

Title: Civil Partnerships on Religious Premises Lead department or agency: Identity and Passport Service (IPS) Other departments or agencies: Ministry of Justice Government Equalities Office (GEO)	Impact Assessment (IA)
	IA No: GEO 1024
	Date: 12/07/2011
	Stage: Final
	Source of intervention: Domestic
	Type of measure: Secondary Legislation
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Summary: Intervention and Options

What is the problem under consideration? Why is government intervention necessary?

Civil partnerships (like civil marriages) may not, by law, be registered on religious premises. This prohibition derives from the Civil Partnership Act 2004, which aligned civil partnerships with civil marriage, replicating the distinction between secular and religious provisions. As a result, unlike opposite sex couples who may have a religious marriage ceremony, lesbian, gay and bisexual (LGB) people in same-sex couples are unable to formalise their union as a couple in front of the congregation at their place of worship. Faith groups who wish to host civil partnership registrations are prevented from being able to do so. Government intervention is needed because the impediment to civil partnerships taking place on religious premises is a legal one.

What are the policy objectives and the intended effects?

The policy objective is to enable secular civil partnership registrations to be conducted on religious premises that have been approved for the purpose. The intended effects are to put in place a regime for approving such premises that enables faith groups to opt in to the approach, respects the different structures of decision-making of different faith organisations, protects those groups and individuals from legal challenge if they choose not to opt in, is easy for local authorities to familiarise themselves with and operate, and enables religious same-sex couples to formalise their relationship in an approved place of worship. The intention is also to ensure that civil partnership registration remains a secular activity and that local authorities can operate the provision on a costs recovery basis. Additionally, that the policy is deregulatory and voluntary and does not impose additional burdens.

What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)

Option 1 - Do nothing: Do not commence Section 202 of the Equality Act 2010 to remove the bar on registering civil partnerships on religious premises. Do not make regulations to allow for religious premises to be approved as places where civil partnerships could be registered.

Option 2 – Enable civil partnerships to be registered on the premises of those faith groups who wish this to happen and these premises to be approved for the purpose. Commence Section 202 of the Equality Act 2010. Amend the relevant regulations to enable particular denominations to decide whether civil partnerships can be registered on any of their premises, to allow local authorities to approve such premises for the registration of civil partnerships and to introduce deregulatory changes to the approval of premises process and associated licencing arrangements.

Wider reforms, for example to include civil marriage, have not been considered. Option 2 has been chosen to respect Parliament's will, to take the first of the next steps for civil partnerships in line with the Government's commitment to protecting and promoting LGB rights and to give faith groups the freedom to act as they wish to in relation to hosting civil partnership registrations.

Will the policy be reviewed? It will be reviewed. **If applicable, set review date:** 2015

What is the basis for this review? PIR. **If applicable, set sunset clause date:** N/A

Are there arrangements in place that will allow a systematic collection of monitoring information for future policy review?	Yes
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Ministerial Sign-off for final stage Impact Assessments:

I have read the Impact Assessment and I am satisfied that, (a) it represents a reasonable view of the expected costs, benefits and impact of the policy, and (b) the benefits justify the costs.

Signed by the responsible Minister:

..... Lynne Featherstone

Date: 8th November 2011

Summary: Analysis and Evidence

Policy Option 2

Description:

Enable Civil Partnerships to be registered on religious premises

Price Base Year 2011	PV Base Year 2011	Time Period Years 10	Net Benefit (Present Value (PV)) (£m)		
			Low: -0.13	High: 0.16	Best Estimate: 0.01

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	0.14	0.008	0.2
High	0.15	0.16	1.5
Best Estimate	0.14	0.08	0.9

Description and scale of key monetised costs by 'main affected groups'

Familiarisation cost to local authorities = £135k (one-off), familiarisation cost to clergy = £750 to £16k (one-off), and annual cost of licence to premises that opt-in = £8k to £160k per year. This annual cost of the licence is a transfer.

Other key non-monetised costs by 'main affected groups'

Negligible costs to existing venues if couples decide to hold the full ceremony and reception at the religious premises.

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	0	0.008	0.07
High	0	0.2	1.7
Best Estimate	0	0.1	0.9

Description and scale of key monetised benefits by 'main affected groups'

Benefits to religious premises that opt-in. The additional benefit of this has been estimated to be around £203 to £36k per year. Furthermore, local authorities would receive revenue from the licence fee of around £8k to £160k per year, which is a transfer.

Other key non-monetised benefits by 'main affected groups'

There will be benefits for LGB individuals, their families, friends and fellow worshippers of faith groups that opt in from increased social justice and inclusion. The measure promotes parity of esteem for religious same-sex couples and the social acceptance of LGB people. It gives same-sex couples from faith groups that opt in a legal right to celebrate and form their union in the place where they worship; a civil law right available to opposite-sex couples through religious marriage. Faith groups will benefit from increased freedom to manifest their religious beliefs and determine their rites. There are potentially some negligible benefits to local authorities by introducing permissive easements on inspecting premises and advertising applications on the internet, rather than in newspapers.

Key assumptions/sensitivities/risks

Discount rate (%)

3.5

Key Assumptions:

1. 100% of registration officers will familiarise themselves with the provision in time for implementation.
2. There is no evidence to suggest that existing venues for civil partnerships, such as hotels, will lose more than a minimal amount of income. This is supported by the small number of faith groups that will opt in to this provision.
3. Local Authorities will introduce minor changes into the approval process for religious premises where they already hold marriages and these changes will be reflected in the fees charged.
4. Local Authorities will be able to recover their costs of administering the system. The costs will be met by those who benefit rather than the taxpayer
5. Each religious premises approved for civil partnership registrations will host 3 registrations per year.
6. There is the possibility that faith groups that apply for their premises to be approved may allow worshippers of other faith groups to hold civil partnership registrations on their premises.

Risks:

1. As Local Authorities need to recover the costs of this provision, their fees may prove prohibitive in some instances for the premises to apply to be approved.
2. Available statistics and evidence of demand on the number of premises that wish to be approved and same sex couples wishing to take up the provision is uncertain.
3. More enquiries from the public and faith groups may generate additional costs for local authorities and higher licence fees.

Direct impact on business (Equivalent Annual) £m):			In scope of OIOO?	Measure qualifies as
Costs: 0.08	Benefits: 0.02	Net: -0.07	Yes	OUT

Enforcement, Implementation and Wider Impacts

What is the geographic coverage of the policy/option?			England and Wales		
From what date will the policy be implemented?			December 2011		
Which organisation(s) will enforce the policy?			Local Authorities and the General Register Office for England and Wales		
What is the annual change in enforcement cost (£m)?			0		
Does enforcement comply with Hampton principles?			Yes		
Does implementation go beyond minimum EU requirements?			N/A		
What is the CO ₂ equivalent change in greenhouse gas emissions? (Million tonnes CO ₂ equivalent)			Traded: £0	Non-traded: £0	
Does the proposal have an impact on competition?			No		
What proportion (%) of Total PV costs/benefits is directly attributable to primary legislation, if applicable?			Costs: 0	Benefits: 0	
Distribution of annual cost (%) by organisation size (excl. Transition) (Constant Price)	Micro £0	< 20 £0	Small £0	Medium £0	Large £0
Are any of these organisations exempt?	N/A	N/A	N/A	N/A	N/A

Specific Impact Tests: Checklist

Does your policy option/proposal have an impact on...?	Impact	Page ref within IA
Statutory equality duties ¹ <u>Statutory Equality Duties Impact Test guidance</u>	Yes	
Economic impacts		
Competition <u>Competition Assessment Impact Test guidance</u>	No	

¹ Public bodies including Whitehall departments are required to consider the impact of their policies and measures on race, disability and gender. It is intended to extend this consideration requirement under the Equality Act 2010 to cover age, sexual orientation, religion or belief and gender reassignment from April 2011 (to Great Britain only). The Toolkit provides advice on statutory equality duties for public authorities with a remit in Northern Ireland.

