

# The passport comparator:

## Equality Network/Scottish Trans

### November 2013: Gender identity: An introductory guide for trade union reps supporting trans members

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'There are some circumstances, such as applying for a passport or getting a bank account switched to a new name, when written evidence of the change of name is likely to be required. This could be a letter from a professional person (for example their doctor), a statutory declaration or a deed poll. The easiest and cheapest method is a statutory declaration. A solicitor, notary public, or other officer of a court authorised by law to administer an oath needs to witness them signing it. They should also ask the solicitor or notary public to make several certified photocopies for them. The cost should be less than £10.

To change the gender on a UK driving licence or UK passport, it is not necessary to have started hormone treatment or to have had any surgery. **All that is needed is a statutory declaration and a letter from a doctor stating either that the person is: 'a female-to-male transsexual person who is living permanently as a man' or is 'a male-to-female transsexual person who is living permanently as a woman.'**

[Unison/Scottish Trans 2013](#)

### 23 July 2017: 'GENERATION X Nats chiefs to push ahead with Britain's boldest trans laws including third gender for people who don't identify as male or female'

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'Scottish Trans Alliance's James Morton said: "We welcome the UK following the Scottish lead in accepting the Gender Recognition Act needs to be reformed.

"This is long overdue as the UK has fallen far behind procedures in more than a dozen other countries, including our closest neighbour, Ireland.

"The current process to change gender on a trans person's birth certificate is a humiliating, offensive and expensive red-tape nightmare...

In a bid to head off criticism of the plans in Scotland and England, he added: "Making it easier to change birth certificates will not affect how trans people access single-sex services. "They can already use their self-declared gender on their passport or driving licence".'

[The Sun. 23 July 2017](#)

### 24 July 2017: Campaigners hail move to recognise transgender rights

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[James] 'Morton added: "the gender on their UK passport, driving licence, medical records and other identity documents already get changed by self-declaration at the very start of a person's transition. **Birth certificates simply need to be brought in line with the process for all other UK identity documents.**"

[TFN, Scottish Council for Voluntary Organisation 24 July 2017](#)

## 9 November 2017: Equality organisations welcome Scottish Government consultation to improve the Gender Recognition Act

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‘The Scottish Government consultation paper launched today proposes to simplify how transgender people can change the gender on their birth certificates. It is proposed to bring the process for birth certificates in line with that for other identity documents such as passports. Trans people would need to complete a formal legal statutory declaration confirming the gender identity in which they live and their intention to do so permanently for the rest of their life. Passports, driving licences, medical records and employment records are already changed by self-declaration when a person starts living in their gender identity.’

[Scottish Trans Alliance, Equality Network, LGBT Youth Scotland and Stonewall Scotland: Press release: 9 November 2017](#)

## November 2017: Scottish Government Consultation to Improve the Gender Recognition Act

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‘James Morton, Scottish Trans Alliance Manager, said:

“We welcome the Scottish Government’s proposals to reform the Gender Recognition Act. The current process to change the gender on a trans person’s birth certificate is a humiliating, offensive and expensive red-tape nightmare which requires them to submit intrusive psychiatric evidence to a faceless tribunal panel years after they transitioned. **It makes sense for birth certificates to be brought into line with the self-declaration process already used to change all other identity documents when trans people start living in their gender identity”.**’

[LGBT Youth Scotland statement](#)

## 17 December 2018: Census (Amendment) (Scotland) Bill: Supplementary Evidence from Scottish Trans Alliance

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‘Trans men and women are able to use men-only and women-only services regardless of whether or not they have a GRC, and **for decades have been able to update (without needing a GRC) all of their day-to-day identity documents such as passports**, driving licences and medical records.’

[Scottish Trans Alliance](#)

## 2 September 2019: Letter to Fiona Hyslop MSP Cabinet Secretary for Culture, Tourism and External Affairs

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‘Quite apart from the issue of legal gender recognition, for decades trans people’s lived sex has been recognised in many contexts in Scotland, without the need for medical treatment or for a gender recognition certificate. For example, trans people can get a passport and driving licence in their lived sex, can change their NHS CHI number gender marker, can use facilities such as toilets in their lived sex, can ask businesses such as banks to update their name and title, and so on. **This has been happening for decades without problem.**’

[Equality Network/Scottish Trans, Stonewall Scotland, LGBT Health and Wellbeing 2 September 2019](#)

## 9 November 2017: Equality organisations welcome Scottish Government consultation to improve the Gender Recognition Act

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The Scottish Government consultation paper launched today proposes to simplify how transgender people can change the gender on their birth certificates. **It is proposed to bring the process for birth certificates in line with that for other identity documents such as passports.** Trans people would need to complete a formal legal statutory declaration confirming the gender identity in which they live and their intention to do so permanently for the rest of their life. Passports, driving licences, medical records and employment records are already changed by self-declaration when a person starts living in their gender identity.

