

**From:** "FIELD, Melanie"  
**Date:** 25 July 2013 14:22:47 BST  
**To:** "gsk1@mail.com" <gsk1@mail.com>  
**Subject: Marriage (Same Sex Couples) Act 2013**

Dear Mr Singh

Following our earlier discussion, I promised to write to you set out how the religious protections in the Marriage (Same Sex Couples) Act will apply to the Sikh religion, assuming it does not opt in to marry same sex couples according to its rites. I will begin by explaining that Article 9 of the European Convention on Human Rights guarantees the right to religious freedom, and the Act protects and promotes religious freedom through the Government's 'quadruple lock' of religious protections.

As I explained, a Gurdwara, must be certified as a place of worship, and must already be specially registered in order for legally valid marriages (of opposite sex couples) to be solemnized there. Under the Act, a place of worship will need to be registered **separately** for marriages of same sex couples, and it cannot be so registered without the written consent of the relevant governing authority of the religious organisation concerned. So a Gurdwara could not be registered for marriages of same sex couples without the written consent of the governing authority of the Sikh religion – the person applying for registration of a Gurdwara for marriages of same sex couples must certify that the relevant governing authority has given written consent, and must supply a copy of that consent. This is one of the religious protections in the Act – its effect is that a religious marriage ceremony for a same sex couple conducted in a place of worship not specifically registered for that purpose **would not be lawful**.

Other religious protections are set out in section 2 of the Act. This section makes clear that no religious organisation or individual minister of any religion can be compelled by any means (including court action) to marry same sex couples or to permit this to happen in their place of worship. This protection covers "opt-in" activity (explained below), conducting religious marriage ceremonies for same sex couples, being present at or otherwise participating in such marriages and consenting to such marriages being conducted. "Opt-in" activity covers things such as consenting to the registration of a place of worship for marriages of same sex couples, applying for such registration, authorising a person to be present to oversee the registration of a such a marriage, being so authorised and giving any certificates.

Thus there is strong and comprehensive protection in place to ensure that marriages of same sex couples cannot lawfully take place without the consent of the religion's governing authority, and that religious organisations and their representatives are protected from successful legal challenge.

I think the confusion about the position for the Sikh religion may have occurred because of a misunderstanding about the "civil" aspect of a religious marriage ceremony. As I have said, a legally valid marriage in a Gurdwara is a **religious marriage ceremony** – it is conducted according to religious rites and usages. The "civil" aspect of formal registration of such a marriage – done by a registrar or

authorised person – does not make the ceremony a civil one. A **civil marriage ceremony** can only take place in a secular building – a register office or approved premises (such as a hotel or stately home approved for that purpose). It is prohibited by law to have any religious content or symbolism in a civil marriage ceremony.

To further illustrate the distinction between religious marriage ceremonies and civil marriage ceremonies - if a Gurdwara is not registered for the solemnisation of (opposite sex) marriages, it would not be possible for a couple to marry there through a civil ceremony because it is a place of religious worship and is not a secular approved premises. A couple having a religious marriage ceremony in a Gurdwara which is not registered for the solemnisation of (opposite sex) marriages would also have to have a civil marriage ceremony in a register office or secular approved premises in order for their marriage to be legally valid.

To be clear, when conducting a marriage ceremony according to religious rites and usages, the religious organisation is not acting on behalf of the State. The fact that the religious ceremony must involve certain “civil” elements in order for the marriage to be legally valid (the aspects done by the registrar or authorised person) does not mean the religious organisation is carrying out a civil or public function. There is therefore no need for Sikh organisations to “deregister” Gurdwaras for marriages of opposite sex couples. The Act contains strong and effective legal protection to ensure that religious organisations and their representatives cannot be compelled to participate in marriages of same sex couples.

I hope this addresses your concerns. Please contact me if anything is unclear or if you need any further information.

Best wishes

Melanie Field

Deputy Director, Equal Marriage Team