

# Paper X3

Synod of Scotland

Marriage of same-sex couples  
in Scotland

Church 2014  
**United**  
Church **Reformed**  
**Church** Church 2014

# Paper X3



## Synod of Scotland: Marriage of same-sex couples in Scotland

### Basic Information

<b>Contact name and email address</b>	Patrick Smyth, synod clerk <a href="mailto:psmyth@urcscotland.org.uk">psmyth@urcscotland.org.uk</a>
<b>Action required</b>	Discussion and decision, regulations being due January 2015.
<b>Draft resolution(s)</b>	<p><b>Mission Council acknowledges that there is no impediment in the polity of the United Reformed Church to same-sex marriages in Scotland being:</b></p> <p>a) solemnised on URC premises by a celebrant other than a URC minister/celebrant if so agreed by a Church Meeting;</p> <p>b) solemnised by a URC minister/celebrant, subject to being legally nominated as a celebrant for (same-sex) marriage according to Scots Law.</p>
<b>Alternative options to consider, if any</b>	

### Summary of Content

<b>Subject and aim(s)</b>	To achieve clarity, and the agreement of Mission Council and General Assembly, on how the legal environment (together with that of URC polity) in Scotland differs from that of England and Wales, with regard to the solemnisation of the marriage of same-sex couples.
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<b>Main points</b>	<p>This resolution pursues questions that the National Synod of Scotland meeting in Edinburgh on Saturday 13 September 2014, identified as needing greater clarity following the 2014 Assembly.</p> <p>The synod, given its particular legal position and responsibility to General Assembly, reminds Mission Council that, under Scots Law, buildings do not have to be registered for marriages and that marriages between same-sex couples may lawfully be solemnised on URC premises in Scotland (albeit at present not by a URC minister, pending the ongoing deliberations about doctrine and constitution by Assembly), by permission of Church Meeting. Similarly, under Scots Law, and under current URC polity, there is no hindrance to the conduct of a service of blessing for married same-sex couples on any URC property, if the Church Meeting so decides.</p> <p>The synod therefore asks for clarity on two questions, and suggests that these be taken separately by Mission Council:</p> <p>Question a. focuses on the freedom of URC Church Meetings in Scotland (we can't speak for the other Synods) to decide on the use of their <u>premises</u> for marriages for same-sex couples conducted by ministers or others not belonging to the URC.</p> <p>Question b. asks whether there is any <u>denominational impediment</u> to the synod being registered to nominate those (normally ministers) who indicate that they sense a calling to be available to solemnise a same-sex marriage at any venue within Scotland. (This resolution recognises that the National Synod of Scotland has decided that it wished to be recognised by the Scottish government as a body that nominates celebrants for the marriage of same-sex couples.) There is however a prior question of whether this would be in line with denominational polity.</p> <p>The resolution presumes that taking this matter forward would depend on issues of doctrine and structure about which there was no clarity at General Assembly.</p>
<b>Previous relevant documents</b>	Background paper and resolutions considered, and passed, by the meeting of the National Synod of Scotland on 13 September 2014, ' <b>Concerning same-sex marriage</b> ' (Attached to this summary).
<b>Consultation has taken place with...</b>	Mission council advisory group General secretary

### Summary of Impact

<b>Financial</b>	Nothing immediate
<b>External (e.g. ecumenical)</b>	Local ecumenical partnerships

# Background paper concerning same-sex marriage

## **In support of the resolution from the National Synod of Scotland To Mission Council and General Assembly**

Concerning same-sex marriage, September Synod of Scotland September 2014  
~ produced by a task group of those present at General Assembly set up by PPS  
(Synod Executive)