Small firms Small Firms Impact Test guidance	No	
Environmental impacts		
Greenhouse gas assessment Greenhouse Gas Assessment Impact Test guidance	No	
Wider environmental issues Wider Environmental Issues Impact Test guidance	No	
Social impacts		
Health and well-being Health and Well-being Impact Test guidance	No	
Human rights Human Rights Impact Test guidance	Yes	
Justice system Justice Impact Test guidance	Yes	
Rural proofing Rural Proofing Impact Test guidance	No	
Sustainable development		
Sustainable Development Impact Test guidance	No	

Evidence Base (for summary sheets) – Notes

No.	Legislation or publication
1	http://www.legislation.gov.uk/ukpga/2010/15/contents
2	http://www.equalities.gov.uk/pdf/Equality%20Act%20Impact.pdf
3	http://www.equalities.gov.uk/pdf/424757_LGBT-factsheet_Web.pdf
4	http://www.equalities.gov.uk/equality_act_2010/civil_partnership_consultation.aspx

Evidence Base

Annual profile of monetised costs and benefits* - (£m) constant prices

	Y ₀	Y ₁	Y ₂	Y ₃	Y ₄	Y ₅	Y ₆	Y ₇	Y ₈	Y ₉
Transition costs	0.14	0	0	0	0	0	0	0	0	0
Annual recurring cost	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
Total annual costs	0.2	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08	0.08
Transition benefits	0	0	0	0	0	0	0	0	0	0
Annual recurring benefits	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Total annual benefits	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1

* For non-monetised benefits please see summary pages and main evidence base section

Evidence Base (for summary sheets)

Background

Civil partnership is the formal, legally binding relationship between two people of the same sex. It provides lesbian, gay and bisexual couples with legal recognition of their same-sex relationships, giving them vital rights, responsibilities and benefits. Since the implementation of the Civil Partnership Act 2004, more than 46,000 couples¹ have been able to formally celebrate and register their relationship, gaining vital rights, responsibilities and benefits where previously they had none.

The Civil Partnership Act 2004 replicated the provisions for civil marriage in that it included an express prohibition on civil partnership registrations taking place on religious premises. The regulations determining the approval of premises for the registration of civil partnerships (and civil marriage ceremonies) are the Marriages and Civil Partnerships (Approved Premises) Regulations 2005.

Section 202 of the Equality Act 2010, when commenced, removes section 6(1)(b) of the Civil Partnership Act 2004, which states that in England and Wales civil partnerships must not be registered on religious premises. It also removes section 6(2) of the Civil Partnership Act 2004 which defines religious premises.

Section 202 also amends section 6(A) of the Civil Partnership Act 2004 which concerns the making of regulations for the approval of premises. It adds that the regulations concerning the approval of premises for civil partnership registrations in England and Wales may differ from those made for civil marriage. It enables the regulations to set out how denominations can opt in for any of their premises to be approved for the registration of civil partnerships. Further, it states that different provisions can be applied differently between religious premises and non-religious premises, and can also be applied differently between different types of religious premises.

In addition the Civil Partnership Act 2004, when amended by Section 202, will clarify that there is no obligation on any religious organisation to host civil partnerships if they do not wish to do so.

This section was inserted into the Equality Act 2010 following a backbench Lords amendment made after a free vote of all main political parties. The will of Parliament, therefore, is that it should be legally possible for couples to register their civil partnerships on religious premises where the denomination in question has decided to allow this. Section 202 cannot be brought into force without also making regulations that enable such premises to be brought into the regime for local authorities to approve premises as places where civil partnerships can be formed.

Problem under consideration and rationale for intervention

Unlike opposite sex couples who may have a religious marriage ceremony, same sex couples are unable to formally register their union as a couple in front of the congregation at their place of worship. This is because civil partnership registrations are prohibited by law from taking place on religious premises. Lesbian, gay and bisexual (LGB) people and their families and friends do not have the same opportunities as heterosexual people in this respect. Faith groups who wish to express the value they place on a life-long committed relationship between two people of the same sex do not have the freedom to do so through the means of hosting civil partnership registrations because of the civil law. The only option available to them currently is to rely on a religious "blessing" after the registration. The blessing has no legal effect. Government intervention is needed because the impediment to civil partnership registrations from taking place on religious premises is a legal one and a legal framework is necessary to govern how religious premises can be approved for this purpose.

Policy Objectives

The policy objective is to enable secular civil partnership registrations to be conducted on religious premises that have been approved for the purpose. The intended effects are to put in place a regime for approving such premises that enables faith groups to decide whether or not to permit this in their premises, protects those groups that choose not to opt in from legal challenge, is easy for local authorities to familiarise themselves with and operate and respects the different structures of decision-

¹ <http://www.statistics.gov.uk/statbase/Product.asp?vlnk=14675>

making of different faith organisations. The intent is also to ensure that the civil partnership registration remains a secular activity and that the costs of the provision are met by those who benefit, rather than the taxpayer.

Options

Two options have been considered:

Option 1 – Do Nothing

The do nothing option would entail not commencing section 202 of the Equality Act 2010 and not making regulations for an opt-in approach and approval of premises. This option has been rejected because it would disregard the will of Parliament on a free vote. It would also run counter to Government policy on protecting and promoting LGB rights and recent exploration of the next steps for civil partnerships and retain the legal barrier that restricts religious freedom for those faith groups who wish to be able to host civil partnership registrations.

Option 2 - Enable civil partnerships to be registered on the premises of those faith groups who wish this to happen and these premises to be approved for the purpose

This chosen option is to commence Section 202 of the Equality Act 2010. Amend the relevant regulations to enable particular denominations to decide whether civil partnerships can be registered on any of their premises, to allow local authorities to approve such premises for the registration of civil partnerships and to introduce deregulatory changes to the approval of premises process and associated licencing arrangements.

Further options, including wider reforms to both marriage and civil partnership, have not been considered at this stage.

Alternatives to regulation - not considered appropriate because it is a legal barrier that prevents couples from being able to register their civil partnership on religious premises and a statutory process governs the approval of premises for registering civil partnerships. The overall intention of the regulations is to ensure there is a consistency of application by local authorities across England and Wales, that the premises that are used for civil partnership and civil marriage are fit for purpose, that there is a clear definition between religious and secular events and that the proceedings are conducted with an appropriate amount of solemnity and dignity.

