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23 December 2019

Dear Sirs,

SAME-SEX MARRIAGE AND OPPOSITE-SEX CIVIL PARTNERSHIPS IN NORTHERN IRELAND

I am writing to let you know that I have today laid before Parliament the Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.

The regulations will come into force on 13 January 2020 and will enable same-sex civil marriage and opposite-sex civil partnerships in Northern Ireland. In particular, the regulations:

- Remove the current legal impediments to same-sex marriage in Northern Ireland and provide that same-sex marriages formed elsewhere in the UK or overseas can be recognised as marriages in Northern Ireland (and no longer treated as civil partnerships).
- Amend the eligibility criteria for registering as civil partners in Northern Ireland by removing the current same-sex requirement and permit certain opposite-sex relationships formed in other countries, which are not marriages, to be treated as civil partnerships in Northern Ireland.
- Allow applicants in marriages or civil partnerships formed in Northern Ireland to obtain a full gender recognition certificate

without the need first to bring their relationship to an end, provided their spouse or civil partner.

- Make changes to pensions and social security legislation in Northern Ireland, particularly in relation to survivor benefits.
- Make other consequential changes to primary and secondary legislation to reflect that married couples may now be of the same sex and civil partners may now be of the opposite sex.

You have noted several areas in your letters to me of 14 and 22 November and 20 December 2019 where you consider that provision needs to be made in the regulations. We can provide you with assurances that appropriate provision has indeed been made, as set out below.

First, you have made clear in all your letters your concern that public order legislation should be amended in light of the introduction in Northern Ireland of same-sex marriage. In particular, you recommend that I amend the Public Order (Northern Ireland) Order 1987 (“the 1987 Order”) to protect freedom of expression for those who do not agree with same-sex marriage. I can confirm that the regulations do amend the 1987 Order to ensure that mere criticism of same-sex marriage is not an offence (see regulation 142).

In relation to trust deeds, regulation 8 of the regulations makes equivalent provision to that made in the Marriage (Same Sex Couples) Act 2013 (“the 2013 Act”) so that the redefinition of marriage does not alter the effect of any private legal instrument made before 13 January 2020.

As for protections for religious bodies and officiants, there is no religious content in a civil marriage in Northern Ireland and religious bodies and officiants therefore do not participate in these ceremonies. However, in relation to civil marriages, the regulations do provide protections for religious bodies and officiants to ensure that they do not unlawfully discriminate if they refuse to provide blessings or any other service that celebrates or marks the formation of a marriage or civil partnership for only same-sex, or only opposite-sex, couples (see regulations 133 and 163).

As in the rest of the UK, the regulations do not provide exceptions allowing civil registrars in Northern Ireland to refuse to marry same-sex couples if they have a religious objection to doing so. We are not aware of any complaints about this approach in England, Wales and Scotland since the introduction of same-sex marriage, and civil registrars in Northern Ireland have been required to perform same-sex civil partnerships since 2005. Our policy is that those acting for a public authority, such as civil registrars, should not, in so doing, be able to discriminate against same-sex (or opposite-sex) couples.

Your letter of 22 November highlights the protections in Schedule 9 to the 2013 Act that ensure that religious organisations cannot be sued for dismissing staff who enter into a same-sex marriage. In your letter, you state that the Church of England relied on this exception in a case where a member of the clergy entered into a same-sex marriage. I can confirm that we have replicated this protection in regulation 133.

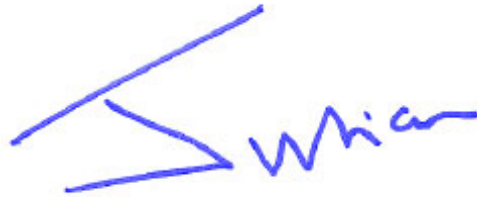
Finally, your letters have asked that the relevant Northern Ireland equalities bodies issue guidance for employers and schools to make clear that beliefs and opinions about marriage are respected in the workplace and in schools. Please assure your client that my officials are in contact with the relevant bodies.

Further to the introduction of same-sex civil marriage and opposite-sex civil partnerships, I have committed to delivering same-sex religious marriage and conversion entitlements in Northern Ireland in 2020. It is essential that we consult those with an interest in Northern Ireland on these important issues to ensure that we balance the competing rights of all parties, including religious bodies and officiants.

The consultation document is now being finalised and I hope to publish it very early in the new year. I would welcome a response to the consultation from your client and my department will share details on how to do so in due course.

Following the consultation, we expect to be in a position to introduce same-sex religious marriage in Northern Ireland from April 2020, with regulations on conversion entitlements likely to follow slightly later.

Officials in my department, together with the Government Equalities Office, are happy to continue engaging on these matters with you in the new year.

A handwritten signature in blue ink, appearing to read 'Julian Smith', is positioned above the printed name.

**RT HON JULIAN SMITH MP
SECRETARY OF STATE FOR NORTHERN IRELAND**