

### 3. Marriage and Civil Partnership (Amendment) Bill 2016 – Second Reading approved

Mr Cretney to move:

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

**The President:** Item 3, the Marriage and Civil Partnership (Amendment) Bill 2016.  
The Hon. Member, Mr Cretney.

**Mr Cretney:** Thank you.

I thank Hon. Members for their support at First Reading stage towards the Marriage and Civil Partnership (Amendment) Bill 2016.

I believe I responded to points raised during that debate as clearly as I could, so I will simply re-emphasise the key points. It will allow same-sex couples to be married on 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 rites is entirely excluded from the scope of this Bill. The Lord Bishop, I think, welcomed my clear clarification on this point, which I am pleased to reiterate.

The Bill will permit the marriage of same-sex couples according to religious rites and usages of other religious organisations *if* – and I emphasise again, *if* – the governing authority of such an organisation has opted in to that process. 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 the same-sex couple.

It makes some consequential amendments to the Sharing of Church Buildings Act; and it provides for recognition on 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 it amends the Civil Partnership Act so that those couples who wish to do so can in fact convert their civil partnership into a marriage.

Finally, thanks to an amendment in the Keys it extends the right to civil partnership to heterosexual couples on the same basis as homosexual couples.

With that clarification, I beg to move that the Marriage and Civil Partnership (Amendment) Bill 2016 be now read a second time.

**The President:** Hon. Member, Mr Coleman.

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

**The President:** The Lord Bishop.

**The Lord Bishop:** Madam President, I regret having to oppose the Second Reading of the Bill but I do so on the grounds that it is simply not fit for purpose.

Fundamentally, the Bill amends section 1 of the Marriage Act and the reason given by its supporters is that it does so on grounds of equality or, as is repeatedly said in the explanatory memorandum, by ‘extending the concept’ of marriage.

So why is the clause that is at the heart of the Bill – clause 5 – so coy about this purpose? If all that is proposed is to ‘extend the concept’ of marriage, that clause would read something like this: ‘Marriage and civil partnerships shall henceforth be open to both heterosexual and same-sex couples.’ However laudable, the reality is that ‘extending the concept’ on the grounds of equality is in fact impossible.

The gay campaigner, Peter Tatchell, in supporting this Bill says, 'Separate is not equal.' What kind of statement is that? Equality is separate toilets for men and women; equality is driving licences only for those who pass their driving test; separate is frequently the ideal of equality. So it is pure spin to cite fundamental principles like, 'Equality before the law' as Mr Tatchell and others have done to promote this Bill; and it is an insult to opponents who are equally committed to equality.

Madam President, the Bill, in contrast, enshrines inequalities. If we agree to consider the clauses we will find that much of the Bill is devoted to coping with the irradicable inequalities between two different concepts of marriage, such as the presumption of a child's legitimacy, consummation and adultery, to mention but a few.

We are proceeding to consider a Bill based on a rushed-through Act of the British Parliament, amended during its passage in another place, and to which there are yet more tidying-up amendments before us. Madam President, it is my belief that this is a rail crash waiting to happen.

There was an alternative that I discussed some time ago which would have resulted in genuine equality: two parallel states with equal status for single-sex and heterosexual couples. But such is the pressure to conform, this approach was rejected and this seriously unequal Bill was created, based on calling one thing the same as something else and redefining marriage.

I was impressed, Madam President, during the First Reading with the Old Testament scholarship of our hon. colleague, the proposer of the Bill, in relation to polygamy. Yet he failed to answer the question I raised about whether the state should – I know 'should' is a moral word – legislate to change the fundamental meaning of one of the bedrocks of social order. If the state can change what the word 'marriage' means in relation to gender, what is stopping us from changing what the word means in relation to number? In other words, if this Bill is passed, polygamy and polyandry cannot in future be ruled out because 'extending the concept' of marriage will have been agreed in principle.

Thank you, Madam President.

**The President:** The mover to reply.

**Mr Cretney:** I would like to thank the Bishop for his comments and I understand his position on the Bill. I think as we said last time despite the complete non-inclusion of the Church in this piece of legislation I believe that the vast majority of people on the Island, not only those who were consulted and made their responses but also those who did not respond, are in favour of the proposals before us.

On that basis, I beg to move this Second Reading.

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

*A division was called for and voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Turner	The Lord Bishop
Mr Coleman	Mr Anderson
Mr Cretney	Mr Corkish
Mr Henderson	
Mr Crookall	

**The Acting Clerk:** Madam President, that is 5 votes for, and 3 against.

**The President:** The motion therefore carries, Hon. Members.

**Marriage and Civil Partnership (Amendment) Bill 2016 –  
Consideration of clauses commenced**

**The President:** We move now to the clauses stage of the Bill and the Hon. Member wishes to take clauses 1, 2 and 3 together.

