civil partnership, but clause 9 means that the two are effectively exactly the same—they are interchangeable. However, the premise of the Bill is that they are different, so which is it? The hon. Member for Rhondda, in his quote and in what he said just now, goes on about difference.

True, civil partnerships give same-sex couples rights and responsibilities similar to those of people in a marriage. Civil partners are entitled to the same property rights, exemptions on inheritance tax, social security, pension benefits and so on as married couples. They also have the same ability to get parental responsibility for a partner’s children, as well as—

The Chair: Order. I might be wrong, but I do not think that the hon. Gentleman has yet referred to the amendments expressly. I am minded to allow a clause stand part debate on clause 9, but we are heading towards having it now. If he can refer to the amendments, we would be most grateful.

Tim Loughton: Expressly, the amendments simply provide that conversion from a civil partnership to a marriage should require a ceremony that is like the marriage ceremony. It does not have to be as elaborate as a marriage ceremony—it certainly does not have to cost £21,000, and it certainly does not need to involve “Brigadoon” outfits or any other outfits that the hon. Member for Rhondda would care for his friends to dress up in, or not—but there should be some sort of ceremony.

Indeed, one can think of a list of other activities where a ceremony is at the heart of that process—that transition to a new status. For example, a citizenship ceremony, as part of people coming to the country or being in the country for a long time and wanting to acquire British citizenship, is established now. I have been to one in County hall in my county. There will be a ceremony, presided over perhaps by a lord lieutenant, and people acquire citizenship as a result of it and of giving various undertakings, and they usually sing the national anthem and things like that.

Baptism into a faith, or coming into a faith through other means, is usually conducted through some form of ceremony. It may be elaborate; it may not be nearly as elaborate as a font dunking, as happens in the Church of England and other Churches.

There are also initiation ceremonies. We have heard an awful lot about the time of the hon. Member for Rhondda as a curate and then a priest. I am sure that he is involved in various other clubs, activities and hobbies beyond the Church and politics, as I am sure many other hon. Members in the Committee are, which involve some form of initiation ceremony, some of them less distasteful than others.

However, a ceremony is at the heart of all of those activities. So this is not something completely out of the ordinary, and we have heard time and again about the importance of the ceremony that goes with marriage. It is entirely consistent that, whether one wants to call it a transition, upgrade, conversion or whatever, from a civil partnership into what will now become a full-blown same-sex marriage, it should, to mark the moment of that transition or upgrade, have some form of ceremony at its heart.

I see that the order-making power under clause 9(4)(c) allows, but does not require, the Registrar General to provide for making declarations in support of an application to convert. That sounds like an affidavit to me, but what about the spoken exchange of vows in the presence of witnesses, which is so much at the heart of what we all understand a wedding ceremony to be? An affidavit does not sound terribly romantic or meaningful. The requirements under clause 1 state:

“The marriage of a same-sex couple may only be solemnised in accordance with... the Marriage Act 1949”

and various other related provisions. Amendments 49 and 50 therefore suggest that this solemnisation ceremony should be included in a civil partnership conversion.

The Bill currently allows same-sex couples who are already in a civil partnership to convert their relationship into a marriage without going through the requirements laid down in clause 1. The idea of converting a civil partnership into a marriage without going through the requirements in clause 1 has been on the Government’s

[Tim Loughton]

agenda for some time. In their response to the consultation in December, they said that they would allow civil partnerships to be converted into marriage, stating:

“We will enable couples to have a ceremony upon conversion should they wish to do so”.

The response to the consultation added:

“The ceremony would have no legal effect and would be similar to existing ceremonies allowing couples to renew their vows (and would therefore incur a separate cost). Accordingly a couple would be able to have such a ceremony on religious premises, if agreed with the religious organisation and any representatives of that organisation who would be involved in the ceremony.”

The conversion process will involve the couple applying to the relevant authority to obtain a conversion and a new marriage certificate and pay a small fee. The Government, therefore, stress that conversion would not be seen as the legal ending of one relationship and the starting of another. Any rights, responsibilities and benefits already accrued during the civil partnership will be kept and will continue from the date of the original civil partnership, not the date of conversion.

This whole line of thinking does not make sense. If civil partnerships really are a separate institution from marriage, then surely—contrary to what the Government say—there should be a definite legal ending of the civil partnership and a definite starting of the marriage. The Government do not appear to be going down the route, which I think that the hon. Member from the valleys supports, of scrapping civil partnerships replaced by new same-sex marriage. That is not what is being proposed here, and nor are the Government agreeing, at this stage, to introduce civil partnerships for opposite-sex couples.

The proposals as they stand are quite discriminatory. Why should same-sex couples already in a civil partnership not have to go through the same process, vows and commitments that everyone else has to go through, with or without their mothers-in-law? The proposals will mean that some gay couples can get married without having a proper wedding—it is almost like the old problem of people getting married in secret. My hon. Friend the Member for Enfield, Southgate referred to the original purpose of the law on marriage, and Hardwicke’s *Clandestine Marriage Act 1753*, which was the start of the journey that we are continuing today. The proposals flagrantly go against the notion that marriage is a public statement of commitment, and who really wants a marriage without any sort of ceremony?

