

# Sexual Orientation Regulations March 2007

## in brief

These regulations will outlaw discrimination on the grounds of sexual orientation in the provision of goods, facilities and services and education. In some areas they clash directly with religious freedom. Exceptions exist for religious activities like baptism, communion and church membership. But some faith-based social projects could be put out of business simply for acting upon their religious beliefs on sexual ethics. Where they bite, these regulations enshrine discrimination against Christians.

The Sexual Orientation Regulations outlaw discrimination on the grounds of sexual orientation in the provision of goods, facilities and services and education. Parallel regulations have already come into force in Northern Ireland. The regulations covering the rest of the UK have now been published. These regulations largely follow the wording of the Northern Ireland regulations (except for a new 'harassment' law which is not present in the Great Britain regulations).

No one argues that a homosexual should not be able to buy groceries or have his bins emptied. But a problem arises for faith-based

bodies when the provision of a good, facility or service would necessarily involve endorsing homosexual practice (such as placing children for adoption with a homosexual couple). This is where the regulations clash with religious liberty.

There are some exceptions to protect religious liberty in the Great Britain regulations, as in Northern Ireland. However, these exceptions are limited and do not apply to Christian-owned businesses or to publicly-funded welfare provision. They could face closure simply because of their religious beliefs on sexual ethics. Examples of who is, and who is not, affected by these regulations are given over the page.

## QUOTE UNQUOTE What others have said:



### Bishop of Durham, Tom Wright

"This completely fails to take into account the views and beliefs of all those involved...the idea that new Labour can come up with a new morality which it forces on the Catholic Church after 2,000 years; I am sorry, this is amazing arrogance on the part of the Government."

*The Times*, 30 January 2007

### Federation of Synagogues

"This legislation is forcing religious groups to operate against their convictions and that sets a very dangerous precedent."

*The Jewish Chronicle*,  
2 February 2007

### Muslim Council of Britain

"The Muslim Council of Britain fully supports the principled stand taken by the leaders of the Catholic and Anglican churches on the Sexual Orientation Regulations (SOR). The right to practise one's faith... is a cornerstone of our society..."

*MCB Press Release*, 25 January 2007

### Cardinal Keith O'Brien

"The role of the state is overreached when it tramples legitimate moral freedoms and when it imposes values which are without rational and sociological merit..."

*The Catholic Herald*, 21 July 2006



# The Sexual Orientation Regulation



## Schools

Whatever the Government says, the regulations will be interpreted as applying to teaching in schools. Parliament's Joint Committee on Human Rights has called for the GB regulations to make clear that they apply to the curriculum - to stop schools teaching that homosexuality is sinful or morally wrong.<sup>1</sup> The Committee said that schools should not be able to teach "...a particular religion's doctrinal beliefs as if they were objectively true."

Parallel *religious* discrimination laws have exceptions for the school curriculum and acts of worship, but the Government has refused to provide such exceptions in the Sexual Orientation Regulations.

Without clear exceptions for the curriculum and acts of worship, schools will come under huge pressure to endorse homosexual lifestyles. Education bodies are already training teachers to use pro-homosexual resources. Moreover, an aggrieved pupil could sue a school which does not endorse homosexuality in sex education or citizenship lessons.

Interpreted in this way, the regulations would also undermine devolution. The Scottish Parliament and the National Assembly for Wales

are meant to be responsible for the school curriculum.

The regulations apply to all schools – state and independent. The Government argues that the regulations only apply to school admissions and exclusions, or to access to school trips. But the Joint Committee on Human Rights, whilst not giving a legally-binding interpretation, has shown that homosexual activists will interpret the regulations as applying to teaching in schools.



## Adoption agencies

Publicly-funded adoption agencies that refuse on principle to place children with homosexual couples will breach the discrimination provisions under the regulations. These agencies could be forced to close, particularly if an expensive legal action is mounted against them.

The Government has refused to grant them an exception, giving the agencies until the end of 2008 to comply with the regulations.



## Old people's homes

A Christian old people's home which refused a double-bed to a homosexual couple could also be sued under the regulations. The operators of a Christian home could face an action for discrimination under the regulations if the claimant or the home is funded by the state. Although such homes restrict double rooms to married couples only, and also refuse unmarried heterosexual couples, the regulations require a person in a civil partnership to be treated like a married person. Even if the legal action is unsuccessful the expense of defending themselves could be huge. **A Christian conference centre may be protected by the exception for religious organisations. No such protection has been given to Christian B&Bs or guest houses because they are 'commercial'.**



## Doctors

A Christian GP who refuses on moral grounds to refer a lesbian couple for IVF treatment will be unlawfully discriminating under the regulations. The medical practice to which he belongs or the NHS trust which funds the practice may face litigation. Even if the medical practice is based on a publicly-stated Christian ethos, it could still face a legal action. It would not be able to use exceptions for religious liberty because it is deemed to be 'commercial' and it receives public funding.

