

Conversion Therapy Prohibition (Sexual Orientation and Gender Identity) Bill [HL]

RUNNING LIST OF ALL AMENDMENTS IN COMMITTEE OF THE WHOLE HOUSE

Tabled up to and including

14 March 2024

[Sheets HL Bill 5(a) to (h)]

Clause 1

LORD BLENCATHRA

Clause 1, page 1, line 4, leave out subsection (2) and insert –

- “(2) In this Act, “conversion therapy” is any practice aimed at a child which demonstrates an assumption that a child’s gender identity is what they claim it is, and which has the intended purpose of attempting to encourage a child to –
- (a) change physical characteristics of sex, by surgical intervention or otherwise, or
 - (b) suppress a child’s biological development as a result of their sex, through puberty blocking drugs or otherwise.”

Member's explanatory statement

This amendment defines “conversion therapy” as an attempt to encourage a child to undergo irreversible, life changing surgery to change or suppress biological development, on the assumption that a child must be affirmed in whatever gender identity they claim.

LORD LUCAS

Clause 1, page 1, line 4, at beginning insert “Subject to subsection (2A)”

LORD SANDHURST

Clause 1, page 1, line 4, leave out “or group of people”

Member's explanatory statement

This amendment seeks to remove the possibility that the legislation could capture comments about sexual orientations and gender identities generally, without a specific person in view.

LORD SANDHURST

Clause 1, page 1, line 5, after “which” insert “causes serious alarm or distress which has a substantial adverse effect on their usual day-to-day activities and”

Member's explanatory statement

This amendment seeks to create a threshold of the level of injury required for a conversion therapy offence to have taken place.

LORD SANDHURST

Clause 1, page 1, line 5, after “which” insert “causes a person to suffer physical or psychological harm and”

Member's explanatory statement

This amendment seeks to create a threshold of the level of injury required for a conversion therapy offence to have taken place.

LORD SANDHURST

Clause 1, page 1, line 5, after “which” insert “causes significant harm to a person and”

Member's explanatory statement

This amendment seeks to create a threshold of the level of injury required for a conversion therapy offence to have taken place.

BARONESS HAYTER OF KENTISH TOWN

Clause 1, page 1, line 6, leave out “gender identity” and insert “biological sex”

Member's explanatory statement

This amendment, and others in the name of Baroness Hayter of Kentish Town, replaces references to “gender identity” with “biological sex” with the effect of changing the offence to an attempt to change or suppress a person’s biological sex.

BARONESS HAYTER OF KENTISH TOWN

Clause 1, page 1, line 8, leave out “gender identity” and insert “biological sex”

Member's explanatory statement

This amendment, and others in the name of Baroness Hayter of Kentish Town, replaces references to “gender identity” with “biological sex” with the effect of changing the offence to an attempt to change or suppress a person’s biological sex.

BARONESS HAYTER OF KENTISH TOWN

Clause 1, page 1, line 9, leave out “gender identity” and insert “biological sex”

Member's explanatory statement

This amendment replaces references to “gender identity” with “biological sex” with the effect of changing the offence to an attempt to change or suppress a person’s biological sex.

LORD JACKSON OF PETERBOROUGH

Clause 1, page 1, line 9, at end insert –

“(2A) Such practices under subsection (2) include, but are not limited to, verbal communications such as those during confessions and repentances.”

Member's explanatory statement

This amendment makes explicit that verbal communications can be considered change or suppression practices, including those that take place in a religious context.

LORD JACKSON OF PETERBOROUGH

Clause 1, page 1, line 9, at end insert –

“(2A) Nothing in this section relates to psychological practice or religious advice.”

Member's explanatory statement

This amendment puts onto the face of the Bill that psychological practice and religious advice does not constitute conversion therapy and so is not covered by the offence.

LORD JACKSON OF PETERBOROUGH

Clause 1, page 1, line 9, at end insert –

“(2A) “Conversion therapy” includes any practice which encourages a person to put their religious values rather than their sexual orientation or gender identity at the centre of their personal identity.”

Member's explanatory statement

This amendment makes clear that it is an unlawful act of conversion therapy to encourage a person to put their religious identity before their sexual identity.

LORD JACKSON OF PETERBOROUGH

Clause 1, page 1, line 9, at end insert –

“(2A) Refusing to provide a breast-binder to a child who requests one is a practice that would constitute “conversion therapy” under subsection (2).”

Member's explanatory statement

This amendment makes explicit that refusing to provide a breast-binder to a child who requests it would constitute ‘conversion therapy’ as defined by the Act.

