

Research Briefing
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Conversion Practices (Prohibition) Bill

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Summary

The [Conversion Practices \(Prohibition\) Bill](#) is a Private Member's Bill, sponsored by Lloyd Russell-Moyle MP (Labour (Coop)). The Bill, together with its [explanatory notes](#), is available on the Parliament website. The Bill was presented to the House of Commons on 6 December 2023 and is scheduled for second reading on 1 March 2024.

The Bill would create offences in relation to the offering, provision and/or advertising of conversion practices. It would also create an offence of assisting a person abroad to conduct a conversion practice.

Broadly, conversion practices are defined in the Bill as entailing activity, where the predetermined purpose and intent is to change someone's sexual orientation or to change a person to or from being transgender.

The Bill also describes in detail practices that would not constitute offences under the Bill if it were passed, including the expression of religious belief and the provision of healthcare.

The Bill would extend to England & Wales, Scotland and Northern Ireland, although in the case of Scotland and Northern Ireland would require commencement by regulations in the devolved legislatures.

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Background to the Bill

The terms ‘conversion practices’ and ‘conversion therapy’ are generally understood to refer to coercive practices that aim to change or suppress a person’s sexual orientation and/or gender identity.¹ Since 2018, successive UK Governments have described these practices as abhorrent and committed to introducing legislation to ban them.²

Some conversion practices may already be illegal. For example, where they involve violence.³ However, the Government has argued that the current criminal law does not prohibit all conversion practices, particularly those that involve coercive talking therapies that assume one particular sexuality or gender identity is preferable to another.

There is widespread, but not universal, support for prohibiting coercive practices that attempt to change a person’s sexuality based on the assumption that one sexual orientation is preferable to another. Proposals to prohibit conversion practices in relation to gender identity are more controversial.

Some of the issues raised by stakeholders are summarised below, in section 2.6. The debate is discussed more fully in the Library’s briefing [Prohibiting conversion therapy](#).⁴ This background section is drawn largely from that briefing.

2.1

Government-commissioned research

National LGBT survey

In July 2017, [the Government announced a national LGBT survey](#), which aimed to gather information about the experiences of LGBT people in the UK. Among other things, the survey asked whether respondents had ever undergone or been offered conversion therapy.

¹ There are various definitions, including in: UN Independent Expert on sexual orientation and gender identity, [Report on conversion therapy](#), 1 May 2020; [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022; Welsh Government, [Working Group on Banning Conversion Practices](#), 18 August 2023; Expert Advisory Group on Ending Conversion Practices, [Report and recommendations](#), 4 October 2022, p17

² The Government has consistently used this term, see for example: Prime Minister’s Office, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021, p14

³ For example: under the Sexual Offences Act 2003 (eg rape); Criminal Justice Act 1988 (such as assault); Offences Against the Person Act 1861 (such as forcibly administering drugs); see section 1.3 of Commons Library research briefing CBP9972, [Prohibiting conversion therapy](#)

⁴ Commons Library research briefing CBP9972, [Prohibiting conversion therapy](#)

The survey found that 2% of all respondents said that they had undergone conversion therapy in “an attempt to ‘cure’ them of being LGBT, and a further 5% having been offered it”.⁵ The survey did not ask respondents when the conversion therapy took place, nor in which country.

The survey found that 13% of transgender respondents said they had undergone or been offered conversion therapy, compared with 7% of respondents who were not transgender.⁶

Of those respondents who said they had undergone or been offered conversion therapy, 53% said they had been offered it by faith organisations; 51% said faith organisations conducted it; 19% said conversion therapy had been conducted by healthcare providers; and 16% said it had been conducted by parents, guardians or family members.⁷

A 2021 government research paper [on the prevalence of conversion therapy in the UK](#) stated that the LGBT survey over-represented certain groups “such as younger people and those living in the South East of England”, meaning the findings may be subject to sample bias.⁸

