ABOUT THE COALITION FOR MARRIAGE

The Coalition for Marriage is an umbrella group of individuals and organisations in the UK that support traditional marriage and oppose any plans to redefine it.

The Coalition is backed by politicians, lawyers, academics and religious leaders. It reaches out to people of all faiths and none, who believe that marriage is the most successful partnership in history and should not be redefined.

The Coalition draws upon a substantial body of evidence showing that marriage – as it has been understood for thousands of years – is beneficial to society, and that changing its definition would undermine that benefit.

The Coalition’s petition, which so far stands at over 550,000 signatories, demonstrates that there is broad public opposition to redefining marriage. The Coalition is committed to a reasoned and courteous debate on this issue.

INTRODUCTION

Marriage is “the voluntary union for life of one man and one woman to the exclusion of all others.” It is certainly about two people who love each other, but it is more than that. Marriage is bigger than the two individuals involved.

Marriage has a unique place in our society

It is a bedrock institution and the most stable environment for raising children. Redefining marriage would make marriage adult-centred rather than child-centred. In the handful of
nations that have redefined marriage, the status of marriage within those societies has been damaged.

**Marriage has a distinctive place in our laws**

The word “marriage” appears over 3,000 times in UK legislation, and associated words like husband, wife, father, mother also appear thousands of times. It is woven into the fabric of our legislation and politicians cannot rewrite it at a stroke without causing huge upheaval and far-reaching consequences.

**Marriage has a distinguished place in our history**

The oldest recorded English law referencing marriage between husband and wife goes back 800 years – and part of that legislation is still in force today. But marriage is yet older than that. It predates the English language and our nation, and it predates the Christian church. It is not a recent invention of society to be refashioned on a political whim.

**Marriage has a special place in our affection**

Most people hold marriage in very high regard. A majority of our young people aspire to get married one day.² Seven in ten people agree that, although death or divorce may prevent it, the ideal situation for a child is to be raised by their married mother and father.³ Marriage does not belong to politicians, they do not own it and they have no right to redefine it over the heads of the people.

We agree with the Church of England in its response to the present consultation exercise when it states that “the proposals are, in fact, of much deeper social significance than has been acknowledged”.⁴ Part of the uniqueness of marriage lies in the fact that:

> “it embodies the underlying, objective, distinctiveness of men and women. This distinctiveness and complementarity are seen most explicitly in the biological union of man and woman which potentially brings to the relationship the fruitfulness of procreation. And even where, for reasons of age, biology or simply choice, a marriage does not have issue, the distinctiveness of male and female is part of what gives marriage its unique social meaning.”⁵
THE CONSULTATION QUESTIONS

QUESTION 1:

DO YOU AGREE OR DISAGREE WITH ENABLING ALL COUPLES, REGARDLESS OF THEIR GENDER TO HAVE A CIVIL MARRIAGE CEREMONY?

We disagree.

At the time of making this submission, the number of signatories to the Coalition for Marriage public petition stood at 559,868.

The petition states:

*I support the legal definition of marriage which is the voluntary union for life of one man and one woman to the exclusion of all others. I oppose any attempt to redefine it.*

Signatories include MPs, peers, academics, lawyers, religious leaders and members of the general public.

On 12 June over 500,000 of the signatures were submitted to the Government Equalities Office. They constitute over 500,000 individual responses to the consultation and should be regarded as responses to Questions 1 & 2 of the consultation. Clearly each of the 500,000 respondents has answered “disagree” to Question 1.

Given that Question 1 is included in the consultation document, we are deeply concerned at statements made by Government ministers to the effect that it is not a question of “whether” but “how” same-sex marriage is introduced. The Minister for Equalities has even offered “a cast iron guarantee” that same-sex marriage will be on the statute books before the next General Election. Such comments imply that this is not a genuine question at all and that the outcome has already been pre-determined.
QUESTION 2:
PLEASE EXPLAIN THE REASONS FOR YOUR ANSWER.