Consultation and Outcomes

The Government published a consultation document on 31 March 2011 setting out its plans for how the provision is to be introduced. The consultation closed on 23 June. Approximately 1670 responses were received to the consultation. The Government intends to publish a summary of the responses and its response in autumn 2011. The Government intends to make a number of changes to the scheme as a consequence of the consultation by introducing flexibilities into the approval of premises process whilst still allowing Local Authorities to recover their costs.

The consultation sought to establish which faith groups would be likely to seek to have their premises approved for civil partnership registrations. Given the different structures of faith groups and the likelihood that all faith groups did not respond to the consultation, there is a health warning on the use of figures provided by respondents. However, the following faith groups (and the numbers of premises they have as certified to the Registrar General, as a proportion of the total are):

Total places of worship and Anglican churches	46,155 ²
Society of Friends (Quakers)	364
Liberal Judaism	9
Unitarian	176
United Reform Churches	1647

² http://www.statistics.gov.uk/downloads/theme_population/area-of-occurrence-denomination-and-registered-building.xls

GRO central lists of places of worship and Anglican churches supplied with marriage registers – 29,766 certified places of worship, 16389 Anglican churches where marriages may be solemnized. Number of liberal Judaism premises established from detailed search of GRO records

Total potential opt in premises**2,204 (4.77%)**

Of the respondents to the consultation, representing faith groups, those that indicated their denomination would consider opting in their premises also indicated that it would be a matter for individual premises to choose whether to apply. No further information was obtained to qualify this figure. However, GRO's statistics on marriages⁴ showed that in 2008, there were around 27,300 Church of England & Wales, United Reform Church and other Christian bodies buildings that can solemnise marriages.

In the same year there were approximately 66,800 religious ceremonies that took place in a Church of England & Wales Church and other Churches (excluding Roman Catholic). This means that for every Church, 3 ceremonies took place.

In practice the total number of premises that may wish to apply to be approved will be limited to whether there is sufficient demand in their congregation from couples that wish to have their civil partnership registration in religious premises. There are no estimates on the proportion of the population that are followers of the denominations that may choose to apply for their premises to be approved. Therefore to establish a forecast for the number of couples that will be able to hold a civil partnership registration in religious premises a number of assumptions are made. Forecast demand from those wishing to enter into a civil partnership on religious premises is a maximum of 1,593 (Annex 2). However this needs to be balanced against whether the denominations which opt into the provision are able to meet the needs of the couples in question. The number of partnerships whose needs can be met is estimated at between 75 and 1417, with a mid-point value of 746 per annum. Including additional demand, where couples would otherwise not have sought to register a civil partnership would do so only because they were able to do so on religious premises, the total would be around 76 and 1,595, with a mid-point value of 835 per annum (see also Annex 2).

Using this estimate that of total demand for civil partnerships on religious premises (see annex 2), and the fact that there are currently approximately 3 religious marriages per church each year, it is forecast that around 25 to 532 premises would opt in and be licensed to host a civil partnership registration in any given year, the mid-point value being 280.

Additionally the consultation sought to establish further information that could be used to further refine the Impact Assessment. The following questions were asked:

Q23 – Can you provide any evidence of the number of individuals in England and Wales who might wish to register their civil partnership on religious premises each year?

A range of responses were provided, however no clear methodology or firm evidence base was proposed. For the purposes of the Impact Assessment a forecast has been made using the methodology in Annex 2.

Q24 – Can you suggest whether or not specific religious premises, congregations or denominations will seek to make use of this provision? If you are responding on behalf of a faith group, is your faith group likely to allow civil partnerships on its premises.

The faith groups likely to apply are highlighted above. Other main faith groups, such as the Church of England and Roman Catholic Churches have indicated that they will not opt in their premises to the provisions.

Q25 – Can you provide any additional evidence of the possible costs religious premises will incur when hosting a civil partnership registration, in addition to those discussed in the impact assessment?

No significant additional costs were identified.

³ Source MCC website <http://www.mccbournemouth.co.uk/links.htm>

⁴ http://www.statistics.gov.uk/downloads/theme_population/area-of-occurrence-denomination-and-registered-building.xls

Q26. – Can you provide any further data or examples of costs and benefits which have not already been included in the Impact Assessment? Do you have any comments on the assumptions, approach or estimates we have used?

There were no significant comments made in this area, though some respondents indicated that the IA does not consider any costs that individual churches or organisations may face if they do not opt in.

Q27 – Can you provide any further information or views to help us calculate the economic benefits of this measure?

No significant suggestions were made, nor evidence provided that can improve the calculation of economic benefits. A number of respondents indicated that faith groups are more likely to make a judgement in line with their values and beliefs rather than in economic terms.

The Government intends to make four changes to the proposals as set out in the consultation document:

1. Local authorities will be able introduce flexibilities into the approval process where a premises is already used for the solemnization of religious marriage – the key change being that they will not be required to inspect the premises.
2. Local authorities will be able to publicise the application on their website, or in a locally distributed paper. Rather than the current arrangement where they must publicise in a paper. This change will also apply to secular premises.
3. To allow local authorities to extend the period of an approved premises licence (for all premises) beyond the current limit of three years, with no upper ceiling.
4. The rules on food and drink not being consumed in the room where the registration is taking place for one hour prior to the registration will be relaxed to allow for the particular needs of religious premises and to allow for non alcoholic drinks to be consumed in all approved premises.

The IA does not include any detailed economic assessment for all of these changes as they are permissive in nature. However, the change to allow for an extended period of licence has been included in calculating the annual recurring costs. The intention of changes 1 and 2 is deregulatory with the possibility that local authority costs can be reduced which can then be reflected in reduced fees. Change 4 is to ensure that the prohibition on the taking of food and drink does not inhibit religious freedom and removes unnecessary regulation preventing the consumption of non alcoholic drinks in the room that a civil marriage or civil partnerships is taking place within an hour of the proceedings commencing.

Costs and benefits of option 2

Familiarisation Costs

In January 2011 there were 3,167 civil partnership registrars in England and Wales. There will be a one-off cost to these registrars of familiarising themselves with the new legislation. It is assumed that “familiarisation”, in the great majority of cases, will mean familiarisation with or through guidance provided by the General Register Office for England and Wales. It is also assumed that “familiarisation” means reaching the point where the registrar and other relevant staff in local authorities are aware of the changes in the law and how they impact upon their organisation.

It is assumed individual local authorities will be responsible for ensuring their registrars are familiar with the changes. ONS data from the Annual Survey of Hours and Earnings Survey (ASHE) 2010 estimates that the median gross hourly wage for this occupation, including 24% uplift for non-labour wage costs is £20.72⁵.

For the purposes of this Impact Assessment, we assume that 100% of registrars will familiarise themselves with the new law in year one; we are aware this is likely to be an over-estimate with a small number likely to familiarise themselves in following years.

⁵ ASHE 2010 code 2317 – 24% up lift consistent with European Labour Costs Survey 2007

We assume it will take registrars one hour 30 minutes to understand the change and 30 minutes to understand how it affects them personally --- to familiarise themselves with this new provision, which will create a total one-off transitional cost to all registrars in England and Wales of **£135,000**⁶ in 2011 prices.⁷ These costs will fall entirely on public sector organisations.

