



SEVENTH-DAY ADVENTIST CHURCH

BRITISH UNION CONFERENCE
STANBOROUGH PARK
WATFORD HERTS WD25 9JZ

Guidelines for Seventh-day Adventist Churches With Reference to the Impact of the Sexual Orientation Regulations 2007

Churches and members have been concerned with respect to the impact of the recent legislation, The Sexual Orientation Regulations 2007, on the life and work of the church. The British Union Conference has drafted the following guidelines based on information provided by The Christian Lawyers Fellowship and a presentation made by a barrister to church and institution leaders and department directors.

It is hoped that these guidelines will be helpful in understanding the regulations and the exemptions provided to churches.

The British Union Conference trusts that these guidelines will be read and used in harmony with the spirit expressed by the world Seventh-day Adventist church in its statements on these issues.

'The Seventh-day Adventist Church recognizes that every human being is valuable in the sight of God, and we seek to minister to all men and women in the spirit of Jesus. We also believe that by God's grace and through the encouragement of the community of faith, an individual may live in harmony with the principles of God's Word. . .

Seventh-day Adventists endeavour to follow the instruction and example of Jesus. He affirmed the dignity of all human beings and reached out compassionately to persons and families suffering the consequences of sin. He offered caring ministry and words of solace to struggling people, while differentiating His love for sinners from His clear teaching about sinful practices.'

'We hold that all people, no matter what their sexual orientation, are children of God. We do not condone singling out any group for scorn and derision, let alone abuse. However, it is very clear that God's Word does not countenance a homosexual lifestyle; neither has the Christian Church throughout her 2000 year history. Seventh-day Adventists believe that the biblical teaching is still valid today, because it is anchored in the very nature of humanity and God's plan at creation for marriage'.

What do the Sexual Orientation Regulations 2007 (hereafter SORs) Require?

The above regulations prohibit less favourable treatment by A of B on the grounds of B's sexual orientation with reference to the provision of goods, facilities or services. [Regulation 3 (1)].

Consequently 'it is unlawful for A concerned with the provision to the public or a section of the public of goods, facilities or services to discriminate against B who seeks to obtain or use those goods, facilities or services (a) by refusing to provide B with goods, facilities or services' [Regulation 4(4)].

They further clarify that 'it is immaterial whether or not a person charges for the provision of goods, facilities or services' [Regulation 4(4)].

The provision of goods, facilities, or services applies to:

1. Access to and use of a place which the public are permitted to enter;
2. Accommodation in a hotel, boarding house or similar establishment;
3. Facilities by way of banking, insurance or for grants, loans credit or finance;
4. Facilities for entertainment, recreation or refreshment;
5. Facilities for transport or travel;
6. The services of a profession or trade;
7. Disposal of premises.

Exemptions for Religious Organisations

The regulations [14] provide churches with an exemption from the general requirements of the SORs where it can be established that such restrictions are 'necessary to comply with the doctrine of the [church] or 'to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers'.

The world Seventh-day Adventist Church has published clear position statements with respect to where the church stands regarding its understanding of the biblical teaching on human sexuality. For reference purposes these are found in the statements on Affirmation of Marriage (1996), Seventh-day Adventist Position Statement on Homosexuality (1999) and Seventh-day Adventist Response to Same-Sex Unions--A Reaffirmation of Christian Marriage (2004). These documents can be located on the General Conference of Seventh-day Adventist web site and are attached to these guidelines as appendices.

Consequently local Seventh-day Adventist churches qualify for the exemptions under Regulation 14.

The exemption allows churches to:

1. Restrict church membership;
2. Restrict participation in activities undertaken by the church or on its behalf or under its auspices;
3. Restrict the provision of goods, facilities or services in the course of activities undertaken by the church or on its behalf or under its auspices;
4. Restrict the use of or disposal of premises owned or controlled by the church,

on the grounds of a person's sexual orientation.

The exemption relates not just to a church but also to those acting on behalf of or under the auspices of a church. So a church board, business meeting, deacons or AY/Pathfinder committee could exclude or restrict a practicing homosexual who applies for membership of the church or access to the church's activities, or a request from an organisation promoting homosexual practise for use of the church hall, without becoming liable under the SORs.

