

## Church marriage for gays within 18 months: Legal exemption for Church of England, but compromise leaves both sides unhappy

- **Equalities Minister Maria Miller vowed to fast-track legalisation plans**
- **Also promised 'quadruple lock', stopping CofE inclusion**
- **Said it will give 'iron clad' protection against legal action by campaigners**
- **Dozens of Tory MPs threaten major rebellion**
- **Labour to give MPs free vote while Lib Dems will be whipped to support**
- **Civil partnerships to be 'upgraded' into marriage by post costing £100**

By Jason Groves, Political Correspondent

Gay marriage will be legal in some British churches by 2014, despite furious Tory warnings that the issue could split the party and cost it the next election.

In a surprise move, the Church of England will be guaranteed a blanket exemption from holding same-sex marriages. But this failed to quell a major Tory backlash.

Amid stormy scenes in the Commons, Equalities Minister Maria Miller vowed to fast-track plans to legalise gay marriage, saying the change was needed to keep the institution of marriage 'vibrant and relevant to society'.



Culture Secretary Maria Miller promised a 'quadruple legal lock' to prevent the Church of England from being forced to hold gay weddings

She confirmed a government U-turn on the issue which will allow religious institutions, such as the Quakers, that want to conduct gay marriages to 'opt in' to the law and hold ceremonies in their churches. But unexpectedly, she announced there would be a specific legal ban on the Church of England and Church of Wales holding gay weddings.

Mrs Miller said this would give the Church 'iron-clad' protection against legal action by gay rights campaigners.

### **More...**

- Ministers expect big win on gay marriage vote despite increasingly bad-tempered protests from Tory traditionalists
- Homophobic? Not me, I once fought a boxer called the Pink Pounder, says Tory MP who attacked same-sex marriage
- Mr Fabricant, in custardy wig, loudly cheered pro-gay speakers

Other religious institutions, such as the Catholic Church, will also be allowed to refuse to hold ceremonies for same-sex couples, as will individual vicars. Mrs Miller said the legislation would include a 'quadruple lock', meaning no church will ever be forced to conduct a gay wedding unless it wants to. The legal protections include:

- A guarantee that no religious organisation or individual minister can be compelled to marry same-sex couples or to permit this to happen on their premises.
- A legal bar on allowing ministers to marry same-sex couples unless their organisation's governing body has expressly opted in to provisions for doing so.
- Amendment of the Equality Act 2010 to ensure no discrimination claim can be brought against religious organisations or individual ministers for refusing to marry a same-sex couple.
- An explicit statement that it will be illegal for the Church of England and the Church in Wales to marry same-sex couples and that Canon Law, which bans same-sex weddings, will continue to apply.



In the Commons, gay former justice minister Nick Herbert said same-sex marriage was backed by the public, but he was heckled by Tory MP Peter Bone who insisted it is not

Legislation will be published next month. Ministers expect it to take up to 12 months to get through Parliament, with the first gay marriage ceremonies taking place in early 2014.

But furious Tory MPs warned the legislation would undermine the institution of marriage and cost the party votes. Andrew Selous, ministerial aide to the Work and Pensions Secretary Iain Duncan Smith, warned Mrs Miller that the proposal was 'directly contrary to what Jesus said about marriage'.

Former defence minister Gerald Howarth said ministers had 'no right whatsoever' to alter the definition of marriage as being the union of one man and one woman.

Fellow Tory Stewart Jackson said the Government's consultation process, which brushed aside a petition opposing the move signed by 600,000 people, was a 'constitutional outrage' and 'reminiscent of a Liberian presidential election'.

In an open letter to David Cameron last night, senior Tory MP Brian Binley warned the issue could split the party and cost the Conservatives the next election.

Mr Binley said the issue was driving supporters away, adding: 'I am perturbed that our chances of winning the next election are compromised by the pursuit of issues which serve to divide the party, and detach the leadership from its support base in the country.'



Equalities Minister Maria Miller

### Will gay couples be able to marry in church?

Yes, in the case of churches such as the Quakers, which have indicated they want to sanction same-sex marriages. But, according to ministers, no church will be forced to act against its teachings. In addition, the legislation will explicitly state that it will be illegal for the Church of England and the Church in Wales to marry same-sex couples. The Roman Catholic Church is not mentioned but its opposition to gay marriage is clear.

### When will this happen?

Legislation will be published in the New Year. Ministers expect the battle to get it through Parliament to take up to 12 months, with the first gay marriages in early 2014.

