

Memorandum to the Committee Stage of the Marriage (Same Sex Couples) Bill 2012-13

From the Sibyls: Christian Spirituality Group for Transgender People

The Sibyls is a UK-based confidential spirituality group for transgender people and their supporters, offering companionship along the journey, and information/advocacy to churches.

Sibyls seek to fulfil the two great commandments of Jesus to love God and to love one another. To this end we try to hold two retreats a year, in safe, friendly establishments, to provide an opportunity to meet, talk, learn, pray and seek God's will. We also produce a regular e-newsletter and offer a listening service for members.

<http://www.sibyls.co.uk/>

Summary

The Sibyls, a UK Christian spirituality group for transgender people, is in favour of equal marriage and pleased that the Bill extends this option to religious organisations that wish, at this stage, to opt in. Many of our members belong to the Church of England and in due course we hope that the Church of England will make provision for clergy and parishes that wish to opt in, which is possible under this legislation. We welcome the provision that married transgender people who apply for full gender recognition will no longer have to dissolve their marriages. Some of our members have done that, and entered into a civil partnership with their former spouse. The Bill should include appropriate compensation for these couples and the removal of any further anomalies affecting transgender people's rights (e.g. pension/partner rights) and hence we also support the case for equal civil partnerships.

1. Equal Marriage

- 1.1 We would like to thank the Government for last year's Consultation on Equal Marriage to which we contributed.
- 1.2 We are pleased that the Bill, if passed, would enable equal civil marriage, with which we are in favour.
- 1.3 We are also pleased that the Bill contains an 'opt in' provision for religious organisations, which we also advocated in our submission at the Consultation stage.
- 1.4 Having read the Church of England's submission to the Consultation we regret, but can understand why the Bill contains the so-called 'quadruple locks' to protect the Established Church, and other religious bodies, which, officially at least, are reluctant to opt in at this stage.

- 1.5 However, as we said in our submission, we believe that a number of ministers of religion, including Church of England clergy, would wish to officiate at such ceremonies, and that many Church of England parishes would wish to host them.
- 1.6 Ideally, we would have preferred the right of parishioners to marry in their Church of England parish church to be extended to same-sex couples, with an exemption for those clergy who could not conscientiously conduct such a marriage. (In relation to the Gender Recognition Act the Church of England was able to accept this arrangement where one or both parties to the marriage has undergone gender reassignment).
- 1.7 However, we would not wish the progress of equal civil marriage, with the provision for opt in by religious bodies, to be undermined by pushing 1.6 to the point where the Bill is lost.

2. Marriage & Trans people

- 2.1 We are delighted that the Bill, if passed, would enable married transgender people to obtain full gender recognition without dissolving their marriage, which was the main focus of our submission last year.
- 2.2 We are pleased that the legislation will enable those who did dissolve their marriage in order to obtain full gender recognition, and then entered into a civil partnership with their former spouse, to convert their civil partnership into a marriage.
- 2.3 We are disappointed that in the Bill these couples can only backdate their marriage to the start of their civil partnership, and urge the committee to explore ways in which the couple's marriage can be recognised from the date of their original marriage.
- 2.4 We consider that there should be a no cost fast track system for the restoration of such marriages, i.e. that the fee for converting a civil partnership into a marriage should be waived in the case of couples who had to dissolve their marriage in order to obtain full gender recognition, as compensation for the stress and trauma this involved for the couple.
- 2.5 We believe that the Bill should include legislation for the restoration of any missing pension rights for those who have had to dissolve their marriage to obtain a Gender Recognition Certificate. These should be backdated to the date of the original marriage. The same right of restoration should also apply to all the partners in the relationship.
- 2.6 We regret the continuing inequality of the clause that allows dissolution of the marriage because one spouse has not declared that they are Trans.

2.7 We believe that the language used in the part of the legislation relating to transgender people should be, as far as possible, gender neutral, e.g. ‘spouses’ rather than husband or wife. Terms which define a relationship as “heterosexual” or “homosexual” should also be avoided

2.8 As stated in our submission, we remain in favour of equal civil partnerships, both from the point of view of equality and to address the following anomaly: not to introduce civil partnerships for heterosexual couples will mean that, should a trans person in a civil partnership transition, they would be faced with the dilemma of having to dissolve their civil partnership – with a possible impact on partner rights – or not proceed to full gender recognition.

3 Other matters:

3.1 We believe that the provisions of the Bill should be extended to include adequate provision for the inclusion of intersex people or those people who regard themselves as “Gender Queer” or non-gendered people. No provision appears to have been made for these people under the present draft legislation.

Authored by Christina Beardsley, amended & approved by the Sibyls Committee 7th March 2013