Furthermore, where this provision is used, religious premises owners would also need to become familiar with the law. We estimate that around 25 to 532 premises will seek to be approved. It is assumed that the 2 hours would be required to fully understand the nature of the regulations and changes to the law around civil partnerships, before seeking approval. The opportunity cost of clergy⁸, who are considered the best proxy for religious premises owners, is estimated at £14.35 per hour⁹, using ASHE 2010 median gross hourly wage rate figures, excluding overtime. Therefore, there would be total familiarisation costs to those premises seeking approval of **£750-£16,000, with a mid-point of £8,000** in 2011 prices.¹⁰

Annually Recurring Costs

Premises will also need to pay the application costs to local authorities for approval of their premises. We estimate that the average cost of obtaining a licence to host the registration of civil partnerships on religious premises would be £1,505, which is an average taken from a sample of local authority fees currently.¹¹ Though it will be a matter for local authorities, we expect that they will extend the period of licences for religious premises to reflect the stability of use of religious premises. We are conservatively assuming for the purposes of these calculations that an average licence for religious premises will be 5 years, so the per annum cost is £301. Therefore, with 25 to 532 premises seeking approval the total cost would be **£7,600 - £160,000 per annum, with a mid-point of £84,000 per year** in 2011 prices.¹² Taking into account the easements suggested above it is possible that the application fee could be reduced further. Therefore, this estimate is at the very high end of the possible extent of costs. In addition it should be noted that this cost is a transfer as local authorities would receive this fee to pay for processing applications (mentioned below under the sub heading “annually recurring benefits”).

However, the regulations will allow the period of the licence to be applied beyond five years, with no upper limit. This will be at the discretion of local authorities and will allow them to take deregulatory steps where they do not consider that frequent licence reviews are required, and allow religious premises and others a longer period to recover the application costs. The regulations will also allow for easements in the approvals process, whereby local authorities will not be required to visit the premises as part of the application process and will be able to advertise the application on their website, rather than in a newspaper should they wish to do so. The net effect of these changes should be to reduce local authority costs and consequently their charges which will mitigate against any difficulties faced by religious premises with an upfront application fee.

Other Transitional Costs

We expect the costs of updating the existing approved premises guidance to local authorities, and updating websites (IPS and Directgov), to be nominal as these are already updated as a matter of course; for example when altering licences fees. Local authorities similarly update their websites regularly. However, such costs to local authorities may be at least recompensed by revenue from licences issued, which would be dependent on how many faith groups opt in.

Therefore, total monetised costs have been estimated to be around **£136,000 - £151,000 (one-off), plus £8,000 - £160,000 per year**. The present value cost would be around **£202,000 to £1.5m**, with a mid-point value of **£865,000**.

⁶ $3167 \times (16.71 \times 1.24 \times 1.03) \times 2 = 135,180$

⁷ All prices updated to 2011 prices using HMT GDP Deflator Series, forecast consistent with 23 March Budget Report 2011

⁸ The registration could be carried out only by a registrar, not by a member of the clergy

⁹ ASHE 2010 code 2444 incl. 24% uplift for non-wage labour costs

¹⁰ $\{25; 278; 532\} \times (11.57 \times 1.24 \times 1.03) \times 2 = \{749; 8,230; 15,720\}$

¹¹ Hampshire, Haringey, Worcestershire, Cornwall, Warwickshire, North Yorkshire, East Sussex, Norfolk, Oxfordshire, and Kent County Councils

¹² $\{25; 278; 532\} \times (1505/5 \times 1.03) = \{7,627; 83,795; 160,064\}$

Non-Monetised Costs

It is anticipated that existing venues for civil partnerships will not incur significant costs from loss of income. The number of couples seeking to register their civil partnership on a religious premises is anticipated to be relatively small, and these couples may well continue to hire existing venues for the reception in much the same way that couples who have a religious marriage do not hold a reception at the religious premises itself. The market for venues for civil marriages and civil ceremonies tends to operate in a local rather than a national geographic area and most areas have a large number of approved premises so the approval of any additional premises for civil partnership registration will have a negligible impact on the business of any given existing approved premises.

Annually Recurring Benefits

The benefits to religious premises of conducting civil partnerships ceremonies for those individuals who would otherwise have undertaken a ceremony at a secular approved premises are considered here to operate as a transfer, with no net cost or benefit to the UK as a whole except in terms of the non-monetised benefits outlined below. However, there will be a small additional benefit derived from couples who are enabled to undertake a civil partnership because the option of using a religious premises now exists. The additional annual number of such couples is estimated to be between 1 and 178, with a mid-point value of 89 (see also Annex 2).

Evidence about the fees for religious marriages is not readily available and often there are voluntary donations instead of fees. Uniquely, the Church of England has fees for marriage which apply in all of their churches and are set by law. The Church of England Parochial fee for a marriage ceremony is £262. This does not include any extra charges beyond the ceremony itself. For example, this does not include the marriage certificate, reading of banns and banns certificate; nor other optional extras, such as an organist, choir and bell-ringers, nor the services of a Verger¹³. We assume here, in order to simplify and generalise the applicability of the analysis here, that these are provided at cost, and therefore there are no benefits to the owners of religious premises. We use this standard fee as a proxy for the base level of revenue received by the owner of religious premises who accommodate the registration of a civil partnership as it is a standard fee, and widely available.

The opportunity cost of clergy¹⁴ or other individuals who would administer the ceremony is estimated at £14.00 per hour¹⁵, using ASHE 2010 median gross hourly wage rate figures, excluding overtime. We allow for four¹⁶ hours time for each registration, including other duties beyond the ceremony itself.

We expect that the fees paid to local authorities for a registrar to attend the registration of a civil partnership at an approved premise will be recovered in a fee from the couple, and therefore we do not consider this here.

Therefore, subtracting the opportunity cost of clergy or other individuals who may administer the ceremony from the standard fee, a modest estimate of the net benefit per ceremony to the owner of religious premises is £203¹⁷ in 2011 prices.

Therefore the benefit would be around **£200 to £36,000 per year, with a mid-point value of roughly £18,000 per year**¹⁸.

In addition, if 25 to 532 premises opt in, local authorities would benefit from the licence fee. This amounts to **£7,600 - £160,000 per annum, with a mid-point of £84,000 per year** in 2011 prices (see above – “Annually Recurring Costs” for calculations).

Therefore, total monetised benefits have been estimated to be around **£8,000 - £200,000 per year**. The present value benefit would be around **£67,000 to £1.7m**, with a mid-point value of **£876,000**.

¹³ <http://www.churchofengland.org/media/56806/fees%20table%202011%20both%20sides.doc>

¹⁴ The registration could be carried out only by a registrar, not by a member of the clergy

¹⁵ ASHE 2010 code 2444 incl. 24% uplift for non-wage labour costs

¹⁶ This would include from two to three hours for the ceremony, and any additional time for preparation of rehearsals.

