

# Secularists query decision to reinstate registrar who refused to conduct same-sex weddings

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The National Secular Society has criticised a decision by Central Bedfordshire Council to reinstate a Christian registrar who was previously dismissed after refusing to conduct same-sex weddings.

Margaret Jones, a Senior Deputy Registrar at Bedford register office, was sacked by her employers after confirming that she would be unwilling to conduct same-sex weddings on the basis of her Christian beliefs.

However, Ms Jones was offered her job back after an internal appeal hearing found her employer had not taken a 'balanced view' of her beliefs. In ruling for reinstatement, the Council's Appeal Committee indicated its desire to ensure that the Council had explored all the potential options sufficiently.

Ms Jones had argued that since marriage ceremonies require two members of staff - one to conduct and one to register - she could simply register the marriage, with the result that no couple would be denied a service.

The Council's decision appears to contradict a ruling made in the case of *Ladele v London Borough of Islington*, in 2009, where the Court of Appeal established that a registrar cannot claim an exemption from providing public services to same-sex couples on the grounds of religious belief.

Ms Ladele took her case to the European Court of Human Rights, claiming that the United Kingdom had discriminated against her on the basis of her religion, but the Court dismissed her complaint.

The Marriage (Same-Sex Couples) Act 2013 came into force on 29 March 2014, enabling same-sex couples to legally marry. The change in law has been widely welcomed, as a forward-step for gay rights.

When considering the legislation, both Houses of Parliament overwhelmingly rejected proposed amendments to the Bill which would have allowed registrars to opt out of conducting same-sex marriage ceremonies. The law explicitly excludes registrars from any of the protections afforded to religious organisations and individuals who work for them, and registrars have no exemptions under the 2013 Act or the Equality Act 2010.

The Council's decision has been seized upon by Christian campaigners. Paul Diamond, barrister to the Christian Legal Centre, which has advised Ms Jones, told the *Sunday Times*: "All good employers should follow this precedent, and practising Christians should no longer fear expressing their beliefs."

However, contrary to a number of inaccurate media reports, the case did not go to an employment tribunal and the decision made by a panel of Central Bedfordshire Council Members sets no legal

precedent.

Defending its decision to reinstate Ms Jones, Central Bedfordshire Council, said: "These are complex issues and we are responding to relatively new legislation, which means the Council's duty not to discriminate has to be balanced against employees' individual rights.

"Our decisions have been based on the guidance available to us at the time."

However, the [guidance](#) issued by the Equality and Human Rights Commission, states: "The law is clear that when someone is providing a public service, they cannot, because of their religion or belief, discriminate unlawfully against customers or service users".

The guidance also makes clear that employers should consider requests for an opt-out, but are under no obligation to grant one.

Stephen Evans, National Secular Society campaigns manager, said: "As public servants performing statutory duties on behalf of the State, it is not unreasonable to expect registrars to carry out their responsibilities if full without discrimination.

"Because of the way in which it undermines the dignity of those discriminated against, local authorities should not be accommodating refusals to provide services to same-sex couples. Discriminatory acts have a moral significance beyond the deprivation of the relevant service and the fact that other registrars could conduct the ceremonies is irrelevant."

The National Secular Society has written to Central Bedfordshire Council asking it to clarify its position regarding the accommodation of employees' requests to opt out of part of their job requirements.

In response, Central Bedfordshire stated: "In the context of relatively new legislation and evolving case law, we believe the guidance available to public bodies could be both clarified and strengthened and the Council is actively seeking to engage with the Equality and Human Rights Commission (EHRC) in order to do so."

Ms Jones has said she will not accept the job offer.

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