**Mr Cretney:** Thank you very much, Madam President.

Clauses 1 to 3, which make up Part 1 of the Bill, are opening provisions; and with your permission I would like to move them together.

Clause 1 states the short title that the Act will have if the Bill is passed.

Clause 2 provides for its commencement.

Clause 3 enables the Council of Ministers to make any additional amendments to other Manx legislation which may be needed as a result of the Bill.

Madam President, I beg to move that clauses 1, 2 and 3 stand part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

**Mr Coleman:** I beg to second and reserve my remarks.

**The President:** The motion is that clauses 1, 2 and 3 stand part of the Bill. Those in favour, please say aye; against, no. The ayes have it, the ayes have it.

Clause 4.

**Mr Cretney:** Clause 4 simply introduces the amendments which are made by the Bill to the Marriage Act 1984. In moving the subsequent clauses of the Bill I will simply refer to that Act as 'the 1984 Act'.

I beg to move that clause 4 stands part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 4 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 5.

**Mr Cretney:** Clause 5 makes a small amendment that goes to the heart of this Bill – almost everything else in the Bill in respect of allowing same-sex couples to marry is basically consequential to this clause. Section 1 of the 1984 Act sets out the conditions under which a marriage between two people is void. At present one of those conditions is if the two people are of the same gender. This clause removes that condition.

I beg to move that clause 5 stand part of that Bill.

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

**The President:** Lord Bishop.

**The Lord Bishop:** Madam President, thank you.

As I said in my speech a few moments ago, as the hon. mover has clearly indicated this is the crucial clause in the Bill. The placing of it at this point clearly indicates that here is the point at which the Island makes a fundamental change to its understanding of marriage, and allows for the possibility that in the future marriage can be further redefined.

I think this is a serious mistake.

**The President:** The Hon. Member, Mr Anderson.

**Mr Anderson:** Thank you, Madam President.

I totally align my thoughts on this with the Lord Bishop and I think he has eminently put the case over. However, I would like to put on record at this stage a response to the hon. mover in his opening remarks.

I think he suggested that there was a vast majority of people on the Island in favour of this legislation. I would not take that view. On the consultation process it was marginal in favour of the Bill. However, if you take the representatives that responded and the number of people they represent you would find a majority against.

I think it is very difficult for people to put their head above the parapet on this subject for different reasons and therefore I do not think you have had an overwhelming response from the man in the street. However, I would take issue with the hon. mover in suggesting that there is a vast majority of people in favour of this Bill. I believe there is not.

**The President:** The Hon. Member, Mr Corkish.

**Mr Corkish:** Thank you, Madam President.

Purely not to prevent a repetition but certainly align myself with the remarks by the Lord Bishop especially, it was a word and a phrase that I was looking for in my original remarks – and I oppose the Bill too – that this is an unequal Bill and it is destroying the bedrock of social order as we know it. I maintain my stance.

Thank you, Madam President.

**The President:** The mover to reply.

**Mr Cretney:** I would strongly disagree with the comments that have just been made in terms of destroying the bedrock of society. I think that is a completely over-the-top comment.

I would say to my friend and colleague, Mr Anderson, that if the views of the younger man or woman in the street were taken on board I think there is a clear view about the future. And in relation to my friend again, the Lord Bishop, I did make clear at an earlier stage and I will make clear again there is no indication that this legislation will be further extended to cover other areas such as those described.

I beg to move that clause 5 stands part of the Bill.

**The President:** The motion is that clause 5 stands part of the Bill. Those in favour, please say aye; against, no. The noes have it.

*A division was called for and voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Turner	The Lord Bishop
Mr Coleman	Mr Anderson
Mr Cretney	Mr Corkish
Mr Henderson	
Mr Crookall	

**The Acting Clerk:** Madam President, that is 5 votes for, and 3 against.

**The President:** Hon. Members, the motion therefore carries.  
Clause 6.

**Mr Cretney:** Madam President, clause 6 amends section 3 of the 1984 Act.

At present, if a young person aged 16 or 17 marries with the necessary parental consent and their spouse then dies, if the young person wishes to remarry whilst still under the age of 18 parental consent is not required for the second marriage.

The amendment made by this clause will mean that a surviving civil partner who subsequently wishes to get married whilst still under the age of 18 will also not require parental consent for the marriage.

I beg to move that clause 6 stands part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

**Mr Coleman:** I beg to second and reserve my remarks.

**The President:** The motion is that clause 6 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 7.

**Mr Cretney:** Madam President, clause 7 can perhaps be considered the other side of the coin to the amendment made by clause 5. That clause amended Manx legislation so that a marriage between two people of the same gender is not automatically void and this clause confirms that such a marriage is lawful.

