



# **DÁIL ÉIREANN**

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## **AN BILLE UM INSCNE A AITHINT, 2014 GENDER RECOGNITION BILL 2014**

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# DÁIL ÉIREANN

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## AN BILLE UM INSCNE A AITHINT, 2014 —ROGHFHOCHOISTE

### GENDER RECOGNITION BILL 2014 —SELECT SUB-COMMITTEE

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#### *Leasuithe Amendments*

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#### SECTION 2

1. In page 5, to delete line 20.

—Willie O'Dea.

2. In page 5, line 25, to delete “Circuit” and substitute “District”.

—Aengus Ó Snodaigh.

3. In page 5, to delete lines 26 to 28.

—Willie O'Dea.

4. In page 6, between lines 2 and 3, to insert the following:

“ “general medical practitioner” means a medical practitioner who is registered in the Specialist Division of the register of medical practitioners under the medical speciality of “General Practice” or in the General Division of the register of medical practitioners;”.

—Joan Collins.

5. In page 6, to delete lines 3 to 6.

—Willie O'Dea.

6. In page 6, to delete lines 14 to 21.

—Willie O'Dea.

7. In page 6, line 14, after “treating” where it secondly occurs to insert “general medical practitioner or”.

—Joan Collins.

#### SECTION 6

8. In page 7, between lines 19 and 20, to insert the following:

“(3) A report prepared in accordance with *subsection (2)* shall not identify a person who has made an application under *Part 2* or otherwise provide information that would allow such a person to be identified.”.

—Joan Collins.

[SECTION 7]

SECTION 7

9. In page 7, between lines 19 and 20, to insert the following:

**“Review of Operation of Act**

7. The Minister shall, not later than 2 years after the date on which this Act is enacted, and again not later than 5 years after that date, carry out a review of the operation of this Act assessing, in particular, its consistency with international best practice in the field of gender recognition and its compliance with national, regional and international equality and human rights standards, and shall make a report to each House of the Oireachtas of his or her findings and conclusions resulting from the review.”.

—Aengus Ó Snodaigh.

[*Acceptance of this amendment involves the deletion of section 7 of the Bill*]

SECTION 8

10. In page 8, between lines 23 and 24, to insert the following:

“(8) Notwithstanding the provisions of this Act, and in particular notwithstanding *section 9(1)(g), section 11(4)(b), section 11(4)(c)* and *section 14(8)(d)(iii)*, a person who makes an application under *section 8, section 10, section 11* or *section 14* shall not be required to provide any evidence or proof of a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychiatric, psychological or medical treatment as a precondition to obtaining the certificate referred to in *section 9(1)(g), section 11(4)(b), section 11(4)(c)* or *section 14(8)(d)(iii)*, or as a precondition to obtaining a gender recognition certificate.”.

—Joan Collins.

SECTION 9

11. In page 9, line 18, to delete “18 years” and substitute “16 years”.

—Aengus Ó Snodaigh, Joan Collins.

12. In page 9, to delete line 20.

—Aengus Ó Snodaigh, Joan Collins.

13. In page 9, line 21, to delete “*section 10* or *11.*” and substitute the following:

“*section 10* or *11*, provided that *paragraph (b)* shall cease to have effect in respect of an applicant who is in an existing marriage or civil partnership where either:

- (i) an Act to Amend the Constitution is passed the effect of which is to permit two persons of the same gender to marry or to allow or require the Oireachtas to pass legislation the effect of which is to permit two persons of the same gender to marry, or
  - (ii) an Act of the Oireachtas is passed the effect of which is to permit two persons of the same gender to marry,
- whichever is earlier.”.

[SECTION 9]

—Joan Collins.

SECTION 10

14. In page 9, to delete lines 36 and 37, and in page 10, to delete lines 1 to 4.

—Willie O'Dea.

15. In page 9, to delete line 37.

—Aengus Ó Snodaigh, Joan Collins.

