



Rt Hon Sir George Howarth MP
House of Commons
London
SW1A 0AA

Your Ref: N/A

1 February 2023

Dear George,

Thank you for your email of 12 January 2023 outlining the concerns of a number of your constituents on the Gender Recognition Reform (Scotland) Bill, which the Scottish Parliament passed on 22 December 2022. I recognise there are a range of views on this subject.

On 17 January I made an order under section 35 of the Scotland Act 1998, preventing the Scottish Parliament's Gender Recognition Reform (Scotland) Bill from proceeding to Royal Assent. After thorough and careful consideration of all the relevant advice and the policy implications, I concluded that this legislation would have an adverse impact on the operation of Great Britain-wide equalities legislation. This is set out in the statement of reasons published on gov.uk which can be found here:

<https://www.gov.uk/government/publications/statement-of-reasons-related-to-the-use-of-section-35-of-the-scotland-act-1998>

To be clear, this action is being taken because of the adverse effects that would arise from the Bill. This is not about changing the rights of transgender people. We have a long-established world-leading equality framework that protects everyone, including transgender people, from discrimination, harassment and victimisation and advances equality of opportunity for all.

The UK Government's view is that the balance struck in the Gender Recognition Act 2004, which currently governs the law in this area, is correct. The system provides proper checks and balances, while also supporting people who want to change their legal sex.

However, we recognise that responsibility for gender recognition is devolved in Scotland. It is now up to the Scottish Government to bring an amended Bill back for reconsideration in the Scottish Parliament, should it choose to do so. I was clear in my letter to the First Minister that the UK Government would consider an amended bill.

Please pass on my thanks to your constituents for taking the time to write on this important matter.

*Yours sincerely,
Alister*

**THE RT HON. ALISTER JACK MP
SECRETARY OF STATE FOR SCOTLAND**