¹⁷ $262 - (14 \times 1.24 \times 1.03) \times 4$

¹⁸ $\{1; 89; 178\} \times 205 = \{205; 18,245; 36,490\}$

Non-Monetised Benefits

There are benefits for LGB individuals, their families, friends and fellow worshippers from increased social justice and inclusion. Society has changed a great deal in the last decade, and since the introduction of civil partnerships in 2005. The UK is a world leader for LGB equality, and there is a commitment to continue to build a fairer society. This measure further promotes parity of esteem for religious same-sex couples and the social acceptance of LGB people, as it allows currently unavailable rights. It gives same-sex couples from denominations that are opting in a legal right to celebrate and form their union in the place where they worship, a right that is available to opposite-sex couples through religious marriage. It highlights the level of inclusion within all aspects of society, and a person's life. By creating this new provision, it allows further equalisation of rights which is a powerful message not only for couples who wish to hold a civil partnership on a religious premises, but also for other LGB people who can see these further steps forward being taken. Faith groups who wish to express the value they place on a life-long committed relationship between two people of the same sex will have the freedom to do so through the means of hosting civil partnership registrations.

There are a number of minor deregulatory changes to processes that are being introduced to remove the requirement for local authorities to inspect all premises that apply for approval and to allow authorities to advertise applications on their website rather than in local papers should they wish to do so. These changes are permissive, which if utilised by local authorities, could have a negligible impact of reducing their costs for administering the approvals process. The rules on food and drink not being consumed in the room where the registration is taking place for one hour prior to the registration will also be relaxed to allow for the particular needs of religious premises and to allow for non alcoholic drinks to be consumed in all approved premises.

Risks

- (i) Faith groups may not be prepared to pay the fees that local authorities need to charge to recover their costs of administering the approval of premises process. This may result in a low take up of the provision.
- (ii) An increased number of enquiries from the public and faith groups about the new measure may generate additional costs for local authorities. As the approved premises regime is self-funding, fees for licences may increase.
- (iii) Pressure on Government, local authorities and faith groups and individual places of worship arising because there will be a further difference in the options available to same- and opposite-sex couples for forming an official legal relationship. For example, civil marriage will remain entirely secular and there will be many religious premises on which it will not be possible to register a civil partnership.
- (iv) Legal challenges on the issues in (iii).
- (v) Quakers and Jews do not have to register their places of worship and can currently solemnize marriage in any venue that complies with the tenets of their faith. Allowing for civil partnership registrations to take place on religious premises would not necessarily mean that these faiths will be able to register civil partnerships in these venues as they may not meet the conditions to be approved for this purpose, for example in terms of public access.
- (vi) Faith groups that opt in to the provision will only allow worshippers of their particular faith to register civil partnerships on their premises. This may result in a significant proportion of the demand not being met.

Enforcement

The measure will be enforced in the same way as the existing approved premises regime for civil marriages and civil partnerships. Local authorities have a significant role to play as they approve premises and supply registrars. They will have internal checks to ensure compliance with processes. Their enforcement activities are funded from the fees paid by premises owners and couples. GRO

provide advice and guidance to local authorities in this area and take action (when aware) if any local authority is found to be operating outside of legal powers. The arrangements for opting in and applying for premises to be approved will be designed so as to minimise the risk of applications in respect of premises of those faith groups who have not opted in. Faith groups themselves will also be able ensure a central decision not to opt in is respected through their usual governance structures.

Wider Impacts

The measure will promote equality and parity of esteem for religious same sex couples, long-term stable relationships and the social acceptance of LGB people. Faith groups who wish to express the value they place on a life-long committed relationship between two people of the same sex will have the freedom to do so through the means of hosting civil partnership registrations because of the civil law. The measure may increase pressure for modernisation of the law and administration of marriage, particularly for the introduction of the celebrant approach consulted on but not taken forward by the previous administration and for further steps to be taken toward same-sex marriage. There may be protests from opposite sex couples who would still be unable to undertake civil marriages in religious premises and is likely to be controversial within certain faith communities.

Direct Costs and Benefits to Business and Voluntary Sector Organisations

This measure is permissive and voluntary in nature, and to that effect imposes no direct cost to business or voluntary sector organisations. For the purposes of any further cost/benefit analysis here, we assume that only those owners of religious premises who decide the full economic benefits outweigh the costs may opt in and seek approval to register civil partnerships, whilst acknowledging it is as likely that they will be influenced by matters of principle.

Using the mid-point values, it is estimated that the transfer of demand from current premises to religious premises would be around 746 partnerships. However, due to this policy there would be a rise in demand, and it is estimated that an additional 89 couples would register a civil partnership each year. Using this estimate and the assumption that a religious ceremony costs £205, this policy would result in an equivalent annual “out” of around £18,000 (2009 prices). However, as it is assumed that all of the 278 premises that opt-in will have to pay a licence fee and familiarise themselves with the amendment, it would result in an equivalent annual “in” of approximately £83,000 (2009 prices). Therefore this policy would result in a small net IN of under £70,000 (2009 prices).

Summary and implementation plan

The Government has decided to take forward the option of enabling civil partnerships to be registered on religious premises of faith groups who wish this to be able to happen. This will enable same-sex couples who are members of such faith groups to celebrate their union in a place of worship. It will enable such faith groups to offer to host the registration of civil partnerships for religious same sex couples, manifesting their religious beliefs about these relationships. This represents the first of the next steps for civil partnership to which the Government is committed.

Action	Start date	End date	Lead Department
Consultation on how to enable those religious organisations that so wish to host civil partnership registrations on their premises and amend the relevant legislation.	April 2011	November 2011	GEO and Identity and Passport Service
Work with those who have an interest in equal civil marriage and partnerships on how the legislation can develop	July 2011	July 2012	GEO/MoJ/IPS

Marriages and Civil Partnerships (Approved Premises)(Amendment) Regulations 2011 laid	October 2011	December 2011 (in force)	IPS
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Annex 1: Post Implementation Review (PIR) Plan

Basis of the review:

The Government Equalities Office is committed to reviewing the Equality Act as a whole, and section 202, which is an enabling provision for civil partnerships in religious premises, will form part of this review. A framework approach to the evaluation of the Act has already been approved, with objectives and success criteria, set out for the evaluation as a whole and for where there will be specific focus on those areas that introduce new policy.

Review objective:

As part of the overall evaluation of the Act, the precise objectives of this review are still to be approved but will reflect those of the wider Equality Act of simpler law and strengthened legislation. At this stage it is envisaged that the review will as a minimum:

- Provide a proportionate check that the regulation is operating as expected; i.e. religious premises become approved as places where civil partnerships can be registered, and the extent of their subsequent use for civil partnerships
- Verify and monitor any costs and benefits set out in the evidence base relating to the approval of premises or the registration of civil partnerships on them.

Where there is an opportunity to draw together further supporting evidence the review will also seek to understand any problems in the operation of the system from the perspective of local authorities, faith groups and individuals.

Review approach and rationale:

The precise review approach is being determined in the context of the wider Equality Act review and is being considered alongside the other projects within the Evaluation Framework. Currently it is thought that this review will be a light touch assessment of how the regime is operating, mainly achieved through monitoring the take up of civil partnerships in religious premises through existing administrative data sources and monitoring any changes to the costs of the process. This is because it is not thought that the measure, which is enabling and seeks to provide an opportunity for same-sex couples to officially cement their relationship in a religious context, will affect large numbers or lead to large costs. Where this would provide valuable policy insight, we may gather further stakeholder views, for example about local authorities understanding of the regime and how the legislation has impacted on religious groups.