We heard from the Quakers about the sort of marriage ceremony that they undertake now. People there are not part of but witnesses to the service, which is a declaration of the intention of the two people involved in the marriage, of their union with each other, affirmed only by God in that case. However, it is part of a ceremony.

Clause 9 undermines marriage in the full-blown terms that the Government and others want. The idea that a couple can become married by merely filling in a form and paying a fee dilutes the great significance of this institution, which we all want to preserve. Ensuring that all marriages have to include a ceremony, as the amendments suggest, reflecting requirements in clause 1, would mean that all married couples are treated the same and have to go through the same formalities. Surely there is a degree of equality there.

Amendments 49 and 50 seek to eliminate discrimination between one type of marriage and another. They impose equality between one marriage and another, and they give marriage and the marriage ceremony a far greater significance. If the Government really care about marriage and the importance of recognising that it is distinct and separate from civil partnerships, they should embrace the amendments. I very much look forward to the Minister’s response.

12 noon

Jim Shannon (Strangford) (DUP): It is a pleasure, Mr Streeter, to have an opportunity to make some comments along with my two hon. Friends the Members for Enfield, Southgate and for East Worthing and Shoreham. I am pleased to speak in support of amendments 49 and 50. In my opinion and that of others in Committee and certainly outside it, the amendments are important. They highlight a significant problem with the Bill: the fact that it does not realise its stated objective of equal marriage.

The giving of vows—public declarations, recognised in law, through which both parties of a couple make to each other an exclusive “till death do us part” commitment—is central to the identity of marriage. The *Marriage Act 1949*, as amended by the Bill, will maintain a place for vows, but only for some marriages. Clause 9, in its wisdom, creates the vowless marriage by making provision for civil partners to convert their civil partnerships to marriages simply courtesy of some paperwork mandated by the Registrar General or Secretary of State.

In proposing the advent of the vowless marriage, clause 9 presents the Government with three major problems. First, in allowing some same-sex couples to marry without vows, the Government fail to bring same-sex relationships into the framework of marriage. That is our perception and belief. In putting that right, they face a choice. If they want to provide legal recognition for same-sex couples without vows, they can, but those cannot be categorised as marriage, because, without vows, they are different from marriage. There is a distinct difference. If they genuinely want to redefine marriage to draw in same-sex couples, they must change the Bill through, among other things, amendments 49 and 50, which will place same-sex-couple relationships in the same substantive framework as marriage, replete with vows.

Secondly, the proposal that some should be able to get married without vows, when everyone else can get married only with vows creates a discriminatory framework that is anything but equal to marriage. I believe that it is blatantly unequal marriage. Thirdly, if we redefine marriage so that, rather than drawing different and same-sex couples into substantively the same relationship, we do not achieve a redefinition of marriage, that merely amounts to the extension of its remit. We fundamentally undermine marriage by construing its definition over the traditional—I use this terminology—“gold standard” definition of commitment and a new, weaker definition of commitment, both of which will then have influence.

To the extent that a vowless marriage will still be marriage after the Government have made the changes, they inevitably state that vows are not actually central to marriage. It is a very subtle change that we are concerned about.

I find it shocking that a Prime Minister—with great respect to the Prime Minister—who has talked so much about the importance of commitment should propose undermining and removing one of the central expressions of commitment that marriage currently requires: the giving of vows. Clause 9 is bad news for commitment and bad news for marriage. That is why I strongly support amendments 49 and 50, which would have the effect of making vows central to the definition of marriage once again. They would make it clear that there should be no such thing as a vowless marriage. The practice of asking couples to make a public, exclusive “till death do us part” declaration, recognised in law, in order to be married is one that has served us well and should not be placed in jeopardy.

Hugh Robertson: Welcome to the Chair this morning, Mr Streeter. As others have said, the amendments seek to require that couples who apply to have their civil partnership converted to marriage under clause 9 must, as part of that process, do that conversion in the way that a same-sex marriage would be treated under clause 1. However, that overlooks the key point that the hon. Member for Rhondda has made, that a couple in a civil partnership will have already gone through a civil partnership registration, demonstrating a level of commitment not unlike—different, but not unlike—that required for a marriage ceremony. I therefore do not believe that it would be right for the Registrar General or the Secretary of State to compel such couples to go through a second ceremony with the costs and potential inconvenience that that might entail when their commitment to each other is clearly not in doubt.

Freedom of choice must also be considered. I do not think it right that couples in a civil partnership do not have a choice about whether or how to celebrate a conversion to marriage. It will simply involve a straightforward administrative process for those who prefer that, while those who want a more public ceremony will be able to hold that at a place of their choosing. There should be no compulsion on couples to have a formal ceremony, or indeed on any organisation to conduct one, although the suggestion about the lack of liturgical back-up is a good one.

