

Equalities, Human Rights and Civil Justice Committee

15th Meeting, 2022 (Session 6), Tuesday 24 May 2022

Gender Recognition Reform (Scotland) Bill

Note by the Clerk

Introduction

1. [The Gender Recognition Reform \(Scotland\) Bill](#) was introduced in the Parliament by the Cabinet Secretary for Social Justice, Housing and Local Government, Shona Robison MSP on 2 March 2022 and referred to the Equalities, Human Rights and Civil Justice Committee.
2. The Bill and accompanying documents can be accessed [here](#).
3. The Bill amends the [Gender Recognition Act 2004](#) to reform the grounds and procedure for obtaining legal gender recognition. The process under the GRA has been in place since 2005. Applicants must either have been born in Scotland or be ordinarily resident here.
4. The key differences between the current procedure and those provided in the Bill are:
 - The removal of the requirement for applicants to have a diagnosis of gender dysphoria and the removal of the requirement for medical reports;
 - A reduction in the period for which an applicant must live in their acquired gender before submitting an application from two years to three months;
 - The introduction of a mandatory three-month reflection period;
 - The removal of the Gender Recognition Panel (GRP). Applications will be made instead to the Registrar General for Scotland; and
 - A reduction in the minimum age for applicants from 18 to 16.
5. The Bill also creates a specific offence of knowingly making a false statutory declaration in an application for a GRC and creates an offence of knowingly including information which is false.
6. According to the Scottish Government's [policy memorandum](#), the Bill will simplify and improve the process in Scotland for those applying for legal gender recognition. It believes the current system can have an adverse impact on applicants due to the requirement for a medical diagnosis and supporting evidence.

Background

7. The Scottish Government undertook two separate consultations. The first ran from 9 November 2017 to 1 March 2018. It sought views on areas including reducing the minimum age of applicants and removing medical requirements.
8. The second consultation on the draft bill ran from 17 December 2019 to 17 March 2020. It sought views on areas including the requirement for applicants to live in their acquired gender for three months and on the three-month reflection period.

Approach to Stage 1 consideration

9. At its meeting on 15 March 2022, the Committee agreed its approach to Stage 1 scrutiny of the Bill. It began taking oral evidence on 17 May 2022 and will continue taking evidence throughout May and June.

Oral evidence

10. At its meeting on [Tuesday 17 May](#), the Committee heard from
 - Vic Valentine, Scottish Trans Manager, Scottish Trans Alliance & Equality Network, Dr Mhairi Crawford, Chief Executive, LGBT Youth Scotland, Colin Macfarlane, Director, Stonewall Scotland and then from Alasdair MacDonald, Director of Policy and Human Rights Monitoring and Melanie Field, Chief Strategy and Policy Officer, Equality and Human Rights Commission (EHRC).
11. At today's meeting the Committee's scrutiny will focus firstly on children and young people and then on the impact of the Bill on sport. It will hear from:
 - Bruce Adamson, Children and Young People's Commissioner; Ellie Gomersall, President Elect, National Union of Students (NUS) and then from Hugh Torrance, Executive Director, LEAP Sports Scotland and Malcolm Dingwall-Smith, Strategic Partnerships Manager, sportscotland.
12. The meeting will be held in hybrid format. Members of the public can watch the evidence session live on the Scottish Parliament TV website from 10.00am on Tuesday 17 May.

<https://www.scottishparliament.tv/>
13. Following this evidence session, the Committee will consider the evidence received as part of the Stage 1 scrutiny of the Bill.

Written evidence

14. The Committee issued two [call for views](#) on the Bill. The first in the form of a survey for individual respondents and the second, where individuals or organisations could provide a more detailed response. The Calls for Views closed on 16 May 2022. Written submissions will be published shortly on the Committee's [webpage](#).
15. A [SPICe briefing](#) setting out further detail on the Bill was published on 10 March 2022.

Next steps

16. The Committee is due to report to the Parliament on the general principles of the Bill later this year.

Clerks to the Committee
May 2022