



Isle of Man
Government

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Council of Ministers

Response to the consultation on the draft Marriage (Same Sex Couples) Bill

Cabinet Office
Oik Coonceil ny Shirveishee

January 2016

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Consultation on the draft Marriage (Same Sex Couples) Bill

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Introduction

The consultation on the draft Marriage (Same Sex Couples) Bill was published on 15 October 2015 and the consultation closed on 13 November 2015, although a small number of responses were received slightly after that date and were accepted.

It is recognised that there are strong views both in favour and against allowing same sex couples to get married. However, in consulting on the issue of introducing marriage for same sex couples the Island was following three of the four nations of the United Kingdom (i.e. England and Wales and Scotland) which already have legislation in place; the Republic of Ireland, where a national referendum (as required under the Irish Constitution) in 2015 approved the introduction of same sex marriage legislation; and Jersey, where its parliament had approved the progression of such legislation. A number of other countries around the world, including the United States of America, have also legalised the marriage of same sex couples and since the Island's consultation closed, the States of Guernsey has now voted in favour of the introduction of legislation to allow same sex couples to get married¹.

The shorter period for the consultation did not prove to be a barrier to people making their views known as a total of 176 responses were received². A majority (90 for, 76 against, 10 others) of the responses were in favour of legislating to allow same sex couples to get married.

A short summary of the responses is set out in this document and the full text of the responses is published as a separate Appendix.

The draft Marriage (Same Sex Couples) Bill, along with a version of the Marriage Act 1984 showing the changes that would be made to it by the Bill, is still available for reference on the Isle of Man Government website at: <https://www.gov.im/ConsultationDetail.gov?id=536>

The Council of Ministers is grateful to everyone who responded to the consultation.

Cabinet Office
January 2016

¹ On 10 December 2015, with a vote of 37 to 7 in favour. <http://guernseypress.com/news/2015/12/10/guernsey-will-introduce-same-sex-marriage/>

² By comparison, for example, the consultation on the draft Equality Bill which ran for more than 3 months in 2014 resulted in 70 responses.

1. Summary of the outcome of the consultation

- 1.1 As stated in the introduction, 176 responses to consultation were received³; 90 of which were supportive of the principle of allowing same sex couples to get married, 76 were opposed to the principle of same sex marriage, and there were 10 other responses.
- 1.2 The majority of responses were from individuals although a number of organisations, including various churches and faith bodies in the Island, responded to the consultation.
- 1.3 The responses were generally focused on the principle of the marriage of same sex couples rather than the content of the draft Bill itself. Respondents were either strongly opposed to the principle of the marriage of same sex couples and so also opposed to the Marriage (Same Sex Couples) Bill or strongly supportive of the principle and the Bill. However, a number of specific issues came up in the course of the consultation and these are briefly summarised below with a selection of extracts from the responses that were received, and where appropriate a response from Government.
- 1.4 The full text of the responses to the consultation is published separately as Appendix 3 to this document.

Issue	Sample of comments	Government Response
Length of consultation period	<p>"We do not accept the Government's decision to shorten the consultation process as being in any way reasonable - especially since it coincided with the half-term holiday period."</p> <p>"I wish to raise the question of the reduced length of the time period. Paragraph 1.5 of the (unnumbered) page 2 "Consultation Criterion 1" allows for a shorter period on several grounds, none of which applies here. Paragraph 1.7 says the reasons must be given..."</p> <p>"As a result, the shortened consultation period does not allow sufficient time for preparing a full response."</p> <p>"We are concerned that a shorter consultation period than the standard 6 weeks has been introduced on the Isle of Man..."</p> <p>"...the draft legislation appears to have already come to an agreed outcome and with a much shorter consultation period as the bill's content is deemed as 'relatively simple and straightforward'..."</p>	<p>It is clear from the number of responses to the consultation that members of the public and organisations were able to provide their views within the time available.</p> <p>The reasons for the shorter timeframe were clearly set out in the consultation document.</p>
Public mandate	<p>"Tynwald has no public mandate to enact the proposal"</p> <p>"The UK implemented this legislation under pressure from relatively small but vocal lobby organisation with much haste and no democratic mandate from the</p>	<p>The purpose of a consultation is not to be a referendum but an information, views and evidence gathering exercise from which to take an</p>

³ This total includes two separate responses from one person, one of which concerned the consultation process and the other on the principle of the proposed legislation. For the avoidance of doubt, if an individual response was in the name of more than one person it was just counted as one response and where it appeared that more than one member of a family had submitted their own responses these were counted separately. It does not include a small number of responses which were discarded for being submitted anonymously (e.g. very concerned Resident or with an unreadable signature and no contact details). It also does not include a response that was not received until January 2016. The content of these responses is not included in Appendix 3 of this document.

