



The Scottish Parliament  
Pàrlamaid na h-Alba

Published 16 May 2022  
SP Paper 176  
29th Report, 2022 (Session 6)

# **Delegated Powers and Law Reform Committee Comataidh Cumhachdan Tiomnaichte is Ath-leasachadh Lagh**

## **Gender Recognition Reform (Scotland) Bill: Stage 1**



**Published in Scotland by the Scottish Parliamentary Corporate Body.**

---

All documents are available on the Scottish Parliament website at:  
<http://www.parliament.scot/abouttheparliament/91279.aspx>

For information on the Scottish Parliament contact Public Information on:  
Telephone: 0131 348 5000  
Textphone: 0800 092 7100  
Email: [sp.info@parliament.scot](mailto:sp.info@parliament.scot)

# Contents

Introduction	1
Overview of the Bill	2
Delegated Powers	3

# Delegated Powers and Law Reform Committee

The remit of the Delegated Powers and Law Reform Committee is to consider and report on the following (and any additional matter added under Rule 6.1.5A)—

- (a) any—
  - (i) subordinate legislation laid before the Parliament or requiring the consent of the Parliament under section 9 of the Public Bodies Act 2011;
  - (ii) [deleted]
  - (iii) pension or grants motion as described in Rule 8.11A.1; and, in particular, to determine whether the attention of the Parliament should be drawn to any of the matters mentioned in Rule 10.3.1;
- (b) proposed powers to make subordinate legislation in particular Bills or other proposed legislation;
- (c) general questions relating to powers to make subordinate legislation;
- (d) whether any proposed delegated powers in particular Bills or other legislation should be expressed as a power to make subordinate legislation;
- (e) any failure to lay an instrument in accordance with section 28(2), 30(2) or 31 of the 2010 Act;
- (f) proposed changes to the procedure to which subordinate legislation laid before the Parliament is subject;
- (g) any Scottish Law Commission Bill as defined in Rule 9.17A.1; and
- (h) any draft proposal for a Scottish Law Commission Bill as defined in that Rule.
- (i) any Consolidation Bill as defined in Rule 9.18.1 referred to it in accordance with Rule 9.18.3.



[dplr.committee@parliament.scot](mailto:dplr.committee@parliament.scot)



0131 348 5212

# Committee Membership



**Stuart McMillan**  
Scottish National Party



**Bill Kidd**  
Scottish National Party



**Convener**  
**Graham Simpson**  
Scottish Conservative  
and Unionist Party



**Craig Hoy**  
Scottish Conservative  
and Unionist Party



**Paul Sweeney**  
Scottish Labour

# Introduction

1. At its meeting on 10 May 2022, the Delegated Powers and Law Reform Committee considered the delegated powers contained in the Gender Recognition Reform (Scotland) Bill (“the Bill”) at Stage 1.<sup>i</sup>
2. The Committee submits this report to the lead Committee for the Bill under Rule 9.6.2 of Standing Orders.

---

<sup>i</sup> The Bill as introduced is available [here](#)

## Overview of the Bill

3. This Scottish Government Bill was introduced by Shona Robison MSP, the Cabinet Secretary for Communities, Social Security and Equalities of Scotland, on 2 March 2022. The Lead Committee is the Equalities, Human Rights and Civil Justice Committee.
4. The Bill changes the process as to how a gender recognition certificate may be obtained. A gender recognition certificate is a certificate that legally recognises that a person's gender is not the gender that they were assigned at birth, but is their "acquired gender".
5. The current process for obtaining a gender recognition certificate is set out in the Gender Recognition Act 2004 ("the GRA"). This Bill amends the GRA to reform the process in Scotland. The process under the GRA has been in place since 2005.
6. The Bill also makes provision about:
  - different types of gender recognition certificate that may be issued in different circumstances ("full" gender recognition certificates and "interim" gender recognition certificates);
  - appeals and reviews of decisions to grant (or not grant) gender recognition certificates; and
  - revocation of gender recognition certificates and offences in connection with false information being provided in an application.

# Delegated Powers

7. The Bill confers five powers to make subordinate legislation on the Scottish Ministers. The Scottish Government has prepared a Delegated Powers Memorandum which sets out its reasons for taking the delegated powers in the Bill and for the procedure chosen.<sup>ii</sup>
8. The Committee considered each of the delegated powers in the Bill at its meeting on 10 May. It determined that it did not need to draw the attention of the Parliament to the delegated powers in any of the five provisions:
  - Section 6 – Certificate to be issued;
  - Section 8 – Gender recognition obtained outwith Scotland;
  - Section 11 – Further provision about applications;
  - Section 17(1) – Ancillary provision; and
  - Section 18(2) – Commencement.

9. **The Committee is therefore content with the delegated powers provisions contained in the Bill.**

---

<sup>ii</sup> The Delegated Powers Memorandum is available [here](#)