I hope that hon. Members will agree that giving couples the choice to have a ceremony following a conversion, but without compulsion for those who prefer a purely administrative process, strikes the right balance. In short, it is for them to decide. I therefore ask my hon. Friend the Member for Enfield, Southgate to withdraw the amendment.

Mr Burrows: I started the day in a bright, positive mood, but I am saddened by the responses of the Minister and the hon. Member for Rhondda. I was encouraged when I read what hon. Gentleman said in 2004, and I was looking forward to hearing from him today. Back then he was concerned about the form of words and the declaration required in the ceremony. He showed real concern, and he was probing and scrutinising the legislation, but now he effectively says that that does not really matter.

The Minister talks about freedom of choice, but that was not the case when he opened the debate on clause 1, because that states:

“The marriage of a same sex couple may only be solemnized”.

Clause 1 does not include the word “compulsion”—it states that marriage “may only be solemnized”—but it sets out the basic point, which I would have thought was a given, that marriage involves a ceremony that is solemnised in accordance with paragraphs (a) to (d) of subsection (2). Now, however, the Minister is telling us that this should be a matter of free choice, so I look forward to him being true to his aim. Perhaps he will table an amendment on Report to say that all couples should have a free choice by having the ability just to go through an administrative process, not a ceremony. If we are to live and let live with the Bill, why not let heterosexual and same-sex couples simply have an administrative process and the ability to decide for themselves whether they want to solemnise their marriage with vows? We now have a genderless marriage proposal, so why not a vowless marriage proposal? Let us have a free choice; let us have the liberty that the Minister wants to imbue all of us with. I look forward to hearing what the Minister comes back with on Report.

I am saddened because I believe that this has been insufficiently considered. There was a call for ceremonies during the passage of the Civil Partnership Act 2004, but there is no ceremony or declaration when civil partnerships are registered. The reality is that there is a recognisable difference between marriages and civil partnerships, but the Government want to gloss over that difference and to equalise them, albeit in a very unequal way.

The hon. Member for Rhondda talked about cost, as if that is the main issue, but it plainly is not. Obviously, weddings are costly, and we heard that the average cost is £21,000, but what about the value of the ceremony and the vows? Plainly, we are talking about not just the wedding day—all the bells and whistles—but the marriage ceremony itself. The amendment is about the value of the ceremony to the public witnesses, friends, family, and primarily, of course, the couple themselves.

Chris Bryant: Of course I think that value is more important than cost, but may I ask the hon. Gentleman whether it is true that he has been campaigning for several years for a tax benefit for married couples?

Mr Burrows: That is indeed the case. Of course there is a financial element to marriage, but we are debating a marriage Bill, not a Finance Bill. I look forward to the forthcoming Budget and Finance Bill so that we can have that debate, but we are talking about a much wider issue: the Government, supported by the Opposition, are saying that the marriage ceremony is unimportant and not necessary.

We should go beyond the issue of costs and convenience. We are talking about conversion. The rebuttal to the amendment is that it is not necessary because it would be inconvenient and there would be a cost issue. Surely we need to go deeper than that. The amendment would give marriage the proper value that it deserves.

Hugh Robertson: The Government are emphatically not saying what my hon. Friend suggests. We are simply recognising that there is an issue relating to people who wish to convert civil partnerships that they have already registered. We think that they should be allowed to choose for themselves how they do that—it is as simple as that.

Mr Burrowes: But that is without a ceremony, the importance of which is recognised in clause 1. There is understanding about that. As I set out earlier, the hon. Member for Rhondda said that there should be “separate institutions” to reflect reality. That was a recognition of the separate institutions of marriage and civil partnership. An important part of marriage is the ceremony, but the Government want to equalise it. There was initially a desire for ceremony in civil partnerships, but we must recognise that marriage properly has a form of ceremony involving that important declaration of exclusivity and permanence.

I will not let go of the amendment. It is, of course, important that we accept that the wedding day and the marriage is a wonderful, joyful celebration—a party at which people can dress up in different guises, or do whatever they want to do. However, there is also an important, solemn moment—a moment of solemnisation—during a marriage when important vows are made, and we should not ignore them.

Chris Bryant: Will the hon. Gentleman give way?

Mr Burrowes: I want to make progress.

It is not just the Hollywood moment of saying, “I do,” because people are making important promises to each other and that matters greatly. The traditional wording is:

“for richer for poorer, in sickness and in health...till death us do part”.

Those important promises made during the ceremony and declaration matter but, effectively, by ignoring and dismissing the amendment, the Government are saying that they do not matter. They are saying that marriage has to be reduced and downgraded. They are effectively saying that the ceremony is to be abolished for some couples. They are saying that the ceremony is meaningless. I thought that they had accepted that they would value the ceremony in the Bill, but they are now saying no, and we are effectively getting genderless and vowless marriage which, as far as I and the dissenters of Team marriage are concerned, is not acceptable. I will press the amendment to a Division.

Question put, That the amendment be made.

The Committee divided: Ayes 4, Noes 11.