1. The Government has no mandate for redefining marriage

A year after the 2010 General Election, the Prime Minister announced in his 2011 Conservative Party Conference speech that the Government was to consult on redefining marriage.\(^7\) No one doubts his personal belief that he wants to see the law changed.\(^8\) However, redefining marriage was not in the Conservative Party Manifesto. Neither was it in the Coalition agreement.

On 3 May 2010, only four days before the last election, the Conservative Party published a document called ‘A Contract for Equalities’. Some claim this publication provides some sort of legitimacy. But hardly any of the electorate will have been aware of this obscure document. Moreover the pledge given within its covers does not reflect what the Government is now doing. It stated: “We will also consider the case for changing the law to allow civil partnerships to be called and classified as marriage.”\(^9\)

The Government is not “considering the case”, it has already made its mind up ahead of the consultation. The entire focus of the consultation is on the mechanics of redefining marriage.

As the Catholic Bishops’ Conference of England and Wales has underlined, the fact remains that there has been no manifesto commitment, no Green Paper and no White Paper.\(^10\)

The Government has no mandate for this monumental change to our culture, which will require 800 years of legislation to be re-written and the abolition of “husband and wife” as legal terms in law. Marriage is going to be redefined over the heads of the 24 million married people in this country. This is profoundly anti-democratic.

2. The majority does not support redefining marriage

Since 2005 same-sex couples have been able to enter into a civil partnership, which already provides all the legal rights of marriage. Opinion poll questions that ask about “gay marriage” or “same-sex marriage” without mentioning the legal rights provided by civil partnerships are asking about a scenario which simply does not exist. For example, one poll that purported to demonstrate that 45% supported and 36% opposed moves to legalise same-sex marriage showed nothing of the sort, since respondents were not told that civil partnerships provide the legal rights of marriage, nor were they given the option of saying they supported civil partnerships but opposed same-sex marriage.\(^11\)
British Social Attitudes (BSA) found in 2008 that 63% oppose same-sex marriage when respondents are told about the existence of civil partnerships. This survey remains the largest and most statistically robust British study to date on same-sex marriage. It asked respondents to choose one of three options – support for civil partnerships, support for same-sex marriage or opposition to both.\(^\text{12}\)

A poll by YouGov for the Sunday Times used the same three propositions as BSA.\(^\text{13}\) It found that 32% opposed same-sex marriage whilst supporting civil partnerships and an additional 15% opposed both. In total, 47% opposed same-sex marriage, with 43% supporting it and 10% saying they did not know.

A ComRes online poll of over 2,000 adults found that 59% support civil partnerships, while 70% agree with the statement, “Marriage should continue to be defined as a life-long exclusive commitment between a man and a woman.” The same survey revealed that 84% agree with the proposition that, “Although death or divorce may prevent it, children have the best chance in life if raised by their own mother and father in a stable, committed relationship.”\(^\text{14}\)

Among those who identify as homosexual, there is little demand for same-sex marriage. Fewer than four in ten homosexuals think gay marriage is a priority for their community and half of homosexuals believe the Prime Minister is promoting same-sex marriage for purely political reasons. Only one in four homosexuals (27%) say they would get married if the law were changed, with a similar proportion (26%) taking the view that there is no need to redefine marriage because civil partnerships already give same-sex couples the same legal rights as marriage.\(^\text{15}\)

Paragraphs 1.4 and 1.5 of the consultation argue that marriage should be redefined because homosexual people have asked for it. Given that there is not even much demand among homosexuals for the change (see above), there is surely insufficient justification for the plans to go ahead. Preventing the huge cost to the social fabric of the nation must surely outweigh any speculated benefit.

