

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

AMENDMENTS
TO BE MOVED
IN COMMITTEE OF THE WHOLE HOUSE

Clause 1

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.

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

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.

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