

5. Marriage and Civil Partnership (Amendment) Bill 2016 – First Reading approved

Mr Cretney to move:

That the Marriage and Civil Partnership (Amendment) Bill 2016 be read a first time.

The President: We turn now to Item 5, the Marriage and Civil Partnership (Amendment) Bill 2016.

I call on the Hon. Member, Mr Cretney, to take the First Reading.

Mr Cretney: Thank you.

Having been a Member of Tynwald a long time – 31 years next month, in my case – there are occasions when I look back and, with the benefit of hindsight, recognise I got it wrong. Thankfully, in terms of serious matters, I believe, only on a limited number of occasions. One such was in relation to my vote against the decriminalisation of homosexual acts in private by consenting adults. This has, in the almost 25 years since, on a number of occasions caused me concern. I did not participate in the vile rhetorical comments when the matter was being considered in our parliament, but I was complicit in not voting for. My silence when I should have spoken up in the interests of a truly integrated society, and for the good reputation of the Isle of Man, I sincerely regret and apologise for. I was cautious when I should have been bold.

Today I am seeking the support of Hon. Members to stand alongside the growing and progressive international community by seeking to put in law the right of those in same-sex loving and committed relationships to enter into marriage. The House of Keys, by a large majority – 18 votes to 4 at the Second Reading, 18 votes to 3 at the Third – and despite being granted a completely free vote to Ministers, has voted for this legislation. It is my opinion that we should endorse the principle in this House.

It is, of course, entirely accepted and respected that there are a range of strongly held personal views held on religious, moral and other grounds, and I want to make it clear that this proposed legislation will not undermine the Church of England or other religions and churches. The Established Church and others will continue, as I understand it, to maintain that marriage is constituted as being only between a man and a woman. As far as the Church of England is concerned, there is no such thing as a division between religious marriage and secular marriage, because the marriage of a couple in a registry office is traditionally accepted as being a marriage in the eyes of the Church. If this Bill is passed, I imagine the Established Church will maintain its view, as indeed may other denominations; and, as in other areas in law, the position of the Island's legislation will be somewhat different to the position of the ecclesiastical law. This is, of course, already the case in England.

It is worth emphasising at this point, for the avoidance of any doubt, that the Church of England is entirely excluded from the scope of this Bill. Its clergy cannot marry same-sex couples and its buildings cannot be used for same-sex marriages. As for other religious bodies, the clergy will only be able to participate in same-sex marriages and their buildings will only be able to be used if the governing authority for the particular body has approved such participation.

There is, however, an exception to the provision, and that relates to civil registrars and the Chief Registrar. As with existing civil partnerships, they may be required to participate in the same-sex marriage process. This is so that all couples can be treated equally in the provision of this important and, for civil marriage, secular public function.

Having mentioned civil partnerships, some people may question that if civil partnerships are basically equivalent to marriage, why is the extension of marriage to same-sex couples needed at all. Let us be clear: when the Civil Partnership Act was introduced, what was being granted to same-sex couples at that time was legal recognition of their relationship that might be akin to marriage, but it definitely was not marriage. I am absolutely delighted that the House of Keys, by 18 votes to three,

determined to extend the civil partnership provisions, and this has resulted in a new long title for the Bill to include heterosexual relationships. This is about genuine equality and is a life choice for persons committed to each other but who do not wish to be married. It takes us ahead of the United Kingdom, but I believe in the not-too-distant future that administration will also introduce this provision.

There has been some comment made about the consultation on the Bill being five weeks rather than six. On the consultation documents published the reasons were given in advance. They were:

- although a significant issue, the content of the Bill is relatively simple and straightforward;
- members of the public took the opportunity to comment on the issue of same sex marriage during the consultation on the draft Equality Bill;
- the public was notified that the consultation would be published by the Chief Ministers' news release on October 2;
- this is likely to be an issue on which people have very clear views, either for or against; and
- it is not considered that the proposals would have any impact on the business or third sectors.

It then stated the closing date.

