

Health and Equality Acts (Amendment) Bill

[AS INTRODUCED]

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[AS INTRODUCED]

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Regulate access to hormone therapy for children under the age of 18; to make provision relating to social transition practices in schools and other settings; to make provision regarding the meaning of the protected characteristic of sex; and for connected purposes.

BE IT ENACTED by the King’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Children with gender dysphoria

1 Offence of prescribing, administering or supplying medicinal products

- (1) The Health and Care Act 2022 is amended as follows.
- (2) After section 179 insert—

“Children with gender dysphoria

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179A Offence of prescribing, administering or supplying medicinal products

- (1) A health care professional commits an offence if they prescribe, administer or supply a medicinal product to a child as part of a course of treatment for gender dysphoria for the purposes of—
 - (a) stopping or delaying the normal onset of puberty, or
 - (b) affirming the child’s perception of their sex where that perception is inconsistent with the child’s sex.
- (2) A health care professional guilty of an offence under subsection (1) is liable, on summary conviction to imprisonment for a term not exceeding the general limit in the magistrates’ court or a fine, or both.
- (3) It is a defence for a health care professional charged with an offence under subsection (1) to show that the medicinal product was prescribed, administered or supplied to a child as part of a course of treatment for gender dysphoria that began before this section came into force.
- (4) It is a defence for a health care professional charged with an offence under subsection (1) to show that the medicinal product was

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prescribed, administered or supplied to a child as part of a course of treatment for gender dysphoria where—

- (a) before the start of that course of treatment, the child had obtained and taken such medicinal products without the consent or connivance of a health care professional, and
- (b) it would have been clinically inappropriate to not prescribe, administer or supply the medicinal product to the child.

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(5) In this section—

“sex”, in relation to a child, means—

- (a) the sex of the child that is duly registered under the Births and Deaths Registration Act 1953, or
- (b) the sex of the child that would have been so registered had the birth been subject to the requirements of that Act;

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“child” means a person under the age of 18;

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“gender dysphoria” means the disorder variously referred to as gender dysphoria, gender identity disorder and transsexualism;

“health care professional” means a person who is a member of a profession regulated by a body mentioned in section 25(3) of the National Health Service Reform and Health Care Professions Act 2002;

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“medicinal product” has the meaning given in regulation 2 of the Human Medicines Regulations 2012.”

- (3) In section 185 (extent), in subsection (2)(e), at the end insert “, and section 179A (offence of prescribing, administering or supplying medicinal products)”.

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Preventing the recognition of gender inconsistency in children

2 Preventing the recognition of gender inconsistency in children

- (1) A public authority in England must not take any steps to recognise, or enable the recognition of, children as having a gender that is inconsistent with their sex.

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(2) In particular, a public authority must not—

- (a) refer to a child with language that is inconsistent with their sex, including—
 - (i) when speaking to the child;
 - (ii) when speaking, writing or recording information about the child;
- (b) make available to a child services or facilities that are otherwise only available to a child of the opposite sex;
- (c) otherwise treat a child in a manner that is inconsistent with their sex.

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- (3) Where the Secretary of State considers that a public authority in England is failing to discharge its duty under subsection (1), the Secretary of State may

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give a specific or general direction to the public authority about how to comply with the duty.

(4) A public authority in England must comply with any directions given to it under subsection (3).

(5) In this section— 5

“sex”, in relation to a child, means—

(a) the sex of the child that is duly registered under the Births and Deaths Registration Act 1953, or

(b) the sex of the child that would have been so registered had the birth been subject to the requirements of that Act; 10

“public authority” has the same meaning as in the Human Rights Act 1998 (see section 6(3) of that Act).

Provision of services: definition of “sex”

3 Provision of services: definition of “sex”

(1) The Equality Act 2010 is amended as follows. 15

(2) In section 11 (protected characteristics: sex)—

(a) the existing text becomes subsection (1);

(b) after subsection (1) insert—

“(2) For the purposes of this Act, “sex”, in relation to a person, means the classification of that person as either male or female based on the organisation of the person’s body for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth. 20

Accordingly— 25

(a) references in this Act to “man” are references to a person of any age classified as male, and

(c) references in this Act to “woman” are references to a person of any age classified as female.”

(3) In section 212 (general interpretation)— 30

(a) for the definition of “man” substitute—

““man” has the meaning given in section 11;”;

(b) after the definition of “profession” insert—

““sex” has the meaning given in section 11;”;

(c) for the definition of “woman” substitute— 35

““woman” has the meaning given in section 11.”.

(4) In Schedule 28 (index of defined expressions)—

(a) in the entry for “man”, for “section 212(1)” substitute “section 11”;

(b) in the entry for “woman”, for “section 212(1)” substitute “section 11”.

*Final provision***4 Extent, commencement and short title**

- (1) In this Act—
 - (a) section 1 and this section extend to the United Kingdom;
 - (b) section 2 extends to England and Wales; 5
 - (c) section 3 extends to England, Wales and Scotland.
- (2) This Act comes into force at the end of the period of two months beginning with the day on which it is passed.
- (3) This Act may be cited as the Health and Equality Acts (Amendment) Act 2024. 10

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Regulate access to hormone therapy for children under the age of 18; to make provision relating to social transition practices in schools and other settings; to make provision regarding the meaning of the protected characteristic of sex; and for connected purposes.

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