Nevertheless, the research applied a weighting to the data in an attempt to correct for sample bias and found that this did not significantly change the survey’s results. With the weighting, 2.9% of respondents were found to have received conversion therapy and 5% offered it.⁹

Rapid evidence analysis

In 2021 [the Government commissioned academics from Coventry University to undertake a ‘rapid evidence assessment’](#) (REA) of the international research literature on conversion therapy.¹⁰ The assessment found that the “balance of evidence suggests conversion therapy is unlikely to be effective and is associated with negative health outcomes”.¹¹

The REA noted growth in the number of studies linking exposure to conversion practices “with multiple indicators of poor health”.¹² While the REA highlighted methodological limitations of the existing research - including over-reliance on survey data susceptible to sample bias - statistical studies have found that LGBT people who had experienced attempts to change their sexual orientation had poorer mental health than those who had not:

⁵ Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p83

⁶ As above, p89

⁷ As above, p93

⁸ Government Equalities Office, [National LGBT Survey: Research Report](#), July 2018, p93

⁹ Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

¹⁰ Government Equalities Office, [Conversion therapy: an evidence assessment and qualitative study](#), 29 October 2021

¹¹ As above

¹² As above

Within these studies, exposure to sexual orientation change efforts is consistently linked to higher likelihood of suicidal thoughts and suicide attempts compared with LGB people who have not had conversion therapy.¹³

Some have criticised the REA, highlighting methodological weaknesses in the evidence and the difficulty distinguishing causation from correlation. During [debate in the House of Lords on the Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#) (see below), Baroness Noakes drew attention to the limited range of evidence used in the REA, and the difficulty identifying causation of poor mental health outcomes:

The Government commissioned Coventry University to conduct a research review and a qualitative study. It reviewed 46 pieces of research in order to determine what forms conversion therapy takes and who experiences it. The vast majority of these pieces of research were North American studies, and only two came from the UK. If you go into the report's annexes, you find the problems that Coventry University identified with most of the research that it reviewed. This included a lack of randomised controlled trials, reliance on retrospective self-reporting, self-selecting samples, and the use of a wide variety of conversion therapy methods without differentiating between them.

...

The report also says that there is

“an increasing amount of quantitative evidence that exposure to conversion therapy is statistically associated with poor mental health outcomes”.

That sounds important, but the report explicitly found no causal connection between the two. This issue of causation is important, because there is considerable evidence that LGBT people in general have poorer than average mental health, and no attempt has been made anywhere to identify the impact of this.¹⁴

The Parliamentary Office of Science and Technology's [briefing on conversion therapy](#) provides a summary of the qualitative research evidence:

In qualitative studies, other harms reported by people who have undergone CT include: loss of self-esteem; anxiety; depression; social isolation; intimacy difficulty; self-hatred; shame and guilt; sexual dysfunction; and symptoms of post-traumatic stress disorder.

Some individuals report benefits of CT in self-reported surveys and qualitative studies, such as experiencing an increased sense of belonging, experiencing understanding and recognition of religious values, and receiving empathy and social support. However, the REA found that these benefits are not unique to CT and are common across most types of therapy and support group¹⁵

¹³ Equalities Office, [Conversion therapy: an evidence assessment and qualitative study](#), 29 October 2021

¹⁴ [HL Deb 9 February 2024 c150-151](#)

¹⁵ [Conversion Therapy](#), POSTnote 658, 16 December 2021, pp2-3

2.2

Government proposals

Alongside the publication of the national LGBT survey results in July 2018, the Government launched its [LGBT Action Plan](#). This summarised its actions in response to the survey and included a commitment to “bring forward proposals to end the practice of conversion therapy in the UK”.¹⁶

Several parliamentary questions probed the Government’s position following this commitment. Broadly, from 2018 to 2020 the Government’s position remained that introducing this legislation was a complex matter that required wide engagement and consultation before bringing forward proposals.¹⁷

