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Scottish Catholic agency will not have to consider same-sex adopters

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A Catholic adoption agency in Scotland has won an appeal that allows it to remain functioning without assessing gay couples as possible adopters and foster parents.

The ruling Friday by the Scottish Charity Appeals Panel means that Glasgow-based St. Margaret's Children and Family Care Society has become the only Catholic adoption agency in Britain to stay open as an agency operating in accordance with the teachings of the church on marriage and human sexuality.

Since passage of Britain's sexual orientation regulations in 2007, 11 English adoption agencies and one Scottish agency have either ceased their adoption services or have broken from the church to comply with laws compelling them to assess same-sex couples as potential parents to children placed for adoption or into foster care. Some agencies fought long and expensive legal battles over the issue.

But the appeals panel ruled that St. Margaret's was a fully Catholic institution bound to operate by the teaching of the Catholic church and that "indirect discrimination" against gay couples was a legally permissible consequence of its charitable work.

In a statement Friday, Archbishop Philip Tartaglia of Glasgow expressed his gratitude for the decision, which he described as "wise."

"It means that families who are ready to adopt can look forward to the future with a little more serenity, and children in great need can be placed into loving homes," he said.

A statement issued by St. Margaret's said that staff at the agency, which last year found new homes for 35 children, were "delighted and relieved" that the threat hanging over them had been lifted.

The Office of the Scottish Charity Regulator announced in January 2013 that St. Margaret's was not providing "public benefit" and must be removed from the charities register. This followed a complaint from the National Secular Society, which challenges what it calls "religious privilege."

An appeal against the regulator's decision was lodged six months later by the agency, which specializes in finding placements for difficult children and which last year was ranked in the top three best adoption agencies in the country by the British Association for Adoption and Fostering.

An 85-page ruling by the appeal panel, published Friday, concluded that St. Margaret's was not breaking the law by assessing only married couples and single people as potential foster parents and adopters.

It said the agency had "successfully shown that it was more than an adoption agency per se and that the whole purpose of what it is about is the manifestation of its religion and the religion of its members and supporters."

It said the agency was clear in its charitable purposes that its work must be "in accordance with the teaching of

the Catholic Church."

The ruling added that indirect discrimination against gay couples was permissible because it represented a "proportionate means" of obtaining a legitimate aim, allowed under the terms of the 2010 Equality Act.

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