Although it was only a narrow majority in favour of the proposed Bill compared to those against, I do not believe this represents the actual view on the Island, which I believe to be significantly in favour. Unlike the Irish Republic vote on this issue, which was very much in favour, our consultation is not a referendum and ultimately it is for Government to bring forward its priorities, which it has done.

In a world where so much hatred prevails – referred to only this morning – the principle of two people of the same sex who are in a loving and committed relationship to marry resounds well with me and, I believe, the vast majority.

The Bill is a fairly short and straightforward piece of legislation if approached with an open mind and using clear thinking, closely based on the law in operation in England and Wales. Perhaps I can reiterate the main points.

It will allow same-sex couples to be married in the Island by way of a civil ceremony and in law those marriages will be equivalent to the marriages of opposite-sex couples.

The Church of England and marriage according to its rights is entirely excluded from the scope of the Bill.

It provides that there will be no obligation or compulsion on religious organisations or individuals to carry out or participate in the religious marriage ceremony of a same-sex couple.

It makes some consequential amendments to the Sharing of Church Buildings Act.

It allows the recognition in the Island of the marriages of same-sex couples that were lawfully entered into outside the Island.

It amends the Matrimonial Proceedings Act 2003 to provide for same-sex couples to be able to divorce.

And finally, it amends the Civil Partnership Act so that those who wish to can convert their civil partnership into a marriage, and by amendment extends the civil partnership option to heterosexual couples.

I started my comments by referring to the dark days of almost 35 years ago. The predictions of those who vigorously opposed the reforms then have not come to pass. Indeed, things have come a long way. Embracing the legislation before Hon. Members will only serve to enhance our reputation as a progressive society that takes seriously the rights of vulnerable people and minorities. Our message today must be that we are a tolerant, inclusive and open society, that we reject discrimination and are outward-looking and engaged with the wider world.

I would like to thank the Chief Minister for sharing his speaking notes with me, and so helpful were they that I have from time to time in my remarks replicated his.

I trust Hon. Members share the values I describe and the progress that has been and continues to be made and to which this Bill will significantly contribute.

I beg to move that this Bill be read a first time.

The President: Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.
I beg to second and reserve my remarks.

The President: The Hon. Member, Mr Anderson.

Mr Anderson: Thank you, Madam President.

At this stage I would like to register my opposition to this Bill, and in doing so I hope to explain briefly my reasoning.

It is unfortunate when one does take a minority view on these subjects that one can often get pilloried by the press, and I was disappointed to see the *Isle of Man Newspapers'*, in particular, reporting on the passage of this Bill through the Keys.

I would like to start by asking the hon. mover how this Bill has suddenly become a top priority of this Government. When the Chief Minister published his manifesto for the position of Chief Minister there was no mention of it. The Hon. Member will recall the timetable for Bills for this administration when they were drawn up and we were both in the Council of Ministers. There was a category put on different Bills – categories A, B and C – as the legislative drafting was a precious commodity at that time and time was required to get the Bills through the Branches, and it was decided how to decide which should be A, B and C. If my memory serves me correctly – and maybe the hon. mover can correct my bad memory – this Bill was not in categories A, B or C at that stage.

The hon. mover has already mentioned the background of only having a shortened period of consultation, that being five weeks. It is a bit surprising that, as this has become such an important Bill, it was not given the full consultation period. I note the comments the hon. mover makes about how even the contributions were made to that consultation. I would not go along with the interpretation of the hon. mover that there are far more people in the community who maybe are supportive than opposed to this Bill, because it all comes down to your interpretation of marriage. It is not the interpretation of people's relationships; it is the interpretation of the word 'marriage'.

I note that the *Oxford Dictionary* has recently changed its definition of 'marriage'. For centuries, 'marriage' has meant the relationship between a man and a woman. However, the *Oxford Dictionary* now states that ... I will just quote this:

The legally or formally recognized union of a man and a woman (or, in some jurisdictions, two people of the same sex) as partners in a relationship

So they have changed their definition in relation to legislation that has been passed in other countries.