Division No. 6

AYES

Burrowes, Mr David	Loughton, Tim
Kwarteng, Kwasi	Shannon, Jim

NOES

Andrew, Stuart	Kirby, Simon
Bryant, Chris	McGovern, Alison
Doughty, Stephen	Robertson, rh Hugh
Gilbert, Stephen	Swayne, rh Mr Desmond
Grant, Mrs Helen	Williams, Stephen
Green, Kate	

Question accordingly negatived.

Question proposed, That the clause stand part of the Bill.

12.15 pm

Chris Bryant: I want to raise several issues. First, I alert the hon. Member the Son of the Archdeacon that I did not make only one vow; there were other vows, which are much more serious, about mutual sustenance and all the rest of it.

I want to correct hon. Members who referred to what they presume to be the vows made under the 1949 Act. There is none of the stuff that the hon. Member for Enfield, Southgate mentioned, which is said just in Church of England services and not allowed in a civil register office, and therefore not allowed to be said, according to his judgment, by same-sex partners. Everything he said was complete and utter nonsense, and he was completely contradicting himself. The 1949 Act has no requirement for people to make a vow that they will live together for ever. Incidentally, those getting married in a register office never say, “I do”, but, simply, as the Act provides—[*Interruption.*] The hon. Gentleman should calm down. I am sure he will want to speak again, as he often does.

As other Members have mentioned, the vows are extremely simple. All that the person has to say is:

“I, AB, do take thee, CD, to be my lawful wedded wife [or husband]”.

That is the sum total of what is allowed for. The clause, which provides for those converting from a civil partnership to marriage being allowed to create whatever ceremony they think fit, is a very generous provision, and I congratulate the Government on how they have drafted it.

One question I want to ask is about cost. In evidence to the Committee, Stonewall gave us a long list of different licences, although I am not sure that we should compare a fishing licence to a marriage licence. None the less, I cannot see that the administrative duties will be onerous or that there is a great need for a significant cost. People have talked of £100 or £150, but I see no reason why the cost cannot be about the same as for getting a copy of a marriage certificate. I hope the Minister will reply on that point.

Mr Burrowes: I do not wish to repeat the earlier debate, but it is interesting that the hon. Gentleman referred to the words, “I do”. That is Hollywood, but the focus—whether it is indeed Hollywood, or whether we are thinking about the concerns of the couple or of family and friends—is to be there to witness that public declaration, through those very simple words or in civil ceremony, and they matter greatly. Unfortunately, my amendment was not accepted and the Government have conceded that that is not necessary. I greatly regret that.

Hugh Robertson: Let me start by answering the question from the hon. Member for Rhondda. The costs for converting a civil partnership will be on the basis of cost recovery. The current best estimate is about £100.

Chris Bryant: On cost recovery, why does it cost £20 to issue a copy of a marriage certificate, which requires consulting all sorts of other documents, ensuring that the right details are copied and that the right person is providing the certificate, whereas the cost of conversion is about £100?

Hugh Robertson: I can do no better than read from my briefing and simply say that the cost of a conversion is therefore comparable to the cost of getting married in a civil ceremony, which is £119. It will reflect the processes that are likely to be needed to identify the existing civil partnership registration, to prevent identify fraud and to issue a new marriage certificate, so there we go.

We have had a reasonably extensive debate over the past 50 minutes, so there is no need to detain the Committee further as there are other things to do.

The Chair: On the Bill?

Hugh Robertson: On the Bill, Mr Streeter, and other things.

Question put and agreed to.

Clause 9 accordingly ordered to stand part of the Bill.

Clause 10

EXTRA-TERRITORIAL MATTERS

Question proposed, That the clause stand part of the Bill.

Kate Green: I am happy to be guided by you, Mr Streeter, as to whether to raise such issues now or when we debate the amendments to schedule 2, although I note that they deal with the position in Northern Ireland. I want to raise issues in relation to Scotland.

I want to ask the Minister about the situation whereby the legislation in England had been passed, but the Scottish Parliament had not yet enacted for same-sex marriages in Scotland. We must therefore envisage at least a short delay whereby same-sex marriages are valid under the law of England and Wales, but not under that of Scotland. As members of the Committee will discover as we discuss matters today, and probably on Tuesday, I am now on my favourite territory—money—and I want, first, to ask about pensions.

If there were an interval between the Bill receiving Royal Assent in England and Wales and same-sex marriages becoming lawful in Scotland, for a woman married under the Bill and in receipt of a category B state pension whose husband was then recognised as a woman by a gender recognition certificate, the pension would continue. However, if the woman lived in Scotland, pending equivalent legislation to allow for same-sex marriages there, her status and access to that pension would not be covered. I appreciate that it is difficult for the Minister to comment on the Scottish Parliament's intentions on legislating for same-sex marriage in Scotland, but I am keen to hear whether such discussions are taking place between the UK Government and the Scottish Government and how they might be going.

More speculatively, I want to ask about the opposite situation. You might rule me out of order, Mr Streeter, but I hope that you will allow me to put some questions on record. Let us suppose that our Bill fails to receive Royal Assent, but that the Scottish Parliament passes measures allowing for same-sex civil marriages in Scotland, which we expect will happen. We have debated armed forces chapels, and I would like to know whether a Scottish same-sex couple could marry in a British consulate or at a UK armed forces base.