Issue	Sample of comments	Government Response
	<p>electorate”.</p> <p>“The Consultation Document advances no evidence whatsoever of any widespread desire by the people of the Isle of Man for the introduction of same-sex ‘marriage’. This is a measure for which no one on the Island has voted”.</p> <p>“Proposals were not included in election manifestos and there has been insufficient time for issues to be fully discussed”</p>	<p>informed decision on the content of proposed legislation or policy.</p> <p>Whilst it is obvious that this is a divisive issue, and accepting that in any consultation generally only those who have strong views are likely to take the time to respond, a majority of the responses were supportive of the proposed legislation.</p>
<p>Objection chiefly on grounds of religion</p>	<p>“...rebellion against God’s moral law”</p> <p>“As a Christian Church we are firmly against any change to the definition of marriage and believe that neither the State nor the Church has the right to redefine its meaning”.</p> <p>“If I were not a Christian I would still be opposed to this bill. The natural order is for a family to consist of a father and mother”</p> <p>“Christians, then, do not oppose same-sex ‘marriage’ out of a desire to denigrate or disparage homosexuals, but rather because we love them. Since we believe the very concept of same-sex ‘marriage’ to be a blasphemous rebellion against God’s revealed will...”</p> <p>“We believe that God Himself instituted marriage to be between one man and one woman.”</p> <p>“I am appalled at the manner in which this contentious bill is being rushed through. It is not necessary and is contrary to Christian Values.”</p> <p>“This proposal flies in the face of the Christian principles which have governed matrimony for over 2000 years. It is an unwarranted attempt to alter faith by law, something which cannot be done or justified by reference to nearby jurisdictions.”</p> <p>“Marriage is a Scriptural institution representing matters that ascend earthly realms. Any “sexual act” between two people of the same sex is abominable & any long term understanding between those persons cannot utilize Scriptural terminology – it can never be called marriage.”</p> <p><i>Deu 29:23 And that the whole^{H3605} land^{H776} thereof is brimstone,^{H1614} and salt,^{H4417} and burning,^{H8316} that it is not^{H3808} sown,^{H2232} nor^{H3808} beareth,^{H6779} nor^{H3808} any^{H3605} grass^{H6212} groweth^{H5927} therein, like the overthrow^{H4114} of Sodom,^{H5467} and Gomorrah,^{H6017} Admah,^{H126} and Zeboim,^{H6636} which^{H834} YHWH overthrew^{H2015} in his anger,^{H639} and in his wrath:^{H2534}</i></p> <p><i>Lev 18:22 Thou shalt not^{H3808} lie^{H7901} with^{H854} mankind,^{H2145} as with^{H4904} womankind:^{H802} it^{H1931} is abomination.^{H8441}</i></p> <p><i>Lev 20:13 If^{H834} a man^{H376} also lie^{H7901} with^{H854} mankind,^{H2145} as he lieth^{H4904} with a woman,^{H802} both^{H8147} of them have committed^{H6213} an abomination:^{H8441} they shall surely be put to death,^{H4191} their blood^{H1818} shall be upon them.</i></p> <p>“I notably stand contrary to this Bill as the homosexual acts are contrary to all natural order &</p>	<p>The deeply held religious views that have been expressed are acknowledged and respected.</p> <p>The Government would not wish to denigrate those personal views and it will not attempt to argue with, or refute, those views.</p> <p>It is merely noted that other people, including Christians and others of faith, do not agree with the objections on religious grounds.</p>

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	<p>are an absolute abomination as stated in Scriptures repeatedly"</p> <p>"What is marriage? The committed union of one man and one woman, the two becoming one flesh. The Lord Jesus Christ said male and female created he them."</p> <p>"...the proposed legislation is a rebellion against God's moral Law, blasphemes the person and work of the Lord Jesus Christ, and is thus greatly offensive to Almighty God and to many people of faith".</p> <p>"It saddens me that those who oppose same sex marriage on religious grounds are often pilloried as "medieval", "out of touch" or worse. Whereas there are of course bigots, it is my experience that many of these religious people are good people who do a lot of good and have no opposition to civil partnerships."</p>	
<p>Objection on non-religious grounds</p>	<p>"The proposed legislation would only further undermine marriage to the detriment of society"</p> <p>"I take issue with the implication that 'fairness and tolerance' inevitably mean that we should redesign marriage."</p> <p>"The proposed legislation will damage the institution of marriage. It has profound, negative implications for society, some of which will take many years to become fully apparent."</p> <p>"...the existing marriage legislation is already entirely fair and equal".</p> <p>"...the proposed Bill would enshrine homosexual marriage in law as a second-class institution"</p> <p>"...the proposed Bill is unnecessary and divisive".</p> <p>"I should first like to state that I am a gay male and I do not feel in any way discriminated against by the current arrangements in this matter. It is my belief that the argument in favour of same sex marriage is well-intentioned but based on an erroneous concept of equality".</p> <p>"Allowing Same sex marriage will have far reaching consequences in terms of family, for example what about the children being born in this relationship are they going to be raised by two mothers or two fathers?"</p> <p>"This draft legislation would be conformity to pressure from what large numbers consider to be immoral. Time Common Sense and diligence revisited our unique rock on planet, and politicians considered others besides themselves."</p> <p>"At a time when public resources are clearly under pressure could we not attempt legislation that lessens the scope and demand of Government instead of inflating it?"</p> <p>"Can anyone explain logically why the State should have any part in warranting any particular sexual union?"</p> <p>"Isle of Man is known for its modern day Vikings every year when the TT gets underway, the Manx GP, the Southern 100 etc. I can assure you that should I.O.M become a "gay haven", your real men will cease to spend their money here each year."</p>	<p>The Government notes that a number, though not all, of these objections are associated with objections on religious grounds.</p> <p>The Government does not accept the views that allowing two people of the same sex who love each other to get married will undermine in any way the institution of marriage or lessen the meaning of marriage for couples of the opposite sex.</p> <p>It also does not accept that allowing the marriage of a same sex couple will undermine family values. It must be noted that many children are brought up successfully by opposite sex parents who have separated or divorced; and some children are already brought up successfully by loving same sex couples.</p> <p>It is recognised that there are a range of views on the issue of same sex marriage amongst gay persons, with a minority who not supportive of it for religious, political or other reasons.</p>
<p>Supportive -</p>	<p>"...be given the same rights"</p>	<p>The Government notes the</p>