Specific exemptions for a 'Minister'

In addition to the above exemption Regulation 14 (4) also creates a specific exemption for ministers.

The term 'minister' is defined as including 'a minister of religion, or other person who (a) performs functions in connection with a religion or belief and (b) holds an office or appointment in, or is accredited, approved or recognised for purposes of, an organisation'.

In the local Seventh-day Adventist church context this would include ministerial employees, associates in pastoral care, bible workers, and local church elders.

This additional exemption allows 'ministers' to restrict participation in activities carried on in the performance of his/her functions in connection with or in respect of the church on the grounds of a person's sexual orientation. This would cover the refusal of baptism to a practicing homosexual, dedication of a child in a civil partnership as well as the obvious case of the refusal to conduct a religious civil partnership ceremony.

It will also allow them to restrict the provision of goods, facilities or services in the course of the activities carried on in the performance of their functions in connection with or in respect of the church on the grounds of a person's sexual orientation. This would cover the refusal to allow a church to be used as a venue in connection with a civil partnership ceremony.

SORs and Statements from the Pulpit

The SORs were not intended to impact on freedom of speech in relation to religion or any other form of speech. Therefore the SORs do not directly cover preaching.

Consequently it remains lawful to continue to preach that the Bible teaches that the right place for sex is within marriage and that marriage means a life-long, committed union between one man and one woman.

However, Regulation 11(1) does make it 'unlawful for a person – (a) to instruct another to discriminate unlawfully, (b) to cause or attempt to cause another to discriminate unlawfully, or (c) to induce or attempt to induce another to discriminate unlawfully'.

There is therefore the risk that the preacher who spells out to his church how to put into practice the Bible's teaching on homosexual relationships could be regarded as having instructed or induced them to discriminate against homosexuals unlawfully. For example, it would technically be illegal for the preacher to use the illustration that it is better to follow the Bible's teaching and risk being sued than to be complicit in sin by agreeing that your firm will print leaflets promoting gay pride.

The Christian Lawyers Fellowship and other groups are seeking assurances for government ministers that the SORs were not intended to restrict the freedom to preach.

SORs and Church Halls

Regulation 14 (3) (d) enables churches to retain control over the use of church halls. A church can refuse to allow a gay pride organisation to meet in its church halls.

Churches can also by virtue of the above section of the regulations refuse to let any domestic or commercial premises owned or controlled by them to a group promoting homosexual practices. The curiosity of the way in which this regulation is written is that commercial activities of a church fall within the exemption whereas the religious activities of a commercial organisation are all outside the exemption.

However, this exemption does not apply when the church is disposing of its entire interest in the property by way of sale. In such circumstances, the church must sell to whoever is the highest bidder.

Promotion of Marriage and Healing of Homosexuality

Regulation 18 provides an exemption for charities which exist specifically to serve either homosexuals or heterosexuals. Though this was intended by the legislators to preserve the rights of charities serving the gay community, this provision can also be relied upon by a charity existing to promote heterosexual marriage.

In addition Regulation 13 provides that 'nothing in these Regulations shall make it unlawful for any person to do anything by way of – (a) meeting special needs for education, training or welfare of persons on grounds of their sexual orientation, or (b) providing ancillary benefits in connection with meeting [those] needs.'

Again this regulation was devised to protect the rights of gay groups to continue to provide exclusive services to homosexuals. It is arguable, however, that it could be used by churches to run healing programmes for homosexuals who wish to change their sexual orientation on the basis that such programmes were targeted at promoting the 'welfare' of such persons.

Churches with Partnership Contract(s) with Public Authorities

Despite the exemptions given to churches and other religious organisations, these exemptions do not apply where a church or any person acting on its behalf or under its auspices is exercising a public function or is providing goods, facilities or services 'on behalf of a public authority under the terms of a contract'.

So a weekday crèche or a holiday club for children run by the church would lose its protection from the exemption under Regulation 14 if it receives funding from the local authority to expand the holiday club or crèche to provide services to the general public.

Unfortunately, as the legislation is currently worded, there is an additional danger that where a church receives state funding in respect of providing services to the public in a specific area it will also lose its protection under Regulation 14 in relation to all its other activities.

