The Gender Recognition Act 2004

1 The initial view of Scottish Government is that applicants for legal gender recognition should no longer need to produce medical evidence or evidence that they have lived in their acquired gender for a defined period. The Scottish Government proposes to bring forward legislation to introduce a self-declaratory system for legal gender recognition instead.

Agree

If you want, you can give reasons for your answer, or make comments. :

At the LGBT Switchboard we always allow people to self define their gender identity and therefore welcome this proposal to bring the law in line with our practice (which has long been viewed as best practice across the charity sector).

2 Should applicants to the proposed gender recognition system in Scotland have to provide a statutory declaration confirming they know what they are doing and intend to live in their acquired gender until death?

Yes

If you want, you can give reasons for your answer or make comments.: 

3 Should there be a limit on the number of times a person can get legal gender recognition?

No

If you want, you can give reasons for your answer or make comments.: 

4 If the Scottish Government takes forward legislation to adopt a self-declaration system for legal gender recognition, should this arrangement be open:

B. to everyone?

If you want, you can give reasons for your answer or make comments.: 

5 The Scottish Government proposes that people aged 16 and 17 should be able to apply for and obtain legal recognition of their acquired gender. Do you agree or disagree?

Agree

If you want, you can give reasons for your answer or add comments.: 

6 Which of the identified options for children under 16 do you most favour?

Option 3 – parental application

If you want, you can give reasons for your answer, add comments, or describe your preferred option if none of the options given reflects your views.: 

Whilst we broadly agree that a parental application would be the most favourable option, there are many instances where parents of transgender children do not support their transition, and actively try to stop them from accessing support. We would like an option wherein children who’s parents are not supportive are able to apply themselves.

Marriage and Civil Partnership

7 Should it be possible to apply for and obtain legal gender recognition without any need for spousal consent?

Yes

If you want, you can give reasons for your answer or add comments.: 

8 Civil partnership is only available to same sex couples. This means that the civil partners cannot remain in their civil partnership if one of them wishesto obtain a full Gender Recognition Certificate.

Yes

If you want, you can give reasons for your answer or add comments.: 

9 Should legal gender recognition stop being a ground of divorce or dissolution?
Other aspects of the 2004 Act

10 Are any changes to section 22 (prohibition on disclosure of information) necessary?

No

If you answered Yes, describe the changes you consider are needed.:

11 Should a person who has been recognised in their acquired gender under the law of another jurisdiction be automatically recognised in Scotland without having to make an application?

Yes

If you want, you can give reasons for your answer or add comments.:

Non-binary people

12 Should Scotland take action to recognise non-binary people?

Yes

If you answered No, and if you want, you can give reasons for your answer.:

Yes absolutely.

At the minute there is very little recognition for non-binary people. Non-binary people's identities are just as valid as those of trans men and trans women, and it is vital that there are steps taken to ensure they are better recognised and included in society.

13 If you answered Yes to Question 12, which of the identified options to give recognition to non-binary people do you support? You can select more than one option.


If you want, you can give reasons for your answer, add comments or, if you think none of Options 1 to 6 is suitable, describe your preferred option.:

Non-binary people should be entitled to the same fundamental right to have their identities recognised as men and women. Options 1, 3, 5 and 6 would do this.

14 At paragraph 7.26. and in Annex J we have identified the consequential legal impacts if non-binary people could obtain legal gender recognition using the proposed self-declaration system.

No

If you answered Yes, describe the impacts you have identified.:

Conclusion

15 Do you have any comments about, or evidence relevant to:

No

If you answered Yes, add your comments or evidence.:

16 Do you have any further comments about the review of the Gender Recognition Act 2004?

No

If you answered Yes, add your comments.:

About You

What is your name?

Name: [redacted]

What is your email address?
Email:

Are you responding as an individual or an organisation?
Organisation

What is your organisation?
Organisation:
Brighton & Hove LGBT Switchboard

If you are responding as an organisation and want to tell us more about your organisation’s purpose and its aims and objectives, you can do so here.

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Brighton and Hove LGBT Switchboard was founded in 1975 and has been providing services to the LGBTQ community in Brighton and beyond ever since.

Originally operating as a helpline, Switchboard has expanded over the years to include an older LGBT project, a Trans Survivors Switchboard, an LGBTQ disability project and the LGBTQ Health and Inclusion Project.

We regularly support transgender and non-binary people through our work, including our dedicated Trans Survivors helpline, supporting trans and non-binary people who are survivors of sexual violence and/or hate crime and discrimination.

In addition, our Health and Inclusion Project (LGBTQ HIP) engages with the local LGBTQ community on their healthcare and service needs in order to influence future provisions.

Where are you resident?
Rest of the UK

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference:

Publish response only (without name)