BARONESS HAYTER OF KENTISH TOWN

Clause 1, page 1, line 9, at end insert –

- “(2A) In this Act “gender identity” means a person’s gender-related identity, which may or may not correspond with their designated sex at birth, and includes the personal sense of the body (whether this involves medical intervention or not) and other expressions of gender, including dress, speech, mannerisms, names and personal references.”

Member's explanatory statement

This amendment seeks to define “gender identity”, currently undefined in law, using the definition set out in the Australian State of Victoria’s Change or Suppression (Conversion) Practices Prohibition Act 2021.

BARONESS FOSTER OF AGHADRUMSEE
LORD FARMER

Clause 1, page 1, line 9, at end insert –

- “(2A) Encouraging a person to comply with religious doctrine that requires refraining from certain types of sexual activity does not constitute “conversion therapy” for the purposes of this Act.”

Member's explanatory statement

This amendment introduces a safeguard for a person encouraging compliance with religious doctrine, as called for by the Equality and Human Rights Commission.

LORD JACKSON OF PETERBOROUGH

Clause 1, page 1, line 9, at end insert –

- “(2A) The sharing of stories of “de-transitioning” or “desisting” constitutes “conversion therapy” for the purposes of this Act should the conditions in subsection (2) be met.
- (2B) In this Act, “de-transitioning” refers to a process whereby a person who has undergone medical processes or surgical interventions to align their physical body to their gender identity returns to living as cisgender.
- (2C) In this Act “desisting” refers to a process whereby a person who has presented themselves socially as transgender but has not undergone medical processes or surgical interventions to align their physical body to their gender identity, returns to living as cisgender.”

Member's explanatory statement

This amendment makes explicit that the sharing “detransitioner” or “desister” stories would constitute “conversion therapy” as defined by the Bill (assuming the other conditions are met).

LORD SANDHURST

Clause 1, page 1, line 9, at end insert –

- “(2A) The discussion or criticism of sexual conduct or practices or the urging of persons to refrain from or modify such conduct or practices shall not be taken of itself to be conversion therapy.”

Member's explanatory statement

This amendment matches the free speech Clause from section 29JA of the Public Order Act 1986, in the interests of consistency in the criminal law.

LORD CURRY OF KIRKHARLE

Clause 1, page 1, line 9, at end insert –

- “(2A) “Conversion therapy” includes any practice designed to help same-sex attracted people live chaste and celibate lives, in accordance with the sexual ethics of their religious traditions.”

Member's explanatory statement

This amendment, following reports on the nature of ‘modern-day conversion therapy’, makes clear that it is unlawful act of conversion therapy to help a same-sex attracted person live a chaste and celibate life.

LORD LUCAS

Clause 1, page 1, line 9, at end insert –

- “(2A) Conversion therapy includes any practice intended to prevent a young person’s normal physical and mental development, in particular practices that are intended to discourage a young person from changing their mind about their sexual orientation or gender identity.”

Member's explanatory statement

This amendment, and others in the same place in the name of Lord Lucas, would ensure discussions with young people, therapists, families and on the subject of religion would not be considered “conversion therapy”.

LORD LUCAS

Clause 1, page 1, line 9, at end insert –

- “(2A) Conversion therapy does not include any practice pursued by a qualified therapist of a specified description that is intended to help a person explore their sexual orientation or gender identity.
- (2B) “Specified” in subsection (2A) means specified in regulations made by statutory instrument by the Secretary of State.

- (2C) A statutory instrument containing regulations under this Act may not be made unless a draft of the instrument has been laid before and approved by a resolution of each House of Parliament.”

Member's explanatory statement

This amendment, and others in the same place in the name of Lord Lucas, would ensure discussions with young people, therapists, families and on the subject of religion would not be considered “conversion therapy”.

LORD LUCAS

Clause 1, page 1, line 9, at end insert –

- “(2A) Conversion therapy does not include conversations within the family or with friends that are questioning of a person’s sexual orientation or gender identity, or of steps that a person proposes to take in those respects.”

Member's explanatory statement

This amendment, and others in the same place in the name of Lord Lucas, would ensure discussions with young people, therapists, families and on the subject of religion would not be considered “conversion therapy”.

LORD LUCAS

Clause 1, page 1, line 9, at end insert –

- “(2A) Conversion therapy does not include the exposition by a religious person of the tenets of their religion.”

Member's explanatory statement

This amendment, and others in the same place in the name of Lord Lucas, would ensure discussions with young people, therapists, families and on the subject of religion would not be considered “conversion therapy”.

THE LORD BISHOP OF GUILDFORD

Clause 1, page 1, line 9, at end insert –

- “(2A) No member of the clergy carrying out their duties in accordance with Canon B1 (Of conformity of worship) or Canon B29 (Of the ministry of absolution) is considered to have committed an offence.

