

# The Gender Recognition Reform Bill: An Issue of Self-Determination for Scotland and its Trans Population

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## **Abstract**

This paper examines the blocking of the Gender Recognition Reform (Scotland) Bill (2022) by the UK government. The Scottish Bill intends to streamline the Gender Recognition Act (2004), which allows trans individuals to change the sex on their birth certificate among other documents, thus moving towards a devolved system of self-identification. Westminster blocked the Bill citing concerns over its impact on the Equality Act (2010), which carries jurisdiction across Great Britain. This paper finds that Westminster's concerns surrounding two parallel systems of gender recognition, its effects on combined systems of tax, benefits and pensions and other subsequent issues are legitimate. Concerns over its impact on equality opportunities and female-based rights regarding pregnancy reflect a pre-existing grey area between the two Acts. However, concerns over fraudulent claims and the protection of single-sex spaces are unfounded. Exploring issues of devolution, democracy and anti-trans tensions in post-Brexit Britain, this paper predicts several consequences of the block. Firstly, Nicola Sturgeon, the First Minister of Scotland, has promised to challenge its legality, kickstarting a legal battle between the two governments. This is likely to lead to debates that seek to clarify the relationship between the two Acts. It is possible that Westminster may seek to reform the characteristics of 'sex' and 'gender reassignment' within the Equality Act, as Rishi Sunak, the Prime Minister, has expressed his intentions to remove trans protections from the Act. Lastly, there may be an increase in calls for independence across Scotland and, potentially, pro-devolution sentiments within the Welsh government.

**Keywords:** democracy, devolution, equality, self-identification, transgender