Would a gay person usually resident in Scotland, but serving overseas as a diplomat or member of the armed forces, be considered married while serving? Would additional provisions be required under UK law to ensure that pension survivor benefits were paid to same-sex married couples in Scotland?

I appreciate that we are in the realms of speculation, and I would understand if the Minister considered the position so unclear that he might want to discuss it with me afterwards, but such worries undoubtedly show that there might be a hiatus before we have absolute uniformity across Scotland and England. I would be grateful for his assurance that such matters are being considered.

Jim Shannon: I rise to speak to amendments 41, 46 to 48 and 45.

The Chair: Order. We are on clause 10 stand part. We will come to the hon. Gentleman's amendments very soon. The Minister may or may not wish to respond to the questions asked by the hon. Member for Stretford and Urmston.

Hugh Robertson: I did say that we had things to do later. I was not envisaging that that was necessarily one of them, but there we go.

The clause is in the Bill to ensure that marriage of a same-sex couple overseas or in another part of the United Kingdom will be recognised as marriage under the laws of England and Wales. Indeed, we have had a clear commitment from the Government in Scotland that they intend to legislate for marriage of same-sex couples. Of course, they cannot legislate for recognition of those marriages in England and Wales, so that is what the clause will do. The issues on the consular cover and the bases are covered to some extent in clause 13. Now that the hon. Lady has helpfully given us notice of her concerns, we will ensure that we are ready to answer them as best we can at the appropriate moment.

Given that my knowledge is not fully extensive, my reading of the pension situation is exactly the same as the hon. Lady outlined. Bearing in mind that I am not a pensions Minister and that we refer such matters to the Department for Work and Pensions, I think that, rather than my giving someone a steer, the best thing would be to tie the matter down, because it is important to people's livelihoods. If the hon. Lady is happy for me to do so, I shall write to her. With that assurance, I commend the clause to the Committee.

Question put and agreed to.

Clause 10 accordingly ordered to stand part of the Bill.

Schedule 2

EXTRA-TERRITORIAL MATTERS

Jim Shannon: I beg to move amendment 41, in schedule 2, page 21, line 29, leave out paragraph 2.

The Chair: With this it will be convenient to discuss the following:

Amendment 46, in schedule 2, page 21, line 41, leave out
' , or by virtue of paragraph 2,'.

[*The Chair*]

Amendment 47, in schedule 2, page 21, line 42, leave out ‘or 2(2)’.

Amendment 48, in schedule 2, page 22, line 28, leave out sub-sub-paragraph (b).

Amendment 45, in clause 17, page 14, line 3, leave out subsection (3).

Jim Shannon: This is an important issue for us, and it is important that it is on the record that the Committee has considered such matters. I would like to state at the beginning that the amendments are probing in nature and we will not be pressing them to a vote. However, it is important that they are on the record. I hope that the Minister will be able to give me some answers and that I will appreciate the affirmation he gives.

The amendments address the provisions in the Bill that will determine how Northern Ireland, and the Northern Ireland Assembly in particular, should deal with same-sex marriage. I would like to give some background to the following extract from the explanatory notes to the Bill, which puts the amendments in context. Under the heading “Northern Ireland”, the explanatory notes state:

“Marriage is an area which is a devolved matter for Northern Ireland.”

So it is.

“The Bill does not affect Northern Ireland directly, except as follows”.

It is about what follows that I am concerned and seek the Minister’s assurance. The notes continue,

“there are amendments to the law in Northern Ireland as it relates to re-issuing and correcting errors in gender recognition certificates and fraud proceedings under the Gender Recognition Act 2004...the Bill provides that marriages of same sex couples under the law of England and Wales will be treated as civil partnerships under the law of Northern Ireland.”

They go on:

“The UK Government will proceed in accordance with the convention that the UK Parliament would not normally legislate with regard to devolved matters in Northern Ireland except with the agreement of the Northern Ireland legislature. There are a number of provisions within the Bill which trigger that convention. In addition to the provision of the Bill which affects Northern Ireland directly (the treatment of same sex couples married in England and Wales), the other provisions which trigger that convention are a power for the Secretary of State to make consequential amendments in devolved areas; a power to make provision by an Order in Council about how UK consulates overseas carry out marriages and how service personnel can marry overseas. If there are amendments to the Bill which trigger the convention, the agreement of the Northern Ireland Assembly will be sought for them.”

My hon. Friend the Member for East Antrim (Sammy Wilson), who is also the Minister of Finance and Personnel, informed me that the Government have had some discussions with the Northern Ireland Assembly. There has also been a very clear lobby of many people in Northern Ireland who are concerned, and the Northern Ireland Assembly has made the decision to oppose the Bill, which I will come to in a few minutes.