For example, if a church receives funding from the local council to run a soup kitchen, or overnight shelter etc., Regulation 14(8) implies that it will lose all the protections under Regulation 14. Although this is the legal implication of the Regulations, it is hard to believe that this is what the government intended, and it would be hoped that the powers that be would interpret the Regulation in a way that avoids them having this effect.

In many cases churches will be happy to provide goods and services to homosexuals and heterosexuals alike. It will therefore be the case that usually, should a local authority be offering funding there will not be a problem in accepting that funding.

The caveat to this is that the church must think carefully in advance of accepting any state funding as to whether there are any circumstances in which the provision of their goods and services could require unacceptable condoning, promotion or assistance of homosexual practices. At the same time it would be unwise to focus too much on hypothetical situations which are unlikely to materialise. This is a difficult balance that needs to be struck between avoiding being placed in the future in a situation which might force a choice between obeying God and obeying the law, whilst not removing goods and services which might otherwise be a blessing and witness because of the mere possibility of such a compromising situation arising. It is likely that a local authority will request a guarantee that the organisation will abide by the SORs if they are to be given funding.

Situation for Christian Organisations and Individuals

Unfortunately the exemptions which apply to churches do not extend to individual Christians or Christian businesses, such as Bed and Breakfast facilities, Hotels, Bookshops, Printing firms etc.

It is possible to discriminate on the grounds of sexual orientation in relation to letting out part of your own house (or a property you own where a close relative resides) providing that the house in question is not big enough to accommodate more than 2 'households' in addition to your own household, or more than 6 individuals in addition to your own household. This is a slight simplification of a complicated clause. There are some other criteria which must be fulfilled to qualify for this exemption, and individuals may wish to take independent advice. The letting out referred to above relates to contractual tenancy agreements. The legislation does not impinge on the more casual lodging agreements that families sometimes make with friends and acquaintances.

Appendices

- An Affirmation of Marriage (1996)
- Seventh-day Adventist Position Statement on Homosexuality (1999)
- Provisions of the Sexual Orientation Regulations 2007
- Regulation 14
- Regulation 11

Appendices

An Affirmation of Marriage

Issues related to marriage can be seen in their true light only as they are viewed against the background of the divine ideal for marriage. Marriage was divinely established in Eden and affirmed by Jesus Christ to be both monogamous and heterosexual, a lifelong union of loving companionship between a man and a woman. In the culmination of His creative activity, God fashioned humankind as male and female in His own image; and He instituted marriage, a covenant-based union of the two genders physically, emotionally, and spiritually, spoken of in Scripture as "one flesh."

Arising from the diversity of the two human genders, the oneness of marriage images in a singular way the unity within diversity of the Godhead. Throughout Scripture, the heterosexual union in marriage is elevated as a symbol of the bond between Deity and humanity. It is a human witness to God's self-giving love and covenant with His people. The harmonious affiliation of a man and a woman in marriage provides a microcosm of social unity that is time-honoured as a core ingredient of stable societies. Further, the Creator intended married sexuality not only to serve a unitive purpose, but to provide for the propagation and perpetuation of the human family. In the divine purpose, procreation springs from and is entwined with the same process whereby husband and wife may find joy, pleasure and physical completeness. It is to a husband and wife whose love has enabled them to know each other in a deep sexual bond that a child may be entrusted. Their child is a living embodiment of their oneness. The growing child thrives in the atmosphere of married love and unity in which he or she was conceived and has the benefit of a relationship with each of the natural parents.

The monogamous union in marriage of a man and a woman is affirmed as the divinely ordained foundation of the family and social life and the only morally appropriate locus of genital or related intimate sexual expression. However, the estate of marriage is not God's only plan for the meeting of human relational needs or for knowing the experience of family. Singleness and the friendship of singles are within the divine design as well. The companionship and support of friends looms in importance in both biblical testaments. The fellowship of the Church, the household of God, is available to all regardless of their married state. Scripture, however, places a solid demarcation socially and sexually between such friendship relations and marriage.

