

## How to respond to “Civil Partnership - A framework for the legal recognition of same-sex couples”

The UK government consultation on its ‘gay marriage’ proposals ends on 30 September. This short paper shows how you can respond and gives some suggestions for what you might say.

Page 3 gives some tips for writing.

**Please consider submitting your own response to the consultation which closes on Tuesday 30 September.**

*The proposals apply to England, Wales and Scotland. (The Scottish Executive wants to pass responsibility for civil partnerships back to Westminster.)*

*Northern Ireland will have to recognise partnerships registered in other parts of the UK for certain purposes. There will be enormous pressure to bring in a full registration scheme in the Province if civil partnerships are established in the rest of the UK.*

### **Introduction**

The Government is proposing a “civil partnerships” scheme which confers all the legal benefits of marriage to homosexual couples who register their partnership. Two men or two women will be able to register their partnership at a registry office in the presence of witnesses. Their new legal relationship can only be ended by a court order on the same basis as divorce.

### **Why should Christians oppose civil partnerships?**

(1) Because holy matrimony is not the same as a homosexual liaison.

It is deeply offensive to Christians to equate the two. Most married people will also object.<sup>1</sup> ‘Civil partnerships’ will enshrine a lie into law.

Marriage is a creation ordinance. It is an exclusive ‘one flesh union’ between one man and one woman. Marriage was instituted by God for procreation and the nurturing children and for the comfort of husband and wife (Genesis 2:24; Matthew 19:4-5).

Marriage is based on the complementary natures of men and women.

Under the Government proposals a homosexual civil partnership is legally equated with marriage. All the rights and privileges of married couples will be given to homosexual couples in a civil partnership.

(2) Because they are discriminatory against people in equal or greater need.

Gay rights groups want to change the law to help homosexual couples deal with the legal problems which arise when one party dies, is ill, or has children.

But many people in greater need face precisely the same problems whenever they live in a relationship of co-dependency. Examples of such households include two sisters, a friend

who looks after a disabled person on a long term basis, a daughter living with her elderly mother, two close friends of the same sex who share a house, a nephew living with his auntie, or a grandson living with his grandfather. The law as applied to these sorts of households leads to many hard cases such as:

- A daughter lives with her infirm mother for 20 years. The mother decides to leave everything to her daughter in her will. When the mother dies the daughter has to pay inheritance tax.
- A disabled person has a friend who cares for him for 15 years. If the disabled person dies, his carer can be thrown out of the rented house which they shared since he has no right to inherit the tenancy.
- Two widows who are now without any family of their own decide to share a house in their old age. They live together for 10 years sharing all the bills. If one dies the other has no right to inherit the tenancy.
- Two sisters live together for 40 years in the house that has belonged to the family for generations. One sister leaves her share in the house to the other in her will. The remaining sister has to pay so much inheritance tax that family home has to be sold and she moves into a one bedroom flat.
- Two old ladies share a house. They look at the Government's civil partnership scheme and they decide to pretend to be lesbians to get all the legal rights of civil partners.

According to Government figures 0.2 per cent of households comprise a same-sex couple – that is 50,000 couples<sup>2</sup> but there are around 3 million people living in households where there is no sexual relationship between them.<sup>3</sup> Virtually all the hard cases apply in both types of household.<sup>4</sup> So it is a certain estimate to say that there must be at least 15 times as many hard cases amongst those in a non-sexual platonic relationship than amongst homosexual couples.<sup>5</sup>

### **Our view**

Christians must object to homosexual 'partnerships' being made legally equivalent to marriage. That is the nub of the issue.

Gay rights groups cite various 'hard cases' to support their demand for civil partnerships. But for every single case they can cite there will be well over 15 times as many cases which apply to people in non-sexual co-dependent relationships – such as two friends or two sisters living together.

The vast bulk of all the 'hard cases' occur in ordinary families and amongst friends in platonic relationships. They have a relationship of co-dependency yet they will not be helped at all by the Government's proposals. We believe that the Government could address many of these hard cases without destroying the special status of marriage. Perhaps there is a case for doing this given the scale of family breakdown and the increasing cost of housing. A legal status of 'co-dependency' could be created which would deal with many of the problems without creating something which mimics the institution of marriage.

Even without civil partnerships, homosexual couples have already got many of the legal rights which they are seeking. For example, litigation by gay rights groups has led to the Appeal Courts giving the right to inherit a tenancy to the surviving "partner" of a long term homosexual couple. Friends who share a house would not have this right. Many of the other changes which are sought by gay rights groups could be provided through other means, for example through making a will.

## ***The political situation***

The proposals for civil partnerships end the few remaining legal and tax benefits that uniquely apply to the institution of marriage. We would rather the law be left as it is. It would be better still to restore the married couples allowance and the other benefits that used to apply to marriage. Sadly no political party wants to do this.