However, I am maybe a little bit old fashioned in that I believe a marriage is between a man and a woman. Having said that, I fully supported the civil partnership legislation, recognising that there are loving relationships between people of the same gender, that had to be recognised, who had to have the same rights, and I believe they have those rights now in that civil partnership legislation.

As I say, however, the definition of marriage, in my eyes, is still between a man and a woman and it is in every major religion in the world and has been in every major society in the world up until present days.

If this reading is passed, Madam President, I will consider proposing amendments, because I believe that the Bill that we are progressing at the moment through this Branch should be progressed ... the Bill that actually we have just delayed progressing should have been progressed here before this Bill came in, because the Equality Bill makes provisions for those people who have a different view.

I will keep my comments to that at this moment in time, Madam President, but I will be opposing this legislation.

The President: Lord Bishop.

The Lord Bishop: Madam President, I am very grateful to the mover of the Bill for his very helpful remarks and very charitable remarks.

There is much in this Bill we have before us that is good, not least the tidying-up of a number of useful changes to existing marriage law. It is also a welcome opportunity to think of a way forward that will be of benefit to the whole of society, including the LGBTI community and those who do not share their views.

I speak as one who has seen the Anglican Communion worldwide divide over this issue, and who seeks truth and reconciliation and has been part of that process. However, I believe that the Bill we have before us contains matters that show all the signs of being hasty and misguided. Copied, as much of it is, from the Act of Parliament that was similarly rushed through, it commands less support among the public than it commanded in another place. That is, in itself, a subject worth exploring.

When same-sex marriage was rushed through the UK Parliament, many observed that this radical, far-reaching change had never been presented to the electorate. Sadly, the same is true here, both in that this change has not been presented to the electorate and also that even the consultation period was foreshortened, so that presumably the Bill could receive Royal Assent before the end of this parliament. If the rough assessment of those for and against the Bill in the public consultation is representative of the population – and I have even noticed that some opponents were counted as supporters – then 45% of the general public are not in favour of the Bill. That should have given the proponents pause for thought: should we rush headlong into this, rather than leave it to the newly elected Members in the 2016-20 session?

Madam President, immediately I hear cries, from certain circles, of homophobia – not in this Council, of course, but among those who want to sling mud without considering that all of us here have thought very carefully indeed about this Bill.

Perhaps you see, Madam President, where I am coming from. I hope I understand something of the complexity of sexuality that was not understood in former centuries. I have also studied and hold in very high esteem the Judeo-Christian scriptures as the Word of God – and, for good measure, we also take note of the ancient traditions of other religions. My task, as a contemporary believer and teacher of the faith, is to understand the Bible in the light of the world in which we live and, insofar as I can discern it, the guidance of God.

There is remarkably little in the scriptures about same-sex relations – the Isle of Man might be reminded that usury comes in for far more condemnation than homosexuality – but what there is, is negative, though I refuse to sweep that under the carpet. However, there is no single contemporary Jewish, Christian or Muslim view of sexuality; there are a range of views in all those religions. There are people who take firmly entrenched views on one side or another, but most of us adopt a range of views influenced by both head and heart. That, I suppose, is why we have necks – to connect head with heart.

Christians are not in the condemning business but on the side of forgiveness. So, when I recently heard of someone slagging off the Church of England by asking, 'Would you want your daughter married by a lesbian vicar?' I was utterly shocked and very grateful that this person was a critic of the Church to which I belong, for that kind of remark has no place in a gospel community and, thank God, the overwhelming majority of Christians today would share that view.

Let me tell you about one of my closest friends. We have known each other for well over 40 years. He is homosexual by orientation and has lived with a partner for many years. He takes a clear but moderate and charitable point of view in the kind of debate in which we are engaged. I take a similarly moderate and charitable point of view in this debate. But it is worth noting that seven out of eight people who have entered civil partnerships in England, Scotland and Wales since 2005 have not converted their civil partnerships into marriage. When we discuss this, my friend and I agree on a great deal but there are issues on which we firmly disagree, and this is one of them, yet we can both do that with respect, even with the deep affection that is the product of our long relationship.