16. In page 10, line 4, to delete “free will;” and substitute the following:

“free will, provided that *subparagraph (i)* shall cease to have effect in respect of an applicant who is in an existing marriage or civil partnership where either:

- (I) an Act to Amend the Constitution is passed the effect of which is to permit two persons of the same gender to marry or to allow or require the Oireachtas to pass legislation the effect of which is to permit two persons of the same gender to marry, or
- (II) an Act of the Oireachtas is passed the effect of which is to permit two persons of the same gender to marry

whichever is earlier.”.

—Joan Collins.

17. In page 10, to delete lines 5 to 12.

—Aengus Ó Snodaigh, Joan Collins, Willie O'Dea.

18. In page 10, between lines 12 and 13, to insert the following:

“(2) Notwithstanding the provisions of this Act, a person who makes an application under *section 8, section 10, section 11 or section 14* shall not be required to provide any evidence or proof of a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychiatric, psychological or medical treatment as a precondition to obtaining the certificate referred to in this Act or as a precondition to obtaining a gender recognition certificate.”.

—Aengus Ó Snodaigh.

19. In page 10, line 12, after “gender” to insert the following:

“provided always that the applicant shall not be required to provide evidence or proof of a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychiatric, psychological or medical treatment to make use of the right to apply for a gender recognition certificate or to seek revocation of a gender recognition certificate”.

—Joan Collins.

[SECTION 10]

20. In page 10, between lines 14 and 15, to insert the following:

“(3) For the avoidance of any doubt, where a person applies for a gender recognition certificate under this Act, it shall not be necessary for the applicant to prove or provide evidence that a surgical procedure for total or partial genital reassignment, hormonal therapies or any other psychological or medical treatment has taken place.”.

—Joan Collins.

SECTION 11

21. In page 10, to delete line 21.

—Joan Collins.

SECTION 12

22. In page 11, lines 2 to 12, to delete all words from and including “(1) The” in line 2 down to and including line 12 and substitute the following:

“(1) The Minister may only consider an application for a gender recognition certificate under *section 8* or *11* or for revocation of a gender recognition certificate under *section 15*, made on behalf of a child under the age of 16 if furnished with an order under this section.

(2) The court, on application to it in that behalf by the next friend of a child who is under the age of 16, may by order exempt the child from the requirement to comply with *section 9(2)(a)* or *15(8)(b)*.”.

—Aengus Ó Snodaigh.

23. In page 11, line 4, to delete “who has attained the age of 16 but not 18 years”.

—Joan Collins.

24. In page 11, lines 6 and 7, to delete “who has attained the age of 16 but not 18 years”.

—Joan Collins.

25. In page 11, to delete lines 13 to 38 and in page 12, to delete lines 1 to 18, and substitute the following:

“(4) A court shall grant an application under this section if—

(a) subject to *subsection (5)*, the court is satisfied that, as appropriate, the child’s parent or parents, surviving parent or guardian consent or consents to the making of the application under this section,

(b) the court is satisfied that—

(i) the child has attained a sufficient degree of maturity and capacity to make the decision to apply for gender recognition,

(ii) the child is aware of, has considered and fully understands the consequences of that decision, and

(iii) the child’s decision is freely and independently made without duress or undue influence from another person,

[SECTION 12]