### **Introduction**

1. The progress of legislation in the Scottish parliament (and the Westminster parliament for England and Wales) to enable people of the same gender to marry has been well reported and sometimes vigorously debated in the media and in some church gatherings. The legislation will become law later this autumn in Scotland. This will open the way for those congregations of the United Reformed Church who decide they wish to do so to make available their premises for same-sex marriage ceremonies and also for United Reformed Church ministers in Scotland to be nominated to preside at such marriages if they feel called to do so. The way is not yet open. Please read on in preparation for synod meeting
2. The legislation is not prescriptive. It does not force anyone or any congregation to do something against their conscience and has been careful to avoid any legal threat of prosecution under equalities legislation.
3. A clear majority of those at the General Assembly (July 2014) indicated they favoured following the non-prescriptive approach that the United Reformed Church has already taken to the blessing of civil partnerships (i.e. it is a decision for Church Meetings and individual ministers). It also became clear there was uncertainty as to how to make this non-prescriptive approach possible immediately and there remained unspoken questions at the Assembly about the whole issue as the agenda had not permitted sufficient time for a wholesome discussion. Consensus was not reached.

### **Within Scotland**

4. Thanks to the work of our synod's church and society committee we (URC people of Scotland) have been fully involved in the consultation process of the Scottish government and have been called to give evidence to the Equal Opportunities Committee of the Scottish parliament.
5. Over the last couple of years meetings of the Synod of Scotland have had 'same-sex marriage' on the agenda.
  - a) The synod meeting has received in full the responses made on our behalf by our synod's church and society committee
  - b) The synod meeting has received reports of consultation with the Scottish government, mainly through the Scottish Churches Parliamentary Officers though sometimes directly.
  - c) The synod meeting has held an in-depth workshop on the story of marriage through history including the variety of approaches witnessed in the Bible. This followed a well-attended workshop on differing understandings about the nature of marriage the previous year.

- d) The synod has had a prolonged conversation about the nature of marriage and of the possibility of the marriage of same-sex couples specifically.
- e) The question has not been divisive in synod meetings. The synod has received the non-prescriptive approach welcomed by the church and society committee. This approach seeks to permit churches and ministers to follow their consciences. There will be churches and ministers who recognise a call and see it as a matter of principle and biblical discipline to facilitate the marriage of same-sex couples. At the same time there will be churches and ministers who do not recognise a call and do not see it as a matter of principle and biblical discipline to facilitate the marriage of same-sex couples. The non-prescriptive principle means churches and ministers would be completely free to follow their conscience and of course review their decisions.

## The General Assembly's process

6. At the General Assembly of the United Reformed Church held in July 2014 it was clear that the overwhelming majority of those present wanted to find the right way of allowing people to follow their conscience. This means being realistic about the fact that there are some who do not believe it right for the church to be involved in the marriage of two people of the same sex. It also means being realistic about the fact that there are some who do believe it right for the church to be involved in the marriage of two people of the same sex. General Assembly wished to hold together with integrity and respect all people supporting the range of views.

7. A facilitation group that had listened carefully to the discussion at Assembly was asked to suggest a resolution to Assembly. The Assembly failed to reach full consensus (complete unanimity) on the suggested resolution. The resolution presented by the facilitation group was:

## The facilitation group's work

'General Assembly re-affirms that marriage is a gift and calling of God: that the abundance of God's love and grace is given to us as the template of human relationships. Whilst holding to its Commitment on Human Sexuality made in 2007, the United Reformed Church:

- Recognises the unique journey of salvation of each human soul through Christ
- Resolves out of love to support fellow disciples in their walk with Christ
- Understands and testifies to the transforming power of the Holy Spirit

General Assembly affirms the spiritual integrity, rooted in the discernment of the Word and will of God, both of those who prayerfully feel a calling to celebrate same-sex marriage as a Christian ordinance and of those who do not.

General Assembly gives permission to those who wish to uphold the traditional view of marriage to do so and also gives permission to Church Meetings and ministers who so decide to take the necessary steps to be able to solemnise and register marriages between same-sex couples and to instruct Trust bodies accordingly. It further invites the National Synod of Scotland to consider appropriate action for the Scottish context. Accepting our differences of conviction, General Assembly re-affirms the United Reformed Church's commitment to make every effort to keep the unity of the Spirit in the bond of peace.'