I recognise that harsh words have been spoken by those who hold pronounced views on both sides of this debate, words that have added heat rather than light and would have been better left unspoken.

When I received an email from a supporter of this Bill in another place accusing the Church of hypocrisy and Christians of being afraid of the gay community, I realised that for some this is not about same-sex marriage and civil partnerships but about settling real and imaginary scores. That deeply troubles me, Madam President, because we are making law for the whole of society, for every citizen, not settling scores. And when we make something legal we also make its corollary unlawful. Slowing down this Bill for the sake of calmer consideration seems to me to be wiser than pushing it through at full speed.

Let me reflect further on the principles behind the Bill itself and set the minds at rest of those in the churches that are worried about being forced to do something to which they have a conscientious objection, underlining what was said by the proposer of the Bill. If your church – that is, your denomination – has a conscientious objection, it would be protected. If you belong to the Church of England, your ministers are forbidden from solemnising same-sex marriages. You may have other issues, but being forced to do something you do not want to do is not one of them in this Bill.

The Bill is not about equality of status. Why do I know that is true? Because the Bill has 28 clauses and three extensive schedules. If same-sex marriage and heterosexual civil partnerships *could* – I stress that ‘could’ – be equal, then we would need only three or four clauses, the crucial clause being simply ‘Marriage and civil partnerships shall henceforth be open to both sexes.’ The problem is the human body and the nature of sexuality, not legal draftsmanship or political ingenuity. So, whether we are in favour of the Bill or against it, or confused by it, talking about equality of status simply confuses things. It is spin.

What is being asked for here is what is called ‘equality of nomenclature’. In other words, quite simply calling one thing the same thing as something else. Back to that fascinating subject for which I get teased in this place, the English language, Madam President. Collective nouns are singular words that denote a number of individuals – words like ‘team’, ‘government’ or ‘family’. The members of a family will be individual and have their own names, personalities and characteristics, but they have something fundamentally in common: their familial relationship. In relation to marriage and civil partnerships, we are being asked to judge whether a legally binding heterosexual relationship has the same familial characteristics as a legally binding homosexual relationship. In other words, we are being asked the question: are both of them marriage?

If I make a cup of tea and a cup of coffee, almost all of what is in each cup will be the same: hot water. But if you asked me for the cup of coffee, Madam President, and I were to give you the cup of tea instead, you would be able to tell the difference, even though the different constituent flavours might amount to no more than 1% or 2% of what is actually in the two cups of hot water. So, we could introduce a Cups of Tea Bill that would make it legal for cups of tea to be called cups of coffee for those who wish to call their tea ‘coffee’, even though the drinks are different, because they think that being called a cup of tea is not equal to being called a cup of coffee.

In the same way, equality of nomenclature – calling one thing the same thing as something else – does no honour or respect to either party. I do not sit here with any intent to judge or condemn committed and loving same-sex relationships any more than the difference between coffee and tea, but simply to ask whether legally binding same-sex and heterosexual relationships are both equally marriage. That question is one to be thought about.

I realise, Madam President, that the appeal of this Bill is, for many, only about the heart, and I do not deny the love that can exist between people of the same sex: David and Jonathan in the Old Testament loved each other deeply, though there is no evidence whatever of a sexual relationship.

How else might we approach the question that lies behind this Bill? For hundreds of years, we in this society have agreed on what we mean by the word ‘marriage’. There are four constituent characteristics, the first three of which form the current legal definition of marriage: (1) it is the

union of one man and one woman; (2) it is intended to be lifelong; (3) it is a unique relationship from which all others are excluded; and (4) within it sexual intimacy is assumed. As practised, characteristic (1) is fundamental: one man and one woman. The second characteristic, that it is lifelong, may be set aside by divorce. The third characteristic, that it is unique, may be broken by adultery. Absence of the fourth characteristic, sexual intimacy, may be used as grounds for annulment.