(2B) A “member of the clergy” is a clerk in Holy Orders of the Church of England.”

Member's explanatory statement

This amendment seeks to exclude from the scope of this Bill Church of England clergy when acting in accordance with canon law.

LORD STRATHCARRON

Clause 1, page 1, line 9, at end insert –

“(2A) The use of mainstream religious prayers, such as the Lord’s Prayer, constitutes “conversion therapy” should the conditions in subsection (2) be met.”

Member’s explanatory statement

This amendment seeks to make explicit that using standard liturgical prayers of repentance would constitute ‘conversion therapy’ as defined by the Act (assuming the other conditions are met).

LORD STRATHCARRON

Clause 1, page 1, line 9, at end insert –

“(2A) The person at whom any practice is aimed does not need to be present for an offence to be committed.”

Member’s explanatory statement

This amendment seeks to clarify that the person upon whom ‘conversion therapy’ is being performed does not have to be present for an offence to be committed.

After Clause 1

BARONESS NOAKES

After Clause 1, insert the following new Clause –

“Review of necessity of this Act

- (1) The Secretary of State must appoint a person or persons to report on –
 - (a) which acts of conversion therapy are prohibited by statute other than this Act;
 - (b) whether there are any acts of conversion therapy which are prohibited by statute other than this Act and, if so, whether section 1 is appropriate for such acts.
- (2) The report must be published and laid before Parliament by the Secretary of State within 12 months of the appointment being made.”

BARONESS NOAKES

After Clause 1, insert the following new Clause –

“Survey of prevalence of conversion therapy

- (1) The Secretary of State must commission a survey in order to determine the prevalence and nature of conversion therapy in the United Kingdom.
- (2) The survey must seek to establish statistically valid conclusions on such matters as the Secretary of State must determine and must include data on –

- (a) the country in which instances of conversion therapy took place;
 - (b) the year in which instances of conversion therapy took place;
 - (c) the extent to which it is likely that instances of conversion therapy could have been treated as a criminal offence under statute other than this Act.
- (3) The Secretary of State must lay the findings of the survey before Parliament.”

LORD LUCAS

After Clause 1, insert the following new Clause –

“Definitions

- (1) In this Act –

“Gender” refers to the set of attributes normally associated with a particular sex, masculine for males and feminine for females, whether these attributes arise naturally from sexual development or are culturally determined.

“Gender Identity” refers to the set of gender-related attributes that a person identifies with and a person may identify with any set of such attributes, and may adopt any name or definition for their gender identity; the denial that they have any such identity is a gender identity for the purposes of this Act.

“Sex” refers to whether a person is male (biologically suited to producing small gametes / sperm) or female (biologically suited to producing large gametes / eggs and to incubating them in a womb) and a person who has differences in sex development is to be considered as belonging to the sex towards which their development has tended or, if it is not possible to determine this, the sex that that person chooses.

“Sexual orientation” is as defined in section 12(1) of the Equality Act 2010.

“Young Person” refers to any person under 26 years of age.”

Member's explanatory statement

This amendment would define the terms used in this Bill.

BARONESS EATON

After Clause 1, insert the following new Clause –

“Review of Human Rights Compatibility

- (1) The Secretary of State must appoint a person or persons to report on whether this Act is compatible with the European Convention on Human Rights.
- (2) The report must be published and laid before Parliament by the Secretary of State within 12 months of the appointment being made.”

Member's explanatory statement

This and another amendment in the name of Baroness Eaton make commencement conditional on the Secretary of State receiving a report confirming that the eventual Act is compatible with the European Convention on Human Rights.

LORD STRATHCARRON

After Clause 1, insert the following new Clause –

“Application of this Act to organisations relating to religion or belief

- (1) This section applies to an organisation the purpose of which is –
 - (a) to practise a religion or belief,
 - (b) to advance a religion or belief,
 - (c) to teach the practice or principles of a religion or belief, or
 - (d) to enable persons of a religion or belief to receive any benefit, or to engage in any activity, within the framework of that religion or belief.
- (2) This section does not apply to an organisation whose sole or main purpose is commercial.
- (3) The organisation does not contravene any part of this Act only by acting for purposes related to restricting –
 - (a) membership of the organisation;
 - (b) participation in activities undertaken by the organisation or on its behalf or under its auspices;
 - (c) the provision of goods, facilities or services in the course of activities undertaken by the organisation or on its behalf or under its auspices.
- (4) A person does not contravene any part of this Act only by doing anything mentioned in subsection (3) on behalf of or under the auspices of the organisation.
- (5) A minister does not contravene any part of this Act only by acting for purposes related to restricting –
 - (a) participation in activities carried on in the performance of the minister's functions in connection with or in respect of the organisation;
 - (b) the provision of goods, facilities or services in the course of activities carried on in the performance of the minister's functions in connection with or in respect of the organisation.
- (6) Conduct only falls within subsection (3) to (5) if it is –
 - (a) necessary to comply with the doctrine of the organisation, or
 - (b) to avoid conflict with the strongly held convictions of a significant number of the religion's followers.
- (7) In subsection (5), the reference to a minister is a reference to a minister of religion, or other person, who –
 - (a) performs functions in connection with a religion or belief to which the organisation relates, and
 - (b) holds an office or appointment in, or is accredited, approved or recognised for the purposes of the organisation.”