Any legal cases arising from the new regime will be monitored and evaluated.

Where there is attributable evidence on wider benefits of this measure from the overall evaluation activity taking place in the Evaluation of the Equality Act, this will also be included as part of the review. This might cover, for example, impacts on the social acceptance of LGB people and promoting equality and parity of esteem for same sex couples.

Baseline:

As this is a new measure there is no direct baseline (civil partnerships on religious premises are not permissible). It is not anticipated that this regulation will significantly impact on the total number of civil partnerships (this amounted to 5,804 partnerships in 2010), rather it will impact on the location in which they are held (currently all civil partnerships are held in approved civil premises).

Success criteria:

The precise success criteria for this measure will be determined in the wider context of the overall review of the Equality Act. However, at minimum they should include:

- Denominations in their entirety are able to opt in or decide not to opt in
- Religious premises that opt in are approved to hold civil partnerships
- Civil partnerships are registered on religious premises

Monitoring information arrangements:

Monitoring of civil partnerships in religious premises will take place through existing administrative data collections, this is planned to be from data available through the Office for National Statistics. Monitoring will take place throughout the review period. These data will be supplemented with evaluation evidence

established in the review of the Equality Act.

Reasons for not planning a review:

Whilst this measure will be reviewed as part of the PIR for the Equality Act as a whole, only light touch monitoring of the measure itself will take place, as it is only enabling and should neither affect large numbers nor lead to large costs. However, if there is an identifiable need to provide further policy insight, subsequent review activity will be developed into the wider framework of evaluation on the Equality Act

Annex 2: Demand for Civil Partnerships

The analysis here treats the policy option of enabling civil partnership to be registered on religious premises as the effective opening of a new economic market. In order to quantify and monetise the potential impacts of this, we must therefore treat both the owners of religious premises and couples seeking to register their partnership on religious premises as rational economic agents. Whilst this approach may not be wholly consistent with reality, it at least enables us to develop a useful tool for assessing costs and benefits of the proposal. We accept that some religious premises owners may use the provision as a matter of principle, regardless of economic considerations.

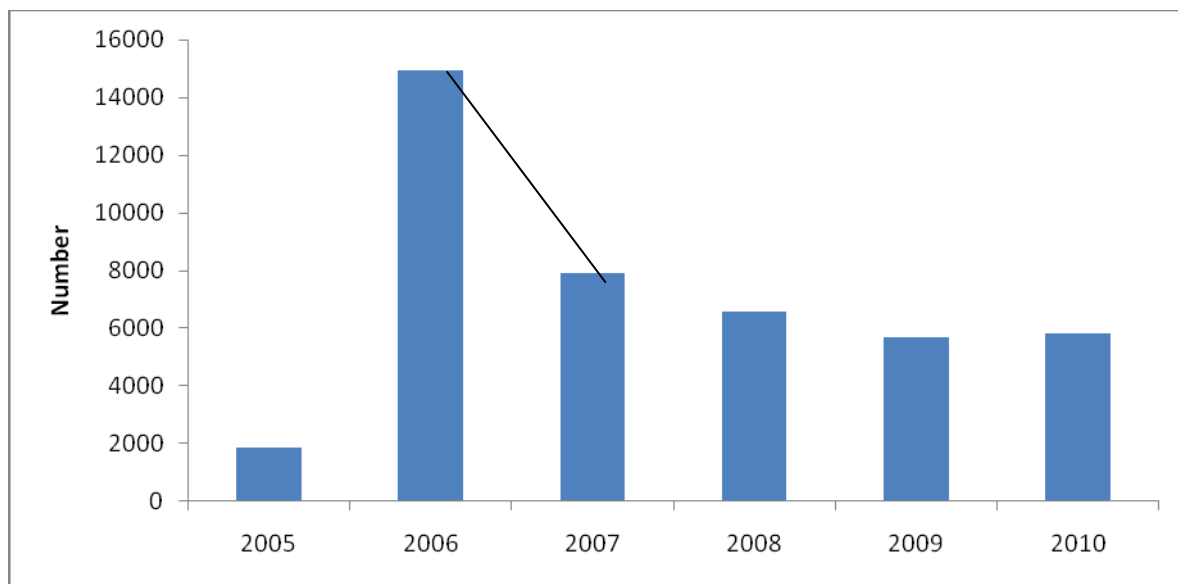
In order to derive potential benefits where this provision is used, we must derive demand and supply relationships for the service that is represented here.

Demand

A point estimate of the potential demand for civil partnerships on religious premises by couples is estimated below.

The number of annual civil partnerships registered in England and Wales has decreased markedly since the spike in 2006 (see figure 1). Therefore, it is difficult to estimate what the steady-state number of registrations per year is. Using the available data we assume that this is likely to be no more than 5,500.

Figure 1: Number of Civil Partnership Formations in England and Wales, 2005-2010



Source: *Civil Partnerships in the UK, 2009, ONS*

In order to estimate the scale of potential demand for civil partnerships in religious premises we use comparable evidence for marriages. In 2008, 33% of all marriage ceremonies in England and Wales were religious.¹⁹ Also, using the Annual Population Survey, 70.1% of those formerly or currently in civil partnerships declare that they have a religion. The comparable figure for the population as a whole is 79.3%.²⁰ Using these statistics would suggest that a high estimate might be as many as 1,593²¹ couples per year seeking to use religious premises to register a civil partnership. However, some couples seeking to register civil partnerships on religious premises are likely to find this demand unmet; in particular none of the denominations who expressed a willingness to offer registration of civil partnerships are likely to be able to assist a large number of couples that are not worshippers of their faith, who make up 11% of all marriages on religious premises. Thus, a better upper bound on the transferred demand which can be met is 1417 partnerships. A strict lower bound is given by assuming

¹⁹ Marriages in England and Wales, 2008, ONS

²⁰ Annual population Survey, April 2009 – March 2010, rates calculated from all those who declared that they had a religion or no religion at all.

²¹ $5,500 \times 33\% \times (70.1\%/79.3\%)$

only members of those denominations which intend to opt in will find their needs met by the regulation; this would give 75 partnerships, scaling by the proportions of premises which belong to those denominations. A mid-point estimate of 746 partnerships is given by taking the mean of these upper and lower bounds.

This estimate of demand is a point estimate only as we are unable to derive its relationship with the different prices for the service. However, we are nevertheless able to provide a proxy price at which this level of demand occurs. This price is described below in the analysis of the supply relationship.

Additional demand

In addition to the demand transferred from existing secular premises and outlined above, we expect a small additional demand arising from couples who feel sufficiently strongly to wish not to undertake a civil partnership unless they can do so within their own religion. Here we draw on statistics from the Netherlands Central Bureau of Statistics²².

