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. :
Changing recognition of gender is a serious matter. Making the process so easy would trivialise the issue and could give a means by which people of ill intent (especially paedophiles) could use a change of gender recognition as a means to weave into places they would otherwise me prohibited. Existing legislation already provides for gender change subject to checks and balances, and is quite sufficient.

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?

Don't know

If you want, you can give reasons for your answer or make comments. :
On the one hand, I would support a substantial period of reflection, should the proposed legislation be making it easier to change gender. On the other hand I do not believe that it should be impossible for someone who has changed gender to return to their biological gender at a later point in life, should they at that point regret the change they had earlier made.

A legal no-return clause could lead to a potential condition of torment later in life, especially if the new legislation makes it easier to change gender at an earlier age.

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. :
Unlimited changes would undoubtedly trivialise gender change, however, as stated in my answer to Question 3, a limit of zero, would be cruel. I'd suggest a limit of two, allowing room for a mistaken decision to be reversed.

4  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?

If you want, you can give reasons for your answer or make comments. :
If the proposed changes to the legislation (which I am not in favour of) were to be made in Scotland, they should only apply to Scottish people, otherwise people from the rest of the UK and, indeed beyond, could potentially 'use' Scotland and pose a drain on our services to achieve something which does not benefit Scotland in return. As a Scottish taxpayer, I would view this as a foolish misuse of scarce national resources.

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. Doyou agree or disagree?

Disagree

If you want, you can give reasons for your answer or add comments. :
I strongly disagree - it's well documented that 16 & 17 year olds are still in the stages of development - indeed Article 1 of the United Nations Convention on the Rights of the Child states: "For the purposes of the present Convention, a child means every human being below the age of 18 years unless under the law applicable to the child, majority is attained earlier." It also recommends that no one under 18 is allowed to serve in active military service etc. If the Convention regards 16 & 17 year olds as children, we should beware of opening up permanent gender change, without medial or parental approval.

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. :
Evidence shows that children do not have the ability to make lifelong decisions such as a change of gender. Providing the legal option creates immense confusion and leaves children prone to pressure and even abuse from adults who encourage them is a certain direction - as we all know, children are impressionable!
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:
This is an absolutely crucial question - it's unthinkable that a marriage partner would essentially be forced into a position of becoming a same-sex partner, or opposite sex partner, against their will and consent. The marriage would be 'unwritten' or at least completely redefined or could be regarded as annulled, especially in many religious contexts.

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.

Yes

If you want, you can give reasons for your answer or add comments:
It has always been a gender anomaly that Civil Partnerships are only available for same-sex couples. This would require that they be made equal for both contexts.

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:
In reference to Question 7, if a spouse's consent is required, as I advocate, this question is irrelevant.

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:
It gets mighty complicated when people have a right to regularly change their recognition - across a wide range of matters - marriage, modesty, etc.

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:

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.

Not Answered

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:
Existing legislation protects and safeguards society. Proposed legislation appears to remove many of those safeguards with impact on many areas of ordinary life and business. The consequential potential for serious harm and offence to individuals and groups in the community is very concerning.
Do you have any further comments about the review of the Gender Recognition Act 2004?

Yes

If you answered Yes, add your comments:
As already stated, the proposals being aired raise serious concerns in legal, moral and societal levels. I am an experienced professional working over the last couple of decades with Scottish people in many sections of society and I can envisage a minefield should the government decide to go ahead with these proposals. With existing legislation already providing for gender change, I recommend better clarification and education of the current situation, rather than jumping in to legalise drastic new provisions.

About You

What is your name?
Name: Mark Smith

What is your email address?
Email: 

Are you responding as an individual or an organisation?
Organisation

What is your organisation?
Organisation: The River of Life Church

We are a contemporary Church, with effective and open-minded outreach programmes in our local community. We are recognised as a valuable social resource by many local professionals as well as the wider community.

Our ministry to less privileged people often brings us into contact with people suffering from social and physical deprivation. We work hard to help people through a range of pastoral services.

Like most Churches we also provide institutional services such as funerals, naming ceremonies and weddings - in fact we conducted over 400 marriages last year, for people from all backgrounds!

Where are you resident?
Scotland

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

Publish response with name