12.30 pm

The Government have made it clear that the Bill has been prepared to amend the law in England and Wales only. If I understand it correctly, the Bill is seeking

to legislate for areas of law devolved to the Northern Ireland Assembly—I will refer directly to the Bill. There is a simple reason for our seeking clarification. The Bill states:

“The Secretary of State or Lord Chancellor must—

(a) obtain the consent of the Scottish Ministers before making any order under this Act

and

“(b) consult the Department of Finance and Personnel”

in Northern Ireland. Thus there is a question of consent, for the Scottish Parliament, which can make its own decisions, but consultation for the Northern Ireland Assembly, so that the Government can if they wish override its view.

My question is whether the Government intend to break the convention and override the Northern Ireland Assembly. A pertinent example concerns the National Crime Agency. I and my party are in favour of it, and so are most parties in Northern Ireland. I would love it to be established, but it will not, now, because one party in Northern Ireland has decided that it should not. Therefore, the National Crime Agency, which the majority in Northern Ireland—probably 70% of the population—favour, will not happen, because of one party’s objection. If the Government have not pushed for the National Crime Agency, how can they do so on the matter in question, which is of equal—indeed, greater—concern for most people in Northern Ireland?

There was a lengthy debate in the Assembly, and I will not outline all the ins and outs of it, but I wanted to make some comment and to ask the Minister a question. On Second Reading the Secretary of State mentioned in general terms—but leaving, none the less, a question in our minds—an intention to seek at least the opportunity, through the consultation process, of bringing Northern Ireland into line with the United Kingdom. Have the Government considered the unique nature of devolution or, indeed, of Northern Ireland? If not, will they do so? Will the Minister acknowledge the recent vote that showed that the Assembly was not in favour of the measure and ensure that no money will be wasted on pursuing it if the majority of the elected Members and the devolved Administration are of that mind?

The Committee cannot ignore the uniqueness of Northern Ireland’s position. There are 533 Roman Catholic-managed schools in Northern Ireland. According to figures from the Department of Education the number of pupils registered at schools in Northern Ireland is just over 322,000, approximately, and the number of pupils attending Catholic-managed schools is 164,000, approximately. About 51% of children in Northern Ireland are educated in Catholic-managed schools, and there are other faith-based schools, which take the number higher. That relates to one section of Northern Ireland society; but the clearly stated figures cannot be denied by Government or anyone else. There is no comparison, as there is nowhere near the same percentage in faith-based schools in England and Wales.

Will there be exclusions for the teaching curriculum? The question must be asked. The opinion of the Roman Catholic Church and the vast majority of the Protestant Churches in Northern Ireland is clear; they are completely opposed to the legislative change. The possibility that

the Government could break with convention and overrule the Northern Ireland Assembly and push the matter through is a matter of great concern to us.

According to a recent Tearfund poll 14% of English people were regular churchgoers; 12% of Welsh people and 18% of Scots attended church regularly. In Northern Ireland regular church attendance is 45%, which is more than the three other regions put together. We cannot ignore that faith-based opinion when it comes to this issue. It shows the high level of those following doctrine who do not believe, and have stated that they do not believe, in the proposed changes. Will the Committee consider the position it would be putting these huge numbers of people in by carrying out the Secretary of State's agenda of bringing Northern Ireland in line? It is an issue that concerns us greatly.

We all recognise devolution. Devolution for Northern Ireland is something that I supported in its totality. This Government have promoted it. The Labour Government gave it their support as well. We are pleased in this House to have devolution in Northern Ireland because it provides a legitimate, democratic process that takes us forward. We do not look back to the past. We look forward and it is important to do that. As a Unionist I feel it preserves our position in the United Kingdom better than before. But it is a peculiar type of democratic process. It is partnership government. It only works because the nationalists and the Unionists agree to take things forward. In many cases it means compromise. That has been a process that works.

Is it the democratic process that works in this House? No, it is not, but it is a partnership that works and that is why it is important. During the debate in the Northern Ireland Assembly there was a vote that clearly outlined the opinion of the members of that Chamber. One member said:

"The whole point of devolution is to permit regional variations in law and in practice from other parts of the United Kingdom. Not only are we not obligated to follow blindly but we would be neglecting our role by doing so. In referring to the 'eyes of the state', the motion fails to acknowledge that, under devolution, those eyes are different in Scotland to those in England and Wales, and different again to those in Northern Ireland."

That is the point I am trying to make with my probing amendments. I will not press them to a vote, but I want to make sure that the points are on the record.

In my time as a councillor, as a Member of the Northern Ireland Assembly and now as a Member of this House, I have prided myself in being able to represent everyone. The votes that we have at elections sometimes give us a different mandate. Proportional representation enables us to see where our second or third preferences are. Whenever we do well in an election and we are elected, our extra votes are distributed among different political parties. It shows that people put their trust in individuals. On this issue people cross party lines.

I have spoken to people from the Presbyterian Church, the Methodist Church, the Church of Ireland, the Elim Pentecostal Church, the Baptists, the Brethren and also from the Roman Catholic belief. We also have smaller groups in Northern Ireland. For example, those of the Muslim faith have helped in planning applications. Bangladeshi groups have their own opinions as well, as do the Sikhs. The vast majority of opinion is to oppose this measure.