8. This resolution failed to gain consensus (i.e. there was not unanimity total agreement).

9. Discussion continued, leading to a presentation made by the newly appointed general secretary (The Revd John Proctor) on a resolution prepared by the Assembly arrangements committee.

## Resolution presented to Assembly

‘A clear majority of members of Assembly expressed the view that local congregations should be permitted to offer same-sex marriage to those who seek that opportunity. However, because our decision-making process is based on the seeking of full consensus, Assembly was unable to reach agreement.

Assembly therefore resolves to pursue this discussion in the most constructive and consultative way that it can, as follows:

- 1) to invite synods and local congregations (a) to reflect on the report of the facilitation group, (b) to discuss whether they would wish a future meeting of the Assembly to authorise local church meetings to offer same-sex marriage services, and (c) to report their views to the general secretary by 31st March 2015.
- 2) to authorise the officers of Assembly to furnish these discussions with appropriate resources, including an offer of the support of facilitators.’

### Following many questions, the above was agreed by consensus.

10. Questions from the floor included 3 from folk from the Synod of Scotland (the response from the general secretary given below has been clarified with him):

- a) Does this resolution intentionally exclude Scotland? – response ‘no’, but ‘the resolution was drafted rather hurriedly and without anyone present who knew the Scottish situation well. Exclusion of Scotland was a matter of ignorance and haste rather than will and intent. The resolution implicitly took the view that the URC would try to act with a common approach, even though spanning two jurisdictions.’
- b) Is this truly a matter of doctrine, in light of the previous day’s reference to the Westminster Confession? – the response was this is to be further explored
- c) Is it possible to bless people who have entered a legal same-sex marriage? The response was implicitly ‘yes’. ‘There was nothing in the resolution that addresses that question. To infer the answer can be argued to be justifiable in terms of our present policy, but it wasn’t said explicitly.’

### **Soon after returning to Scotland the PPS task group met to consider the Assembly experience**

*(Within the Synod of Scotland our policy, planning and strategy committee (PPS) established a small group of people to listen to what happened at the General Assembly. It is this group that now reports to synod. This report has been through a number of drafts.)*

11. As seen above the Assembly resolution does not address the legal situation in Scotland. Church Meetings in Scotland do not need General Assembly permission to hold same-sex marriages because the church buildings are not required to be registered as places for the conduct of marriages (unlike England and Wales).

12. Parts 1a and 1c of the resolution presented to the 2014 Assembly, at paragraph 9(1) at foot of previous page, do relate to Scotland. Resolution 3 below seeks clarity on a number of matters.



13. In addition to the request to inform the general secretary by 31 March 2015, there is below a resolution asking that copies of those responses also be sent to the synod clerk so that the March synod meeting can have as full a picture as possible of the responses of our Church Meetings.

14. Discussion at the General Assembly included the question as to whether allowing same-sex marriage was altering the core doctrine or structure of the church. This question could be answered this autumn and there are voices for it to be answered sooner rather than later. It does need to be answered in order to know whether ministers are to freely conduct such marriages with impunity, rather than, potentially be subject to disciplinary action.

### **Additional information following Assembly:**

15. Since the meeting of General Assembly the general secretary met the synod moderators at their July meeting and the following should be noted:

- a) the booklet *One plus One* is to be reprinted with different format and guidance for use
- b) the booklet will be sent to synods and congregations with view to the spring synods responding to the general secretary
- c) two training days (13 and 20 September) have been identified for training facilitators (one in Manchester, the other in London) synod is invited to send participants.
- d) Any decision to recall Assembly would need to be taken by Mission Council or one of the Assembly moderators. (A date has been pencilled in for a possible recall of additional meeting of the General Assembly: 27 June 2015.)
- e) The Assembly's law and polity advisory group and faith and order committee have been asked to respond to questions raised at Assembly about whether solemnising same-sex marriages has implications for the structure or the doctrine of the church. At the time of writing it is not known when they will respond. The advice is necessary to clarify whether ministers and congregations are free to opt in to the enabling law.