# s do affect



## Professionals involved in weddings

A Christian wedding photographer could be sued if he refuses to attend and take pictures of a civil partnership ceremony. A florist could be sued for not providing flowers. Caterers, hoteliers, car-hire firms, tailors could all face expensive lawsuits if they refused to provide their facilities, goods or services for a civil partnership ceremony. Christians working in these professions should not face crippling legal actions simply because of their religious beliefs on sexual ethics.



## Printers/media

A printing firm owned by a Christian could face legal action for refusing to print 'gay rights' literature. A Christian newspaper could be sued for refusing to place an advert promoting homosexuality. A Christian website designer could be taken to court for refusing to design a pro-homosexual website that encourages young people to 'explore their sexuality'.

# The regulations do not affect



## Church sacraments and membership

The regulations will protect the rights of churches in the areas of church membership, communion and baptism. There needs to be an exception since the term 'goods, facilities and services' is so broad in meaning. A practising homosexual will not be able to successfully sue a church that refuses him communion or membership.

## Christian welfare projects where the issue of affirming homosexual practice does not arise

There are many Christian welfare projects where the issue of affirming homosexual practice does not arise (e.g. soup kitchens, addiction counselling, hospice medical treatment, work with asylum seekers etc.) For these projects it seems safe to assume the regulations will not cause a problem.



## Marriage counselling

We believe that faith-based marriage counselling organisations (or courses offered by churches) will be unaffected by the regulations.

## Employment law

Employment is not covered by the regulations. Workplace discrimination on the grounds of sexual orientation is already covered by the Employment Equality (Sexual Orientation) Regulations 2003.



## Church leaders

The regulations will provide an exception for church leaders. They will be allowed to restrict participation in the activities of the church on grounds of sexual orientation. They will also be allowed to restrict goods, facilities and services provided in connection with the church. This means they do not have to bless civil partnerships. Sunday school teaching is also protected. But a church leader will have to show he is imposing the restriction to comply with church doctrine or to avoid conflicting with the religious convictions of a significant number of fellow believers.



## Church premises

A church will be able to refuse to hire out its hall to a 'gay rights' group. In order to qualify for the exception it must not operate on a 'commercial' basis and it will have to be clear and consistent in applying its doctrinal standards.

<sup>1</sup> House of Lords, House of Commons Joint Committee on Human Rights, *Legislative Scrutiny: Sexual Orientation Regulations*, Sixth Report of Session 2006-07, HL Paper 58, HC 350, pages 20-22

# What you can do

## prayer action



- ▶ That God would intervene to protect religious liberty and schools.
- ▶ That concerns about the regulations will be fairly reported by the media.
- ▶ That cabinet ministers would understand the strength of opposition to these regulations.
- ▶ That The Christian Institute's staff, and our legal advisors, will be granted much strength and wisdom.

### CONTACT YOUR MP

Some MPs may very strongly support gay rights. It may not be appropriate to contact them. Please use your own judgment on this.

Meeting your MP face-to-face to explain your concerns in a constituency surgery could be extremely effective. To find out surgery details ring the local constituency office (details in the phone book) or consult your weekly press or public library.

Another approach is to telephone your MP about your concerns. You can telephone them at the House of Commons on 0207 219 3000 and ask to speak to your MP by name.

You can write to your MP at the House of Commons, London, SW1A 0AA.

If you do not know who your MP is, make sure you have your postcode handy and go to: <http://www.locata.co.uk/commons>

When visiting (or contacting) your MP please:

- ▶ Be calm, measured and polite in your tone but clear and firm. Say that the regulations threaten religious liberty and schools.
- ▶ Say Christians are involved in a host of social projects, e.g. old people's homes, because they are motivated by their Christian faith. Now they are being threatened with legal actions because some people don't like their beliefs on sexual ethics.
- ▶ Say these regulations will expose some Christians in small businesses to hostile litigation simply because of their religious beliefs on sexual ethics. Say you want exceptions to protect religious liberty.
- ▶ Ask if the MP agrees with the Parliamentary Committee on Human Rights that teachers should have to face legal action for saying that homosexual practice is sinful and morally wrong.



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