There are amendments in the Bill to the law in Northern Ireland as it relates to reissuing and correcting errors in gender recognition certificates and fraud proceedings under the Gender Recognition Act 2004. The Bill provides that marriages of same-sex couples under the law of England and Wales will be treated as civil partnerships in Northern Ireland.

Following a debate on 1 October 2012, Members of the Legislative Assembly at Stormont rejected a motion calling for the redefinition of marriage by a majority of 50 votes to 45. The motion was defeated by a simple majority, contrary to some media reports at the time. It would be an affront to the democratic process if the Bill were written in such a fashion as to contradict in any way what was so recently decided by the elected politicians in Northern Ireland in a democratic process on a devolved matter as granted and agreed by Her Majesty's Government.

Paragraph 2 of schedule 2 states that the law in Northern Ireland must recognise same-sex marriages. We are, in effect, telling locally elected legislators in the devolved institutions how they must handle an issue on which they have already made a decision in their own region, as a devolved matter granted by Government. If the Government want the law in Northern Ireland to recognise same-sex marriages formed in England as though they were civil partnerships, they should ask those who hold the democratic mandate and the legislative authority to do that. I understand that existing civil partnership legislation in Northern Ireland recognises some overseas same-sex marriages as civil partnerships, but I believe it is for the Northern Ireland Assembly to decide whether we should recognise as civil partnerships the form of same-sex marriage proposed in English law, and the convention should rule on that. The Northern Ireland Assembly should not be dictated to on such a controversial matter.

We do not want legislation on same-sex marriage in Northern Ireland by stealth. If such legislation is introduced, it must be because the devolved Assembly vote for it and approve it. If they do so, we must accept the result of that democratic process. Not only that, but what steps are the Government taking to ensure that the Bill leaves no loopholes and has no unintended consequences for Northern Ireland?

Will the Minister assure us that the provisions will not be used in litigation to press for a change in the law in Northern Ireland against the democratic will of the Stormont Assembly? A few bodies in Northern Ireland seem to think that it is their job to use taxpayers' money to campaign and litigate for changes in the law to suit particular agendas. I am sure that such bodies exist on the UK mainland as well. They have campaigned on such sensitive issues as abortion, same-sex adoption and even whether parents should be able to smack their own child on the back of the hand if he or she is naughty.

Such things are happening in Northern Ireland, and we must ensure that changes in legislation do not creep in by the back door. I fear that legislating for same-sex marriages and England and Wales will be used by some as an excuse to argue that we will be somehow in breach of some equality obligation or other if we do not make the same change in Northern Ireland law. We have a devolved Assembly, supported by the Government, who have the authority to make a decision on the matter, and who have done so. What legal obstacles will the

Government put in the way of such a challenge to ensure that the definition of marriage in Northern Ireland is decided by its elected politicians, not by unelected judges or quango lawyers, who seem to exist in great numbers?

Outside the Stormont Assembly, the redefinition of marriage has generated considerable anxiety among the public in Northern Ireland. I have said in the Committee and in the House that it is the biggest single postbag issue that I have had in all my years as an elected representative, in the three different roles that I have played. I have been contacted by 1,700 of my constituents, and by many more from outside my constituency, who have voiced their opposition to any change in the definition of marriage. I was at a male voice choir event on Saturday night in my constituency, and people who attended it expressed their concern about what was happening. I have received more correspondence on the matter than on any other issue. Only 17 people from my constituency have contacted me to express their support for the redefinition of marriage. I respect the right to hold a different view, but that is very much the minority view, and respect for views must go both ways. Several of my fellow Northern Ireland MPs have received correspondence from constituents in similar proportions.

Members of the Committee may not agree with my constituents' views, but I have a fair knowledge of my constituents' opinions. I would also have the authority of the Northern Ireland Assembly to advance, in the House and in the Bill Committee, the viewpoint of people who oppose the change. Hon. Members must respect the right of my constituents and the people of Northern Ireland to hold such a view, and their right to communicate it in reasonable terms, as they have done, to their elected representatives. Hon. Members should also respect the right of elected representatives to express—again, in reasonable terms—and represent those views. The Bill must respect the wishes of the people in Northern Ireland and not seek to impose same-sex marriage on the Province in any way outside of the convention. If there is a doubt about that, the Northern Ireland provisions should be stripped out of the Bill altogether.

12.45 pm

There are concerns on both sides of the community. Numbers of those who are of a nationalist persuasion in the area I represent have made it clear to me that they are concerned about the redefinition of marriage; they do not want a change, and they are happy with the decision taken by the Northern Ireland Assembly. The Churches in the Province believe that marriage is a union of one man and one woman. Protestant and Roman Catholic groups have voiced their opposition to redefining marriage in general and to the Bill in particular.

