

# Scottish Government Review- Gender Recognition law and non- binary people

Presentation by Sarah Duncan,  
Scottish Government

## Manifesto Commitment

Scottish Government commitment to-

*“review and reform gender recognition law, so it’s in line with international best practice for people who are transgender or intersex”.*

## Timescales and current position

- Scottish Government Fairer Scotland Action Plan - public consultation by summer 2017 with new arrangements in place by 2020.
- SG is currently looking at legislation in other countries.



## Current Requirements- Standard Track

1

- Must be 18 or over

2

- Have or have had a diagnosis of gender dysphoria and produce medical/psychological reports

3

- Live in the acquired gender for 2 years before applying

4

- Make a declaration that they intend to live in acquired gender until death

## Effect of obtaining recognition

Section 9 of the 2004 Act provides:

*“where a full gender recognition certificate is issued to a person, the person’s gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person’s sex becomes that of a man and, if it is the female gender, the person’s sex becomes that of a woman).”*

## Effect of obtaining recognition- registers

If person born in Scotland, the Registrar General must-

- make an entry in the Gender Recognition Register;  
and
- provide the person with a birth certificate reflecting the acquired gender.

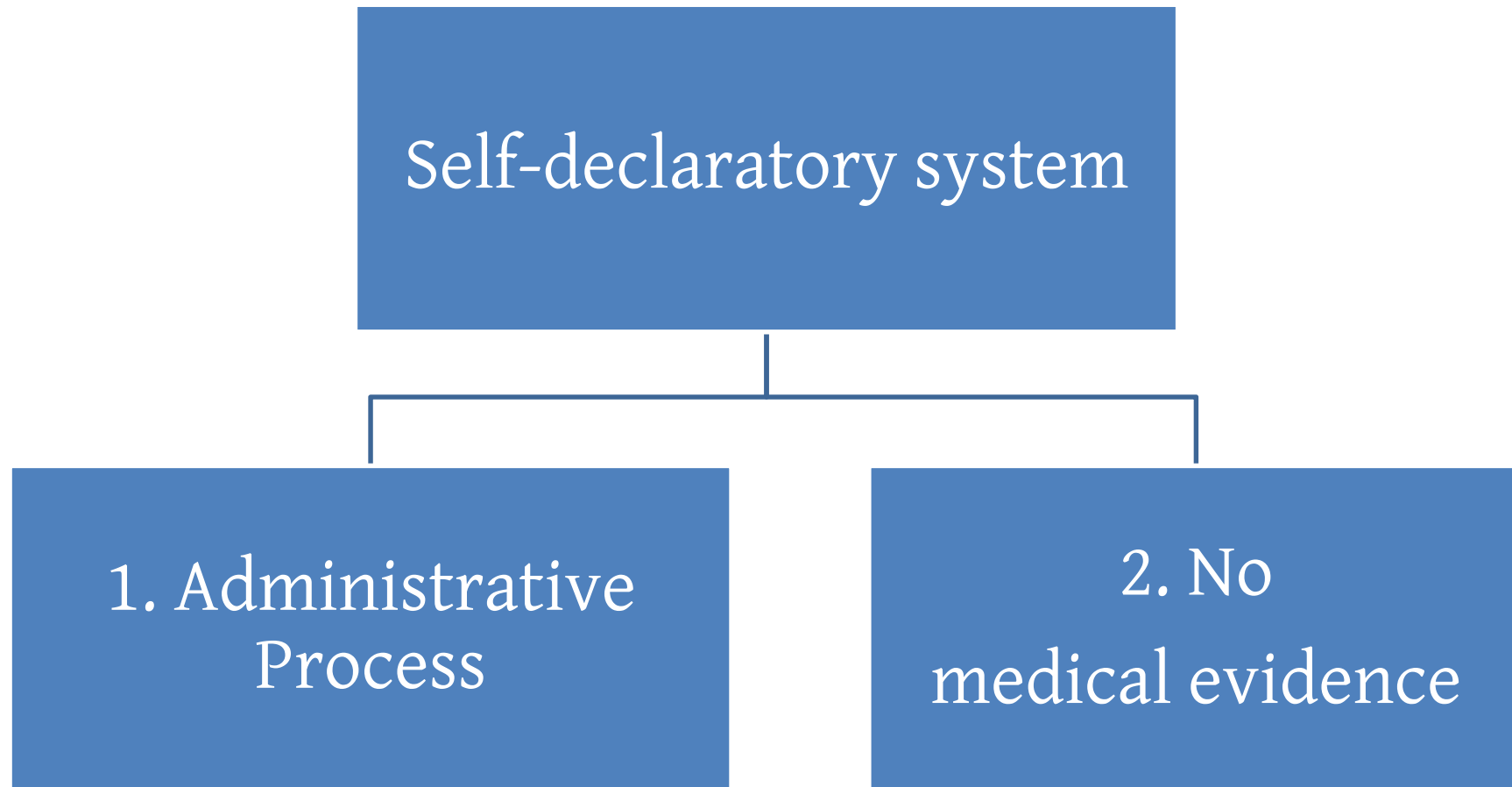
## Effect of obtaining recognition- registers

If the person was married in Scotland, the Registrar General can, on request-

- make arrangements for a new marriage certificate to be issued reflecting the acquired gender.



## What are the *likely* changes in Scotland?







## Questions for Scottish Ministers

Age of  
applicants?

Intersex  
People?

Non-binary  
People?

Opposite Sex  
Civil  
Partnerships?

Married  
people?

## Non-binary people

Scottish Transgender Alliance want Scotland to

**“Introduce legal recognition for people who do not identify as men or women. The law should be improved to provide legal recognition and identity documents to people who identify as other than men or women.”**

## Non-binary people- potential options?

- Option 1- allow birth register to show non-binary status following legal recognition
- Option 2- Book of Non-Binary Recognition
- Option 3- Review of official forms (passports for UK Parliament)
- Option 4- Change discrimination law (equal opportunities largely for UK Parliament)
- Option 5- incremental change

# Questions?

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