[Equality Network/Scottish Trans, LGBT Youth Scotland and Stonewall Scotland 9 November 2017](#)

## 17 December 2019: Equality Organisations Welcome Scottish Government Draft Bill to Reform the Gender Recognition Act

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‘Passports, driving licences, medical records and employment records are already changed by self-declaration when a person starts transitioning. The gender recognition process to change a trans person’s sex on their birth certificate will remain more difficult than changing their sex on other identity documents.’

‘The Scottish Government’s statutory declaration system would still require a trans man or trans woman to be living permanently as a man or woman before they can receive legal gender recognition. **It would remain more difficult for a trans person to change the sex on their birth certificate than it is for them to change the sex on their driving licence, medical records, passport, bank accounts and other identity documents.**’

[Equality Network/Scottish Trans, Stonewall Scotland, LGBT Youth Scotland, LGBT Health and Wellbeing 17 December 2019](#)

## 23 September 2019: Letter to the Members of the Equalities and Human Rights Committee

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‘a trans man or woman can get a passport and a driving licence in their lived sex, and can update their records at public services and elsewhere, so that they can live their lives with dignity, without their trans history being revealed. It is also possible, by applying for gender recognition, for some trans men and women to get a replacement birth certificate with updated name and sex, for the few purposes where a birth certificate must be provided. **But that is currently a complex and costly legal process, and so many trans people do not do it.**’

[Equality Network/Scottish Trans 23 September 2019](#)

## 20 February 2020: Transgender reforms ‘can be completed before 2021 election’

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‘James Morton began his transition as a teenager in the 1990s, before legal rights protecting trans people were put in place... “I’m one of the people who has applied for a GRC and I

found it really offensive and really stressful trying to get that birth certificate changed,” said James.

“It just felt really humiliating to give that to a panel of strangers for them to decide if I was distressed enough to merit getting my birth certificate changed. **What we are asking for is for it to be closer in alignment to how you change your passport** – and not have the same level of intrusive medical evidence and psychiatric reports and length of time you have to wait from when you’ve changed everything else.”

[STV News 20 February 2020](#)

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### **29 January 2020: Why changing the birth certificate is so important for trans people**

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Once a trans man or trans woman has settled on a name that feels like a better fit, and has started living their day to day life as the man or woman they know they are, **they can update these documents swiftly and simply**. For lots of trans people, seeing our new name printed on our driving licence, or being able to hand over a passport that has switched the “F” to “M” when ordering a drink in a pub can help us feel more happy and confident doing normal, everyday things.

[Vic Valentine \(Scottish Trans\) Herald](#)

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### **August 2021: Equality Network/Scottish Trans submission to the 2<sup>nd</sup> Scottish Government consultation on gender recognition reform**

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Trans men and trans women are already able to access partial recognition of their gender without obtaining a GRC, for example by updating the sex marker on other identity documents such as their driving licence or passport...

All trans, including non-binary, people, are able to socially transition, by taking steps such as changing their names, updating other identity documents (such as a passport, driving licence, and NHS medical records) and coming out to friends, family and at work, before obtaining legal gender recognition...

The UK Government will have figures on the number of people who have applied to update the gender on their passports and driving licences, and there is no reason to suppose that a fairer legal gender recognition process based on self-determination would be used by any more people than this.

[Equality Network/Scottish Trans, August 2021](#)

[Note: the UK Government are unable to provide information on the number of updated passports]

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### **3 March 2022: Equality organisations welcome Scottish Government’s Gender Recognition Reform Bill**

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‘Trans people can already change their name and sex on identity documents such as passports and driving licences, and can access a wide range of single-sex services and spaces without a gender recognition certificate. The reform will not affect this.

‘Patricia, a 25 year old trans woman from Edinburgh, said:

“Despite what others might say, I am a woman. As such, all of my identity documents, including my passport and driver’s licence, have an ‘F’ printed on them. I’ve been transitioning for almost half a decade now, and in everyday situations, whether out in public or at work, people treat me as a woman.”

[Scottish Trans, Equality Network, LGBT Youth Scotland, Stonewall Scotland, and LGBT Health and Wellbeing](#)

## **2022: Equality Network/Scottish Trans submission to the EHRCJ Committee Call for Views**

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Due to the complexity, cost and indignity of the current GRA process, most eligible trans people have not applied for a GRC to change their birth certificate. **This leaves them in a risky legal limbo, where all their day-to-day identity documents, such as driving licence and passport, can be updated through self-declaration to reflect their gender identity**, but where their birth certificate remains in contradiction to how they live and identify....