The Netherlands has a specific provision for non-religious civil partnership introduced in 2008. The additional demand for such partnerships has been around 12% of the total over the two years 2008 and 2009, and the demand for specific conversions from religious marriage to civil partnership was 3% of the total of marriages in 2008 and around 1% in 2009. Thus the additional demand for non-religious registration on grounds of principle was between 1% and 12%. No equivalent data are available for religious registration on grounds of principle, but assuming that the demand for religious registration on grounds of principle would be similar to that for non-religious registration on grounds of principle (that is, that the proportion of people with strong feelings in favour of a religious ceremony is similar to the proportion with strong feelings against a religious ceremony) gives an additional demand of 15 to 200 partnerships, of which between 4.7% and 89% can be met. Thus a lower bound on this value is approximately 1 additional partnership, and an upper bound is approximately 178 additional partnerships. Taking a mean of these gives a mid-point estimate of 89 additional partnerships.

²² ([http://statline.cbs.nl/StatWeb/publication/?DM=SLLEN&PA=37772eng&D1=0-47&D2=0,10,20,30,40,50,\(I-1\)-I&LA=EN&VW=T](http://statline.cbs.nl/StatWeb/publication/?DM=SLLEN&PA=37772eng&D1=0-47&D2=0,10,20,30,40,50,(I-1)-I&LA=EN&VW=T))

Annex 3: Specific impact Tests

Equality Impact Assessment

Introduction

This document considers the effect of allowing civil partnership registrations to take place on religious premises on the elimination of unlawful discrimination, harassment and victimisation, the promotion of equality of opportunity and the fostering of good relations between different groups.

The aim is to ensure that the effect on equality for all the protected characteristics in the Equality Act 2010 ("the Act") have been properly assessed during the development of the policy, taking account of views expressed, and to provide assurance that changes needed to mitigate any potential adverse impacts have been identified. The analysis will cover race, disability and gender, age, religion or belief, gender reassignment, sexual orientation, and pregnancy and maternity.

Context

These proposals have been developed by the Government Equalities Office (GEO) following discussions with a wide range of government departments and partners including LGB representatives, and faith groups.

In *Working for Lesbian, Gay, Bisexual and Transgender Equality*, published in June 2010, the Government made a commitment to talk to those with a key interest about what the next stage should be for civil partnerships, including how some religious organisations can allow same-sex couples the opportunity to register their relationship in a religious setting if they wish to do so. Following this commitment a number of meetings were held with a variety of groups; including faith groups, LGB groups and those representing the registration service.

Many of those attended fully supported this move (with some feeling it did not go far enough), however, there was a polarisation of opinion in many areas and a number of considerations were raised which are considered in the consultation document. Even those who did not want civil partnerships to take place as part of their own faith said that they did not want others to be stopped from doing so.

On 17th February 2011, the Government committed to the following:

"The coalition government is committed to protecting and promoting LGB rights in the UK. As part of that commitment we intend to implement section 202 of the Equality Act 2010 which will remove the ban in England and Wales on civil partnership registrations being held on religious premises. Implementing this provision will allow those religious organisations who wish to do so to host civil partnership registrations on their premises. Because section 202 is a permissive provision, religious organisations who do not wish to host civil partnership registrations will not be required to do so as a result of this change.

By making this change, we will be giving same-sex couples, who are currently prevented from registering their civil partnership in a religious setting, the chance to do so. The implementation of this provision is the first part of our work on the next steps for civil partnerships as laid out in the LGB&T action plan. Having listened to stakeholders it is clear from many that there is a desire to move towards equal civil marriage and partnerships. We will consult further on how legislation can develop, working with all those who have an interest in this area."

Methodology

In *Working for Lesbian, Gay, Bisexual and Transgender Equality* we committed to talking to those with an interest about what the next step should be for civil partnerships, including how some religious organisations can allow same-sex couples the opportunity to register their relationship in a religious setting.

Over a number of weeks the Government met with representatives from LGB organisations, faith groups and the registration service. In total we met with approximately 25 groups, representing many more people. Following these meetings, we have analysed the comments made and issues raised. These are reflected within the provision, as laid out, and the further work streams which the Government has committed to undertake. The consultation setting out the Government's plans for implementation was published on 31 March and closed on 23 June. The summary of consultation responses and Government response will be published in the autumn.

Impact of this provision

This provision will allow same-sex couples the option to formally register their civil partnership in the building where they worship (should the faith agree to do so). They currently are not able to do so. This will ensure that same-sex couples can register their partnership on religious premises, just as most opposite sex couples can do when solemnizing a religious marriage. However, whilst this provision will permit civil partnership registrations to take place in a religious venue, it does not alter the secular nature of the formation of a civil partnership as defined in the Civil Partnership Act 2004. This maintains the distinction between civil partnership, which by law is a secular union, and marriage, which may be secular or religious. This is reflected in the decision to as far as possible model the practical implementation of the provision on the existing approval system for premises for civil marriage and civil partnership, where it is local authorities that both administer the process and decide on whether to approve premises.

The processes to register religious buildings for the solemnization of religious marriage is entirely separate, applies different rules to different denominations with the consequence that a number of denominations that may wish to opt into this provision will not already have their buildings approved for religious marriage, is defined in dated legislation, including such measures as requiring the signatures of 20 householders that are worshippers at the premises to approve the request and is only partly administered by local authorities, the decision making authority sitting with the Registrar General. As such it is not considered appropriate to mirror the approvals process for this provision.

Impact on sexual orientation

We consider that there are some same-sex couples, who would wish to register their civil partnership in the building where they also worship, and are currently not able to do so despite their wishes being supported by their denomination. In the current system, they can have a blessing of the partnership, but the legal formation cannot take place within religious premises. Therefore, the creation and purpose of this provision is to improve equality for LGB people by offering a wider choice of where to register their civil partnership and have an overall impact on the perception of LGB people within society.

Currently, opposite-sex couples have the choice of either a civil or religious marriage ceremony. While this provision will allow same-sex couples to have a civil partnership on religious premises, this will not be replicated to allow heterosexual couples to have civil marriage on a religious premises. This could have a negative effect on good relations between different sexual orientation groups as there will be a difference in provision available. However, this can be mitigated and explained as it rectifies a provision that currently does not exist.

The extension of the current approval regime for civil marriages and civil partnerships to religious premises may impact on the decision of some religious organisations which might otherwise have applied to have their premises approved, not to do so because of the financial cost and additional administrative burden. However, this reflects the more modern and inclusive processes to approving premises for civil partnerships and civil marriage, compared to the dated processes for registering buildings for religious marriage as well as allowing local authorities to have a degree of control over the process and being the decision making authority for approval.

Impact on religion or belief

The provision as laid out is intended to be entirely permissive in its nature, meaning that faith groups would have to opt in, to allow their premises to be used for civil partnership registrations. There is no intention to force any groups to have to sign up to be able to register civil partnerships on their premises. This was the intention of the initial amendment to the then Equality Bill (made by Lord Alli) and this remains integral to the Governments considerations and plans.

The intention is to allow a greater freedom of religious expression for LGB people who wish to express their religion or religious belief in the same building as their civil partnership registration. Previously, there was an express prohibition on them holding their civil partnership registration in a religious building, where as opposite sex couples have the option of a religious marriage. The intention of this provision is to allow same-sex couples to have a similar option.

