

Doubts over future of Catholic weddings as Lords revisit gay marriage bill



The Roman Catholic church could face legal action for refusing to carry out gay weddings despite Government assurances it could not, a committee of MPs and peers has warned.

Catholic bishops were advised earlier this year that they might have to stop carrying out weddings in the way that they currently do if they wish to avoid being taken to court under human rights laws.

The church's legal advisers said that the uncertainty could even lead to Catholic couples being forced to get married twice – once in front of a civil registrar before a separate church service, as happens in France and elsewhere.

The problem is confusion over whether Catholic priests are acting as “public” officials when they carry out weddings, under a legal arrangement dating back 120 years.

Catholic bishops and other church leaders have been vocal opponents of the plans for same-sex marriage and have made clear that they do not wish to carry them out.

The Government's same-sex marriage bill includes legal protections to ensure that no priest or church will be “compelled” to carry them out.

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But Prof Christopher McCrudden, a legal expert advising Archbishop of Westminster, the Most Rev Vincent Nichols, warned recently that this might not prevent them facing a legal challenge on the grounds that they are discriminating while acting as “public” officials.

Maria Miller, the equalities minister, told Parliament's Joint Committee on Human Rights that her advice was that churches would not count as performing a “public function” by opting out of conducting same-sex weddings.

But in a report published ahead of the Lord's scrutineer of the bill, the committee found that the law is

unclear and it “may” indeed be a public function.

They urged the Government to insert a last-minute amendment to protect the Catholic church and others.

“We note that there was clear disagreement in evidence to us regarding the Government’s position on the extent to which solemnisation of marriages by religious organisations would constitute a public function,” they wrote.

“We believe that the solemnisation of legally-binding marriage by any religious organisation under the provisions of the Marriage Act 1949 may be a public function.”

The Archbishop of Southwark, the Most Rev Peter Smith, said: “The committee, many of whose members support this legislation, have recognised and accepted arguments we and others including the Church of England have made about the vital need for amendments if this Bill is to safeguard freedom of expression and protect religious freedom.

“It is vital that these amendments are made if this far reaching law is not to have unintended long term impact on the cherished freedoms we all value.”

John Bingham - The Telegraph