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<p>encompassing Human Rights / modern civil, progressive society.</p>	<p>"...the denial of fundamental human rights to LGB&T people, such as the right to marry, contributes to societal bias against LGB&T people"</p> <p>"...we are all equal, and this should include equality under the law as a principle of good governance in a democratic and free society"</p> <p>"...a fundamental human right...in a democracy everyone should be equal before the law with equal rights and equal responsibilities"</p> <p>"The Rainbow Project believes that LGB&T citizens have the same rights to marriage, family life and the dignity these rights engender in LGB&T persons"</p> <p>"We consider the denial of the right to marry for same-sex couples to be irrational and incompatible with the European Convention of Human Rights"</p> <p>"It is in the interest of all of us, and society at large, that the advances in equality proposed by the Marriage (Same Sex Couples) Bill should be approved by Tynwald".</p> <p>"No brainer – let this act through. One world one love. We need to demonstrate that we a progressive modern and tolerant society"</p> <p>"I am writing to support same sex Marriage on the Island. 100% believe in equality for all".</p> <p>"The basic ethos of tolerance, respect, love and honour hasn't changed. Our laws should be based on the best current wisdom, not refer back to centuries old dogma, misunderstanding and intolerance"</p> <p>"...things are improving and we continue this progressive stance with this bill".</p> <p>"...As an organisation we, the TUC, feel that the time is right for this legislation to be introduced."</p> <p>"As an organisation we wholly endorse the concept of the Island's proposed legislation. It should be kept in harmony with similar legislation on the same subject as the rest of our neighbours".</p> <p>"The Manx Rainbow Association believes that marriage should be opened up to same-sex couples to allow people to meet their needs by making this form of commitment".</p> <p>"...as a gay woman living on the island if the bill was put through and made legal it would mean I could marry the one I love regardless of that fact they are the same sex. It's all about equal rights for all."</p> <p>"Words cannot express how wonderful it would be if one day myself and others can say they got married. It would be such a leap in the right direction for the island and showing that we are not segregating the gay community.</p> <p>"I agree that same sex couples should be able to get married; I believe that it is only fair. I understand that many religions would contradict my view, however based on the statistics of other Countries it would appear the majority of people are in favour of allowing same sex couples to marry".</p> <p>"I couldn't agree more with the Chief Minister's words - if the Island is to be seen as a progressive first century nation, tackling issues such as equality are essential."</p> <p>"Just get on with it. There is no reason why same</p>	<p>comments that are supportive of the principle of legislating to permit the marriage of same sex couples.</p>

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	<p>sex couples should not be allowed to marry on the Isle of Man."</p> <p>"As an Island we need to be forward thinking and encouraging. Our youngsters need to know relationships between same sex couples is equal, loving and accepted. I feel very strongly on this subject and any vote other than yes would be deeply hurtful as one day I would love to see my own daughter married to the woman she loves."</p> <p>"We wish to commend the Isle of Man Government and Chief Minister Allan Bell on the work carried out so far and we are hopeful that this important Bill receives the necessary support".</p> <p>"I believe same sex couples should be allowed to marry and should have the same rights and responsibilities"</p> <p>"I would like to see the IoM join the world community, and not become an isolated backwater with out-dated laws"</p> <p>"I fully support this Bill. It is wrong for people to be discriminated against on the basis of who they love".</p> <p>"The right to marry the person one loves is a fundamental human right, enshrined in Article 16 of the Universal Declaration of Human Rights. In a democracy, everyone should be equal before the law, with equal rights and equal responsibilities. To deny same-sex couples marriage equality is discrimination, which is unjust and in contravention of their human rights."</p> <p>"I thoroughly endorse the move to allow same-sex marriage and enshrine it in law as a matter of the advancement of basic human rights."</p> <p>"This is not about moving with the times, but simply accepting that our society has been wrong in the past and is moving towards the truth about how people live their lives. It is long overdue."</p> <p>"As a proud Manx person (born in "The Jane"!)" currently living and working in the UK I often talk about the beauty of my home. I'm less proud of our history in recognising and responding to social equality issues. The cultural diversity on the Island, although improving, is still something that I find shameful. The adoption of this bill into law, to me, is common sense"</p> <p>"I strongly believe that same sex couples should be given an identical right to marriage as opposite sex couples currently enjoy in the Isle of Man. Current Manx legislation essentially discriminates against same sex couples by providing that some citizens have more rights than others based on whom they love".</p> <p>"We live in a liberal, democratic society. Legislation must reflect and serve that liberal, democratic society."</p> <p>"The island is 'behind the times' and would not be seen favourable as a sociable nation if the law simply was not passed"</p> <p>"We need to make this change asap; frankly it's embarrassing that we have not done so already."</p> <p>"...an important step forwards in equality for LGBT people and in combating the homophobic, biphobic</p>	