- (c) the court has been furnished with a certificate in writing of a medical practitioner certifying—
  - (i) that he or she is the applicant’s primary treating medical practitioner,
  - (ii) that in the professional opinion of the medical practitioner—
    - (I) the applicant has transitioned or is transitioning to his or her preferred gender, and
    - (II) the medical practitioner is satisfied that the applicant fully understands the consequences of his or her decision to live permanently in his or her preferred gender.
- (5) In any application before a court under this Act for the purposes of granting an exemption from the requirement to comply with *sections 8(2)(a) or 14(8)(b)*, the court, having regard to the rights and duties of parents, whether under the Constitution or otherwise, shall—
  - (a) regard the best interests of the child as the first and paramount consideration, and
  - (b) in so far as practicable, give due consideration, having regard to his or her maturity and capacity, to the wishes of the child.
- (6) The court may make an order dispensing with the need for the consent of a person or persons referred to in *subsection (4)(a)* in the following circumstances:
  - (a) where the person or persons referred to in *subsection (4)(a)* cannot be identified or found;
  - (b) where the person or persons referred to in *subsection (4)(a)* is neglecting or failing to respond to a request for consent;
  - (c) where the nature of the relationship between the child concerned and the person or persons referred to in *subsection (4)(a)* is such that it would not be in the best interests of the child to contact that person;
  - (d) where the consent has been unreasonably withheld; or
  - (e) where the consent of one person referred to in *subsection (4)(a)* has already been obtained.
- (7) Where the court is of the view that it serves the child’s best interests to do so, the court may make an order dispensing with the need for the consent of a person or persons referred to in *subsection (4)(a)*.”.

—Joan Collins.

**26.** In page 11, to delete lines 17 to 38, and in page 12, to delete lines 1 to 11.

—Aengus Ó Snodaigh.

**27.** In page 11, to delete lines 29 to 32.

—Joan Collins.

[SECTION 12]

28. In page 12, line 7, to delete “from” and substitute “with”.

—Joan Collins.

29. In page 12, to delete lines 8 to 11.

—Joan Collins.

30. In page 12, line 15, after “consent” to insert “or refuses to give their consent to the request”.

—Aengus Ó Snodaigh.

31. In page 12, to delete lines 19 and 20 and substitute the following:

“(6) In any application before a court under this Act for the purposes of granting an exemption from the requirement to comply with *sections 8(2)(a) or 14(8)(b)*, the court, having regard to the rights and duties of parents, whether under the Constitution or otherwise, shall—

(a) regard the best interests of the child as the first and paramount consideration, and

(b) in so far as practicable, give due consideration, having regard to the child’s maturity and capacity, to the wishes of the child.”.

—Joan Collins.

32. In page 12, between lines 20 and 21, to insert the following:

“(7) Notwithstanding *subsection (4)*, a court may, on application to it in respect of a person under the age of 16, by order exempt the person from the application of *section 8(2)(a)* as to age, provided that the Court is satisfied, given the particular and exceptional circumstances of the person in respect of whom the application is made, that the granting of an exemption is manifestly in the best interests of the person.

(8) Where a court grants an exemption under *subsection (7)*, a guardian of a child to whom the exemption applies may make an application under *section 7* on behalf of the child.”.

—Joan Collins.

SECTION 13

33. In page 12, between lines 26 and 27, to insert the following:

**“Interim Gender Recognition Certificate**

13. (1) In this section—

“educational institution” means a school, college or other educational institution, including an institution providing pre-school services as defined by Part VI of the Child Care Act 1991;

“identified gender” means the gender in which the person to whom this section applies identifies;

“person to whom this section applies” is a child under the age of 18 in respect of

[SECTION 13]

whom a gender recognition certificate has not been issued.