So, of the four defining characteristics of marriage, the only one which gives marriage its primary meaning and cannot be affected by events is that it is the union of one man and one woman. This Bill seeks to redefine, therefore, the only unalterable characteristic of marriage. It opens up the possibility that, in future, a polygamy lobby could argue that, as long as all parties agree, marriage may be extended to three or more individuals.

All this is nothing to do with minority rights, nothing to do with equality, nor is it to do with a 21st-century understanding of monogamy, sexuality or polygamy; it is simply a failure to value one of the most important of the institutions that hold society together.

If we make this move to generalise marriage, we will, by this Bill, for the first time ever, have enshrined in law two definitions of marriage. There will be the traditional definition and there will be the new definition, and you will be able to choose which one to believe.

Up until now, the churches have been able to say that they uphold the state's definition of marriage because it is the same as theirs in the four key characteristics. Some churches may add to the characteristics in some way, but none change them. Thus, before a wedding in some denominations a couple may be expected to observe particular qualifications, whereas in the Church of England, provided a couple are free to marry and one of them lives in the parish, a wedding can take place. Nevertheless, all the churches accept that if a couple are married according to the law of the land, they are married, full stop – and it was good to hear the proposer of the Bill acknowledge this.

If this Bill is passed, there will become two parallel doctrines of marriage: the new doctrine that allows for two varieties of marriage together with two alternative versions of marriage, and the traditional one accepted by a proportion of citizens – as many as 45%, according to the consultation. That is not equality.

I do apologise for the length of this speech, Madam President, and I draw to a conclusion, but vital principles require careful analysis.

The amendments in another place would allow for civil partnerships to be contracted by heterosexual couples. This was something I myself attempted to suggest in this Council on the basis of equality during the passage of the Civil Partnership Bill, and was rightly voted down on legal advice. Incidentally, we were also at that time given an assurance on behalf of the Council of Ministers that there would be no possibility of a same-sex marriage Bill if we passed the Civil Partnership Bill.

So why were heterosexual civil partnerships voted down? And why was this not introduced by parliament? Because it would not be equality at all; it would create an institution that is identical to heterosexual marriage, except that it would lack the vows of mutual and lifelong commitment that we have always assumed to be involved in marriage.

Who would it be for? An advocate was recently quoted in the media saying that civil partnerships would appeal to people who did not want the religious connotations of marriage. That is curious: civil marriage without religious connotations has been around in these islands since 1836. Oh, yes, and because of the sexual element it does not solve the problem of close relations either, who are still excluded – unless, of course, we were to introduce a celibacy schedule.

Some people have suggested that these amendments are innovative, whereas I believe they would simply make the Island a laughing stock.

This unsatisfactory Bill would leave us with two pairs of identical institutions with different names: marriage for heterosexual couples and marriage for same-sex couples; then, in parallel, alongside these, exactly the same thing as marriage for heterosexual couples and the same thing as

marriage for same-sex couples, minus, in the latter case, public statements of public commitment to one another in both of those forms.

Peter Tatchell says it is farsighted. I would say it is myopic.

I remain convinced that the way I suggested to the Chief Minister two or more years ago, after the establishment of civil partnerships, would have been the sensible way forward. A simple Bill was then drafted that would have transformed civil partnerships into weddings from little more than signing a piece of paper, which is the present way, into proper acts of mutual and lifelong commitment. And if I had had my way, which of course was unlikely, I would also have removed the word 'civil' from the title of 'civil partnerships', simply because I think the word lowers the tone of the relationship.

It will not be a surprise, Madam President, that I will vote against this First Reading unless any of my colleagues can still persuade me otherwise.

I have no doubt that I will get fired on in the media from both sides, but at least I have given it some thought. And they say we Anglicans are always in the middle of the road – which, just like the Road Races Bill that we have passed, seems to indicate that that is where you get run over.

(Laughter)

Thank you, Madam President.

The President: The Hon. Member, Mr Corkish.

Mr Corkish: Thank you, Madam President.