The intention of this provision is also to allow religious freedom for faith groups who wish to recognise same-sex couples with their community. They currently do not have the capability to host the registration of civil partnerships even if they wish to do so. The Government included faith groups in the discussion on the next steps for civil partnerships and remains committed to widely consulting with a wide variety of such groups. This includes faith groups who are supportive of the implementation of section 202 of the Equality Act and taking the next step to equal marriage and partnerships, and also those who do not support the implementation of this provision.

There could be a negative impact on organisations who do not register to conduct civil partnership registrations as they face pressure to do so, possibly damaging relations with their wider community. Conflict could also be caused if the competent authority of a denomination decides not to opt in but an individual wishes to conduct these ceremonies (or vice versa). However, the internal structures and governance of religious bodies would not be for Government to interfere with.

In recognising that this provision will provide greater freedom to the public and faith groups on where civil partnership registrations are held, the Government considers that it should not place an unfunded burden on local authorities and therefore tax payers. Therefore, the Government is committed to allowing local authorities to recover their reasonable costs from those applying for their premises to be approved.

There is no impact on belief organisations that are not religious.

Impact on disability

Local authorities may consider (as part of their requirements for a licence to hold civil partnership registrations) that an approved building needs to make reasonable adjustments to allow access by disabled people.

This currently does not apply to religious venues for religious marriage ceremonies. We are aware that consideration needs to be given to this point as this may entail religious buildings facing large costs of amending the buildings, which they may argue are also of historical significance. However, this could limit the possibility of disabled people, in a same-sex partnership having a civil partnership on religious premises.

Impact on gender reassignment

A person can enter a civil partnership with someone of the same-sex, regardless of whether this is the sex they were assigned at birth (regardless of whether this is a civil partnership registration on religious premises or a civil registration). This must be their legally recognised sex. The provision provided for in section 202 would be available to all same-sex couples.

The Equality Act 2010 contains a provision which means that people who solemnise marriages, those who give consent in registered premises and approved celebrants in Scotland are able to decline to marry someone if they believe that one member of the couple is transsexual. Schedule 4 of the Gender Recognition 2004 also provides that the clergy in the Church of England and the Church in Wales are not obliged to solemnise the marriage of a person they reasonably believe to have changed gender under that Act. Any new provision should ensure that these provisions are not changed.

If a person is in a marriage and wishes to obtain legal recognition of their acquired gender (by means of a Gender Recognition Certificate) they are required to end their marriage before they can obtain a full Gender Recognition Certificate. They can then enter into a civil partnership if they so wish. These provisions would not change that position or have any effect on the Gender Recognition Act 2004. By making amendments to civil partnerships, without addressing this issue (which was raised as part of the listening exercise) could have an impact on good relations.

Impact on sex

Same-sex couples formed 6,385 civil partnerships (3,129 male and 3,256 female) in the UK in 2010. Therefore we can assume that there would be no particular impact on men over women.

Impact on age

In 2010, the average age for men in a civil partnership was 40.6 and for women, it was 38.4 years. Older LGB people may not be aware of the changes that have taken place as they may not as involved in the LGB community. To mitigate this risk we will communicate with older LGB groups through a range of channels.

Impact on race

There may be a difference in the number of people who enter into a civil partnership from different races. Different races could be considered to be impacted in different ways, due to differing cultural acceptance of same-sex couples but this would be based on anecdotal evidence.

Areas not impacted by these provisions

The strands of **pregnancy and maternity**, are not impacted by this provision in any way. There is no difference in the way any of these groups will be affected by the new provision.

Economic Impacts

Competition Assessment

A detailed competition assessment is not necessary for this measure. Any impact on competition will be on the market for approved premises for civil partnership and will be marginal and local, rather than significant or national.

This measure has no effect on the ease or difficulty with which businesses can enter the market for registering civil partnerships and hosting the accompanying celebration. Any nominal direct and indirect impact will be to increase rather than restrict the number of suppliers. In January 2011 there were 5,919 approved premises in England and Wales and 205 register offices. Couples who have their civil partnership registered in religious premises are anyway likely to hold any reception in a hotel or similar venue, in the same way as couples who form a civil partnership in a register office or solemnize a religious marriage.

Competition filter test

Does this measure:

- Directly limit the number of range of suppliers?
- Indirectly limit the number of range of suppliers?
- Limit the ability of suppliers to compete?
- Reduce suppliers' incentive to compete vigorously?

As the answers to these questions are all "No" a competition assessment is not required.

Small firms impact test

This measure does not impose administrative or other burdens or other direct costs on businesses of any size. Any impact will be nominal and restricted to any increased competition in the approved premises for civil partnerships market. There will be no disproportionate impact on small businesses. FSB said that they did not see an impact on their members, apart from if there were protests against faith groups or outside religious premises, which they accepted would be unlikely.

Environmental Impacts

Greenhouse gas assessment

We do not believe there will be an impact on greenhouse gas emissions as a result of this policy

Wider environmental issues

This measure will have no implications in relation to climate change, waste management, landscapes, water and floods, habitat and wildlife or noise pollution.

Social Impacts

Health and well being

We anticipate that any impact of this measure on health and well-being will be positive for same-sex couples who are able to register their civil partnerships on religious premises, their families, friends and members of the congregation. Evidence is not available to enable any impact to be quantified.

Human Rights

Based on the analysis conducted to date, the risks of a successful legal challenge to this measure on the grounds that it breaches the European Convention on Human Rights (ECHR) is small when it is left to individual faith groups or individual ministers of approved religious premises to decide whose civil partnership registrations to host (e.g. to exclude non-religious couples or members of a different faith group). Given the controversies surrounding sexual orientation and religion and belief, such challenges cannot be excluded. The inequality between same and opposite sex couples in terms of rights to marry or enter a civil partnership is already the subject of a legal challenge in the European Court of Human Rights (ECtHR). The Human Rights implications will be considered further during the consultation period and subsequent development of policy and legislation. In the recent case of *Schalk & Kopf v Austria* the ECtHR found that marriage only for opposite sex couples and civil partnerships only for same sex couples did not breach articles 8 (the right to respect for private and family life), 12 (the right to marry) and 14 (prohibition of discrimination in the rights granted by the ECHR). The ECtHR also found and that it is for national law to determine whether or not to permit same-sex marriage.

Justice system

Any impact on the justice system would be marginal and is difficult to predict. The measure does not create any new rights that are enforced by individuals through the courts or tribunals; nor does it create any new criminal (or civil) penalties which could impact on the justice system. There is a risk of additional legal challenges. These would be to Government about the legislation and possibly to denominations/faith groups or individual ministers of religion about either the hosting or the not hosting of civil partnerships on their premises.

Rural proofing

This measure applies across England and Wales and, as an enabling measure, will not adversely affect communities whether they are rural or urban. Rural communities are less densely populated and tend therefore to have fewer religious buildings, meaning that rural same-sex couples may have less opportunity to register their civil partnership in a religious setting. The opportunities in urban areas may also be greater because a wider variety of faith groups may have places of worship in them. Anecdotal evidence suggests that the LGB people are more likely to live in an urban than a rural area.

Sustainable Development

The measure is not contrary to the shared UK principles of sustainable development