- (2) The parent or guardian of a person to whom this section applies may, on behalf of that person, apply to the Minister for an interim gender recognition certificate.
- (3) The Minister shall grant an interim gender recognition certificate if satisfied that the person to whom this section applies identifies as a person of a gender different from that listed in the relevant entry in the register of births made in respect of that person.
- (4) In determining whether a person should be granted an interim gender recognition certificate, the Minister shall have regard, in so far as is practicable, to the wishes of that person.
- (5) Where the Minister has granted an interim gender recognition certificate in respect of a person to whom this section applies, and where the person is a pupil at an educational institution, the educational institution shall permit (but not require) the person to—
  - (a) be admitted to and attend an educational institution reserved to pupils of one gender only where that gender is the person's identified gender;
  - (b) use the name and gender designation listed on the interim gender recognition certificate;
  - (c) wear such uniform or other clothing as is appropriate to the person's identified gender;
  - (d) use the bathroom and changing facilities at that school, college or educational institution appropriate to his or her identified gender, provided always that such facilities are as safe as can reasonably be expected for use for that person; and
  - (e) participate in sporting activities appropriate to a person of the identified gender.
- (6) For the avoidance of any doubt, this section does not prevent or exempt any person from taking steps in respect of a person to whom this section applies where the person in respect of whom this section applies has not been issued with an interim gender recognition certificate.
- (7) The issue of an interim gender recognition certificate to a person in accordance with this section does not—
  - (a) confer any right or entitlement on the person that is not connected with the purposes of this section, or
  - (b) affect any right, entitlement, duty or obligation arising under statute or otherwise.
- (8) An interim gender recognition certificate issued under this section shall continue to be legally effective notwithstanding the fact that the person to whom this section applies has reached the age of 18.
- (9) A person in respect of whom the Minister has issued an interim gender recognition certificate may, if otherwise eligible to do so, apply for a gender recognition certificate notwithstanding the fact that he or she holds an interim gender recognition certificate, provided that the interim gender recognition certificate shall cease to have

[SECTION 13]

legal effect on the granting to that person of a gender recognition certificate.

- (10) The Minister, by regulations under this Act, shall specify the particulars to be included in an interim gender recognition certificate.”.

—Joan Collins.

34. In page 12, between lines 26 and 27, to insert the following:

**“Register of Interim Gender Recognition Certificates**

14. (1) The Minister shall maintain a Register of Interim Gender Recognition Certificates (known in this section as the “register”).
- (2) In the register, the Minister shall record such particulars as shall be designated by regulations made by the Minister for the purpose of this section.
- (3) For the purpose of *subsection (2)*, such particulars shall include—
- (a) the full name, date of birth and sex of the person as recorded in the Register of Births;
  - (b) where the person has changed his or her name by deed poll, that name;
  - (c) the name by which the person is normally known if different from both *paragraphs (a) and (b)*;
  - (d) the preferred name of the person if different from *paragraphs (a), (b) or (c)*;
  - (e) the identified gender of the person; and
  - (f) the home address of the person.
- (4) The register shall not be open to public inspection and no information from that register shall be given to any person (other than the person to whom *section 13\** applies or a parent or guardian of that person, where the information relates specifically to that person) except by order of a court.”.

—Joan Collins.

[\*This is a reference to the section proposed to be inserted by amendment No. 33.]

35. In page 12, between lines 26 and 27, to insert the following:

**“Revocation of an Interim Gender Recognition Certificate**

15. (1) The Minister may revoke an interim gender recognition certificate issued under *section 13\** but only—
- (a) on receipt of a request from the parent or guardian of a person in respect of whom an interim gender recognition certificate has been issued;
  - (b) on receipt of a request from the person in respect of whom an interim gender recognition certificate has been issued, where the Minister is satisfied that the person is of sufficient age and understanding;

[SECTION 13]

- (c) where the Minister is satisfied that he or she would not have issued the certificate under *section 13\** had he or she been aware of information or facts before deciding to issue the certificate which since that issue have been brought to his or her notice.
- (2) Where the Minister proposes to revoke an interim gender recognition certificate under *section 1(d)*, the provisions of *section 13* and *section 16* shall apply to the proposed revocation and for this purpose any reference in *section 13\** or *section 16* to a gender recognition certificate shall be taken as referring to an interim gender recognition certificate.
- (3) In determining whether a to revoke an interim gender recognition certificate, the Minister shall have regard, in so far as is practicable, to the wishes of the person in respect of whom the certificate was issued.
- (4) An interim gender recognition certificate revoked under *subsection (1)(a)* or *(b)* shall be deemed to be valid up until the date of revocation but invalid and of no legal effect from that date forward.
- (5) An interim gender recognition certificate revoked under *subsection (1)(c)* shall be deemed always to have been void and of no effect.”.