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	and transphobic prejudice and discrimination which continue to blight the lives of individuals and damage our society.	
Comments regarding the freedom and protection of religious expression	<p>“The proposed legislation does not sufficiently protect those who hold sincere philosophical or religious beliefs in opposition to same sex marriage”</p> <p>“...concerned at the lack of protection offered to those outside of religious institutions such as photographers, wedding venue owners wedding planner/coordinators etc. who may wish to opt out...”</p> <p>“ ...concerned that religious freedom, which has been a wonderful aspect of living in the Isle of Man, is not adequately protected for individual conscience”</p> <p>“needs to be assurances that schools of a religious character, including Church of England and Roman Catholic Schools, would have legal clarity about the teaching of marriage according to their faith”</p> <p>“As a service provider to the wedding industry, (with reference to para. 3.13) I have concerns that church ministers and others who fulfil religious functions within the church (organists) are protected but those who font fall under this category (i.e. those performing ‘non-religious functions’ – photographers, musicians, florists etc.) do not have the right to decline their services on the basis of their personal belief.”</p> <p>“I welcome the fact that the intended legislation provides for opting in and out, but I am concerned that this might not be sufficient”.</p> <p>“We can easily see that were this Act introduced in the Isle of Man, businesses which service Marriages might be forced to support and service same-sex marriages against their conscience, or close down their business”.</p> <p>“...any legislation permitting same-sex marriage must include such protections to ensure that no religious grouping or celebrant may be forced to conduct such a ceremony which is incongruous with their faith”</p> <p>“I am concerned at the lack of protection offered those outside of religious institutions such as photographers, wedding venue owners, wedding planner/coordinators etc. who may wish to opt out of participation in same sex marriages”.</p> <p>“The proposed legislation will thus entrench a deeply unfair intolerance of Christians who wish to live quiet, productive, law-abiding lives in accord with their deeply held religious beliefs”.</p> <p>“The rights of religious minorities can be respected by not forcing them to officiate at same sex ceremonies”</p> <p>“The proposed legislation does not sufficiently protect those who hold sincere philosophical or religious beliefs in opposition to same-sex ‘marriage’ ”</p> <p>“...As long as the rights of faith-based communities are both honoured and respected”.</p> <p>“...the drafters of the Bill have utterly failed to understand how the proposals comprehensively infringe the personal and religious liberties of those engaged in marriage-related businesses.”</p>	<p>It is not accepted (either in relation to this Bill or the Equality Bill) that the scope of conscientious objection on the grounds of religious belief should be extended.</p> <p>As in the UK, freedom of thought, conscience and religion and freedom of expression are protected under Article 9 and 10 respectively of the European Convention on Human Rights⁴.</p> <p>It must be noted, however, that in neither case are these rights absolute. They are qualified rights which may be restricted in law for a number of reasons, including the protection of the rights and freedoms of others.</p> <p>It is accepted that in cases of life and death, as with, for example, abortion procedures, a conscience clause may be appropriate.</p> <p>It is also accepted that it is appropriate to provide that there will be no obligation or compulsion on religious organisations or individuals to carry out or participate in a religious marriage ceremony of a same sex couple; and provide protection under equality law for religious organisations and individuals who do not wish to marry same sex couples in a religious ceremony.</p> <p>However, it is not considered to be appropriate for persons who provide goods, services and public functions to have, on the grounds of their personal beliefs, a general exemption from providing those on an equal basis to homosexual men and women.</p> <p>The position proposed for the Isle of Man is the same as that in Great Britain, which has been tested in both the domestic courts and the European Court of Human Rights and has been found to represent an appropriate and</p>

⁴ <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005>

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	<p>"... I do not believe that the Church of England should be expressly prohibited by Isle of Man legislation from performing same sex marriages as is the case in the law in England and Wales. There are enough protections elsewhere within the draft Bill which would allow the Church of England to opt-out on its own accord should it so wish. In my view this is a matter for the Church of England to decide and not the Isle of Man legislature to dictate."</p>	<p>acceptable balance between the right to religious freedom and the elimination of discrimination on the grounds of sexual orientation⁵.</p> <p>If such a "conscience clause" were to be permitted it would undermine the principle of equality of treatment and could represent a precedent for other general exemptions to be argued for (for example, between those of different faiths).</p>
<p>Civil registrars: their public duty and conscientious objection</p>	<p>"a registrar could be forced to make employment threatening choices if he or she were not happy to conduct a same sex marriage ceremony"</p> <p>"It is regrettable that there will be no freedom of conscience clause for those who work in the registry".</p> <p>"Civil registrars should not be permitted to opt out of their duties in conducting same-sex marriages owing to personal beliefs. A person's beliefs, regardless of their content or societal acceptance, should not interfere with the performance of a registrar's duties in offering a public service".</p> <p>"The legislation to protect conscientious objection is not strong enough to avoid future legal challenge under discrimination. In the legislation, individual conscience is not fully protected."</p> <p>"Reading the Bill it would appear that public officers, such as registrars, are not protected. We believe that they should be protected - when they were employed, they did not know that their job would entail dealing with same sex marriage".</p> <p>"UNISON welcomes the clear statement there will be no opt-out for civil registrars...a personal belief about same sex marriage cannot justify refusing to provide a public service".</p> <p>"We are aware that some have called for an opt-out for registrars who do not wish to conduct same sex marriages because of their personal beliefs"</p> <p>"UNION strongly believes that there should be no such opt-out in the Bill and welcomes the clarity with which this is set out in the consultation. Registration of lawful marriages is a public function that must be delivered without discrimination against people with a protected characteristic."</p> <p>"Although it seems that, in all meaningful senses, a civil marriage is a Civil partnership, the terminology may be enough to cause some difficulty with a Registrar, and that person must have the right to refuse the duty and for another to step in."</p> <p>"...the state should provide for such ceremonies to ensure proper equality in the eyes of the law".</p> <p>"..Where a civil registrar refuses to conduct a same sex marriage, there should be a specific safeguard to allow the employee to act according to his or her</p>	<p>See comments above.</p>

