

Salt and Light Papers provide important information and analysis to help Christians and Churches to engage with 21st century social issues

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WHEN LIVING BY A PRINCIPLE BECOMES UNLAWFUL

A crucial decision is awaited from the government over the extent to which churches and individual Christians will be allowed to discriminate against same-sex couples in connection with the provisions of the Equality Act 2006, which was enacted on 16 February 2006.

If no exemptions are allowed, the following circumstances would apply to churches and individual Christians:

- Unless they are prepared to accept a same-sex couple as possible tenants, churches would not lawfully be able to let the church manse commercially during an interregnum;
- Churches would not lawfully be able to require a same-sex couple not to hold hands during a service of worship unless they also required a heterosexual couple not to hold hands;
- At a church holiday or away week-end, churches would not lawfully be able to prevent a same-sex couple who wanted to attend such an event either from attending the event or from sharing a double bed;
- Churches which are permitted by their trust deed to let outside organisations use their premises unconditionally would not lawfully be able to let any outside organisation use their premises unless they were prepared to allow an organisation which promoted or supported same-sex relationships to use them;
- Because of the legal uncertainty over whether it was discriminatory, churches and Christian organisations would risk being barred from booking a stand to promote marriage at secular exhibitions, such as an *Ideal Home* exhibition;
- Elderly individual Christians moving into residential care would not lawfully be able to let their home to any commercial tenants unless they were prepared to allow the possibility that the tenants might be a same-sex couple;
- Missionaries wanting to serve abroad would not lawfully be able to let their home to any commercial tenants unless they were prepared to allow the possibility that the tenants might be a same-sex couple;

- The proprietors of a Christian guest-house would not be lawfully able to refuse a double room to a same-sex couple.

In the body of the Equality Act, exemptions are given to churches to discriminate on the grounds of religion and belief. This means that they could lawfully discriminate against having Hindus, for instance, as tenants of the manse. However, the Act gives the Secretary of State power to extend its provisions to outlaw discrimination on the grounds of sexual orientation, but without any guarantee that the same exemptions for churches would be included in the subsequent Regulations.

In responding to the Consultation, Affinity has strongly argued the case for the same exemptions granted on the grounds of religion and belief to be extended to the Sexual Orientation Regulations. Equally strongly it has contended that main residences should be exempt from the Regulations, to enable individuals to make completely unfettered choices in relation to the use of a possession as intimate as their own home.

The government expects to publish the Sexual Orientation Regulations by late Summer, in time for a debate and vote in both the House of Commons and the House of Lords. As Parliament will not resume until October, the original deadline of October for the Regulations to take effect will not be met.

Once the extent of the exemptions to be allowed by the government is known, churches and individual Christians need to write to and lobby MPs and peers, to urge them to support the case for any further needed exemptions being resisted by the government.

When the government publishes its proposals, these will be analysed by the Affinity Social Issues Team and their significance, and the action which then needs to be taken, will be explained on the Affinity web site.

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Affinity submits responses to most government Consultations where biblical principles and practices touch on proposed legislation or social policy. Affinity's submission papers can be printed from the social issues section of Affinity's web site.

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Salt and Light Papers is a series of occasional papers on contemporary issues of social concern. It is published online by the Affinity Social Issues Team. Its purpose is to help Christians to think through questions of relevance to our place in the world around us. The views expressed by contributors are not necessarily endorsed by the Affinity Social Issues Team.