The only other option which does not destroy the status of marriage is to create a legal status of “co-dependency” which carries with it certain rights addressing the economic and social dependency which exists.

There is every indication that all the main political parties will welcome civil partnerships. The only area of dispute is likely to be on the scope of the proposals. The Liberal Democrats want to also include cohabiting heterosexual couples. Tim Yeo from the Conservatives has welcomed the proposals and announced that the Shadow Cabinet has ruled that it will be a free vote.

In the consultation paper the Government says that the rights of “other home-sharers” are a “separate issue” and that it currently has no plans to change the law in that area.<sup>6</sup> We are urging Christians to use the consultation to ask, “Why not?”

## ***Tips for writing***

The Department for Trade and Industry (DTI) consultation paper does not ask any questions that relate directly to our concerns. We are therefore asking people to send an email (or a letter) to the DTI simply opposing the Government’s proposals and pointing out the glaring inequalities they will create as between cohabiting homosexual couples and other domestic situations.

You may wish to include some of the following in your response. (Please use your own words. Use language which is moderate but firm.)

- Say you oppose the Government’s plans for civil partnerships for homosexual couples.
- Say what you think about making homosexual civil partnerships legally equivalent to marriage.
- Say that marriage has a unique status because it is a relationship in which children can be conceived and nurtured and the adults have made an exclusive commitment to each other. No comparable situation can ever apply with homosexual couples.
- There are many people who provide care and companionship for one another who are not in a sexual relationship. Two unmarried sisters may spend their lives together, sharing a home and all its expenses, nursing one another during illness and providing companionship. Yet this dependency would not be recognised under the civil partnerships scheme.
- Explain that many would feel sympathy for people who care for each other on a long term basis and who appear to suffer through the failure of the legal system to recognise that care. But civil partnership does nothing to help the vast majority of situations where this is likely to arise.
- The consultation paper says the Government has no plans to address the problems of other home-sharers but without explaining why. It is being dismissive of such people.

- Siblings or friends who provide each other with a life-time of care would be left out of the scheme. Whereas two men who have known each other for just a few weeks could benefit.
- (If you are unmarried and live in circumstances similar to the examples given here, please consider using your experience as an example. If you have a friend or family member in such a situation, perhaps you could refer to that.)

### ***How to get hold of the Government consultation paper***

The consultation paper can be downloaded from:

<http://www.dti.gov.uk/consultations/pdf/consult-civil.pdf>

(You may also obtain it by telephoning 0870 150 2500 and giving the document reference 03/1010. However, it is unlikely to arrive before the consultation closing date of 30 September.)

Please note: you do not have to see the consultation paper to respond. This briefing contains enough information to enable you to make an informed contribution.

### ***How to respond to the consultation***

You may email your response to <mailto:civil.partnerships@dti.gsi.gov.uk>. (If you live in Wales, send your response to <mailto:civil.partnerships@wales.gsi.gov.uk>).

You may post your response to:

#### **In England, Scotland and Northern Ireland:**

Civil Partnerships and Sexual Orientation Team  
Women and Equality Unit, DTI  
2nd Floor  
35 Great Smith Street  
London  
SW1P 3BQ

#### **In Wales:**

Equality Policy Unit  
Welsh Assembly Government  
Cathays Park  
Cardiff  
CF10 3NQ

**Responses must be received before close of business on Tuesday 30 September.**

The Christian Institute, PO Box 1, Newcastle upon Tyne, NE7 7EF  
T: 0191 281 5664 F: 0191 281 4272 E: [info@christian.org.uk](mailto:info@christian.org.uk) W: [www.christian.org.uk](http://www.christian.org.uk)

<sup>1</sup> Given the fact that according to the most detailed study to date some 70% of men believe that homosexual acts are always or mostly wrong. See Wellings, K et al, *Sexual Behaviour in Britain*, Penguin, 1994, page 253

<sup>2</sup> House of Commons, Hansard, 11 May 2000, col. 471 wa

<sup>3</sup> *Social Trends 32*, Office for National Statistics, 2002, Table 2.3; 5% of a total population 57.2 million is 2.86 million people living in the category of 'other households'.

<sup>4</sup> Homosexual couples have the right to inherit a tenancy which unrelated adults do not have. On the other hand related adults have next of kin rights which, though probably irrelevant today for hospital visiting, are still important in the area of consent for medical treatment where the patient is incapacitated. The issue of consent can be dealt with by enduring power of attorney and the separate Government proposals for mental incapacity.

<sup>5</sup> According to *Social Trends 32 Op Cit*, Table 2.2 some 3% of households comprise two or more unrelated adults. This must be at least 1.44 million adults. In addition 1% of households are "multi-family households" which will include a large proportion which could suffer a 'hard case' problem.

<sup>6</sup> DTI Women & Equality Unit, *Civil Partnership: A framework for the legal recognition of same-sex couples*, June 2003, Para. 2.9