⁵ See, for example, Case of Eweida and Others v. The United Kingdom: <http://hudoc.echr.coe.int/eng?i=001-115881>

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	<p>personal convictions".</p> <p>"Given that the opt-out is expressly only for religious ceremonies, the proposed legislation would immediately exclude every Bible-believing Christian from any public office or private function relating to civil marriage"</p>	
<p>Civil Partnership equality</p> <p>Supportive of existing/ strengthened Civil Partnership over Marriage</p>	<p>"...Important for the State to help find legal protection and support for same sex relationships but I do not believe this this is best achieved by redefining the nature of marriage"</p> <p>"It would seems sensible to redefine civil partnerships rather than marriage"</p> <p>"...consider strengthening existing relationship legislation rather than changing the definition of marriage"</p> <p>"We believe that the State can help given legal protection and support public commitment for same sex relationships but do not believe this is best achieved by redefining the essential nature of marriage."</p> <p>"I agree with civil partnerships but do not agree with same sex marriage."</p> <p>"I have accepted civil partnerships for same sex couples. However, I cannot accept the move to 'marriage', for several reasons, each of which is available on request."</p> <p>"I believe that the civil partnership legislation is adequate as it recognises the rights of same sex couples and I wonder if adding to this legislation gives a better foundation for same sex relationships rather than take something that already has a clear definition and change it?."</p> <p>"The current Civil Partnership structure gives all of the same civil rights so there is no civil, secular or economic benefit to getting married. The only benefit is religious –"</p> <p>"Given that the proposed legislation continues to disadvantage certain classes of professedly 'loving, committed' relationship (e.g. those are polygamous or incestuous), it would not therefore enact 'marriage equality' in any meaningful sense, but merely a different form of unequal marriage."</p>	<p>It is accepted that this issue is worthy of further consideration.</p> <p>However, such consideration should not delay the progression of the Bill (which follows the position in the UK) but instead should follow the enactment of the Bill.</p> <p>It may be noted that an opposite sex couple in the UK has challenged the fact that they cannot enter into a civil partnership in the courts and the outcome of this challenge is awaited.</p> <p>Some people may consider that "marriage" is exclusively the union, religious or civil, between a man and a woman, it always has been and it always will be. However, words and their meanings in most language do evolve and change over time and the fact a word has had a particular meaning in the past does not require it to continue to exclusively have that meaning in the future.</p> <p>It may be argued that civil partnerships give the same benefits to same sex couples as marriage provides to opposite sex couples but whilst this may be the case the very difference in the names of these legal unions is indicative of a difference of treatment that it is considered can no longer be justified.</p>
<p>Objection to basing the Island's legislation on existing UK legislation</p>	<p>"The main concern with the UK legislation is that it seems to have been rushed through"</p> <p>"Let's not rush into legislation because it is in vogue elsewhere in the world"</p> <p>"The IOM should not just follow the UK. This is an important matter and so if we do reflect the UK then it appears that we are just copying what everyone else is doing without serious thought of the implication. The UK legislation is only a few years old and there are already faults evident with it. Therefore does it make sense to copy a flawed Bill?"</p> <p>"There have been concerns in the UK that the legislation is not sufficient to avoid a challenge in the European Courts should a minister of religion refuse"</p>	<p>Although it is accepted that the Island should legislate for itself, this does not preclude using UK legislation with any necessary modifications.</p> <p>The Isle of Man is a common law jurisdiction like the UK and the same principles of law apply and the legislative framework is similar. Where the UK has enacted a law on a particular matter and the Island also wishes to legislate for the same matter it is sometimes more efficient to</p>

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	<p>to marry a couple of the same sex. This uncertainty is unacceptable."</p> <p>"My concern is that we are yet to see the fruit resulting from such UK legislation and would recommend a more measured and cautious approach"</p> <p>"It would be unwise to assume that the UK legislation is a 'one size fits all'..."</p> <p>"I have concerns about the Isle of Man's legislation being based on the UK legislation in that the UK legislation is still in its infancy and therefore untested"</p> <p>"The Isle of Man has not traditionally simply followed the UK on legislative matters, such as the minimum age for voting, and this is another opportunity for independent action to achieve a better result".</p> <p>"I am concerned by areas of UK legislation where peripheral elements such as the redefinition of adultery and faithfulness have been relaxed, undermining the significance of covenantal promises and trustworthiness express in relationships. I would be fearful of similar paths being followed by the IOM government."</p> <p>"No, provided that there are adequate safeguards to ensure this Bill applies to residents of the Isle of Man only."</p> <p>"The Island in general has been slow to adopt legislation from the UK. This has been to our benefit, the delay gives us the opportunity to identify any potential pitfalls from any legislation before we introduce them into our society. I would consider that implementing this at this stage would be hasty and unwise."</p> <p>"This should not arise. The suggestion of once again copying the United Kingdom legislation merely illustrates just how ill equipped the Island is in such weighty matters with extensive dependence upon the UK, despite what Isle of Man Government members often try to pretend. No locally instigated legislation = no local law!"</p> <p>"As the Isle of Man has prided itself on its own and separate Tynwald Parliament, separate monetary units, own tax structure, unique language & culture, why on earth would I.O.M now want to align itself with the U.K on this matter?"</p>	<p>use the UK law as a starting point rather than starting from first principles.</p> <p>This approach was considered appropriate for this Bill.</p>
<p>Supportive of the general principle of basing the Island's legislation on existing UK legislation?</p>	<p>"I think that the UK's legislation (excluding Northern Ireland) is a relatively strong piece of legislation and our own should be based upon it."</p> <p>"I do not have any concerns about basing the legislation on the UK legislation"</p> <p>"UNISON supports the general principle of basing the Island's legislation on the legislation that applies in other parts of the UK."</p> <p>"... The legislation that applies in parts of the United Kingdom seems to be acceptable. Therefore basing the Island's legislation on the legislation that applies in parts of the United Kingdom would be a reasonable conclusion.</p> <p>"I think the general principle of bringing Manx legislation in line with equivalent UK legislation is a good idea."</p> <p>"Base it on the UK – easiest and quickest way."</p>	<p>These supportive comments are noted.</p>