Rather than just oppose this Bill, I would like to explain some reasoning behind my views and thinking at this stage.

I certainly do not intend to quote religion. There are others who are much better qualified to do that.

In any community of whatever size there must be and should be variances in opinion. We all hold an opinion, and thank God that we have a society that acknowledges that right of individuals and respects it. What strikes me and concerns me is the tone and general nature of the quite rigid views expressed by word and letter from some of the supporters of this Bill and its intentions, strongly inferring that my views or stance, and many others who share them in this Island, are wrong, outdated, antisocial, homophobic or even bigoted. I hope I identify with none of those, although will admit to being a traditionalist and one who can and does strive to see both sides of an issue and who accepts opinion and allows such opinion to be voiced. I am sure that we, as Members of the Legislative Council and Tynwald Court, have each considered greatly and exercised much angst over this Bill, and like us all I have a right to freedom of conscience and a right to exercise it.

I too can say the Chief Minister was eager to share correspondence with us for support of the introduction of the Bill from Mr Peter Tatchell – we received an email from him – who declared it as being farsighted. For me, that does not make it feel any more right, or make me feel perhaps guilty or wrong for not agreeing and supporting this Bill. Indeed, there are many other notables in the wider society who could have been found and would have been eager to correspond to the contrary. However, the Chief Minister has said that he acknowledges the difficulties of this Bill.

Madam President, if I can just digress into the musical world for a moment, W S Gilbert, the wordsmith of the Savoy Opera twosome, Gilbert and Sullivan, penned words to a song, the chorus of which noted that following birth 'one is either a little Liberal or else a little Conservative'. I use this illustration to suggest that in this Bill before us one is either for it or against it and, put simply, could vote either yes or no as a freedom of conscience. And perhaps it is that head-and-heart reasoning that we so often employ on how to balance in this place.

This Island of ours and its people continue to adopt a reasoned and tolerant and respectful view on society and those who make up that society, and long may that continue. It was this sense of fairness and understanding that allowed the Civil Partnership Bill to pass through parliament – although not a unanimous vote perhaps accepted by many that it went far enough and met the

demands wanted. It accepted and recognised the love and commitment between couples of the same sex. The Bill before us is regarded by a great many people, who are entitled by right to express their view, as a step too far. And I too remember, through an exchange with the Chief Minister in Tynwald Court, that an assurance was given by CoMin at the time that there would be no possibility of a same-sex marriage Bill if the Civil Partnership Bill was passed.

Madam President, there are parts of this Bill before us that are good, and it clears up and defines some grey areas of present marriage law, but I would agree with others that it is being rushed in – and I am concerned at this – and probably all for the reasoning of receiving Royal Assent before the end of this parliamentary session. I am not condemning the principle behind this Bill for those supporting it, but I have a problem as to whether what we would term as legally binding, for those of the same sex, marriage and heterosexual relationships can both be described as being marriage in an equal phrase. We then have two types of marriage.

So I cannot, however much I try, accept that marriage and the term ‘marriage’ can be interpreted as being anything else but a union between a man and a woman. It is a legal definition and has been revered and respected as such for being valued and sacred to society and part of the building blocks and foundations upon which our society has been framed. I am often nervous when at times we, as a sophisticated society, think it is a good idea to embrace modernity and move with the times by dismantling the tenets of tradition and value for no other reason than that some think it is what we should be doing.

Madam President, we all enjoy our personal lifestyles, our beliefs and our personal rights, which we defend, and quite rightly. We rejoice in the fact that we live in a society celebrating free speech and opinion and understanding of each other’s personality and orientation. We will all acknowledge that around this Island there will be no unanimous vote on this Bill, and indeed we have just heard this morning from the Lord Bishop that a rough assessment in numbers would perhaps make as much as 45% of people being opposed to the Bill. There is no one permissive opinion. I obviously will not be voting against the Bill, and I trust that those in its support, and indeed the press, will respect my views and those of many others in this Island.

