ANNEX A: RESPONDENT INFORMATION FORM

Please Note this form must be completed and returned with your response.

Are you responding as an individual or an organisation?

☐ Individual
☒ Organization

Full name or organisation's name

The Association of Registrars of Scotland

Phone number

Address

Postal code

Email

Where are you resident? (please select one of the options below)

Scotland ☒ Rest of the UK ☐ Rest of the World ☐

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

☒ Publish response with name
☐ Publish response only (without name)
☐ Do not publish response

Information for organisations:

The option 'Publish response only (without name)' is available for individual respondents only. If this option is selected, the organisation name will still be published.

If you choose the option 'Do not publish response', your organisation name may still be listed as having responded to the consultation in, for example, the analysis report.
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.

AROS was established in 1865, 10 years after statutory registration began in Scotland and in May 2015 we celebrated our 150th Anniversary.

Membership is open to all Registrars and Assistant Registrars who are employed in the registration service. It is also open to retired registration staff.
Review of the Gender Recognition Act 2004
Consultation Questions

Q1. (Paragraphs 3.01 - 3.29)

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-declaration system for legal gender recognition instead.

Do you agree or disagree with this proposal?

Agree   □ □ □ □  Disagree □ □ □ □  Don’t know □ □ □ □

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


Q2. (Paragraphs 3.30 – 3.34)

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 □ □ □ □  No □ □ □ □  Don’t know □ □ □ □

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

No comment

Q3. (Paragraphs 3.35 – 3.39)

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

Yes □ □ □ □  No □ □ □ □  Don’t know □ □ □ □

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

In order to administer timeously it may be necessary to attach a limit to number of times a person can get legal gender recognition. This can match existing procedures that currently exist under registration law i.e. change of name.
Q4. (Paragraphs 3.40 – 3.47)

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

(A) only to people whose birth or adoption was registered in Scotland, or who are resident in Scotland?
(B) to everyone?
(C) Don’t know

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

No comment

Q5 (Paragraphs 4.04 - 4.07)

(This question relates to the reduction of the minimum age of applicants for legal gender recognition to those aged 16 and over from the current age of 18. Question 6 will ask your views on the options for people younger than 16).

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

Agree X Disagree Don’t know

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

Sixteen is a recognised minimum age for other areas of Registration law

Q6. (Paragraphs 4.08 – 4.41)

Which of the identified options for children under 16 do you most favour? (Please select only one answer).

Option 1 – do nothing for children under 16
Option 2 - court process
Option 3 - parental application
Option 4 – minimum age of 12
Option 5 – applications by capable children
None of these options

No comment
Q7. *(Paragraphs 5.01 – 5.08)*

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

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
</tr>
</thead>
</table>

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

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Q8. *(Paragraphs 5.10 – 5.16)*

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

Should they instead be allowed to remain in their civil partnership? This would mean that a woman and a man would be in the civil partnership.

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
</tr>
</thead>
</table>

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

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Q9. *(Paragraphs 5.17 – 5.21)*

Should legal gender recognition stop being a ground of divorce or dissolution?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
<th>Don’t know</th>
</tr>
</thead>
</table>

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

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Q10. *(Paragraphs 6.01 – 6.06)*

Are any changes to section 22 (prohibition on disclosure of information) necessary?
Q11 *(Paragraphs 6.23 – 6.31)*

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 □ ☐ ☑ No □ ☐ ☑ Don’t know □ ☐ ☑

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

No comment

Q12 *(Paragraphs 7.01. – 7.06.)*

Should Scotland take action to recognise non-binary people?

Yes □ ☐ ☑ No □ ☐ ☑ Don’t know □ ☐ ☑

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

Q13. *(Paragraphs 7.08. – 7.41.)*

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).

| Option 1: Changes to administrative forms □ | X |
|Option 2: Book of Non-binary Identity □ | |
|Option 3: Limited document changes □ | |
|Option 4: Full recognition using proposed self-declaration system □ | X |
|Option 5: Incremental approach □ | |
|Option 6: Amendment of the Equality Act 2010 □ | |
|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 5 is suitable, describe your preferred option.
Q14

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.

Are you aware of other impacts we have not identified?

Yes [ ] No [ ] Don't know [ ]

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

No comment

Q15. (Paragraphs 8.01. – 8.06.)

Do you have any comments about, or evidence relevant to:
(a) the partial Business and Regulatory Impact Assessment;
(b) the partial Equality Impact Assessment;
(c) partial Child Rights and Wellbeing Impact Assessment; or
(d) the partial Privacy Impact Assessment?

Yes [ ] No [ ] Don't know [ ]

If you answered Yes, add your comments or evidence.

No comment

Q16.

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

Yes [X] No [ ]

If you answered Yes, add your comments.

The Association of Registrars for Scotland is in favour of the self declaration system for gender recognition.
We are happy to take direction from the National Records of Scotland to assist in administering any proposals that impact on registration duties/law.