



SEANAD ÉIREANN

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

**LEASUITHE A RINNE AN DÁIL
AMENDMENTS MADE BY THE DÁIL**

SEANAD ÉIREANN

AN BILLE UM INSCNE A AITHINT, 2014
[*BILLE SEANAID ARNA LEASÚ AG AN DÁIL*]

GENDER RECOGNITION BILL 2014
[*SEANAD BILL AMENDED BY THE DÁIL*]

Leasuithe a rinne an Dáil
Amendments made by the Dáil

*The page and line references in this list of amendments are
to the text of the Bill as passed by Seanad Éireann*

SECTION 8

1. In page 8, lines 3 to 8 deleted and the following substituted:

“(4) In considering an application under this section the Minister shall consider the information furnished by the applicant and may request further information from the applicant regarding any information or evidence furnished by the applicant or on his or her behalf.”.

SECTION 9

2. In page 9, line 2, “section 91” deleted and “section 90” substituted.
3. In page 9, line 4, “subsection (1)(b) of that section” deleted and “section 91(1)(b) of that Act” substituted.

SECTION 10

4. In page 10, line 4, “will;” deleted and “will.” substituted.
5. In page 10, lines 5 to 12 deleted.

SECTION 11

6. In page 10, line 29, “and *section 10(1)(g)*” deleted.

SECTION 12

7. In page 11, line 26, “and” deleted.
8. In page 11, line 28, after “person,”, “and” inserted.
9. In page 11, between lines 28 and 29, the following inserted:

“(D) the child has transitioned or is transitioning into his or her preferred gender,”.
10. In page 12, line 3, “apply for gender recognition” deleted and “live in his or her original gender for the rest of his or her life” substituted.
11. In page 12, line 5, “and” deleted.
12. In page 12, line 7, after “person,”, “and” inserted.

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13. In page 12, between lines 7 and 8, the following inserted:

“(D) the child has reversed the transition or ceased transitioning into the preferred gender.”.

SECTION 14

14. In page 14, line 15, “Department of” deleted and “Minister for” substituted.

15. In page 14, line 16, after “notice,” “if applicable,” inserted.

SECTION 15

16. In page 14, lines 32 to 37 deleted and the following substituted:

“(4) In considering an application under this section the Minister shall consider the information furnished by the applicant and may request further information from the applicant regarding any information or evidence furnished by the applicant or on his or her behalf.”.

17. In page 15, line 27, “will;” deleted and “will.” substituted.

18. In page 15, lines 28 to 36 deleted.

19. In page 16, line 14, “Department of” deleted and “Minister for” substituted.

SECTION 16

20. In page 17, line 26, “Department of” deleted and “Minister for” substituted.

SECTION 38

21. In page 29, lines 19 to 35 and in page 30, line 1 deleted and the following substituted:

“Amendment of Passports Act 2008

38. (1) Section 11 of the Passports Act 2008 is amended—

(a) by the deletion of subsection (1),

(b) by the deletion of subsection (2),

(c) by the insertion of the following subsections before subsection (3):

“(2A) (a) The Minister shall not consider an application for a passport by an applicant who wishes to have a passport issued to him or her in—

(i) the new gender, and

(ii) if applicable, the new name,

unless that applicant produces his or her gender recognition certificate to the Minister.

(b) Where an applicant for a passport to whom paragraph (a) applies produces his or her gender recognition certificate to the Minister the Minister may, subject to this Act, issue a passport to the applicant in the gender specified in the gender recognition certificate and, if applicable, the new name.

(2B) (a) An applicant for a passport, who has attained the age of 18 years

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and to whom *section 9* of the *Gender Recognition Act 2015* does not apply, may apply to the Minister to have the passport issued to the applicant in the new gender and if the applicant is using a new name, to have the new name of the applicant entered in the passport.

- (b) An applicant under paragraph (a) shall produce to the Minister—
- (i) a statutory declaration declaring that the applicant has a settled and solemn intention of living in the new gender for the rest of his or her life and understands the consequences of the application, and
 - (ii) if appropriate, evidence to the satisfaction of the Minister of the use by the applicant of the new name,

and the Minister may, subject to this Act, issue a passport to the applicant in the new gender and, if applicable, new name specified in the application.

- (2C) (a) An applicant for a passport who has attained the age of 16 years but not attained the age of 18 years and to whom *section 9* of the *Gender Recognition Act 2015* does not apply, may apply to the Minister to have the passport issued to the applicant in the new gender and if the applicant is using a new name, to have the new name of the applicant entered in the passport.

- (b) An applicant under paragraph (a) shall produce to the Minister—
- (i) a statutory declaration declaring that the applicant has a settled and solemn intention of living in the new gender for the rest of his or her life, and understands the consequences of the application,
 - (ii) each of the medical certificates referred to in paragraph (c), and
 - (iii) if appropriate, evidence to the satisfaction of the Minister of the use by the applicant of the new name,

and the Minister may, subject to this Act, issue a passport to the applicant in the new gender and, if applicable, new name specified in the application.