—Joan Collins.

[\*This is a reference to the section proposed to be inserted by amendment No. 33.]

**36.** In page 12, to delete line 32 and substitute the following:

“(c) an indication of the person’s gender using the abbreviations M (male), F (female) or X (indeterminate/unspecified/intersex).”.

—Aengus Ó Snodaigh.

SECTION 15

**37.** In page 15, to delete lines 14 to 36.

—Willie O'Dea.

**38.** In page 15, to delete lines 19 to 27 and substitute the following:

- (c) who has a settled and solemn intention of living in his or her original gender for the rest of his or her life,
- (d) who understands the consequences of the application, and
- (e) who makes the application of his or her free will;”.

—Joan Collins.

**39.** In page 15, to delete line 19.

—Aengus Ó Snodaigh.

[SECTION 15]

40. In page 15, to delete line 23.

—Aengus Ó Snodaigh.

41. In page 15, to delete lines 28 to 36.

—Aengus Ó Snodaigh, Joan Collins.

SECTION 18

42. In page 19, lines 5 to 7, to delete all words from and including “so” in line 5 down to and including “woman” in line 7.

—Aengus Ó Snodaigh.

43. In page 19, to delete lines 12 to 19.

—Aengus Ó Snodaigh.

SECTION 19

44. In page 19, line 32, to delete “the father or mother” and substitute “parent”.

—Aengus Ó Snodaigh.

SECTION 27

45. In page 23, between lines 18 and 19, to insert the following:

“(6) A certified copy, a copy or a certified extract of an entry in the register of gender recognition shall not disclose the fact that the entry is contained in the register of gender recognition.”.

—Joan Collins.

SECTION 36

46. In page 29, line 8, to delete “or” where it secondly occurs.

—Joan Collins.

47. In page 29, line 10, to delete “excuse.” and substitute the following:

“excuse, or

- (c) discloses confidential information regarding a person who has applied for or has been granted a gender recognition certificate without the consent of that person except where permitted or required by law.”.

—Joan Collins.

SECTION 37

48. In page 29, between lines 13 and 14, to insert the following:

**“Offence of disclosing information contained in a Gender Recognition Certificate**

37. (1) It shall be an offence for a person who has acquired protected information concerning a person’s gender in an official capacity to disclose the information to any other person.

[SECTION 37]

- (2) “Protected information” means information which relates to a person who has had their recorded sex changed, or made an application to have it changed and concerns either that application or the information changed or concerns the person’s previous recorded sex.
- (3) A person acquires protected information in an official capacity if the person acquires it—
- (a) in connection with the person’s functions as a member of the civil service, a member of An Garda Síochána or the holder of any other public office or in connection with the functions of a local authority, or statutory body, or of a voluntary organisation,
  - (b) as an employer, or prospective employer, of the person to whom the information relates or as a person employed by such an employer or prospective employer, or
  - (c) in the course of, or otherwise in connection with, the conduct of business or the supply of professional services.
- (4) It shall not be an offence under this section to disclose protected information relating to a person if—
- (a) the information does not enable that person to be identified,
  - (b) that person has agreed to the disclosure of the information,
  - (c) the information is protected information by virtue of *subsection (2)* and the person by whom the disclosure is made does not know or believe that a full gender recognition certificate has been issued,
  - (d) the disclosure is in accordance with an order of a court,
  - (e) the disclosure is for the purpose of instituting, or otherwise for the purposes of, proceedings before a court,
  - (f) the disclosure is for the purpose of preventing or investigating crime, or to the National Vetting Bureau,
  - (g) the disclosure is made to the Registrar General,
  - (h) the disclosure is made for the purposes of the operation of payments administered by the Department of Social Protection,
  - (i) the disclosure is required by law.”.

—Aengus Ó Snodaigh.