This is achieved by inserting new section 4A into the 1984 Act. In addition to declaring that the marriage of same-sex couples is lawful, this clause sets out the position of the Church of England as the Established Church in the law of the Island.

As the Lord Bishop has explained, the Church of England is very clear that it does not support or recognise the marriage of two people of the same gender. I may not agree with the view of the Church but I respect the right of the Church to hold that view and, as Hon. Members know, the rights to freedom of religion and freedom of expression are enshrined in the Human Rights Act 2001.

Under the 1984 Act as amended, a same-sex couple cannot enter into a marriage according to the rites of the Church of England. They can only marry under a registrar's certificate or a Deemster's licence. In other words, the only form of marriage ceremony which may be contracted, unless a religious body has consciously opted in to providing them, is a civil marriage ceremony.

In addition, a new section 4A of the 1984 Act confirms that the common law duty on the clergy of the Church of England to marry parishioners is not extended to same-sex couples. If the Church of England were to change its position on the marriage of same-sex couples at some point in the future, additional primary legislation would be required both here in the Island, and in England, to give effect to that decision.

I beg to move that clause 7 stand part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

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

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** Thank you, Madam President.

I would just like to make a comment on supporting the Bill. But in doing so I would like to echo the comments made by the mover that those people who are supporting this Bill should respect the views of those who do not.

I think it has been very unfortunate that a certain element of the pro-lobby have acted in quite an aggressive way towards people who have an opposing view to this, and surely we live in a society where we are all entitled to our own opinion. We might not like someone's opinion, we might not agree with it, but they are entitled to hold it; and what I would say is that again in supporting this Bill I would hope that the element who are very vocal do at least start to respect the views and cease verbally attacking those who have an opposing view.

When reading some of the comments that have been levelled at, certainly, Members of Tynwald and others in society who have opposed this Bill ... for those who are supporting the Bill it is a challenge whether you want to be party to that sort of attack. So I would echo the comments of the mover, Mr Cretney, in saying that reviews should be respected. But I will be supporting the clause.

**The President:** Do you want to comment, Mr Cretney?

**Mr Cretney:** Just that I thank the Hon. Member for his comments and agree with his sentiments. And I beg to move.

**The President:** The motion is that clause 7 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 8.

**Mr Cretney:** Clause 8 inserts new section 4B into the 1984 Act.

This new section provides that if a same-sex couple has been lawfully married in a country outside of the Isle of Man, that marriage will be recognised as a marriage in the law of the Island. This applies whether the marriage was entered into before or after the Bill comes into operation.

I beg to move that clause 8 stand part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 8 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 9.

**Mr Cretney:** Thank you.

Clause 9 inserts new section 4C into the 1984 Act. This new section provides that there is no compulsion on persons to participate in a marriage ceremony according to religious rites if the parties to be married are of the same sex. It thus permits same-sex marriage ceremonies according to religious rites, but does not compel participation in them. Of course, the marriage of a same-sex couple according to religious rites can only take place at all if the governing authority of the religion or denomination in question has consented to opt in to such ceremonies. Opt-in by religious bodies other than the Church of England is possible without further primary legislation.

It is perhaps worth reiterating here why the position of the Church of England is different to that of other religions and denominations under the Bill. The reason for this is quite simple of course: only the Church of England is the Established Church in the Island, and only the Church of England has a statutory role under the Marriage Act 1984.

Madam President, I beg to move that clause 9 stand part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 9 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 10.

**Mr Cretney:** Thank you.

Clause 10 makes a minor amendment to section 5 of the 1984 Act, which concerns the methods of authorising marriages according to the rites of the Church of England. The amendment is to recognise the fact that such a marriage may now be celebrated at any time.

This provision is unconnected to the introduction of marriage for same-sex couples; it is included because the Bill is a convenient legislative vehicle to make the amendment.

I beg to move that clause 10 stand part of the Bill.

**The President:** Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 10 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 11.

**Mr Cretney:** Thank you.

Clause 11 replaces the existing section 17 of the 1984 Act with a new section 17.

The new section includes specific provision stating that any purported Church of England marriage between persons of the same sex is void. This provision reflects the view of the Church of England on same-sex marriage, and it is necessary because of the removal of the general provision from section 1 of the 1984 Act that currently makes all same-sex marriages void.

Section 17 is replaced rather than just amended as the opportunity has been taken to make the section as a whole more readable.

Madam President, I beg to move that clause 11 stand part of the Bill.