To this biblical view of marriage the Seventh-day Adventist Church adheres without reservation, believing that any lowering of this high view is to that extent a lowering of the heavenly ideal. Because marriage has been corrupted by sin, the purity and beauty of marriage as it was designed by God needs to be restored. Through an appreciation of the redemptive work of Christ and the work of His Spirit in human hearts, the original purpose of marriage may be recovered and the delightful and wholesome experience of marriage realized by a man and a woman who join their lives in the marriage covenant.

This statement was approved and voted by the General Conference of Seventh-day Adventists Administrative Committee (ADCOM) on April 23, 1996.

Seventh-day Adventist Position Statement on Homosexuality

The Seventh-day Adventist Church recognizes that every human being is valuable in the sight of God, and we seek to minister to all men and women in the spirit of Jesus. We also believe that by God's grace and through the encouragement of the community of faith, an individual may live in harmony with the principles of God's Word.

Seventh-day Adventists believe that sexual intimacy belongs only within the marital relationship of a man and a woman. This was the design established by God at creation. The Scriptures declare: "For this reason a man will leave his father and mother and be united to his wife, and they will become one flesh" (Gen. 2:24, NIV). Throughout Scripture this heterosexual pattern is affirmed. The Bible makes no accommodation for homosexual activity or relationships. Sexual acts outside the circle of a heterosexual marriage are forbidden (Lev. 20:7-21; Rom. 1:24-27; 1 Cor. 6:9-11). Jesus Christ reaffirmed the divine creation intent: "'Haven't you read,' he replied, 'that at the beginning the Creator "made them male and female," and said, "For this reason a man will leave his

father and mother and be united to his wife, and the two will become one flesh?" So they are no longer two, but one" (Matt. 19:4-6, NIV). For these reasons Adventists are opposed to homosexual practices and relationships.

Seventh-day Adventists endeavour to follow the instruction and example of Jesus. He affirmed the dignity of all human beings and reached out compassionately to persons and families suffering the consequences of sin. He offered caring ministry and words of solace to struggling people, while differentiating His love for sinners from His clear teaching about sinful practices.

This statement was voted during the Annual Council of the General Conference Executive Committee on Sunday, October 3, 1999 in Silver Spring, Maryland.

Seventh-day Adventist Response to Same-Sex Unions--A Reaffirmation of Christian Marriage

Over the past several decades the Seventh-day Adventist Church has felt it necessary to clearly state in various ways its position in regards to marriage, the family, and human sexuality. These subjects are at the heart of many pressing issues facing society. That which for centuries has been considered to be basic Christian morality in the marriage setting is now increasingly called into question, not only in secular society but within Christian churches themselves.

The institutions of family and marriage are under attack and facing growing centrifugal forces that are tearing them apart. An increasing number of nations are now debating the topic of "same-sex unions," thus making it a world issue. The public discussion has engendered strong emotions. In light of these developments, the Seventh-day Adventist Church is clearly restating its position.

We reaffirm, without hesitation, our long-standing position. As expressed in the Church's Fundamental Beliefs, "marriage was divinely established in Eden and affirmed by Jesus to be a lifelong union between a man and a woman in loving companionship."¹ Though "sin has perverted God's ideals for marriage and family," "the family tie is the closest, the most tender and sacred of any human relationship," and thus "families need to experience renewal and reformation in their relationships" (*An Affirmation of Family*, 1990).² God instituted "marriage, a covenant-based union of two genders physically, emotionally, and spiritually, spoken of in Scripture as 'one flesh.'" "The monogamous union in marriage of a man and a woman is . . . the only morally appropriate locus of genital or related intimate sexual expression." "Any lowering of this high view is to that extent a lowering of the heavenly ideal" (*An Affirmation of Marriage*, 1996).³

Homosexuality is a manifestation of the disorder and brokenness in human inclinations and relations caused by sin coming into the world. While everyone is subject to fallen human nature, "we also believe that by God's grace and through the encouragement of the community of faith, an individual may live in harmony with the principles of God's Word" (*Seventh-day Adventist Position Statement on Homosexuality*, 1999).⁴

We hold that all people, no matter what their sexual orientation, are children of God. We do not condone singling out any group for scorn and derision, let alone abuse. However, it is very clear that God's Word does not countenance a homosexual lifestyle; neither has the Christian Church throughout her 2000 year history. Seventh-day Adventists believe that the biblical teaching is still valid today, because it is anchored in the very nature of humanity and God's plan at creation for marriage.