Issue	Sample of comments	Government Response
	<p>"I think it is sensible to make it similar to England, for ease of migration for both Manx couples and English couples"</p> <p>"In general (not just in the case of same sex marriage), it is a good thing to base IoM legislation on that from elsewhere in the United Kingdom. This is particularly true for social legislation. These matters can be challenging, and Acts often represent significant research and investment in their preparation. Social conditions here are often very similar, so the assumption should be that English or UK legislation should always be the basis, unless there are uniquely different circumstances on the Isle of Man."</p> <p>"To those who complain that the Keys 'just rubber stamp' English legislation, I would argue that introducing similar legislation up to 20 years late gives the island a reactionary image."</p> <p>"We are content for now to see legislation based upon the England and Wales model in order that change happens without further delay"</p>	
Survivor pensions	<p>"Equalise survivor benefits for same sex couples".</p> <p>"Although this was resolved for future couples by the introduction of civil partnership, a significant number of people in civil partnerships get much smaller survivor's pensions than they would if they were in a mixed sex marriage. This is because as a statutory minimum, civil partner survivor's pension benefits only accrue on service since civil partnership came into force".</p>	<p>The position on this matter in the Island will follow that in the UK (that is not fully retrospective). The UK position has been challenged in the courts which found in favour of the UK Government⁶.</p>
Concerning provision for Divorce / adultery	<p>"I notice that Schedule 2, Part 3 makes complex provisions for divorce. I would like to suggest that the opportunity be taken to introduce 'no fault divorce' provisions for all couples. Whilst fault may be useful to the Courts in determining the allocation of assets, it should not be up to the state to deny any person their liberty in this respect. Such restrictions only serve to force people into unethical behaviours on the basis that they have to find "grounds" or wait five years. With marriage no longer being a purely religious preserve, it seems sensible to take a similarly practical view of divorce and allow the state to remove its requirements in this area. The days of requiring an Act of Tynwald to divorce are long gone, let's finish the job and make it accessible."</p> <p>"Significant issues relating to non-consummation and adultery would have to be resolved in the Courts. To avoid this, Clauses 4 and 5 would need to be struck out so that that adultery and non-consummation are treated as being of equal significance in all cases".</p> <p>"The whole matter is shown up by the fact that in the proposals it is admitted that there can be no same sex adultery".</p>	<p>It is accepted that these issues are worthy of further consideration.</p> <p>However, such consideration should not delay the progression of the Bill (which follows the position in the UK on these matters) but instead, if appropriate, should follow the enactment of the Bill.</p>
References to the Equality Bill	<p>"There were in total 24 responses from "individuals" (see: page 4 of the Council of Ministers Response to the Consultation on the draft Equality Bill). These</p>	<p>The references to the Equality Bill are noted.</p>

⁶ O'Brien v Ministry of Justice; Walker v Innospec and others. [2015] EWCA Civ 1000. <http://www.bailii.org/ew/cases/EWCA/Civ/2015/1000.html>

Issue	Sample of comments	Government Response
	<p>hardly represent a significant proportion of the general public".</p> <p>"...Although the proposed <u>Equality Bill</u> includes religion as a 'Protected Characteristic', there are other 'protected characteristics' – one of them being 'sexual orientation'..."</p> <p>"It is also essential that there be wording to guarantee the freedom of individuals and organisations to continue to advocate against homosexual 'marriage'. The draft <u>Equality Bill</u> should likewise be amended to guarantee these vital freedoms."</p> <p>"The Public commented on the issue of same-sex marriage as part of consultation on the <u>Equality Bill</u>, however the issue was not clearly presented to the public and the draft Bill, which is the basis of the consultation, was not available"</p> <p>"This piece of legislation, along with the <u>Equality Act</u> when it is rolled out will be a fantastic addition to the IOM and show this is an island that moves with the times."</p> <p>"I am concerned that this is being treated as a separate issue to equality of human rights. Why can't <u>equality</u> for all be included in <u>one bill</u>? Why do we need to parcel up the disabled, the homosexual community as different from the rest of the people of the Island? Surely the very nature of equality is inclusive? One bill should cover all equality issues."</p> <p>"Another essential stage in bringing Manx legislation up to date in the modern human rights field is the quick introduction of the <u>Equality Act</u>."</p>	
Other comments	<p>"Each church on the IOM should be included in the vote"</p> <p>"An assessment of the adverse impact of same sex marriage on family life was not provided in the consultation; indeed, the word 'family' was not even included. It is requested that this issue is directly responded to in the summary of responses".</p> <p>"Significant issues relating to non-consummation and adultery would have to be resolved in the Courts. To avoid this, Clauses 4 and 5 would need to be struck out so that that adultery and non-consummation are treated as being of equal significance in all cases".</p> <p>"Allow same-sex and opposite-sex couples to have the choice of a religious, humanist or civil marriage".</p> <p>"Looking at the phrasing of the questions in this Bill, and the equality@gov.im email address that has been assigned to it, it appears there is an expectation that this will just go through like it has in the UK".</p> <p>"Thank you for taking the time to read my viewpoint. I know it is not the 'politically correct' viewpoint, but in a democracy, I am grateful for the opportunity to put forth my opposition".</p> <p>"We support the Isle of Man legislating a single, inclusive marriage law – rather than a separate marriage law for same-sex couples. Separate laws are not equal laws. In other words, we support amending the Marriage Act 1984 to permit same-sex marriage"</p> <p>"We oppose the Isle of Man incorporating into its marriage law, the transgender and pension</p>	<p>There were a range of other comments, a selection of which are shown here for the purposes of illustration. A number of the comments are related to the issues set out above.</p> <p>It may be noted that the equality@gov.im email address was simply used for convenience because it was already in existence and appeared to provide a suitable focal point for responses to the consultation without the need to set up another email account.</p>