**The President:** Hon. Member.

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

**The President:** The motion is that clause 11 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 12.

**Mr Cretney:** Clause 12 of the Bill replaces the existing section 19 of the 1984 Act with a new section 19.

The new section replicates the existing section 19 for marriages between a man and a woman and in addition it authorises marriages of same-sex couples by civil ceremony in non-religious buildings.

It does not deal with religious marriages of same-sex couples where the religious organisation in question has decided to recognise such marriages. That issue is dealt with by new provisions which are to be inserted into the 1984 Act by clauses 13 and 14 of this Bill.

I beg to move that clause 12 stand part of the Bill.

**The President:** Hon. Member.

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

**The President:** The motion is that clause 12 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

### **Marriage and Civil Partnership (Amendment) Bill 2016 – Clauses concluded**

**The President:** Clause 13.

**Mr Cretney:** Thank you.

Clause 13 of the Bill inserts new section 19A into the 1984 Act. The new section will permit religious denominations, other than the Church of England, to opt in to the celebration of same sex marriages on their premises.

Religious buildings can only be used for same-sex marriages if they have been registered for such ceremonies, and registration can only be applied for with the consent of the governing authority of the relevant religious organisation.

I beg to move that clause 13 stand part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 13 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 14.

**Mr Cretney:** Clause 14 inserts new section 19B into the 1984 Act. This new section will allow religious organisations to opt into conducting same-sex marriages according to their religious rites in the home of a person who is housebound, or in the place where one of the couple is detained, for example in a hospital or prison.

I beg to move that clause 14 stand part of the Bill.

**The President:** Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 14 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 15.

**Mr Cretney:** Thank you.

Clause 15 amends the existing section 21A of the 1984 Act. That section concerns a registrar's powers to require evidence in respect of the marriage of housebound and detained persons. The amendment expands the registrar's powers in such cases to require evidence that the governing authority of a relevant religious organisation has consented to the participation of its members in the marriage of same-sex couples.

I beg to move that clause 15 stand part of the Bill.

**The President:** Hon. Member.

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

**The President:** The motion is that clause 15 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 16.

**Mr Cretney:** Clause 16 inserts new section 21B into the 1984 Act. The new section provides for the giving of additional evidence in connection with same-sex marriages where a member of the couple is either housebound or detained. This evidence includes confirmation of where the marriage will take place, a medical statement confirming that a person is housebound, and confirmation that an institution where a person is detained is content for the marriage to take place.

Madam President, I beg to move that clause 16 stand part of the Bill.

**The President:** Hon. Member.

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

**The President:** The motion is that clause 16 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 17.

**Mr Cretney:** Thank you.

Clause 17 amends section 29 of the 1984 Act. That section concerns the registration of buildings for marriages and the amendment limits it to only dealing with the registration of buildings for marriages between a man and a woman.

Separate provision for the registration of buildings for same-sex marriages is inserted by the next clause of this Bill.

I beg to move that clause 17 stand part of the Bill.

**The President:** Hon. Member.

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

**The President:** The motion is that clause 17 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 18.

**Mr Cretney:** Clause 18 inserts new sections 29A to 29E into the 1984 Act. All of these new sections relate to the registration of buildings for the marriages of same-sex couples.

Section 29A sets out the main registration procedures and section 29B concerns the cancellation of a registration; whilst section 29C allows for regulations to be made to supplement the provisions in 29A and 29B.

Section 29D deals with the procedures required for the registration for same-sex marriages of church buildings which are used by more than one religious denomination. In essence, the building can only be registered if all of the churches that share the building consent to same-sex marriages.

Section 29E concerns the cancellation of such registrations.

I beg to move that clause 18 stand part of the Bill.

**The President:** Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 18 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 19.

**Mr Cretney:** Thank you.

Clause 19 amends section 30 of the 1984 Act. That section deals with the cancellation of the registration of a religious building when it is no longer used for the purpose of public religious worship; and it provides for the possibility of substituting a different building that is now used for such worship.

The effect of the amendment is to extend the provision to take into account that religious buildings may be registered for the purpose of solemnising same-sex marriages.

I beg to move that clause 19 stand part of the Bill.

**The President:** Hon. Member, Mr Coleman.

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

**The President:** The motion is that clause 19 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 20.

**Mr Cretney:** Thank you.

Clause 20 makes a minor amendment to clause 31 of the 1984 Act which deals with the procedures for the solemnisation of marriages in a registered building. The amendment is consequential on the fact that a building may be registered for the purpose of conducting the marriages of same-sex couples.

I beg to move that clause 20 stand part of the Bill.

