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.

Disagree

If you want, you can give reasons for your answer, or make comments.
Disregarding the need for medical evidence is an abandonment of the recognition that desiring a gender change is a psycho-somatic disorder of some kind. Furthermore, the abandonment of a two year period fails to recognise the fact that many of these decisions can indicate a confused mental state at a given time and fails to allow adequate time for such a decision to be taken responsibly.

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.
Although we are not in favour of the applications at all, it would appear negligent not to seek such a declaration.

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

Yes

If you want, you can give reasons for your answer or make comments.
To be re-assigning gender more than once is an admission that the idea is flawed to begin with.

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

C. Don't know

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?

Disagree

If you want, you can give reasons for your answer or add comments.
People of 16 years of age, while considered adults in some respects, are considered minors in others (for example, buying tobacco and alcohol, using bookmakers and voting in general election) and this decision, with such life-long and irreversible consequences, should not be an option at 16.

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

Option 1 – do nothing for children under 16

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.
If it illegal to have consensual sexual relationship with an under 16, then to reassign the gender of someone under 16 is difficult to defend from the charge of child abuse.

Marriage and Civil Partnership

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

No

If you want, you can give reasons for your answer or add comments.
It is a fundamental betrayal of the marriage covenant to change gender without consent.

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 wishes to obtain a full Gender Recognition Certificate.

Don't know
9 Should legal gender recognition stop being a ground of divorce or dissolution?

No

If you want, you can give reasons for your answer or add comments:
The person who originally married a person of a particular sex is entitled to cite gender re-assignment as a reason for divorce.

Other aspects of the 2004 Act

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

Don’t know

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?

No

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?

No

If you answered No, and if you want, you can give reasons for your answer:
The question is unfortunately phrased. Action should be taken to help such people (0.4%) but not to recognise non-binary gender.

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.

None of the above options

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:

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.

Don’t know

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

Conclusion

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

Yes

If you answered Yes, add your comments or evidence:
I am concerned at the impact of such legislation particularly on vulnerable children and, to a lesser extent, women.

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

Yes

If you answered Yes, add your comments:
Although such a consultation lends itself to an almost dispassionate approach, it is hard to believe that such changes could be contemplated let alone enacted. The physical and emotional consequences of treating sexual identity in such an arbitrary manner are potentially quite horrific. Under the guise of compassion, tolerance and inclusiveness, potential mental and physical violence is being contemplated upon those who are often vulnerable and not yet mature.

About You

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

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