

## Written evidence by Mr Malcolm Edwards [GRA1833]

I am not an interested party in the reform of the GRA but I am concerned at the increasingly toxic atmosphere surrounding any discussion of issues of sex and gender. I think the most important issue to clarify at the outset is the definition of terms, starting with sex and gender and moving on to woman, man, female, male, feminine, masculine etc.

English law is muddled at the moment. As far as I can see, "gender" in English law is synonymous with "sex". For example, GRA includes the following phrases:

S1: "A person of either gender..."

S1(a): "...Living in the other gender..."

S25: interpretation: "In this Act gender dysphoria means the disorder variously referred to as gender dysphoria, gender identity disorder and transsexualism."

The language is clear that only two genders are recognised, and is not consistent with the emerging view that there are many more than two genders. In this latter context the word gender is used to describe:

- the way a person acts, or
- the way a person feels, or perceives the world, or
- the way a person is perceived by society in general with regard to certain norms.

The GRA permits the issue of a new birth certificate in the new *gender*. But my birth certificate records my *sex*. The only reasonable conclusion is that gender and sex are being treated as synonymous in this context.

So it seems that the legal definition of gender is clear (= biological sex) but the social meaning is woolly though the distinction between (social) gender and (biological) sex is useful.

If the Committee is looking at any form of self ID it should consider whether other genders (eg non-binary) should be recognised. This would help to reinforce the distinction between gender and sex.

Gender dysphoria is unquestionably real and causes significant distress to those who have it. However, I have never understood why the description of the authentic self always favours the mind over the sexed body. It is not possible to change one's biological sex, and if the state records a person's sex that record should not be retrospectively be altered.

The GRA in its present form has outlived its original purpose (to enable same-sex marriage) and is cumbersome to operate. In addition, I don't think the state should have any interest in a person's self-declared gender.

I would therefore recommend a limited-scope and less onerous process similar to changing one's name by deed poll. The key features would be:

-An individual (over 18) could register a gender to override their sex recorded at birth by statutory declaration. This gender would apply until a further stat dec was completed (i.e. the declaration would not be irrevocable).

-The original birth certificate would not be altered (it records sex, which cannot be changed).

-The gender declaration would indicate how the declarer wished to be treated in public. It would give the declarer the protection of the Equalities Act under the gender reassignment characteristic. It would however not entitle the declarer to access any services provided exclusively to the opposite sex.

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-The declarer would continue to report their birth sex where this information was required (eg for medical purposes). Similarly, authorities collecting this information should continue to use sex rather than gender.

-If the declarer is married, completion of the stat dec would make the marriage voidable but the spouse would have to initiate dissolution proceedings.

**November 2020**