The lack of demand among homosexuals is backed up by evidence from Holland, which introduced same-sex marriage 11 years ago – just 8% of homosexuals in the Netherlands have chosen to marry.\(^\text{16}\)

3. It would change the meaning and significance of marriage

We fully endorse the view of the Church of England when it observes that redefining marriage to include same-sex relationships would “entail a dilution in the meaning of marriage for everyone by excluding the fundamental complementarity of men and women from the social and legal definition of marriage”.\(^\text{17}\)
The redefinition of marriage would deprive opposite-sex couples of a unique institution, defined in terms of complementarity, that has been present in all societies for thousands of years. As the Church of England notes:

“The effect of the proposals would be that everyone who wished to marry – irrespective of the form or ceremony by which their marriage was solemnized – would be required to enter into the same new, statutory institution of ‘marriage’. That institution would be one which was defined as the voluntary union for life of any two persons. English law would, as a result, cease to provide or recognise an institution that represented the traditional understanding of marriage as the voluntary union for life of one man with one woman…

“The established institution of marriage, as currently defined and recognised in English law, would in effect, have been abolished and replaced by a new statutory concept which the Church – and many outside the Church – would struggle to recognise as amounting to marriage at all. A man and a woman who wished to enter into the traditional institution of marriage would no longer have the opportunity to do so. Only the new, statutory institution, which defined a ‘marriage’ as the voluntary union of any two persons, would be available.”

It is disproportionate and without justification to treat a treasured institution with such aggression when changing the definition of marriage would not deliver any legal or material benefits that are not already available through the Civil Partnership Act.

4. Redefining marriage would change the language of parenthood

Throughout history and in virtually all cultures marriage has been between one man and one woman, but under the proposals outlined in the consultation document, this would be swept away. Familiar words like husband, wife, mother and father would disappear from the statute book. Once these changes have been made, using these words could be prohibited in public documents and banned in the public sector.

Changing the language about marriage inevitably changes the language about parenthood. In Spain, some Canadian provinces, and some US states where same-sex marriage is legal, official documents have been changed so that they no longer refer to “mother” or
“father”, instead using language such as “progenitor 1, progenitor 2” or “parent A, parent B”. Even before marriage has been redefined in the UK these kinds of changes are now happening and would greatly accelerate if the change were made.

The introduction of civil partnerships has meant that the words “bachelor” and “spinster” have already been dropped from marriage certificates. Now that lesbian couples can have IVF, all child passport application forms in the UK are to be redesigned to remove the words “mother” and “father”, replacing them with “parent 1 and parent 2”.

Legislation still frequently uses terms such as husband (1003 times), wife (888), spouse (2740), or “husband and wife” (342). There are 3,000 references to marriage in current law. The oldest reference is to an Act passed in 1285, in the reign of King Edward I. Part of this legislation is still in force. It also includes the term “husband and wife”.

If marriage is redefined these words could be deleted from the statute book. The very first Clause of Stonewall’s draft Bill proposes the removal of the words “a husband and wife” from the Matrimonial Causes Act 1973, replacing them with “parties to a marriage”.

5. Traditional marriage benefits children

Redefining marriage would affect the whole of society because it would weaken the status of traditional marriage, which provides the most stable environment for raising children. Just one in eleven married couples split by the time of their child’s fifth birthday compared to one in three of cohabiting couples. 97% of couples who stick together until their children reach adulthood are married.

This is important because children who are not brought up in two parent households are 75% more likely to fail at school, 70% more likely to become a drug addict, 50% more likely to develop an alcohol problem, 40% more likely to get into serious debt problems and 35% more likely to experience unemployment/welfare dependency later in life. And this does not even address the economic costs, or the effects on the physical and mental health of children.

A recently published Government paper cites the importance of the stability marriage provides, observing: “Given that married relationships tend to have greater longevity and stability than other forms, this Government believes marriage often provides an excellent environment in which to bring up children. So the Government is clear that marriage should be supported and encouraged.”
6. Evidence from other countries reveals redefining marriage has a harmful impact

In the handful of countries which have created same-sex marriage, there have been serious consequences for the understanding of parenthood and the family. The evidence from around the world is that once marriage is treated as having a flexible definition, pressure grows for that definition to be changed yet again. Some advocates of same-sex marriage openly support polygamy.28

Netherlands
In Holland, same-sex marriage was introduced in 2001. Since then, three-way relationships have been given legal recognition through a “cohabitation agreement”.29

