



An Bille um Inscne a Aithint (Leasú), 2017
Gender Recognition (Amendment) Bill 2017

Mar a tionscnaíodh

As initiated



**AN BILLE UM INSCNE A AITHINT (LEASÚ), 2017
GENDER RECOGNITION (AMENDMENT) BILL 2017**

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ACT REFERRED TO

Gender Recognition Act 2015 (No. 25)



**AN BILLE UM INSCNE A AITHINT (LEASÚ), 2017
GENDER RECOGNITION (AMENDMENT) BILL 2017**

Bill

entitled

An Act to amend the Gender Recognition Act 2015 to provide a right to self-determination for persons who have reached the age of 16 years; to introduce a right to legal gender recognition for persons under the age of 16 years; and to ensure consideration of the status of non-binary persons in Irish law. 5

Be it enacted by the Oireachtas as follows:

Interpretation 10

1. In this Act—

“Minister” means the Minister for Social Protection;

“Principal Act” means the Gender Recognition Act 2015.

Amendment of section 7 of Principal Act — the status of non-binary persons in the review of operation of Act 15

2. Section 7 of the Principal Act is amended—

(a) in paragraph (b) by the substitution of “drawn from the findings, and” for “drawn from the findings.”, and

(b) by the insertion of the following paragraph after paragraph (b):

“(c) ensure that the review of the operation of this Act specifically considers, amongst the other topics and questions determined appropriate by the Minister, the possibility of providing legal gender recognition to persons who have a preferred gender which is neither man/male nor female/woman.”. 20

Amendment of section 9 of Principal Act — right to self-determination for persons who have reached the age of 16 years 25

3. Section 9 of the Principal Act is amended in subsection (2)(a) by the substitution of “the age of 16 years on the date he or she makes an application” for “the age of 18 years on the date he or she makes an application”.

Amendment of section 12 of Principal Act — legal gender recognition for persons under the age of 16 years

4. (1) Section 12 of the Principal Act is amended in subsection (1) by the substitution of “has not attained the age of 16 years” for “has attained the age of 16 but not 18 years”. 5
- (2) Section 12 of the Principal Act is amended in subsection (2) by the substitution of “has not attained the age of 16 years” for “has attained the age of 16 but not 18 years”.
- (3) Section 12 of the Principal Act is amended by the substitution of the following subsection for subsection (4): 10
- “(4) The Court shall only grant an application under this section if, subject to subsection (5), the Court is satisfied, that, as appropriate, the child’s parents, surviving parent or guardian consent or consents to the making of the application under this section.”
- (4) Section 12 of the Principal Act is amended by the insertion of the following new subsection: 15
- “(5A) In determining whether the nature of the relationship between the child concerned and the person shows that it would not be in the interest of the safety or welfare of the child to contact the person, the Court shall consider whether the refusal of the person to provide consent under subsection (4) is inconsistent with the best interests of the child.” 20
- (5) Section 12 of the Principal Act is amended by the substitution of the following subsection for subsection (6):
- “(6) In determining whether to make an order under this section, the Court shall— 25
- (a) be guided by the principle of the best interests of the child, and
- (b) ensure, as far as practicable, that where a child is capable of forming his or her own views, the views of the child shall be ascertained and given due weight having regard to the age, maturity and evolving capacities of the child.” 30
- (6) Section 12 of the Principal Act is amended by the insertion of the following subsection after subsection (7):
- “(8) Nothing in this Act shall be interpreted as barring the Court from making an order under this section for the sole reason that a child has not reached the age of 16 years.” 35

Amendment of section 15 — consequential amendments

5. Section 15 of the Principal Act is amended in subsection (8)(b) by the substitution in of “16 years” for “18 years”.

Short title and commencement

6. (1) This Act may be cited as the Gender Recognition (Amendment) Act 2017. 40

- (2) The Principal Act and this Act shall be construed together as one Act and may be cited together as the Gender Recognition Acts 2015 and 2017.
- (3) This Act shall come into operation on the date of its passing.

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú an Achta um Inscne a Aithint, 2015 chun ceart a thabhairt do dhaoine a bhfuil 16 bliana d'aois slánaithe acu féinchinneadh a dhéanamh; do thabhairt isteach ceart le haghaidh daoine faoi bhun 16 bliana d'aois go ndéanfar a n-inscne a aithint le dlí; agus dá chinntiú go mbreithneofar stádas daoine neamhdhénártha i ndlí na hÉireann.

*Na Seanadóirí Fintan Warfield, David Norris agus
Grace O'Sullivan a thug isteach,*

30 Márta, 2017

BILL

(as initiated)

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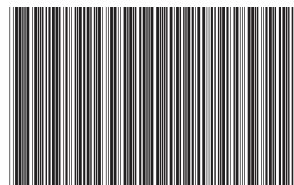
*Introduced by Senators Fintan Warfield, David
Norris and Grace O'Sullivan,*

30th March, 2017

BAILE ÁTHA CLIATH
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FOILSEACHÁIN RIALTAIS,
52 FAICHE STIABHNA, BAILE ÁTHA CLIATH 2.
(Teil: 01 - 6476834 nó 1890 213434; Fax: 01 - 6476843)
nó trí aon díoltóir leabhar.

DUBLIN
PUBLISHED BY THE STATIONERY OFFICE
To be purchased from
GOVERNMENT PUBLICATIONS,
52 ST. STEPHEN'S GREEN, DUBLIN 2.
(Tel: 01 - 6476834 or 1890 213434; Fax: 01 - 6476843)
or through any bookseller.

€1.27



978-1-4064-6180-0