#### *In addition*

- f) Synod officers and the college principal/training officer met with Scottish government civil servants on 5 August.
  - i) It was agreed that the former Congregational Union of Scotland (which no longer exists) should be removed from the list of prescribed bodies for opposite sex-marriages
  - ii) It was agreed to insert the Synod of Scotland of the United Reformed Church to the list of prescribed bodies for opposite sex-marriages. The synod clerk will write to this effect to meet the cut off date of 5 September 2014
  - iii) The meeting clarified the process whereby the Synod of Scotland could apply to be a nominating body for same-sex marriage and confirmed that the opportunity to do so is not time limited
  - iv) A number of detailed issues were clarified (a record of the meeting will become available).

## Resolutions for the Synod of Scotland 2014

At the time of writing the PPS task group offer the following resolutions to the synod meeting in September 2014. The words in italics are a brief introduction to each resolution.

*The synod's church and society committee has undertaken a considerable work load keeping the synod informed about the Scottish government's legislation to pave the way for same-sex marriage. The committee has shared their responses to the government fully with the synod in writing, presentation and workshops. This resolution says 'thank you'. Alan Paterson has also liaised with and at time attended the human sexuality task group of the General Assembly.*

- 1. The Synod of Scotland thanks the synod's church and society committee for its work and particularly for its detailed and prolonged involvement and consultation on the matter of same-sex marriage. (Agreed by consensus.)**

*Resolution 2 remembers our context within a denomination with a broad range of views on many issues and the work undertaken by the General Assembly human sexuality task group. The resolution affirms that we are committed to serve creatively together whilst often disagreeing. Some in the synod will not agree with same sex-marriage and some will.*

- 2. The Synod of Scotland is grateful for the careful and prayerful work of the General Assembly's human sexuality task group and is mindful of the fact that in this synod as in the denomination as a whole there is a range of views, theologies and responses to same sex marriage. The synod will uphold and respect the denominational covenant to live together, with differences of conviction as God enables. (Agreed by consensus.)**

BELOW, THE VERSION OF RESOLUTION 3 AS FINALLY RESOLVED.

*Resolution 3 asks questions that the task group identified as needing greater clarity following Assembly. Question a. focuses on the freedom of Church Meetings in Scotland (we can't speak for other synods) to decide on the use of their premises for marriages for same-sex couples conducted by ministers or others not belonging to the URC.*

*Question b. asks whether there is any denominational impediment to the synod being registered to nominate those (normally ministers) who indicate s/he senses a calling to be available to solemnise a same-sex marriage. (This resolution assumes that the nominating process would depend on the Synod of Scotland deciding that it wishes to be recognised by the Scottish government as a body that may nominate celebrants.) There is however the prior question of whether this would be in line with denominational polity. Specifically the resolution understands being able to move forward depends on issues of doctrine and structure about which there was no clarity at General Assembly.*

*The two parts should be taken separately.*

- 3. The National Synod of Scotland, given its particular legal position and responsibility to General Assembly, reminds Mission Council that, under Scots Law, buildings do not have to be registered for marriages and that marriages between same-sex couples may lawfully be solemnised on URC premises in Scotland, (albeit at present not by a URC minister, pending the ongoing deliberations about doctrine and constitution) by permission of Church Meeting. Similarly, under Scots Law, and under current United Reformed Church polity, there is no hindrance to the conduct of a service of blessing for married same-sex**



couples on any URC property, if the Church Meeting so decides.  
**The synod therefore requests General Assembly or Mission Council, should it meet sooner, to acknowledge that there is no impediment to same-sex marriages in Scotland being:**