Mexico City
Mexico City introduced same-sex marriage in 2009, and now two-year fixed-term marriages have been proposed. Instead of divorce, the two-year marriage would not be renewed.30

Canada
Same-sex marriage legislation in 2005 replaced the term “natural parent” with “legal parent” in Canadian law.31 In January 2007 an Ontario appeal court ruled that a child can legally have three parents.32 In British Columbia there are major attempts to legalise polygamy through the courts using the precedent of same-sex marriage.33

Spain
Same-sex marriage was legalised in 2005. The following year it was announced that birth certificates would read “Progenitor A” and “Progenitor B” instead of father and mother.34

Massachusetts
In November 2003 a Massachusetts court said same-sex marriage had to be legalised and gave six months for it to be introduced. In response, the State Department of Public Health changed the standard marriage certificate to read “Party A” and “Party B”, instead of “husband” and “wife”.35
7. Redefining marriage would have implications for civil liberties

If the law were to be changed there is great concern that, increasingly, people would be punished in their careers, charities would be closed down and couples would be prevented from fostering, all because of their views on traditional marriage.

The following examples are cited to demonstrate how individuals from all walks of life have already suffered in a variety of ways on account of their views on marriage:

- Adrian Smith, a housing manager in Manchester was demoted and had his salary cut by 40% because of his views on marriage expressed on his Facebook page.36

- Former leader of the SNP, Gordon Wilson, was voted off the board of Dundee Citizens Advice Bureau for supporting traditional marriage.37

- Islington Council effectively sacked registrar, Lillian Ladele, for refusing to register same-sex civil partnerships.38

- Peter and Hazelmary Bull, the owners of a B&B in Cornwall, have been forced to pay £3,600 in damages to a same-sex couple because they restricted double rooms to married couples. They applied the same policy to unmarried heterosexuals.39

- Almost all Roman Catholic adoption agencies have been closed down because of their views on traditional marriage.40

- The Archbishop of York, Dr John Sentamu, has been sent “abusive and threatening” racist emails after speaking out against same-sex marriage.41

- David Burrowes MP received a death threat and hate mail after speaking out in support of traditional marriage.42

In addition, several websites have been investigated by the Advertising Standards Authority for carrying a Coalition for Marriage advertisement after receiving complaints that the advertisement in support of retaining the current definition of marriage was “offensive”. The advertisement featured images of married couples on their wedding day, accompanied by the headline “I do”. The text stated: “70% of people say keep marriage as it is. Help us keep the true meaning of marriage. Sign the petition.”

If same-sex marriage were to be introduced, such cases would inevitably multiply and further social conflict would inevitably ensue.
8. Redefining marriage would have serious consequences for religious liberties

According to legal advice by Aidan O’Neill QC of Matrix Chambers, redefining marriage would have far-reaching consequences for people of faith and religious groups. He writes:

“Once a State has legislated to allow for the possibility of marriage between two individuals regardless of their sex or gender, then the full panoply of non-discrimination law would apply to prevent any discrimination among the married on the basis that their spouse was same sex or opposite sex. Any difference in treatment between the same sex married and the opposite sex married could be caught both by a prohibition against discrimination on grounds of sex and on grounds of sexual orientation.”

Addressing specific scenarios presented to him, Mr O’Neill’s advice outlines a number of possible unintended consequences:

- A hospital chaplain could have his contract of employment terminated for publicly expressing his disagreement with same-sex marriage outside the context of his work for the NHS. Legislation in favour of same-sex marriage would heighten the employer’s chance of successfully defending any action for unfair dismissal, since dismissal would have “a high chance of being found to fall within the range of proportionate and reasonable responses of an NHS employer and hence not unlawful.”

- Under the Public Sector Equality Duty (Equality Act 2010, s149), a local authority would have good grounds in law for refusing to allow its facilities to be used by a religious organisation that did not agree with same-sex marriage.

- If legislation were to provide that only opposite-sex couples could be married by way of a religious ceremony and that same-sex couples could only marry by means of a civil ceremony as proposed in the consultation document, a strong case could be made that such a provision were incompatible with articles 8, 10, 12 and 14 of the European Convention on Human Rights.