Issue	Sample of comments	Government Response
	<p>discrimination that is enshrined in the England and Wales same-sex marriage legislation.”</p> <p>The ‘Churches Alive in Mann’ group is an exclusive group of Churches even to those of the Christian faith and does not readily accept membership from any Christian Church that does not share belief in certain doctrinal points. More critically, other faiths such as Judaism and Islam, which have a presence on the Island, are not at all represented in the list of direct consultees.</p> <p>“Introduce an Equal Marriage Act instead of Same Sex Couples Act as was initially campaigned for in the UK. This will make it all-encompassing legislation as it would include same sex couples, heterosexual couples and trans men and women.”</p> <p>“The groups specifically noted as being part of this consultation are disproportionately representative of those supporting same-sex marriages.”</p> <p>“We believe the consultation process should allow interested parties in the community to provide full submission and to put questions to the proposers of the Bill. We would appreciate clarification of the next steps and timeline.”</p> <p>“Whilst the draft Act exempts places of worship (e.g. church buildings), there is a need for clarification regarding other facilities that belong to the church.”</p> <p>“The truth is it is unattainable, unrealistic, total foolishness and cultural suicide”.</p> <p>“I would like to stress that I am in no way homophobic, I in fact have many friends who are gay, and I hold nothing personally against them. But I do strongly believe we have to protect the right and true meaning of a marriage”.</p> <p>“The foreword by the Chief Minister makes reference to the popularity of same sex marriage in other jurisdictions commenting that in Ulster ‘68% of adults were in favour’ and in Guernsey ‘the majority of the responses instead supported dull marriage for same sex couples.’ That’s fine, but where are the soundings on public opinion in the Isle of Man? ”</p> <p>“The term marriage has a clear and significant meaning which is of deep cultural significance. Changing the law to allow same sex unions to be described as marriages is not going to alter the long held perception of marriage”.</p> <p>“Could you explain why the questions published do not include questions as to the sexuality of the respondent whereas most ‘consultations’ want to know ethnicity, age, gender, marital status, date of birth etc. I would have thought the sexual orientation of a respondent to be key to determining the final overall results?”</p> <p>“The main opposing force to same sex marriage is religion. I believe that if someone loves God then they should recognise that everyone is part of his creation, God is omnibenevolent. God gave us the freedom to make our own choices, if a person has chosen to share their love with someone else for the rest of their life; I believe that should be allowed to be recognised by the contract of marriage regardless of sexuality.”</p>	<p>In relation to having Churches Alive in Mann as a direct consultee, this group was contacted as a result of it representing the major Christian churches in the Isle of Man including the Church of England, as the Island’s Established Church, and the Catholic Church.</p> <p>If the Marriage (Same Sex Couples) Bill is passed there will basically just be one Act of Tynwald – the Marriage Act 1984 – which deals with all marriage as the Bill is an amending piece of legislation rather than a standalone piece of legislation as in the UK.</p>

Issue	Sample of comments	Government Response
	<p>"We suggest that a general 'how did we do?' type survey of all civil marriage ceremonies (rather than just same sex ceremonies) conducted in the first year would be useful. This should iron out any unforeseen issues, and also be a way of ensuring that prejudices currently safely confined to religious ceremonies cannot slip in through the back door."</p> <p>"I believe the opt –out for religious organisations should apply strictly to those organisations which do not receive any public funding. This should also apply to those religious organisations who receive funding towards their buildings either for maintenance, capital expenditure or reduction/abolition of rates charges."</p> <p>"It is disappointing to see that the 'Churches Alive in Mann' group of Churches has been directly consulted, but other faiths have not been consulted."</p>	

2. Next Steps

- 2.1 Following the consultation the Council of Ministers has agreed that the Marriage (Same Sex Couples) Bill should be introduced into the House of Keys for consideration.
- 2.2 In finalising the Bill for introduction it is intended that only minor drafting and typographical amendments will be made. The Bill will continue to be based on the provision made for England and Wales by the Marriage (Same Sex Couples) Act 2013 and there will be no substantive changes to the policy of the Bill.