[Vic Valentine, Equality Network/Scottish Trans](#)

## **October 2022: Five reasons to support reforming the Gender Recognition Act**

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trans people can already “self-declare” a change of sex on their passport and driving licence and doing so does not require a GRC or a diagnosis of gender dysphoria.

[Scottish Trans Booklet on gender recognition](#)

## **Letter to the Culture, Tourism, Europe and External Affairs Committee from Equality Network/Scottish Trans Alliance, Stonewall Scotland, LGBT Health and Wellbeing, LGBT Youth Scotland**

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“Quite apart from the issue of legal gender recognition, for decades trans people’s lived sex has been recognised in many contexts in Scotland, without the need for medical treatment or for a gender recognition certificate. For example, trans people can get a passport and driving licence in their lived sex, can change their NHS CHI number gender marker, can use facilities such as toilets in their lived sex, can ask businesses such as banks to update their name and title, and so on. This has been happening for decades without problem.”

[10 September 2019](#)

## **Undated: Equal Recognition Campaign**

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‘Trans people can change their gender on their passports and other day-to-day documents without having to see a psychiatrist. However, the process to change legal gender on a birth certificate requires an applicant to receive a psychiatric diagnosis and to provide a detailed psychiatric report about their life history, current circumstances and identity in order to prove that diagnosis. This unnecessary and intrusive requirement undermines the personal autonomy of trans people because it places psychiatrists into the inappropriate role of gatekeepers to legal rights’

[Equality Network website](#)

# The passport comparator: Scottish Government and other organisations

## **2019: Second Scottish Government consultation on GRA reform (2019)**

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For a number of years, transgender people have been able to apply for other documentation in their acquired identity such as their passport and driving licence...

What the Scottish Government is proposing is to amend the way in which a trans person can obtain that Certificate. The current system is viewed by many applicants or would-be applicants as demeaning, lengthy, stressful and expensive'.

'Trans men and women who have not yet obtained a GRC may have transitioned socially, with most of their identification documents, including Government issued ones such as a passport and driving licence reflecting this. However, without a GRC the trans person will have a birth certificate and legal status which is not consistent with how they lead their lives.'

[Scottish Government 2019: Ministerial Forward and paragraph 2.10\)](#)

## **Stonewall 'The truth about trans'**

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'What process do you have to go through to be recognised as trans in daily life?

In most cases, you don't need to go through any legal or formal process... To update your gender on a passport and driving licence most people will just need a note from a doctor. That's what's so frustrating about some of the current media debate – many of the trans rights discussions happening now are about things already established and protected by law.'

[The truth about trans \(stonewall.org.uk\)](#)

## **April 2021: Unison: Reform of the Gender Recognition Act factsheet**

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'Apart from birth certificates, the name, title and gender marker on all UK identity documents can already be changed on a self-declaration basis when a trans person starts living permanently in their gender identity. These documents include:

- Passports
- Driving licences
- Medical records...'

[Unison, April 2021](#)

## **Gender Recognition Reform (Scotland) Bill 2nd consultation: examples of organisational responses**

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‘We also believe that trans children and young people under the age of 16 should be able to update their birth certificates with parental or guardian support. This would align with their existing ability to change their sex on school records, medical records, and passports. Being able to change their birth certificates would contribute to the protection of their privacy.’

[Edinburgh Rape Crisis Centre](#)

‘We would prefer a move towards a formalised self-identification model where people can legally change gender at a time chosen by them. This would bring acquisition of a gender recognition certificate in line with changing your gender on other documents such as passports.’

[Children in Scotland](#)

‘Trans people can already change the sex on their passports and medical records by statutory declaration as soon as they start living as who they are.’

[Forth Valley Rape Crisis Centre](#)

‘Reducing the minimum age to 16 would place this in line with legislation which allows people to marry, apply for a passport, vote or register a civil partnership. NGICNS would support this reduction.’

[National Gender Identity Clinical Network Scotland](#)

‘While we welcome that the time period that the applicant is required to have lived in the ‘acquired gender’ would be significantly reduced from two years to three months, there is no domestic or international evidence to suggest that a time period is necessary at all.

It would be inconsistent with the process used to change the name and/or gender on other forms of identification, such as passports and driving licenses, whereby applicants are not obliged to have lived in the ‘acquired gender’ for any defined period.’

[Stonewall Scotland](#)

‘Currently, trans 16 and 17 year olds in Scotland have the ability to change the sex marker on their passports, provisional driving licenses, medical records and, in some cases, their school records.’

[Time for Inclusive Education TIE](#)

‘Trans people can already change the sex on their passports and medical records by statutory declaration as soon as they start living as who they are.’

[YWCA Scotland The Young Women’s Movement](#)