- Under s149 of the Equality Act 2010, a local authority would have legitimate grounds to reject as foster carers applicants who do not accept same-sex marriage.
The Catholic Bishops’ Conference of England and Wales has explained why religious groups do not have confidence in reassurances from the Government about protecting religious liberty: “…once the exclusion of same-sex marriage from taking place in religious premises is dependent on an Act of Parliament, it becomes immediately vulnerable to subsequent parliamentary Acts or amendments, as has happened in the eight short years between the introduction of civil partnerships and the proposals for same-sex marriage. As no Parliament can bind its successors, the Catholic Church and other religious bodies would be at risk indefinitely.”

9. Redefining marriage would have serious consequences for schools

Under education law, the Secretary of State is obliged to “issue guidance designed to secure that when sex education is given to registered pupils at maintained schools… they learn the nature of marriage and its importance for family life and the bringing up of children”.

If marriage were to be redefined in law to include same-sex relationships, schools would be required to teach children about same-sex marriage on the same terms that they teach about the marriage of a man and a woman. Many parents and teachers would be extremely uncomfortable about this prospect and would not accept the implication that a marriage between two people of the same sex is of equal importance for the bringing up of children as the marriage of two natural parents.

In the opinion of Aidan O’Neill QC (see above), the redefinition of marriage could lead to teachers being required to teach children about same-sex marriage against their consciences. He observes that:

“The Strasbourg court has been notably unwilling to allow considerations based on religious belief or practice to be used by employees to demand changes in their conditions of their employment. In particular, where an applicant’s religious beliefs conflict with contractual or other employment conditions, the Strasbourg institutions have tended to find that any non-appointment to, or dismissal from, employment does not constitute interference with freedom of thought, conscience or religion.”

Mr O’Neill also noted that if it were made a requirement of the school curriculum that same-sex marriage be presented as an equal and valid alternative to opposite-sex marriage, schools within the state sector (including church schools) would have no legal power to prevent such matters being taught within their schools.
The redefinition of marriage would therefore have significant implications for parents in terms of the exercise of their legal right to withdraw their children from lessons which promote same-sex marriage. It would also raise serious issues in relation to respect for the liberty of conscience of teachers who did not wish to teach pupils about same-sex marriage.

10. Equality does not mean uniformity

Equality does not mean sameness. Same-sex couples already have the legal rights of marriage available through civil partnerships. There is therefore no need to redefine marriage on equality grounds. It is perfectly possible to support traditional marriage, while also recognising the rights of others.

The irony is that basing public policy on a principle of “eradicating difference” only leads to more inequality. The consultation document, for example, proposes to give marriage and civil partnerships to same-sex couples, but only marriage to heterosexuals.

11. The existing law is in line with international human rights charters

The Universal Declaration of Human Rights (Article 16) says:

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.
(2) Marriage shall be entered into only with the free and full consent of the intending spouses.
(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Other articles make reference to “everyone has the right...” or “no one shall be...“, but here in Article 16 marriage is very clearly between men and women. The framers of the Declaration saw no breach of human rights in talking of marriage as between “Men and women of full age”.

Similarly, the European Convention on Human Rights (Article 12) reads:

Men and women of marriageable age have the right to marry and to found a family, according to the national laws governing the exercise of this right.
The issue of same-sex marriage has come before the European Court of Human Rights on a number of occasions. In 2010 it ruled against a homosexual couple, Horst Schalk and Johann Kopf, who had brought a case because same-sex marriage was not legal in Austria. The UK Government intervened in the case, urging the Court to find in favour of Austria. The Court ruled that:

“...all other substantive Articles of the Convention grant rights and freedoms to ‘everyone’ or state that ‘no one’ is to be subjected to certain types of prohibited treatment. The choice of wording in Article 12 must thus be regarded as deliberate.”