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

**The President:** The motion is that clause 20 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 21.

**Mr Cretney:** Clause 21 inserts new section 34A into the 1984 Act.

This new section makes similar provision in respect of void same-sex marriages to that which is already made by section 34 of the 1984 Act for marriages between a man and a woman. In each case, the marriage will be void if the couple have knowingly and wilfully married in the absence of the required consent to the marriage.

A marriage will also be void under this new section if it is purportedly solemnised between two persons of the same sex according to the rites of the Church of England.

I beg to move that clause 21 stand part of the Bill.

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

**The President:** The motion is that clause 21 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 22.

**Mr Cretney:** Thank you.

Clause 22 amends section 36 of the 1984 Act. That section concerns marriage under the authority of a licence issued by a Deemster, of a person who is seriously ill and who is not expected to recover.

The amendments made by this clause ensure that a Deemster can only authorise a religious marriage ceremony of a same-sex couple if the relevant governing authority has consented to marriages of same-sex couples.

The clause also amends section 36 so that a deathbed marriage of a man and a woman according to the rites of the Church of England cannot be authorised under a Deemster's licence. This is to bring the provision in the Island into line with that in England. In England such marriages may be authorised by a special licence issued on behalf of the Archbishop of Canterbury. In the Island such a marriage may be authorised by a special licence issued by the Lord Bishop under his hand and episcopal seal.

I beg to move that clause 22 stand part of the Bill.

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

**The President:** The motion is that clause 22 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 23.

**Mr Cretney:** Clause 23 amends section 39 of the 1984 Act. That section deals with the circumstances where a marriage under a licence issued by a Deemster is not valid.

The amendment adds the condition that the marriage of a same-sex couple under a Deemster's licence is not valid if it is solemnised in accordance with the rites of a religious organisation, but the governing authority of that organisation has not given its consent to same-sex marriages.

I beg to move that clause 23 stand part of the Bill.

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

**The President:** The motion is that clause 23 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 24.

**Mr Cretney:** Clause 24 makes a minor amendment to section 40 of the 1984 Act. That section deals with who is responsible for the registration of various categories of marriage, and the amendment is consequential to the substitution of section 19 of that Act by clause 12 of the Bill.

I beg to move that clause 24 stand part of the Bill.

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

**The President:** The motion is that clause 24 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 25.

**Mr Cretney:** Thank you.

Clause 25 amends section 55 of the 1984 Act, which deals with the interpretation of certain terms used in that Act. A consequential amendment is made to the definition of 'registered building' to take into account the fact that a building can be registered for same-sex marriages.

A new provision is also inserted to confirm that if the governing authority of a religious organisation has given its consent to marriages of same-sex couples, the validity of that consent is not affected only because there is a change in the person or persons constituting the relevant governing authority. However, for the avoidance of doubt, there is nothing to prevent the new

person or persons from changing their position on same-sex marriage and deciding to opt out when the governing authority had previously opted in.

I beg to move that clause 25 stand part of the Bill.

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

**The President:** The motion is that clause 25 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Clause 26, and Schedules 1 and 2.

**Mr Cretney:** Thank you.

Clause 26 confirms the effect of the extension of marriage to same-sex couples in the law of the Island. Generally, the marriage of a same-sex couple is to be treated the same as the marriage of an opposite-sex couple, and Manx legislation is to be interpreted accordingly.

The clause also makes specific provision to avoid conflict with the Measures and Canons of the Church of England and other ecclesiastical law.

In addition, this clause introduces Schedules 1 and 2 which contain further provision on the effect in Manx law of the extension of marriage to same-sex couples.

Paragraph 1 of Schedule 1 requires references in existing Manx legislation to marriage, married couples and married persons are to be read as including the marriages of same-sex couples.

Paragraph 2 of Schedule 1 confirms that references in existing Manx legislation to couples who are not married, but living together as if they were, are to be read as including same-sex couples who are not married but living together as if they were.

Paragraph 3 of Schedule 1 explains the situation where existing Manx legislation treats unmarried couples who are living together differently, depending on whether it is a heterosexual couple or a same-sex couple.

Paragraph 4 of Schedule 1 simply confirms that the specific provisions in the preceding paragraphs of the Schedule do not limit the general effect of subsections (1) and (2) of clause 26.

Paragraph 5 of Schedule 1 explains how new Manx legislation is to be read as a result of the extension of marriage of same-sex couples.

Paragraph 1 of Schedule 2 confirms that the introduction of marriage of same-sex couples will not affect the meaning of any marriage-related reference in private documents, such as wills, which are made before the Bill comes into operation.

Paragraph 2 of Schedule 2 confirms that the common law presumption under which a child born to a woman during her marriage is presumed to be the child of her husband is not extended to the marriages of same-sex couples.