[NEW SECTION]

NEW SECTION

49. In page 30, after line 1, to insert the following:

**“Use of public bathroom facilities**

39. (1) Without prejudice to the generality of *section 17* or to the provisions of the Equal Status Acts 2000 to 2011, where public bathroom facilities are assigned based on gender, a person to whom this section applies may use the public bathroom facilities allocated to the gender that is the same as his or her preferred gender.

(2) In this section—

“public bathroom facilities” means a toilet, bathroom or similar facility that is made available for use by members of the public, or that is located in a place that is open to the public, whether for a fee or otherwise;

“a person to whom this section applies” means a person whose preferred gender is different from the gender assigned to the person at birth, whether or not the person is a person to whom a gender recognition certificate has been issued.”.

—Joan Collins.

50. In page 30, after line 1, to insert the following:

**“Amendment of Education Act 1998**

39. The Education Act 1998 is amended by the insertion of the following section after section 37:

“37A. (1) In this section ‘a person to whom this section applies’ means a person whose preferred gender is different from the gender assigned to the person at birth, whether or not the person is a person to whom a gender recognition certificate has been issued.

(2) Without prejudice to sections 22 and 23 and the provisions of the Equal Status Acts 2000 to 2011, the Principal and staff of a recognised school shall ensure, in so far as it is practicable to do so, that a person to whom this section applies who is attending a recognised school—

(a) shall be addressed in and entitled to use his or her preferred name and their preferred gender;

(b) shall be permitted on the premises of the school to wear the uniform or clothing appropriate to their preferred gender; and

(c) shall be entitled to use the facilities appropriate to his or her preferred gender.

(3) Without prejudice to sections 22 and 23 and the provisions of the Equal Status Acts 2000 to 2011, the Principal and staff of a recognised school shall take such steps as are reasonable to ensure that the safety and welfare of a person to whom this section applies is not

[NEW SECTION]

compromised or diminished by the conduct of the school, its employees or by any person who is likely to use the facilities of the school or be in attendance on the school premises.”.”.

—Joan Collins.

51. In page 30, after line 1, to insert the following:

**“Prison facilities**

39. (1) Without prejudice to the generality of *section 17*, where a court order has been made to detain a person to whom this section applies, whether on remand or as punishment following conviction, the Director General of the Irish Prison Service shall ensure that, as far as practicable, the person shall be detained in an appropriate place.

(2) In this section—

“a person to whom this section applies” means a person whose preferred gender is different from the gender assigned to the person at birth, whether or not the person is a person to whom a gender recognition certificate has been issued;

“appropriate place” means a place where prisoners or detainees of a particular sex are detained that is as safe as is reasonably practicable for that person, given that person’s gender identity.

(3) For the avoidance of any doubt, this section does not permit the placement of any person in solitary confinement or in isolation from other persons.”.”.

—Joan Collins.

52. In page 30, after line 1, to insert the following:

**“Amendment of the Prohibition of Incitement to Hatred Act 1989**

39. The Prohibition of Incitement to Hatred Act 1989 is amended in section 1 by the substitution of the following for the definition of “hatred”:

“ ‘gender expression’ means the set of behaviours, attitudes and other characteristics normally associated with a particular gender whether that is the same as or different in any way from the gender expression normally associated with the gender assigned to a person at birth;

‘gender identity’ means the gender with which a person identifies whether that gender is the same as or different in any way from the gender assigned to a person at birth, and shall include transgender identity, intersex identity and any gender identity that is not standard male or female gender identity;

‘hatred’ means hatred against a group of persons in the State or elsewhere on account of their race, colour, nationality, religion, ethnic or national origins, membership of the travelling community, sexual orientation, gender identity or gender expression;”.”.

