

The UK government has made the unprecedented move to block a Scottish bill designed to make it easier for people in Scotland to legally change their gender, playing politics with the lives of trans people and setting the stage for a protracted constitutional showdown. A government with little support and no vision has decided it needs to reignite the culture wars due to losing the discourse on strikes this winter.

Last week the UK government announced it would be blocking Scotland's Gender Reform Bill, an unprecedented intervention that Nicola Sturgeon (First Minister of Scotland) described as a "full-frontal attack" on the Scottish Parliament. In 25 years since devolution no British government has ever taken this step until now, adding to the list of norms, precedents, and unions (Brexit *cough cough*) the Conservative Party is willing to break to save its own bacon.

The Gender Recognition Reform (Scotland) Bill was passed by a substantial majority of Scottish lawmakers from across the political spectrum in December, with Ms Sturgeon hailing it as a "historic day for equality". The new rules would move to self-determination for legally changing gender, dropping the medical diagnosis requirement while the waiting time would be cut from two years to six months, and the age limit lowered to 16 from 18.

So how was the UK government able to do this and how does the system of devolution work in the UK? Well, the Scots can pass their own laws on issues like healthcare, education and environment, while the UK Parliament in Westminster remains in charge of issues including defence, national security, migration and foreign policy. If the UK government thinks a Holyrood (Scottish Parliament) bill would modify laws reserved for Westminster (UK Parliament) and have an "adverse effect" on how those laws apply, it can block it using a Section 35 order, which has not been used until now.

The UK government argued that the bill would impact UK-wide equalities legislation. Trans rights groups refute this arguing that the Equality Act, which is UK-wide, is 100% independent of the Gender Recognition Act and nothing in the Scottish Bill changes that. There are now two options for the Scottish government as they cannot overrule this decision: amend the bill and bring it back to the Scottish Parliament, or challenge the UK government in court.

This action by a deeply unpopular UK government should be taken in context. 2022-23 has seen unthinkable levels of strike action in the UK from healthcare to transport, from postal services to education. The government attempted to pit workers against the public, blaming industrial action for 'ruining Christmas' and have been chastened to discover public approval of strikes at around 60%, a sign that after austerity, public opinion has drastically changed from the Cameron years a decade ago.

The richest Prime Minister the UK has ever had, Rishi Sunak, is a leader who has nothing to say to the British people which is why we rarely hear from him. Butter in supermarkets is security tagged, people cannot heat their homes in below zero temperatures, there are reports of 300 excess deaths a week due to ambulance delays and yet no plan is offered by Sunak and his ministers. Instead, his government has been passing a package of aggressive anti-democratic policies limiting the rights to protest, strike, and focusing on

anti-migrant rhetoric and inhumane policies such as deportations to Rwanda. The latest has been to try to add vulnerable trans people and a clash with Scotland to the mix.

These policies are aimed at shoring up the Conservative base in the style of the US Republican Party with seemingly little care or appetite to tackle the issues of the day or build a coalition with any other group in the electorate. The UK has also passed new strict voter-ID laws in a country without a national ID in another blatant attempt of the Conservatives to copy their transatlantic cousins in orchestrating minority rule through voter suppression.

Tories lag behind in the polls, and the unions leading strike action have been effective in maintaining public support and setting the media agenda thus far. Picking a fight with the trans community, arguably one of the most vulnerable communities in the UK, is shameless but you could see it coming. Prior to becoming prime minister, one of the first pledges by Sunak was protecting “women’s rights,” and allies declared that he would create a manifesto opposing trans women competing in women’s sports and calling on schools “to be more careful in how they teach on issues of sex and gender.”

Sunak, a politician lightweight on policy and mainly invisible, has bet on trans rights being a wedge issue. He is signalling his hard-line credentials to his party members whilst antagonising Scots just as Britain’s Supreme Court ruled in November that the Scottish government cannot unilaterally hold a second independence referendum.

A deeply unpopular government of a deeply unpopular party. This latest action is an attempt to distract the English, in particular, from the dire economic situation and Tory ineptitude. I doubt it will work and it will certainly galvanise Scottish support for independence, but at the heart of this there are trans people who are already paying a heavy price.