Paragraphs 3 to 8 of Schedule 2 amend the Matrimonial Proceedings Act 2003 in respect of divorce and the annulment of marriage in consequence of the extension of marriage to same-sex couples.

Paragraph 9 deals with those areas of Manx law where, despite the extension of marriage to same-sex couples for almost all purposes, the concept may be restricted by contrary legal provision.

I beg to move that clause 26, Schedule 1 and Schedule 2 stand part of the Bill.

**The President:** The Hon. Member, Mr Coleman.

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

**The President:** The Lord Bishop.

**The Lord Bishop:** Thank you, Madam President.

The Schedules in this clause are where the rubber hits the road. In particular, this is where the whole idea of extending the concept of marriage becomes effective; and this is where clearly it is revealed that this is not a matter of extending the concept at all, but changing the concept.

I have argued before that there is a better way of doing this than using this particular method; and we get to the point in section 2 of Schedule 1 that we have two parallel systems that have been proposed and then a complete opt-out with all three systems having more or less the same effect.

The result of it is that I get the sensation that I am down the rabbit hole now and any moment now I shall see somebody with a hat and a label on it saying 'ten-and-sixpence'.

We now have these three states. They are not equal, manifestly they are not equal because the two schedules make that point over and over again, and the states are in triplicate.

When we go to part 2 of Schedule 1 we have a series of definitions which, taking you back to the speech I made at the First Reading, quite clearly are saying that our two cups of drink – our cup of tea and our cup of coffee – in future shall be cups of tea and cups of coffee, but that the language we use to describe those two cups is now going to be the same. So now we must call both things the same thing even though they are different.

So I am very concerned that this schedule and in fact the following schedule as well, are all the proof that one needs that this Bill is not about equality.

You have to look in Schedule 2, part 1: you now have two parallel institutions, and over and over again it emphasises that there is, in fact, no equality between the states of heterosexual marriage and same-sex marriage. It leads me back again and again to saying that this Bill is seriously not fit for purpose; and we know why, because it is more or less copied from an English Bill that also was not fit for purpose.

There is a better way, but I do not suppose we will think of going that way.

Thank you, Madam President.

**The President:** The Hon. Member, Mr Coleman.

**Mr Coleman:** Thank you, Madam President.

I really enjoy the Lord Bishop's analogy with tea and coffee, but they are both beverages and therefore in my view the analogy is not a good one. In fact it does harm to your case rather than benefits it, in that you can have many forms of beverage – and what they are saying here is that the various constituents of marriage as a collective can be different as well.

Thank you, Madam President.

**The President:** The Hon. Member, Mr Anderson.

**Mr Anderson:** Thank you, Madam President.

I would just like to put on record again at this stage that I also believe we are dealing with defective legislation and I guess only time will tell if our interpretation of the legislation before us is defective.

We are changing the concept of marriage by progressing this Bill. I recognise that dictionaries are already changing the definition of marriage. But in relation to comments made by the mover at an earlier stage I would like to just refer to this what is termed as progressive legislation – I do not believe this is progressive legislation.

Once again I would like to say that I believe there is a silent majority on this issue for the reasons that Mr Turner alluded to earlier, who are not necessarily voicing their opinions. It is unfortunate this major social legislation is coming at the end of this administration and it was not in the legislation programme. The hon. mover has made comment to that in response to comments I made at an earlier reading, that many Bills come into the programme that are not in the original programme. However, this is not a run-of-the-mill Bill, this is major legislation and I would have

thought that at least we would have had the full consultation on it with such a major legislation. (**A Member:** Hear, hear.)

It is difficult for me to comprehend that that opportunity was not taken and I would just ask the mover maybe to respond to how we can compare this Bill as he compared the Bill I moved earlier in this sitting – the Preferential Payments Bill – which is as the result of certain economic circumstances which have changed. This is a major piece of social legislation that should have been given proper consultation and due process.

**The President:** The Hon. Member, Mr Turner.

**Mr Turner:** If I may, I would just briefly speak in support of some of the points made by my colleague Mr Anderson.

I think what we have seen, particularly with the way that this Bill has gone on to the agenda, is not really ... and it is possibly something that the next administration should look at, that when as a collective in another place we vote for whoever is going to be the Chief Minister then they should set out – (*Interjection*) If we do, of course! That is coming along shortly. They should be setting out clearly what their policies are in all areas.

We accept that with changes in the economy and certainly with world trade and things, that it is not possible to look at everything, but this was a matter that has been mulling around for a while and therefore should have been in a definitive legislative programme. We have seen other Bills fall by the wayside that were in the programme, that have not had the appropriate time to be pursued in various Departments – not just one or two, but in various Departments.