¹ *Seventh-day Adventists Believe--A Biblical Exposition of 27 Fundamental Doctrines*, Doctrine 22 on 'Marriage and the Family.'

² Public Statement, *An Affirmation of Family*, released July 5, 1990, at the General Conference Session, Indianapolis, Indiana.

³ Statement voted by the General Conference Administrative Committee on April 23, 1996.

⁴ Statement voted by the Annual Council of the General Conference Executive Committee, October 3, 1999.

This document was approved and voted by the General Conference of Seventh-day Adventists Administrative Committee (ADCOM), March 9, 2004.

Provisions of the Sexual Orientation Regulations 2007

Regulation 14: Organisations relating to religion or belief

14. —(1) Subject to paragraphs (2) and (8) this regulation applies to an organisation the purpose of which is—

- (a) to practise a religion or belief,
- (b) to advance a religion or belief,
- (c) to teach the practice or principles of a religion or belief,
- (d) to enable persons of a religion or belief to receive any benefit, or to engage in any activity, within the framework of that religion or belief.

(2) This regulation does not apply—

- (a) to an organisation whose sole or main purpose is commercial,
- (b) in relation to regulation 7 (Educational establishments, local educational authorities, and education authorities).

(3) Nothing in these Regulations shall make it unlawful for an organisation to which this regulation applies, or for anyone acting on behalf of or under the auspices of an organisation to which this regulation applies—

- (a) to restrict membership of the organisation,
 - (b) to restrict participation in activities undertaken by the organisation or on its behalf or under its auspices,
 - (c) to restrict the provision of goods, facilities or services in the course of activities undertaken by the organisation or on its behalf or under its auspices, or
 - (d) to restrict the use or disposal of premises owned or controlled by the organisation,
- in respect of a person on the ground of his sexual orientation.

(4) Nothing in these Regulations shall make it unlawful for a minister—

- (a) to restrict participation in activities carried on in the performance of his functions in connection with or in respect of an organisation to which this regulation relates, or
 - (b) to restrict the provision of goods, facilities or services in the course of activities carried on in the performance of his functions in connection with or in respect of an organisation to which this regulation relates,
- in respect of a person on the ground of his sexual orientation.

(5) Paragraphs (3) and (4) permit a restriction only if imposed —

- (a) if it is necessary to comply with the doctrine of the organisation; or
- (b) so as to avoid conflicting with the strongly held religious convictions of a significant number of the religion's followers.

(6) In paragraph (4) the reference to a minister is a reference to a minister of religion, or other person, who —

- (a) performs functions in connection with a religion or belief to which an organisation, to which this regulation applies, relates; and
- (b) holds an office or appointment in, or is accredited, approved or recognised for purposes of, an organisation to which this regulation applies.

(7) For the purposes of paragraph (3)(d), "disposal" shall not include disposal of an interest in premises by way of sale where the interest being disposed of is the entirety of the organisation's interest in the premises, or the entirety of the interest in respect of which the organisation has power of disposal.

(8) This regulation does not apply where an organisation of the kind referred to in paragraph (1) or any person acting on its behalf or under its auspices—

- (a) makes provision of a kind referred to in regulation 4, or
- (b) exercises a function of a kind referred to in regulation 8,

on behalf of a public authority under the terms of a contract for provision of that kind between that authority and an organisation referred to in paragraph (1) or, if different, the person making that provision.

Regulation 11. —(1) It is unlawful for a person—

- (a) to instruct another to discriminate unlawfully,
- (b) to cause or attempt to cause another to discriminate unlawfully, or
- (c) to induce or attempt to induce another to discriminate unlawfully.

(2) For the purposes of paragraph (1)(c) inducement may be direct or indirect.

(3) In this regulation a reference to unlawful discrimination is a reference to discrimination which is unlawful by virtue of any of regulations 4 to 8.

(4) Proceedings in respect of a contravention of this regulation may be brought only—

- (a) by the Commission, and
- (b) in accordance with section 25 of the 2006 Act.