

Report: Pastors Could Get Sued Over Refusing Gay Weddings

Church ministers who refuse to conduct same-sex weddings could be sued under European law, the Church of Scotland has warned.

The church's General Assembly is due to consider a report, which warns that the church could be "vulnerable to legal challenge" under the European Convention on Human Rights.

During the passage of the same-sex marriage Bill in 2013, Scotland for Marriage spoke out about legal dangers for churches because of the new law.

Safeguards

The report, produced by the church's Legal Questions Committee (LQC), states: "The scheme enables bodies, such as the Church of Scotland, and individual celebrants to be authorized to conduct different sex marriages while at the same time refraining from seeking authorization to conduct same-sex marriages.

"This legal structure may be argued to be discriminatory contrary to Articles 12 and 14 of the European Convention on Human Rights."

There have been some suggestions that the church could stop conducting marriages in their entirety, but the report argues that this would "rob ministers of one significant and evangelical opportunity" as marriages are an "important aspect of their ministry."

Legal Challenge

The LQC warned that a successful legal challenge would force the church to repeal its current system and replace it with one compelling ministers who wish to carry out heterosexual marriages to also oversee same-sex marriages.

The report adds: "It might mean the exclusion of churches which are unwilling to instruct their clergy to conduct same-sex marriages from an important part of the life of the nation."

Inadequate

The LQC report concluded: "The Church and Society Council recognizes the important social and pastoral role played by ministers and deacons in relation to marriages, and welcomes the commitment of the Scottish Government in seeking to maintain that role in changed circumstances.

"The Council therefore supports the conclusion that this should continue unless and until the intended safeguards prove inadequate."

Legislation allowing same-sex marriage in Scotland came into force in December.