53. In page 30, after line 1, to insert the following:

**“Amendment of the Employment Equality Act 1998**

39. The Employment Equality Act 1998 is amended—

(a) by the insertion of the following section after section 2:

**“2A.** (1) For the purpose of this Act—

‘gender’ shall include gender expression and gender identity,

‘gender expression’ means the set of behaviours, attitudes and other characteristics normally associated with a particular gender whether that is the same as or different in any way from the gender expression normally associated with the gender assigned to a person at birth, and ‘expressing gender’ shall be interpreted in like manner;

‘gender identity’ means the gender with which a person identifies whether that gender is the same as or different in any way from the gender assigned to a person at birth, and shall include transgender identity, intersex identity and any gender identity that is not standard male or female gender identity;

‘transgender’ means having a gender identity that differs in any way from the gender assigned to a person at birth or expressing gender in a manner that is in any way different from the gender expression normally associated with the gender assigned to a person at birth.

(2) For the purpose of this Act, where it is alleged that there has been discrimination on the basis of gender identity, ‘A’ and ‘B’ represent 2 persons with differing gender identity so that—

(a) where A is a person who is transgender, B is a person who is not transgender but who is of the same gender as the gender with which A identifies,

(b) where A is a person who is intersex, B is a person who is not intersex but who is of the same gender as the gender with which A identifies, and

(c) where A is a person who has a gender identity that is not standard male or female gender identity, B is a person that has a standard male or female gender identity.

(3) For the purpose of this Act, where it is alleged that there has been discrimination on the basis of gender expression, ‘A’ and ‘B’ represent 2 persons who express their gender differently so that where A is a person whose gender expression does not (in whole or in part) conform with the gender expression normally associated with the gender assigned to A at birth, B is a person whose gender expression

[NEW SECTION]

conforms with the gender expression normally associated with the gender assigned to B at birth.”,

(b) in section 6(2) by the substitution of the following for paragraph (a):

“(a) that—

- (i) one is a woman and the other is a man;
- (ii) while the two persons identify themselves as being of the same gender, one is transgender and one is not;
- (iii) while the two persons identify themselves as being of the same gender, one has a different gender expression from the other;
- (iv) one person is intersex and the other person is not; or
- (v) one has a gender identity that is not standard male or female gender identity, and the other person has a standard male or female gender identity, (in this Act referred to as ‘the gender ground’),”.

—Joan Collins.

54. In page 30, after line 1, to insert the following:

**“Amendment of the Equal Status Act 2000**

39. The Equal Status Act 2000 is amended—

(a) by the insertion of the following section after section 2:

“2A. (1) For the purpose of this Act—

‘gender’ shall include gender expression and gender identity;

‘gender expression’ means the set of behaviours, attitudes and other characteristics normally associated with a particular gender whether that is the same as or different in any way from the gender expression normally associated with the gender assigned to a person at birth, and ‘expressing gender’ shall be interpreted in like manner;

‘gender identity’ means the gender with which a person identifies whether that gender is the same as or different in any way from the gender assigned to a person at birth, and shall include transgender identity, intersex identity and any gender identity that is not standard male or female gender identity;

‘transgender’ means having a gender identity that differs in any way from the gender assigned to the person at birth or expressing gender in a manner that is in any way different from the gender expression normally associated with the gender assigned to a person at birth.”,

(b) in section 3(2) by the substitution of the following for paragraph (a):

“(a) that—

[NEW SECTION]

- (i) one is a woman and the other is a man;
- (ii) while the two persons identify themselves as being of the same gender, one is transgender and one is not;
- (iii) while the two persons identify themselves as being of the same gender, one has a different gender expression from the other;
- (iv) one person is intersex and the other person is not; or
- (v) one has a gender identity that is not standard male or female gender identity, and the other person that has a standard male or female gender identity, (in this Act referred to as ‘the gender ground’),”.”.

—Joan Collins.

TITLE

- 55.** In page 5, line 5, to delete “to recognise change of gender” and substitute “to recognise for all legal purposes the preferred gender of persons to whom this Act applies”.

—Joan Collins.