- a. **solemnised on URC premises by a celebrant other than a URC minister/celebrant if so agreed by a Church Meeting;**
- b. **solemnised on by a URC minister/celebrant, subject to being legally nominated as a celebrant for (same-sex) marriage according to Scots Law.**

*Resolution 4 was Withdrawn.*

*Resolution 5 simply acknowledges additional preparation that celebrants will need to undertake as there are changes relating to opposite as well as the new option of same-sex marriage and to be aware of the difference of being a part of a prescribed body for opposite sex marriage and a nominating body for the marriage of same-sex couples in Scotland.*

5. **The Synod of Scotland thanks the Scottish College for preparing ministers of Word and sacraments and others (when applicable) based in Scotland for the conduct of new legislation on marriage in order to comply with the requirements of Scots Law and where relevant UK law. (Agreed by Consensus.)**

*Resolution 6 notes that the general secretary will be distributing material to enable congregations to discuss same-sex marriage. He needs to know how Church Meetings view the possibility of the denomination, through the General Assembly, making it possible for ministers to become celebrants of same-sex marriage. It would greatly help the work of C&S Committee and PPS to know the range of the views of Church Meetings in Scotland. The question is not whether a particular Church Meeting wishes to allow for same-sex marriage on their premises but whether Church Meetings object to any Church Meeting deciding to make its premises available for same-sex marriage.*

6. **The Synod of Scotland urges all Church Meetings to respond to the consultation being led by the general secretary following the 2014 General Assembly and to make use of the General Assembly trained facilitators and materials as they do so; and asks that all responses made to the General Secretary from within Scotland also be copied to the synod clerk. (Agreed by Consensus.)**

Resolution 7 simply recognises that worship material is available and will be needed

7. **The Synod of Scotland agrees to ask the church life committee to draw up a list of worship materials, available for marriages, including same sex-marriages from around the United Reformed Church and from sister denominations.**

*Resolution 8 recognises that the whole denomination is awaiting further clarity on as yet undefined matters concerning doctrine and church structure before further decisions can be taken. However in Scotland it is possible, if synod so wishes, for work to begin during this waiting time to make ready those who feel called to engage in facilitating same-sex marriage. The synod meeting has received the responses of our church and society committee to the consultation initiated by the Scottish government, and has engaged in prolonged conversation and study. It is possible to undertake preparatory work to a significant extent if the synod meeting so wishes even before the United Reformed Church's Mission Council or General Assembly has been able to give the assurances*

*requested in resolution 3. Some preparatory work can also be undertaken by Church Meetings wishing to consider offering their premises for the celebration of same-sex marriage. It must be understood that we (the synod meeting) cannot be certain when the necessary assurances will be made. However, we need to acknowledge that there are people (including members of our congregations) who are seeking such marriage in the context of the Christian faith.*

*Whilst the Synod of Scotland has from its inception resolved to become a prescribed body for solemnising opposite sex-marriages (which would mean that all ministers of the Word and sacraments would be authorised for as long as they are ministers of the United Reformed Church based in Scotland); the tenor of discussion about same-sex marriage (as indeed with the denomination's decision about blessing civil partnerships) is about permitting those so called without prescribing others not so called. The same approach to and principled respect of local churches and individual ministers' conscience should be upheld. The synod is asked to consider becoming a nominating body for same-sex marriages according to Scots law. (The pattern of nominating would be very similar to the present process in Scotland; namely the synod through (an officer of the synod) would nominate those eligible who wish to be nominated to conduct weddings at present.)*

- 8. The Synod of Scotland requests the synod officers to initiate procedures required for registering the Synod of Scotland of the United Reformed Church as a body authorised to nominate from amongst its ministers (and suitable lay people) after the appropriate preparation, to solemnise same sex marriage in Scotland according to Scots Law. (Agreed by Consensus.)**

Prepared by John Humphreys along with:

C&S Committee's David Coleman, Alan Paterson

PPS Task Group: Lorna Bowry, Morag McLintock, Helen Mee,

Synod officers: Patrick Smyth, Leslie Morrison