List of direct consultees

Tynwald Members

Clerk of Tynwald

Acting Attorney General

Isle of Man Courts of Justice

Local Authorities

Chief Officers of Government Departments, Boards and Offices

Manx Industrial Relations Service

Appointments Commission

Isle of Man Chamber of Commerce

Isle of Man Trade Union Council

Isle of Man Employers Federation

Isle of Man Law Society

Churches Alive in Mann

Manx Rainbow Association

Liberal Vannin Party

Positive Action Group

Isle of Man Freethinkers

List of responses

Individuals

Jacqueline Allen and family	Mark Gould
Sinéad Allen	Georgina Graham
Karen Angela	Owen Graham
David Asbridge	Chris Gregory
Helen Ashcroft	Rob & Sue Harrison
James Bassett	Paul & Marie Halliday
Jerusalem Bekele	Rebecca Halliday
David Bellamy	Hazel Hannan
Rev & Mrs C.E. Belfield	Faye Hannay
June Bion	Michael Haynes
Lianca Bion	George and Kerry Heuer
Richard Bion	Miss Amy Louise Hill
Elliot Booth	Joan Hitchen
Mary Brew	Sally Hogarth
Mr W Broad	Jared Holden
Geoffrey C Bushill	Carole Hollis
Lynette Byrne	Harry Howell
Mark Byrne	Lesley Jean
Dr Brenden Canavan	Mr & Mrs M Justice
Nicola Carine	J. Leslie Kaighin.
David Carter	Katherine Keenan
Vicky Christian	Sarah Kelly
Ian Costain	Samantha Kelly
Christine Cowley	Elizabeth and Voirrey Kewley
Kezia Craine	Mr R Kirby
Nik Crellin	Hazel Kirby
Robert Crichton	M Kneen (Mrs)
Alison Curtis	Catherine Lane (Mrs)
James Curtis	Tristram C. Llewellyn Jones
J M and M Darnill	Phil Lo Bao (Mr), Chris Lo Bao (Mrs)
Peter Denton	K MacRae
Ian Davidson	Dr Paul McIntyre
Andrew Dixon	M McMeiken and Z Gomez
Debbie Dixon	Catherine Martin
Alex Eaton	Quentin Martin
Andrew Faraghar	Joe Mawson
Hazel Faraghar	George Meddes
Joney Faraghar	Heather Medley
Robin Faragher	Adam Mister
Ewan Farghar	Dr Lily Mo
Rebecca Flint	Eddie Moore
Randal Frankwick	M. Moore (Miss)
Sylvia Fryer	Rousseau Moss
Pat Gelling	John Motley
Paul	Paul Murphy
Paul Ginns	Mr Peter Murcott (x2)
Rachel Goldsmith	Mr. D. and Mrs. C. Neades

John E and Judith C Newbold
Simon Nicholson
Tim Norton
Becky Owen
Mark Owen
Kathleen C Parsons
Peter Pfeifer,
J B Phillips
Peter Pierce
Adrian Porter
Elizabeth Quayle
Matt Rees
Mrs Tristan Rudd
Becky Saunders
Lynda Sullivan
Raymond and Susan Richardson
Mrs Jane Rainey
Regina Ripamonti
Kirsten Robinson
Mike Seed
Keith and Madina Sharpe
M & S Shaw
Mr A Small
Graham Smith
Mr & Mrs C. Staples
Marion Stevenson
Sue Strang

J Keith Sutton
Sheila Sutton
Peter Tatchell
John Taylor
Pernille Thilker
Mr A Tickle
Mrs Ruth Tickle
Mr J Tinsley
Mrs Gillian M Tinsley
Nicola Tooms
David Varley
Vera Walker
Mr Glenn and Mrs Pauline Walters
Kirsty Watkinson
Sue Webster
Marsha West
Donald G. M. Whittaker
M Rhiannon Williams
Mr P Wood
Mrs P A Wood

Plus 7 individuals who requested that their names be kept as confidential

Members of Tynwald

Lord Bishop
Hon Phil Gawne MHK
Hon Juan Watterson MHK

Churches, faith groups and organisations

Amnesty International UK (Patrick Corrigan, Head of Nations & Regions)
Churches Alive in Mann (CAIM Leadership Board)
Elim Pentecostal Churches (Reverend Des Deehen on behalf of the Island's there Churches)
Grace Baptist Church – Peel (J.L. Kaighin, Treasurer)
Grace Baptist Church – Port Erin (Phil Lo Bao, Minister)
Isle of Man Chamber of Commerce (Jane Dellar, Chief Executive)
Isle of Man Freethinkers (Stuart Hartill)
Isle of Man Quaker Meeting (Ian Cook, Clerk)
Leadership Team of Broadway Baptist Church
LGBT Foundation (Heather Williams, Policy & Research Manager)
Living Hope Community Church (Gary Kieswetter)
Living Hope Community Church – Peel (Euan MacRae, Pastor)
Manx Rainbow Association
The Methodist Church in the Isle of Man Revd. (Richard Hall MA. District Chair/Superintendent)
The Rainbow Project (Gavin Boyd, Policy and Advocacy Manager)
The Salvation Army (Captain Simon Clampton and Carol-Anne P. Latta MCIPR, PR & Communications Manager United Kingdom Territory with the Republic of Ireland)

Roman Catholic Community (from John Devine, The Rev Monsignor John Devine OBE VF MA,
Parish Priest and Area Dean St Mary of the Isle)
UNISON (Samuel Hudson – Isle of Man Branch Secretary)
UNITE the Union (Eric Holmes, Regional Officer, Isle of Man)

Government Departments

Department of Home Affairs
Department of Infrastructure
Treasury

Local Authorities

Marown Parish Commissioners
Patrick Parish Commissioners



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