Could I ask, finally, the mover, at this point – and I apologise if I have missed it in his First Reading speech, or indeed through the Bill ... Reference is abundantly clear regarding the rights for ministers of religion to be able to opt out or refuse to solemnise same-sex marriages, and reference is made to the Chief Registrar regarding his or her permission to marry in certain places. Can the mover tell me if such an opt-out is available or applicable to the registrar or registrars here in the Isle of Man?

Thank you, Madam President.

The President: The Hon. Member, Mr Coleman.

Mr Coleman: Thank you, Madam President.

I will be voting for this Bill.

I am not a man of deep faith, though I firmly respect the people who have a much deeper faith than myself. I have spent a long time thinking about this particular piece of legislation, and I went back to how many times perhaps religion has been wrong.

I can remember a time when divorced people could not get married in church. I suffered from that: I could not get married in the church that my family had traditionally married in for 200 years, because the local bishop said that because I was marrying a divorced woman he would not allow it.

I can also remember when there was outrage about the concept of female priests, (**Mr Cretney:** Hear, hear.) and time has moved on. I can also remember outrage against female bishops, and time has moved on.

So we could be looking at situations where perhaps religion is a little bit behind. Or maybe we have to wait for the older clerics to pass on, because I have seen statistics which say that the younger clerics are perhaps more in favour than the older ones, and maybe this is evidence that the

younger people in religion – and I am not picking on any particular religion at all – are perhaps more in tune with their parishioners than the older ones.

Let me talk about marriage between one man and a woman. I wonder what Muslims would think about that, with their wives, where they have polygamy. You look in other dictionaries –

Mr Corkish: We are not voting on that.

Mr Coleman: Sorry?

Mr Corkish: We are not voting on that.

Mr Coleman: No, we are not, but what we are saying is that the one word does not cover all flavours, and in fact there is a meaning of ‘marriage’ which is a combination of flavours. Okay?

I have to confess with this I am not totally voting with my head, I am really not. I am voting for the fact that there could be two people of the same sex in a loving relationship who would like more fulfilment by going through a marriage ceremony, and I do not think it is within my gift (**Mr Cretney:** hear, hear.) to say ‘no, you cannot do that’.

Thank you, Madam President.

The President: The mover to reply.

Mr Cretney: Yes. Could I thank, first of all, Mr Coleman for his support, both seconding and also his remarks just made. I certainly agree with him in relation to the final comments he made.

Mr Anderson was the first to speak. He opposed. I expected, before I came along today, that those who would verbally oppose would be Mr Anderson, the Lord Bishop and Mr Corkish, and they are perfectly entitled so to do.

If I can address Mr Anderson’s point – he asked how it had suddenly become a top priority and said that it was not in the Chief Minister’s manifesto. A number of Bills have gone on to the agenda which never even appeared on the ABC priority list. This morning in the Legislative Council the Concessionary Travel Schemes Bill was discussed. That is an example. The drafting team in the Attorney General’s Chambers is now up to full strength and the legislative programme is not set in stone and has changed over the life of the administration. That is a further reason to indicate that what might have been said at a certain time is not set in stone – even a tablet of stone!

What I believe is that this Bill recognises that the world is a moving, dynamic place, and that more and more people are moving on and recognising that, in a world which is full and trouble and hatred and bad things, we should recognise the opportunity that people have and people wish to have endorsed to be in a loving relationship and to legalise that.

The world has moved on since the commitment about no same-sex marriage was given. The US Supreme Court ... Ireland, which I think was the most outstanding change in terms of the referendum – that was ground-breaking in terms of the decision that was made there. And we have also got the legislation in England, Wales and Scotland.

So I believe, to answer Mr Anderson, we have moved on even in the five years since the Chief Minister has been in position and came forward with his manifesto.

The Hon. Member also referred to the five weeks’ consultation and I have explained that in the preamble to the consultation it was made absolutely clear why the consultation was going to be five weeks, and I set out what was written for people to read when they made their comments. I do not believe it has stopped anybody from making any comments about the Bill.

