

Rally against UK Government's use of Section 35

Scottish Trans Alliance, an organisation working for gender identity and gender reassignment equality and rights in Scotland convened a rally on Thursday outside the UK Government office, Queen Elizabeth House.

The Scottish Secretary was in Kilmarnock today rather than Edinburgh and he has now turned down an invitation to appear before the Equalities, Human Rights and Civil Justice Committee. Read more below.

The Scottish Government passed legislation in December making it easier for trans people to get a Gender Recognition Certificate. There is no need under the new law for any kind of medical proof, and the right was extended to 16-year-olds.

The Scottish Secretary, Alister Jack, made an order earlier this week under Section 35 of the Scotland Act which will prevent the bill from proceeding to the Royal Assent stage, effectively blocking it from becoming law.

The reasons were set out in his statement to the House of Commons when he said: "The Government has looked closely at the potential impact of the Bill and I have considered all relevant policy and operational implications, together with the Minister for Women and Equalities.

“And it is our assessment that the Bill would have a serious adverse impact, among other things, on the operation of the Equality Act 2010.

“Those adverse effects include impacts on the operation of single-sex clubs, associations and schools, and protections such as equal pay.”

The UK Government also published a [statement of reasons](#) why they were invoking the power to block Scottish legislation under the Scotland Act for the first time.

A rally was held outside Queen Elizabeth House today protesting against the UK Government using Section 35 of the Scotland Act for the first time to prevent the Gender Recognition Reform Bill receiving Royal Assent.
pic.twitter.com/02VY44oqPE

– Edinburgh Reporter (@EdinReporter) [January 19, 2023](#)

PROTEST

The blinds were pulled down in the government building to block out any view of the protesters, and impassioned speeches were made by politicians from The Scottish Parliament and many others during an open mic session.

Beth Douglas, a trans woman and the Co-Convener of the Rainbow Greens who had convened the rally, said: “I hope the UK Government will be embarrassed in court and shamed for making one of the worst decisions in recent history.”

The right to use a Section 35 order where law passed in Scotland might adversely affect laws elsewhere in the UK could have been used at any time in the last two decades, but this is the first time it has been implemented. Beth continued: “This is a manufactured culture war and if we keep that alive

then it means governments can avoid being accountable.”

Patrick Harvie MSP said: “The people in there might close their blinds and not want to listen to us but we are not going to let them have the last say. Trans equality and by the way the authority of The Scottish Parliament to make the decision in the first place on these issues will be defended and will be won.”



Patrick Harvie MSP speaks at the protest outside Queen Elizabeth House against the UK Government's proposal to block the Gender Recognition Reform legislation passed by The



Sophie Weddell, a trans woman speaks to the crowd at a protest outside Queen Elizabeth House against the UK Government's

proposal to block the Gender Recognition Reform legislation passed by The Scottish Government using S.35 ©2023 The Edinburgh Reporter

Sophie Weddell, a trans woman said: “I am here to defend democracy and trans rights. We were granted trans rights by Holyrood a little under a month ago and now they’re being taken away by Westminster. We are here to say ‘No Westminster, stay away’. We need our trans rights and we support The Scottish Government in their decision and we want that decision upheld.”

Amber Roberts, Equalities Officer for the SNP Edinburgh Western Branch, said: “I’m here to stand with my trans siblings to show the UK government that we will not stand for them using S35 order and literally try, Equalities Officer for the SNP Edinburgh Western Branching to destroy trans rights. Our rights should not be used to make a political statement by the Westminster government.”



Amber Roberts addressing the protest outside Queen Elizabeth House against the UK Government’s proposal to block the Gender

Recognition Reform legislation passed by The Scottish Government using S.35 ©2023 The Edinburgh Reporter
Jordan Abernethy said: "I'm protesting the egregious overreach of the UK Government in overriding what is good law that has been produced by the Scottish Government. It has gone through years of scrutiny to produce a good law that is actually going to help trans people in this country. We are people not numbers, and we are not something that should be subject to years of medicalisation and intervention by people who don't even know us."

Keith told us that the UK Government is intervening on a matter which is nothing to do with identification or safety. He said: "The purpose of a birth certificate simply marks when you were born and who you were born as. It is not a form of ID and won't get you into a refuge, changing room or toilet." He also said that overall he welcomed the new legislation although he was disappointed in the lack of recognition of non-binary people.



Protest outside Queen Elizabeth House against the UL

Government's proposal to block the Gender Recognition Reform legislation passed by The Scottish Government using S.35 ©2023
The Edinburgh Reporter

Scottish Secretary refuses invitation to Holyrood

This afternoon it became clear that the Scottish Secretary will not attend the Equalities, Human Rights and Civil Justice Committee at Holyrood. He told Radio Forth that the bill is not about trans people but rather a bill which "cuts across UK-wide legislation".

SNP MSP Emma Roddick said: "It is an absolute disgrace that Alistair Jack is refusing to explain himself to the democratically elected parliament of Scotland – about why he has chosen to veto a bill overwhelmingly passed by them.

"He clearly knows there is no grounds for a Section 35 order and he has run out of ways to defend Westminster's full frontal attack on devolution.

"It is beyond question that he should appear before the Scottish Parliament to explain his Tory Government's unprecedented attack on democracy.

"People across Scotland will be left with no other option than to conclude that the Secretary of State for Scotland is chicken. It turns out his offer to work together was nothing more than a cheap headline.

"Devolution is not about what the Tory UK Government decides is 'perfectly acceptable' law, it is about the clear-cut powers of the Scottish Parliament – perhaps the Tories should reflect on that.

"If the Tory UK government doesn't immediately revoke its section 35 order, then it is clear there has never been a more

dangerous time for devolution or necessary time to become independent and escape Westminster control for good.”

More of our photos from the protest are [on our Facebook page.](#)



Protest outside Queen Elizabeth House against the UK Government's proposal to block the Gender Recognition Reform legislation passed by The Scottish Government using S.35 ©2023



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