Member's explanatory statement

This new clause seeks to provide protection for organisations relating to religion or belief, similar to Paragraph 2 of Schedule 23 of the Equality Act 2010, and seeks to safeguard rights under Article

9 (freedom of thought, conscience and religion) and Article 11 (freedom of assembly and association) of the European Convention on Human Rights.

Clause 2

LORD JACKSON OF PETERBOROUGH

Clause 2, page 1, line 14, leave out subsection (2) and insert –

- “(2) This Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2A) Regulations under subsection (2) may not be presented until a Commission has been established for the purpose of advising individuals on compliance with provisions of this Act, including providing guidance on –
- (a) appropriate record keeping of private conversations on sexuality and gender,
 - (b) the importance of witnesses when having private conversations on sexuality and gender, and
 - (c) appropriate policies for organisations on sexuality and gender.”

Member's explanatory statement

This amendment makes commencement conditional upon the establishment of a commission to provide advice on how to conduct private conversations to avoid prosecution.

BARONESS NOAKES

Clause 2, page 1, line 14, leave out subsection (2) and insert –

- “(2) This section comes into force within 6 months of the day on which this Act is passed.
- (2A) The rest of this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2B) Regulations under subsection (2A) may not be made unless –
- (a) the Secretary of State has received a report prepared under section (*Review of necessity of this Act*) which states that there are acts of conversion therapy which are not covered by statute other than this Act and that section 1 is appropriate for those acts,
 - (b) the report has been laid before each House of Parliament.”

Member's explanatory statement

This and another amendment in my name make commencement conditional on the Secretary of State receiving a report as to whether the provisions of section 1 are necessary in the context of gaps in existing criminal law to deal with conversion therapy.

BARONESS NOAKES

Clause 2, page 1, line 14, leave out subsection (2) and insert –

- “(2) This section comes into force within 6 months of the day on which this Act is passed.
- (2A) The rest of this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2B) Regulations under subsection (2A) may not be made unless –
 - (a) the Secretary of State has received the findings of a survey prepared under section (*Survey of prevalence of conversion therapy*), and
 - (b) the findings have been laid before Parliament.”

Member's explanatory statement

This and another amendment in my name make commencement conditional upon the Secretary of State receiving the findings of a survey on the prevalence of conversion therapy and laying the findings before Parliament.

LORD STRATHCARRON

Clause 2, page 1, line 14, leave out subsection (2) and insert –

- “(2) This section comes into force on the day on which this Act is passed.
- (2A) The rest of this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2B) Before regulations under subsection (2A) may be laid before Parliament, the relevant body must prepare and issue guidance for constabularies in England and Wales, Scotland and Northern Ireland on enforcing the terms of section 1, which includes –
 - (a) other relevant offences under which conversion therapy could be charged if there is an element of physical or verbal abuse,
 - (b) advice on understanding the threshold of “change” and “suppress” in section 1(2), and
 - (c) a glossary of relevant religious terms and their meanings.
- (2C) In subsection (2B), “relevant body” means –
 - (a) in England and Wales, the College of Policing;
 - (b) in Scotland, Police Scotland;
 - (c) in Northern Ireland, the Police Service of Northern Ireland.”

Member's explanatory statement

This amendment requires the College of Policing, Police Scotland and the Police Service of Northern Ireland to issue guidance to constabularies on enforcing the Act, before commencement.

BARONESS EATON

Clause 2, page 1, line 14, leave out subsection (2) and insert –

- “(2) This section comes into force within six months of the day on which this Act is passed.
- (2A) The rest of this Act comes into force on such day as the Secretary of State may by regulations appoint.
- (2B) Regulations under subsection (2A) may not be made unless –
 - (a) the Secretary of State has received a report prepared under section (*Review of human rights compatibility*) which states this Act is compatible with the European Convention on Human Rights, and
 - (b) the report has been laid before Parliament.”

Member's explanatory statement

This and another amendment in the name of Baroness Eaton make commencement conditional on the Secretary of State receiving a report confirming that the eventual Act is compatible with the European Convention on Human Rights.

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