So I would support the comments from my hon. colleague, Mr Anderson, with regard to priorities in the legislative programme.

**The President:** The mover to reply.

**Mr Cretney:** Yes, thank you.

I think it is a good thing that we can respect each other's views during a process such as this, and respect that we do have differing positions on various things. I would argue that the Bill *is* fit for purpose and, as Mr Anderson said, time will tell on that.

The Lord Bishop mentioned a better way and I think he did have conversations, but the Government decided to take a certain route and this Bill has been very well supported in the directly-elected House by those who are about to go out to elections in many cases. I would argue that despite the fact that the Chief Minister gave all his Ministers a free vote in the Lower House, the Bill was substantially supported.

In relation to Mr Anderson's point about the consultation and due process, I did explain at an earlier stage that when the consultation was announced the circumstances around that, and the reasons why it was one week less than might normally be the case, were fully explained. I read them out and if he wishes I can read them out again, but I have already answered that point.

The provisions of Schedules 1 and 2 are identical in their effect to those in the English Act. The Bill changes the scope of marriage. Whether one calls that extension 'redefinition' is irrelevant – and is in any case a matter of personal taste.

I beg to move that clause 26 and the Schedules 1 and 2 stand part of the Bill.

**The President:** The motion is that clause 26 and Schedules 1 and 2 stand part of the Bill. 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  
Mr Coleman  
Mr Cretney  
Mr Henderson  
Mr Crookall

**AGAINST**

The Lord Bishop  
Mr Anderson  
Mr Corkish

**The Acting Clerk:** Madam President, that is 5 votes for, and 3 against.

**The President:** Hon. Members, the motion therefore carries.  
Clause 27, introducing Schedule 3.

**Mr Cretney:** Thank you.

Clause 27 gives effect to Schedule 3, which contains amendments to Manx legislation as a result of the extension of marriage to same-sex couples.

Paragraphs 1 to 3 of this Schedule deal with the amendment of the Sharing of Church Buildings Act 1986.

Paragraph 4 of Schedule 3 amends the definition of 'partner' in section 8 of the Disability Discrimination Act 2006 as a consequence of the existence of civil partnerships.

Paragraph 5 of Schedule 3 amends the Civil Partnership Act 2011. As Hon. Members are aware, a number of these amendments were inserted in the other place with a view to extending civil partnerships to opposite-sex couples.

In addition, this paragraph inserts new section 27A into the 2011 Act to enable a same-sex couple to convert a civil partnership entered into in the Isle of Man into a marriage. If a civil partnership is converted into a marriage the resulting marriage is to be treated as having existed since the date on which the civil partnership was formed.

I beg to move that clause 27 and Schedule 3 stand part of the Bill.

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

**The President:** The learned Acting Attorney General.

**The Acting Attorney General:** Yes, Madam President, with your leave I beg to move the amendment standing in my name which has been circulated with reference to paragraph 5 of Schedule 3.

If I could possibly note that in the amendment circulated, unfortunately in paragraph 2 with reference to 2(c) there is a typing error where the words 'can constitute' have been repeated. So if I could seek leave, Madam President, to delete those words in consideration –

**The President:** Yes, we will note that they are simply a typographical error.

**The Acting Attorney General:** I would be very grateful, Madam President.  
If I could speak very briefly to the amendment?

**The President:** Indeed, please.

**The Acting Attorney General:** These amendments, Hon. Members, are necessary because of some drafting errors which were made. The provisions of paragraph 5 of Schedule 3 deal with amendments to the Civil Partnership Act 2011.

The first item which we seek to amend which is on page 38, after subparagraph (2), is to insert a subparagraph (3) which reads: 'In section 2(3) in the Index of defined terms after the definition of "acquired gender" insert "adultery" section 42(6) Chapter 2 of Part 2' – that is necessary to insert a

reference to the definition of the term 'adultery' in the right place in the Index in Section 2(3) of the Civil Partnership Act 2011.

The second amendment which is referenced at page 40 on the Bill: at the end of subparagraph (7) which has been renumbered (6) in the reprinted Bill but renumbered (7) in consequence of the amendment to 1 above, is to add a new subparagraph (c) and at the end insert '(6) for the purposes of this Chapter only, conduct between the respondent and a person of the opposite sex can constitute adultery for the purposes of this Act'.

Then the final amendment which I am moving is on page 41, which is to omit subparagraph (16), numbered (15) in the reprinted Bill but renumbered in consequence of the amendment 1 above. That needs to be omitted because, in blunt terms, the amendment is meaningless because it refers to a provision which is not in fact to be found in the 2001 Act, for which I apologise.

Thank you.

So I beg to move that amendment standing in my name.