2021 Queen’s Speech

The [2021 Queen’s Speech](#), which outlines the Government’s legislative agenda for the parliamentary session ahead, committed to bring forward measures to ban conversion therapy.¹⁸ The background briefing said that the Government would “ban conversion therapy”¹⁹ but that the ban would have to be “proportionate and effective” while avoiding “unintended consequences”.²⁰ The reference to unintended consequences relates to the Government’s desire to ensure “medical professionals, religious leaders, teachers and parents can continue to be able to have open and honest conversations with people”.²¹

Consultation: October 2021 to February 2022

On 29 October 2021 the Government published a [consultation on banning conversion therapy](#).²² The consultation document said the evidence was clear that conversion practices do not work and can cause long lasting damage to those who go through them. The consultation ran until 4 February 2022. The Government’s response has not yet been published. The consultation document said the Government intended to “legislate when parliamentary time allows” and would “prepare a draft bill for spring 2022”.²³

The policy proposals outlined in the consultation would apply to conversion practices targeting both gender identity and sexual orientation:

¹⁶ Government Equalities Office, [LGBT Action Plan: Improving the Lives of Lesbian, Gay, Bisexual and Transgender People](#), p4

¹⁷ PQHL10457 [[on conversion therapy](#)] 9 October 2018

¹⁸ Queen’s Speech 2021, 11 May 2021

¹⁹ Prime Minister’s Office, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021, p14

²⁰ Prime Minister’s Office, [Queen’s Speech 2021: background briefing notes](#), 11 May 2021, p117

²¹ As above

²² Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

²³ As above

- Talking conversion practices would be made illegal for under-18s, and for adults that are either coerced or do not have capacity²⁴ to consent to conversion practices.
- Physical violence that might be carried out as part of conversion practices are already illegal under existing legislation. The Government suggested that when violent offences motivated by conversion practices are prosecuted courts “must consider this as an aggravating factor upon sentencing”.²⁵
- Conversion Therapy Protection Orders would be introduced to protect potential victims “from undergoing the practice including overseas”.²⁶ These orders would be tailored to the needs of the victim.

Alongside these, it said a “holistic package of measures” would offer support to victims and limit the potential promotion of conversion practices.²⁷

2022 Queen’s Speech

In the May 2022 Queen’s Speech, Queen Elizabeth II announced that legislation would “be introduced to ban conversion therapy”.²⁸ The background briefing to the Queen’s Speech said a Conversion Therapy Bill would seek to ban “conversion therapy practices intended to change sexual orientation”.²⁹ There was no mention of any application to gender identity. The Bill would extend and apply to England and Wales.

The background briefing said the legislation would:

- Introduce a criminal offence banning non-physical conversion practices “to complement existing legislation which protects people from acts which inflict physical harm”.³⁰ The offence would apply to conversion practices in respect of anyone under-18, and to over-18s “who do not consent and who are coerced or forced to undergo conversion therapy practices”.³¹
- Make violent conversion practices a potential aggravating factor when sentencing for an offence.
- Remove profits obtained from conversion practices from those found guilty of the offence.

²⁴ Capacity in this sense is assessed by reference to the Mental Capacity Act 2005, [section 5](#)

²⁵ Government Equalities Office, [Banning conversion therapy](#), 29 October 2021

²⁶ As above

²⁷ As above

²⁸ Queen’s Speech 2022, 10 May 2022

²⁹ Prime Minister’s Office, [Queen’s Speech Background briefing notes](#), 10 May 2022, p128

³⁰ As above, p128

³¹ Prime Minister’s Office, [Queen’s Speech Background briefing notes](#), 10 May 2022, p128

- Introduce Conversion Therapy Protection Orders, which would “set out certain conditions to protect a person from undergoing the practice”.³² For instance, removing a passport for those at risk of being taken abroad, or “any requirement the court considers necessary to protect that person”.³³

Aside from the fact these proposals did not relate to gender identity, they were broadly in line with the proposals in the Government’s consultation.

