

The Legal Framework/ Social Position

The Adoption and Children Act 2005

There has never been a law preventing lesbian, gay or bisexual individuals from adopting children. The Adoption and Children Act 2002 now allows same-sex couples to apply for adoption jointly in England and Wales.

In November 2002, the Adoption and Children Act passed into law and for the first time allowed unmarried couples, including same-sex couples, to apply for joint adoption. Any unmarried couple, including a same-sex couple, wishing to adopt will need to be able to demonstrate that their partnership is an 'enduring family relationship'. The Adoption and Children Act came into effect on 30 December 2005.

Age of Consent 2001

From January 2001 the age of consent became equal for gay men, lesbians and heterosexuals. The age of consent for all is 16 in England, Wales and Scotland, and 17 in Northern Ireland.

Armed Forces 2000

The Labour government lifted the ban on lesbians and gay men serving in the armed forces (one of Stonewall's first and longest campaigns) on 12 January 2000 and a new general code of sexual conduct was introduced.

The Civil Partnership Act 2004

Civil partnership is a new legal relationship for lesbian and gay couples, aged 16 and over. It enables same-sex couples to gain legal recognition for their relationship. It is not 'marriage' in the religious sense of the word, but gives lesbian and gay couples the same legal benefits and responsibilities as heterosexual married couples, just like a registry office wedding.

Consequences of registration

Couples acquire a package of rights and responsibilities reflecting their commitment and helping them organise their lives together. These legal consequences follow from registration.

Rights and responsibilities include:

- Joint treatment for income-related benefits
- Joint state pension benefits
- Ability to gain parental responsibility for each other's children
- Recognition for immigration purposes
- Exemption from testifying against each other in court

Rights and responsibilities following the death of one partner include:

- Right to register the death of a partner
- Right to claim a survivor pension
- Eligibility for bereavement benefits

Source: http://www.stonewall.org.uk/information_bank, accessed 20/03/08 unless otherwise stated. Compiled by M. Casey, York Youth Service

- Compensation for fatal accidents or criminal injuries
- Recognition under inheritance and intestacy rules
- Tenancy succession rights

The Criminal Justice Act 2003

Introduced tougher sentences for offences motivated by hatred of the victim's sexual orientation (this must now be taken into account by the sentencing court as an aggravating factor, in addition to race or religious hate motivation).

Hate crime can take many forms including:

- physical attacks – such as physical assault, damage to property, offensive graffiti, neighbour disputes and arson
- threat of attack – including offensive letters, abusive or obscene telephone calls, groups hanging around to intimidate and unfounded, malicious complaints
- verbal abuse or insults - offensive leaflets and posters, abusive gestures, dumping of rubbish outside homes or through letterboxes, and bullying at school or in the workplace

Our definition of a hate crime:

- Any incident, which constitutes a criminal offence, which is perceived by the victim or any other person as being motivated by prejudice or hate.

<http://www.homeoffice.gov.uk/crime-victims/reducing-crime/hate-crime/> accessed 10 April 2008

Employment Equality (Sexual Orientation) Regulations 2003

On 1 December 2003, the Employment Equality (Sexual Orientation) Regulations 2003, which ban discrimination on the grounds of sexual orientation in employment, came into force.

New legislation provides protection to lesbian, gay and bisexual workers throughout the entire employment relationship – from recruitment to dismissal. The ban on sexual orientation discrimination applies to terms and conditions, pay, promotions, transfers, training and dismissal.

The Equality Act 2006

Part 3 of the Equality Act 2006 gives powers to outlaw discrimination on the grounds of sexual orientation in the provision of 'goods and services'. Regulations made under Part 3 came into effect on 30 April 2007 and cover public bodies as well as private, and specifically cover education.

Homophobic Bullying *Safe to Learn: Embedding anti-bullying work in schools* DCSF 2007

Source: http://www.stonewall.org.uk/information_bank, accessed 20/03/08 unless otherwise stated. Compiled by M. Casey, York Youth Service

Insurance and HIV/ AIDS

AIDS has made life and health insurance companies cautious about agreeing to insure various categories of people which insurance companies have classified as 'high-risk groups'. They wish to avoid insuring anybody who, in their view, may become infected with HIV. They have therefore developed a series of questions which they use to identify applicants they do not wish to insure, or who will have to pay higher premiums. These questions do not pay any attention to your actual behaviour and whether or not it is risky.

Voluntary agencies and the Minister of Health have pointed out that the notion of high-risk groups is misleading when applied to individuals, since it is risk behaviour and not membership of a particular category which is relevant. Attempts are being made by some voluntary groups to get insurance companies to change their practices. So far these attempts have not been successful, except for the change to questions about prior HIV tests and counselling.

Nam, <http://www.aidsmap.com/en/docs>, accessed 20/03/08

Giving Blood

Why we ask gay men not to give blood - A guide for donors

Securing the safety of the national blood supply is our number one priority. We follow strict rules and regulations when collecting and processing blood to make sure we supply the safest possible blood.

We use two main strategies to keep blood donation as safe as possible:

- 1/ Selecting 'safe' donors
- 2/ Testing every donation

Selecting 'safe' donors means that we have to ask some people not to donate their blood. This includes all men who have had sex with other men.

Why do we ask gay men not to give blood?

We ask gay men not to give blood because gay men, as a group, are known to be at an increased risk of acquiring HIV and a number of other sexually transmitted infections (STIs), many of which are carried in the blood.

It is specific behaviours, rather than being gay, which places gay men at increased risk of HIV infection. Safer sex will keep most gay men free from infection, however research shows that allowing gay men as a group to donate blood would increase the risk of HIV infected blood entering the blood supply.

UK Blood Transfusion & Tissue Transplantation Services

<http://www.transfusionguidelines.org.uk>, accessed 20/03/08

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The Repeal of Section 28

On Thursday 18 September 2003 the Local Government Bill received Royal Assent and Section 28 was finally taken off the statute books.

Section 28 of the Local Government Act 1988 prohibited local authorities in England and Wales from "promoting" homosexuality. It also labelled gay family relationships as "pretend".

The existence of Section 28 caused confusion and harm. Teachers were confused about what they could and could not say and do, and whether they could help pupils dealing with homophobic bullying and abuse. Local authorities were unclear as to what legitimate services they could provide for lesbian, gay and bisexual members of their communities.

Sexual Offences Act 2003

The Sexual Offences Act 2003 repeals the anti-gay sexual offences of buggery and gross indecency. The Act criminalises sexual behaviour that a person knew or ought to have known was likely to cause distress, alarm or offence to others in a public place. This includes sexual activity in public cruising and 'dogging' areas.