Whilst thinking about the Chief Minister’s agenda, the Hon. Member might recall that the Preferential Payments Bill was not in his agenda either. That is a new Bill.

The Lord Bishop: again, he was courteous enough to thank me for my comments. I equally want to do the same to him. I like the Bishop and he does a good sermon. (*Laughter*) He does do a good

sermon, and I do not think anybody this morning had any time out how long he was going to be, but it was well thought out, it was well considered and I appreciate where he is coming from, obviously. He has a lifetime of experience. But like his friend, he and I today ... I hope we will remain friends, but we are going to disagree on this point. (**The Lord Bishop:** Absolutely.) Yes. And whilst praising his sermon, I am not sure about his tea and coffee analogy, because even if it may sound plausible I am not really convinced about that one – but it added colour to his words of wisdom.

The English language develops and changes over time, as does the meaning of words. The Bill is not proposing polygamous marriage, simply equality of treatment for same-sex unions. There is absolutely no suggestion that marriage should be open to more than two people. Far be it from me to quote from religion, but I have, like others, sought advice from people who do have a particular knowledge of certain aspects. If I can just raise one or two things, the advice to me is that ... I accept that the biblical text does not provide for it, but the idea that marriage was fixed for all time as monogamous and heterosexual in the era of the early New Testament Church is debateable. By that time it had changed from the time of the Old Testament patriarchs, all of whom had more than one wife – Jacob had four. Thus it cannot be said that the status of marriage has ever been settled by God from the dawn of creation. Marriage was, in Christian societies, originally viewed as indissoluble, except on grounds of adultery, and exclusively monogamous and heterosexual, but the Island is no longer an exclusively Christian community.

Even when Lord Penzance, a very distinguished canon lawyer, ruled in *Hyde v Hyde and Woodmansee* that ‘marriage according to the law of this country is the union of one man and one woman for life’ in 1866 it was possible to dissolve a marriage by divorce, although the grounds were appreciably tighter than now but were certainly not restricted to the single ground recognised by the canon law. It follows that even in the 1860s the concept of marriage as understood by the Christian churches and by the state had diverged. (**A Member:** Absolutely.)

The argument that this is the start of a slippery slope to polygamy, and presumably also polyandry, is mere supposition and cannot be proved either way. No one has suggested that either should be introduced into western society, although the former is tolerated in South Africa and the latter is found only in Tibet.

So I think what I am proposing for Hon. Members’ consideration today is a modern, progressive, inclusive society taking the Island forward.

I would emphasise again that the directly elected House, the House of Keys, voted by a strong majority in favour of this measure and I do not think we should disregard their views. It is they who will be facing the electorate later this year, not us.

Finally, Mr Corkish’s comment. I did say in my opening remarks that the opt-out for churches was explained but there is no opt-out for registrars. That was a matter which was discussed in the House of Keys in some depth, and I think there was an amendment but it certainly was not agreed that there would be an opt-out for registrars because they are public servants and they are here to serve what is required of them. The existing staff of the Registry who would conduct the ceremonies do not have any problem with the proposals. Anyone recruited hereafter would have to be able to perform the full duties of the office as required.

I would like to thank all Members who have made their contribution. I would like to hope that those Members who have not made a contribution will be prepared to allow this matter to proceed today. I think it would be very disappointing if that were not the case.

I beg to move that the Bill be read a first time.

The President: The motion is that the Bill be read the first time. Those in favour, please say aye; against, no. The ayes have it.

A division was called for and voting resulted as follows:

FOR
Mr Turner

AGAINST
The Lord Bishop

Mr Coleman
Mr Cretny
Mr Wild
Mr Henderson
Mr Crookall

Mr Anderson
Mr Corkish

The President: Hon. Members, 6 votes in favour and 3 votes against. The motion therefore carries.

That concludes consideration of our business this morning, Hon. Members.

As we now approach the Easter break, our adjournment will be until 26th April in this Chamber. I wish you all a restful, peaceful Easter.

The Council adjourned at 12.50 p.m.