In the ruling, the court acknowledged that a same-sex couple has a right to a family life without interference from government, as set out in Article 8 of the Convention, but that still “does not impose an obligation on Contracting States to grant same-sex couples access to marriage”.

This finding, that same-sex marriage is not a right found within the Convention, was recently repeated in a ruling on a separate case relating to a French lesbian couple who could not jointly adopt a child because same-sex marriage is not lawful in France. In March 2012 the Court ruled against the couple, referencing its earlier 2010 ruling about same-sex marriage.

12. Redefining marriage would be costly and complex

Redefining marriage would be expensive, have complicated policy implications, have bewildering effects on the English language and lead to further unfairness.

Civil partners already have all the legal rights of marriage, something which is denied many other house-sharers in situations of great difficulty. Two sisters who live together for 40 years cannot enter a civil partnership. If one dies leaving property to the other then full inheritance tax has to be paid. That would not apply to two lesbians in a civil partnership.

To legalise same-sex marriage also involves complex policy choices. First the Government has to decide whether it wants civil partnerships to continue. According to the consultation the Government wants there to be two legal options for homosexuals (civil partnerships and marriage), but only one for heterosexuals (namely marriage). This is hardly equality.

Surely this state of affairs is wide open to legal challenge by an unmarried heterosexual couple on discrimination and human rights grounds? Peter Tatchell’s ‘Equal Love’ campaign is already running a court case on this issue.
If civil partnerships become open to heterosexuals and marriage open to same-sex couples then even a leading gay rights advocate admits this would cost £5 billion. The Liberal Democrats passed a conference motion favouring this option of opening up both civil partnership and marriage to any two adults gay or straight. The huge cost comes from the likely uptake of civil partnerships by heterosexuals under this plan, together with the associated tax, benefits and pension rights.

**QUESTION 14:**

**DO YOU HAVE ANY COMMENTS ON THE ASSUMPTIONS OR ISSUES OUTLINED IN THIS CHAPTER ON CONSEQUENTIAL IMPACTS?**

The proposals will have an as yet unexplored and complex impact on the devolution settlements in Scotland and Northern Ireland. The Government Equalities Office has already effectively admitted that the consultation document is simply wrong in this respect.

While paragraph 2.37 says “marriage is a devolved issue and therefore the policy proposals included in this consultation will cover England and Wales only”, in a letter to the Coalition for Marriage, the Government Equalities Office has said:

> “the issue may affect those in Scotland and Northern Ireland and, as such, there is no bar on responses being submitted by those outside of England and Wales.”

In all probability this will include the UK-wide immigration and taxation systems, which according to the Impact Assessment will at the least be stripped of the words “husband” and “wife”.

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QUESTION 16:

DO YOU HAVE ANY OTHER COMMENTS ON THE PROPOSALS WITHIN THIS CONSULTATION?

The Home Secretary, in meetings with church leaders, has emphasised that the consultation is about “how” not “whether” to redefine marriage. This message was repeated by Equalities Minister Lynne Featherstone to the Liberal Democrat Conference. On the day the consultation was launched Lynne Featherstone said: “The essential question is not whether we are going to introduce same-sex civil marriage but how.” Nick Clegg, the Deputy Prime Minister, has underlined this message, saying that the Government intends to legislate before the next election in 2015. Even before consultation began the Government had already made up its mind. The inclusion of a question to ask the public what they think about the plans is a very late but welcome development. Nevertheless, there is no democratic mandate for this radical change.

APPENDIX: BRITISH SOCIAL ATTITUDES (2008)

The British Social Attitudes (BSA) found in 2008 that 63% oppose same-sex marriage when respondents were told about the existence of civil partnerships. This survey remains the largest and most statistically robust British study to date on same-sex marriage. BSA have not asked the question since their 2008 survey.

Q. About how same-sex couples should be treated in law. Which comes closest to your view … they should be allowed legally to marry OR should be allowed legally to form civil unions, but not marry OR should not be allowed to obtain legal recognition for their relationships?

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<td>(2.00) Should be allowed legally to form civil unions, but not marry</td>
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<td>3.72%</td>
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