Many fear that although the Bill is designed for England and Wales, it could be used to generate political pressure for changes to Northern Ireland legislation, against the wishes of the majority of people. The Government have already acknowledged that changes to tax and immigration systems as a result of the Bill will apply in Northern Ireland, as explained in the consultation document. The Bill is therefore already encroaching on law and policy in Northern Ireland in some ways. That may be what the Government want; they may even see the Bill as a way of putting pressure on the Assembly at Stormont—opening the door just a

little could increase the legal and political pressure. If that is the goal, the Minister must tell us.

Some Members will be glad to hear that I am going to finish now. If I had more to say, I would love to keep the debate going, but I am conscious that we are coming to the time when we have to decide these matters. The difference that concerns us is this: in Scotland, consent is needed for many legislative changes, so Scotland can say no. In Northern Ireland there is consultation, which means that the Government could, if they so wished, destroy the convention, disregard other events and override the opinion of the Northern Ireland Assembly. Ministers need to be careful about that, because it could destroy a political process and the confidence many people have in the Northern Ireland Assembly to decide what happens for people in Northern Ireland. I therefore hope the Minister will give me the assurances I seek. We cannot let the debate go by without discussing these matters. I am not pressing the amendments to a vote, but I would like some clarification on these matters.

Hugh Robertson: I am grateful to the hon. Gentleman for the opportunity to discuss the amendments, which affect the way English and Welsh marriages of same-sex couples will be treated in Northern Ireland. As he knows, Northern Ireland is part of Great Britain with which I am not unfamiliar. Over the course of my remarks, I hope to be able to give him much of the reassurance he seeks.

The general proposition in the Bill is that marriages of same-sex couples solemnised under English and Welsh law will be treated in Northern Ireland as a civil partnership. That mirrors the current position in the case of same-sex marriages solemnised outside the UK. Amendment 41, taken with the other amendments in the group, would remove that provision from the Bill, leaving a same-sex couple married under the Bill with no legal status in Northern Ireland, and the amendment has been drafted purely to address that issue. That would contrast with the situation of a same-sex couple who married outside the UK—for example, in Canada or Portugal—because such couples are already treated in Northern Ireland as civil partners in accordance with the provisions of the Civil Partnership Act 2004. Leaving same-sex couples married in England and Wales in legal limbo if they move to Northern Ireland would clearly be unjust.

I absolutely agree with the hon. Gentleman that marriages and civil partnerships are devolved matters in Scotland and Northern Ireland. He is absolutely correct that we are in discussion with Northern Irish Ministers and the Northern Ireland Office about the provisions and other aspects of the Bill as they affect Northern Ireland. We are doing that with a view to seeking a legislative consent order for the provisions for which such consent is required.

Jim Shannon: Will the Minister confirm one important thing? He says he is having discussions with the Northern Ireland Assembly. Does he intend to break with convention and push the matter, should the Northern Ireland Assembly say no?

Hugh Robertson: I will come on to that in a minute. The important thing here is that I, as a UK Minister, cannot leave people who undertake a same-sex marriage in this country in legal limbo in the hon. Gentleman's part of the world. It is purely to address that issue. I will come on to whether the Northern Ireland Government

move towards us and make the necessary provisions in a minute. I beg the hon. Gentleman to take my assurance that it is purely to address that position; we cannot leave people in this no man's, or no woman's, land if they move to the Province.

Tim Loughton: No man's, or no woman's, land?

Hugh Robertson: I knew that would appeal to my hon. Friend. These powers do give us a practical way to deal with these issues, but they do not extend to overturning the general proposition or changing the status of relationships under the law of Northern Ireland. They only allow for specific modified or contrary treatment in specific cases. Just to give the hon. Member for Strangford absolute confidence and clarity, these provisions would not permit provisions to be made that same-sex marriages should be recognised in Northern Ireland under Northern Irish law as marriage. Nor do they permit any extension of marriage under the law of Northern Ireland. I am happy to give him those two assurances.

The hon. Gentleman asked two questions. The first was about education. I am happy to post it on the record here, that this Bill will not affect teaching in Northern Irish schools. Same-sex marriage is already available in other jurisdictions outside Northern Ireland, such as Portugal and Canada, and the fact that it would also be possible in England and Wales does not affect education in Northern Ireland. As to whether there will

be any pressure to introduce equal marriage for equality reasons, I can say there is absolutely no requirement on Northern Ireland to introduce same-sex marriages, neither an equality requirement nor a requirement under the European convention on human rights. Marriage is a devolved matter for Northern Ireland and it is for the Northern Ireland Assembly to determine matters in that regard.

We are in discussions with Ministers in the devolved Governments, and while these discussions continue—and only while they continue—our view is that these provisions in the Bill are needed. Should they come to the right conclusion in order to safeguard this legal anomaly, we will look at this again. However, while those discussions continue, these provisions are needed. I hope that that explanation is helpful and that I have given the hon. Gentleman the reassurances that he seeks. I therefore ask him to withdraw the amendment.

Jim Shannon: I am pleased to have a genuine and helpful response from the Minister. It is important to have the matter and replies in *Hansard* as well. I happily beg to ask leave to withdraw the amendment.

Amendment, by leave, withdrawn.

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

12.53 pm

Adjourned till this day at Two o'clock.