During the session of Parliament that ended on 26 October 2023 [the Government said it would, before the end of the session, publish a draft bill](#).³⁴ A draft bill has not yet been published and did not feature in the 7 November 2023 King’s Speech.

On the day following the King’s Speech, Lord Sharpe of Epsom, speaking for the Government, explained why a bill had not been included in the speech:

We will set out further details on it in due course. The priority is to tackle this issue in ways that are effective and avoid unintended consequences, particularly those that might affect young or vulnerable people. It is about taking time to fully consider the consultation responses and how best to reflect parents’ roles and interests in the importance of legitimate clinical work.³⁵

More recently, in December 2023 and since, [the Government has said it would publish a draft bill for pre-legislative scrutiny](#) by a joint committee of both Houses in early 2024.³⁶

2.3

Devolved administrations

Scotland

On 9 January 2024 the Scottish Government [published a consultation on ending conversion practices in Scotland](#).³⁷ The consultation closes on 2 April 2024. The consultation [followed a report from 4 October 2022](#) by the Scottish Government’s Expert Advisory Group on Ending Conversion Practices.³⁸ The report recommended that conversion practices that seek to “change, suppress and/or eliminate a person’s sexual orientation, gender identity and/or gender expression” should be a criminal offence in Scotland.

³² Prime Minister’s Office, [Queen’s Speech Background briefing notes](#), 10 May 2022, p128

³³ As above

³⁴ PQ 182705 [[on Conversion Therapy](#)] 5 May 2023

³⁵ [HL Deb 8 November 2023 c141](#)

³⁶ PQ 900634 [[on Conversion Therapy](#)] 13 December 2023

³⁷ Scottish Government, Ending conversion practices in Scotland: consultation, 9 January 2024

³⁸ Expert Advisory Group on Ending Conversion Practices, [Report and recommendations](#), 4 October 2022

Wales

The Welsh Government's [LGBTQ+ Action Plan for Wales](#), published 7 January 2023, included a commitment to “Ban all aspects of LGBTQ+ Conversion Practices”.³⁹

The Welsh Government has repeatedly called for legislation to prohibit conversion practices.⁴⁰ Criminal law is not devolved in Wales, so new criminal laws must be passed by the UK Parliament.

Northern Ireland

The Northern Ireland Assembly passed a non-binding motion on [20 April 2021 on conversion therapy](#) calling on the Minister for Communities to commit to banning conversion therapy.⁴¹

2.4 House of Lords Private Member's Bill

Alongside Lloyd Russell-Moyle MP's Bill, there is currently a Bill in the House of Lords that seeks to prohibit conversion practices. On 20 November 2023, Baroness Burt of Solihull (Lib Dem) introduced the [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#). The Bill had its [second reading](#) on 9 February 2024.⁴²

2.5 Stakeholder views

There is a diverse range of views about conversion practices both between and within stakeholder groups. For example, health, counselling and psychotherapy organisations have generally opposed conversion practices,⁴³ and said they are something “no doctor could ethically provide”.⁴⁴ However, healthcare stakeholders have also highlighted the risk of conflating

³⁹ Welsh Government, [LGBTQ+ Action Plan for Wales](#), 7 January 2023

⁴⁰ [Conversion therapy: Welsh government seeks legal advice](#), BBC News, 1 April 2022; Welsh Government, [‘Survivors of ‘conversion therapy’ among expert group helping advise Welsh Government on actions to ban “abhorrent” practice in Wales’](#), 17 January 2023

⁴¹ Northern Ireland Assembly, [Motion: Conversion Therapy](#), 20 April 2021

⁴² HL Deb 9 February 2024 cc1844-1914; see discussion in section 3 of Commons Library research briefing CBP9972, [Prohibiting conversion therapy](#)