### Will the Government's safeguards prevent churches that refuse to conduct gay marriages from being sued?

No. Ministers admit that legal action against churches and other religious bodies may result. But they insist that the protections, including amendment of the Equality Act 2010, will make it impossible for a successful claim, either in this country or at the European Court of Human Rights in Strasbourg. Culture Secretary Maria Miller says there is a 'quadruple lock' to protect religious freedom.

### Can individual vicars refuse to conduct gay marriages?

Yes. Even if a particular church has said it is willing to sanction gay marriage, individual vicars will be able to refuse.

### Will the terms 'husband and wife' be abolished in law?

No. All-male couples will be referred to as husband and husband, while married lesbians

## Q&A

- will be known as wife and wife. Heterosexual couples will be referred to as husband and wife.

### Will teachers be allowed to tell children that marriage should be between a man and a woman?

- Probably. Maria Miller said there would be legal protections for teachers to 'describe their beliefs' if they do so in a 'balanced way'.

### Will traditional marriage be changed?

- No. Heterosexual marriages can be annulled on the grounds of non-consummation. This will continue, but will not apply to gay marriages. Adultery will remain as grounds for divorce in both forms of marriage.

### What will happen to civil partnerships?

- Gay couples will continue to have the right to enter civil partnerships, but the right will not be extended to heterosexual couples. Those in civil partnerships will be able to 'convert' their status to marriage by filling in a form and paying a £100 administrative fee.

### Will the legislation affect Royal marriages?

- Technically, yes. Royal couples can already have civil weddings, as in the case of Prince Charles and Camilla Parker-Bowles, so would be able to have same-sex marriages. But the legislation will not change the Royal Marriages Act, which requires the consent of the Monarch for marriages involving senior royals.



Free vote: Labour leader Ed Miliband has granted Labour Mps a free vote on the issue

All Tory MPs, including ministers, are to be given a free vote on what Mrs Miller described as an 'issue of conscience'. Privately ministers believe at least 40 per cent of Tory MPs oppose the legislation. In another surprise move, Labour said it would give its MPs a free vote. Only Liberal Democrat MPs will be whipped to support gay marriage.

But Labour condemned the decision to put a legal block on the Church of England. Shadow home secretary Yvette Cooper said: 'Why is the Government now rowing backwards on equal marriage? Having said churches would be able to hold same-sex marriages if they wanted to, they now say it will be illegal for the Church of England to do so even if it wants to in future. How can that be freedom of religion?'

Speaking on behalf of the Church in the House of Lords, the Bishop of Leicester Tim Stephens said: 'Marriage is not the property of the Government nor is it the property of the Church. While the forms and legalities around marriage have evolved over time, one fundamental feature has remained the same throughout – that marriage is a union of one man and one woman.'

Archbishop Vincent Nichols, the leader of the Roman Catholic Church in England and Wales, and Archbishop Peter Smith, the Archbishop of Southwark, voiced their opposition in a joint statement.

## MILIBAND GIVES MPS A FREE VOTE

**ED MILIBAND** granted Labour MPs a free vote on gay marriage yesterday, following warnings that members of his front-bench team could quit rather than vote for the legislation.

Labour sources said the 'vast majority' of MPs supported gay marriage, with about 80 per cent expected to vote in favour.

But Mr Miliband was warned that some senior figures, including shadow employment minister Stephen Timms, could quit if they were ordered to vote for the leg-

islation. Mr Timms, an evangelical Christian, is also the Labour Party's 'faith envoy' and his resignation would have been embarrassing.

The decision to allow a free vote sparked an angry debate in yesterday's shadow Cabinet meeting, with shadow home secretary Yvette Cooper arguing strongly against it. But the decision eases the pressure on David Cameron who has also allowed a free vote on an issue that is regarded by some as a matter of equality rather than an issue of conscience.

'The meaning of marriage matters,' they said. 'It derives that meaning from its function as the foundation of the family. The union of one man and one woman for love and mutual support and open to procreation has over the centuries formed a stable unit we call the family.'

Opponents condemned the Government's consultation on the issue and warned that ministers could face a High Court review.

And veteran human rights campaigner Peter Tatchell denounced the exemption for the Church of England and the Church in Wales as 'disappointing', saying it could be open to legal challenge.

He said: 'Exempting the official established Church sends the wrong signal. There is no reason why these churches should be treated differently from other faiths. Discriminating between faith groups is probably illegal under the Human Rights Act.'