#### *Amendments to Paragraph 5 of Schedule 3*

*References to page and paragraph numbers are to the pages of the Bill as reprinted following the amendments in the Keys.*

1. On page 38, after subparagraph (2) insert —

'(3) In section 2(3) in the Index of defined terms after the definition of "acquired gender" insert —

"adultery"	section 42(6)	Chapter 2 of Part 2'
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*Renumber the following sub-paragraphs of the paragraph accordingly.*

2. On page 40, at the end of subparagraph (7) (numbered (6) in the reprinted Bill but renumbered as (7) in consequence of amendment 1 above) add —

'(c) at the end insert —

"(6) For the purposes of this Chapter only conduct between the respondent and a person of the opposite sex can constitute adultery for the purposes of this Act.".'. .

3. On page 41 omit subparagraph (16) (numbered (15) in the reprinted Bill but renumbered in consequence of amendment 1 above).

*Renumber the following subparagraph of the paragraph accordingly.*

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

**The President:** A little unconventional to be a seconder to the clause *and* to the amendment —

**Mr Coleman:** This had not been pre-arranged.

**The President:** Well it is not ... I would prefer if we had another seconder.

**Mr Crookall:** I beg to second, Madam President.

**The Acting Attorney General:** I am very grateful.

**The President:** The Lord Bishop.

**The Lord Bishop:** Madam President, I am not quite sure where to begin.

I believe that what took place in another place of the extension of civil partnerships to heterosexual couples was a serious mistake. It has not been thought through properly. It is one of

the reasons – possibly the most serious reason – why I believe that if this Bill is passed it will end up being a most unsatisfactory piece of law; and I am very concerned about it.

**The President:** The Hon. Member, Mr Anderson.

**Mr Anderson:** Likewise, I would like to align my feelings along with the Lord Bishop's comments and also to say that we both fully supported the introduction of that legislation when it came through; and it is unfortunate that the legislation is now becoming eroded by this legislation.

**The President:** The mover to reply.

**Mr Cretney:** Yes, my position is completely the reverse. I warmly welcome the move that took place in the House of Keys on this matter. I believe different people should have the right to choose the arrangements that they enter into, and I think this places us ahead of the United Kingdom.

I welcome that and I think the United Kingdom will not be far behind us in terms of extending this as well.

I beg to move that clause 27 and Schedule 3 stand part of the Bill.

**The President:** The motion is that clause 27, introducing Schedule 3, stands part of the Bill. To that we have the amendments tabled in the name of the learned Acting Attorney General.

I will put the amendments *en bloc* to you, Hon. Members, because nobody has commented on them individually. Those in favour of the amendments please say aye; against, no. The ayes have it. The ayes have it.

I now put to you the Schedule as amended. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

I now put to you clause 27 in its entirety. Those in favour, please say aye; against, no. The ayes have it.

*A division was called for and voting resulted as follows:*

<b>FOR</b>	<b>AGAINST</b>
Mr Turner	The Lord Bishop
Mr Coleman	Mr Anderson
Mr Cretney	Mr Corkish
Mr Henderson	
Mr Crookall	

**The Acting Clerk:** Madam President, that is 5 votes for, and 3 against.

**The President:** The motion therefore carries, Hon. Members.  
Clause 28.

**Mr Cretney:** Finally, Madam President, clause 28 contains consequential and minor repeals of Manx legislation.

Before I beg to move that it stands part of the Bill, can I thank all Hon. Members for their contribution to the clauses stage and Second Reading today.

I think we recognise that there are differences and that was always going to be the case, but I welcome the civilised manner in which this matter I hope from my side, and certainly from the other side, has been taken through this Branch.

I beg to move that clause 28 stands part of the Bill.

**Mr Coleman:** I beg to second and reserve my remarks.

**The President:** The Lord Bishop.

**The Lord Bishop:** Madam President, I would echo the proposer's sentiments about being civilised about this.

I would be very grateful if, at the Third Reading, he could look at the table in subsection (3) and tell this Council how many of these states that have same-sex marriage also have a parallel system of same-sex and heterosexual partnerships, so that we can determine whether a large number of states are following our lead, or might follow our lead, and how many clearly have not; and whether they have been ahead of us in creating same-sex marriage.

**The President:** The mover to reply.

**Mr Cretney:** Yes, I am happy to endeavour to get the information required by the Lord Bishop for Third Reading stage.

**The Lord Bishop:** Thank you.

**The President:** Hon. Members, the motion is that clause 28 stands part of the Bill. Those in favour, please say aye; against, no. The ayes have it. The ayes have it.

Hon. Members, that concludes consideration of the Second Reading and clauses of that Bill.