- (c) For the purposes of paragraph (b) the following medical certificates are required:
- (i) a certificate of the child's primary treating medical practitioner certifying his or her professional medical opinion that—
 - (I) the child has attained a sufficient degree of maturity to make the decision to apply for a passport in the new gender,
 - (II) the child is aware of, has considered and fully understands the consequences of that decision, and

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

and

(ii) a certificate of an endocrinologist or psychiatrist, who has no connection to the child, certifying that his or her medical opinion concurs with the medical opinion referred to in subparagraph (i).”,

and

(d) by the substitution of the following subsection for subsection (4):

“(4) In this section—

‘endocrinologist’ means—

- (a) a medical practitioner who is registered in the Specialist Division of the register of medical practitioners under the medical specialty of ‘Endocrinology & Diabetes Mellitus’, or
- (b) in the case of a person outside the State, a person who is entitled under the law of the place where the person is to practise medicine in the field of endocrinology in that place;

‘gender recognition certificate’ has the same meaning as it has in the *Gender Recognition Act 2015*;

‘medical practitioner’ means—

- (a) a medical practitioner who is for the time being registered in the register of medical practitioners, or
- (b) in the case of a person outside the State, a person who is entitled under the law of the place where the person is to practise medicine in that place;

‘medical specialty’ means a medical specialty recognised by the Medical Council under section 89 of the Medical Practitioners Act 2007;

‘new gender’—

- (a) in so far as it relates to an applicant referred to in subsection (2A), means the opposite gender to the gender originally specified in—
 - (i) the register of births maintained under section 13 of the Civil Registration Act 2004, proof of which is a document issued under section 61 of that Act in respect of an entry in that register,
 - (ii) the Adopted Children Register maintained under section 84 of the Adoption Act 2010, proof of which is a certified copy of an entry issued under subsection (10) of that section of that Act,

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- (iii) a foreign births entry book or in the foreign births register, both of which are kept under section 27 of the Irish Nationality and Citizenship Act 1956, proof of which is a document purporting to be a copy of an entry in that entry book or register and which is duly authenticated as such,
 - (iv) the register of intercountry adoptions maintained under section 90 of the Adoption Act 2010, proof of which is a document purporting to be a copy of an entry in that register issued under section 91(1)(b) of that Act,
 - (v) where the birth concerned is registered in accordance with a civil system of registration of births in the place where his or her birth occurred, proof of which is a document issued in accordance with that system of registration, or a statutory declaration declaring why it is not feasible to produce the proof and exhibiting other evidence of birth, that document or statutory declaration, or
 - (vi) where the birth concerned is not registered because there is no system of civil registration of births in the place where his or her birth occurred, proof of which is a statutory declaration declaring that there is no such system and exhibiting other evidence of birth, that statutory declaration,
- (b) in so far as it relates to an applicant referred to in subsection (2B) or (2C) means the opposite gender to the gender originally specified in—
- (i) where the birth concerned is registered in accordance with a civil system of registration of births in the place where his or her birth occurred, proof of which is a document issued in accordance with that system of registration, or a statutory declaration declaring why it is not feasible to produce the proof and exhibiting other evidence of birth, that document or statutory declaration, or
 - (ii) where the birth concerned is not registered because there is no system of civil registration of births in the place where his or her birth occurred, proof of which is a statutory declaration declaring that there is no such system and exhibiting other evidence of birth, that statutory declaration;

‘new name’—

- (a) in so far as it relates to an applicant referred to in subsection (2A) means, if a name other than the one referred to in subsection (1) or (2) of section 10 is specified in the gender recognition certificate, that name,
- (b) in so far as it relates to an applicant referred to in subsection (2B)

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or (2C) means a name other than the one referred to in subsection (1) or (2) of section 10;

‘primary treating medical practitioner’ means a person’s primary treating endocrinologist or psychiatrist in relation to the matter the subject of an application under subsection (2C);

‘psychiatrist’ means—

- (a) a medical practitioner who is registered in the Specialist Division of the register of medical practitioners under the medical specialty of ‘Psychiatry’ or under the medical specialty of ‘Child & Adolescent Psychiatry’, or
- (b) in the case of a person outside the State, a person who is entitled under the law of the place where the person is to practise medicine in the field of psychiatry or child and adolescent psychiatry in that place;

‘register of medical practitioners’ means the register of medical practitioners established under section 43 of the Medical Practitioners Act 2007.”.

- (2) Where, before the repeal of subsections (1) and (2) of section 11 of the Passports Act 2008 by *subsection (1)*, an application for a passport has been made to the Minister under the said subsection (1) of section 11 and has not been determined by the Minister or withdrawn, the application shall be dealt with and determined as if the said subsections (1) and (2) of section 11 had not been repealed.”.