⁴³ For example, [Memorandum of Understanding on Conversion Therapy in the UK](#), Version 2, Update November 2022; [GMC response to consultation on banning conversion therapy](#), GMC, 10 December 2021; [Banning conversion therapy Academy statement](#) (PDF), Academy of Medical Royal Colleges, 9 February 2023; BMA, [The British Medical Association's response to the Government Equalities Office consultation ‘Banning conversion therapy’](#), 2021 [British Psychological Society Response to the Consultation on Banning Conversion Therapy](#), 2021

⁴⁴ [GMC response to consultation on banning conversion therapy](#), GMC, 10 December 2021

conversion practices with neutral psychotherapies intended to help people with their mental health, which might include discussion of sexual orientation or gender identity.⁴⁵

Similarly, a wide range of religious organisations support a ban of conversion practices,⁴⁶ while some oppose a ban that applies to talking therapy,⁴⁷ or object to the idea of a ban entirely, arguing that existing legal protections are sufficient and that a prohibition could limit freedom of religious practice.⁴⁸

Many who support a ban in principle warn that in substance it may have unintended consequences. Themes in the stakeholders' comments include:

- Concern that a prohibition of conversion practices could affect legitimate clinical, religious, parental, or teaching practice. This includes:
 - Arguments that a ban may have a “chilling” effect on “legitimate conversations parents or clinicians may have” with children about sexual orientation or gender identity.⁴⁹
 - Concern about the implications for healthcare practitioners who hold gender critical views (which are beliefs protected in equality law) and may therefore be more likely to use talking therapy, including open-ended discussion, rather than medical intervention such as puberty blockers.⁵⁰
 - Arguments that a ban could “outlaw forms of prayer which do not adopt a wholly affirmative approach to (for example) same sex attraction or gender reassignment”.⁵¹
- Concern about the potential impact of banning conversion practices on the rights protected by the [European Convention on Human Rights](#). These include rights to respect for private and family life (Article 8); freedom of thought, conscience and religion (Article 9); and freedom of expression (Article 10). Some argue that a ban is necessary on human rights

⁴⁵ For example, [UKCP guidance regarding gender critical views](#), UKCP (accessed 31 January 2024)

⁴⁶ For example: Church of England, [General Synod backs ban on conversion therapy](#), 8 July 2017; [The Methodist Church, The Methodist Church reaffirms its opposition to Conversion Therapy](#), 8 April 2022; Church of Scotland, [Faith Impact Forum 2022](#); Church of Wales, [Bishops welcome conversion therapy ban commitment](#), 29 April 2022; [Hindu and Buddhist figures condemn LGBT+ conversion therapy and call for ban 'without delay'](#), iNews, 19 June 2021; Ozanne Foundation, [Letter to Minister for Women and Equalities](#), 7 July 2020

⁴⁷ For example, Christian Medical Fellowship, [Banning conversion therapy – a response by the Christian Medical Fellowship](#), 2021

⁴⁸ For example, Christian Concern, [Responding to government's 'conversion therapy' ban announcement](#), 17 January 2023

⁴⁹ [WS HCWS500 \[Online Safety Update\] 17 January 2023](#)

⁵⁰ UKCP, [UKCP guidance regarding gender critical views](#), 2 November 2023; Case law has confirmed that gender critical views are philosophical beliefs, protected by the Equality Act 2010 – see [Forstater v CGD Europe & Anor \[2019\] UKET 2200909/2019](#)

⁵¹ Church of England, [Briefing and reflections on Conversion Therapy](#), 8 February 2024, p4

grounds, and that conversion practices constitute cruel, inhuman or degrading treatment under Article 3, meaning “states are under a positive obligation to take effective measures to protect LGBTIQ+ persons from the harms of ‘conversion therapy’”.⁵² Others note that talking therapies are unlikely to meet the threshold of severity required to breach Article 3.⁵³

- Arguments for and against the view that non-vulnerable adults should be able to consent to conversion practices. Some, including the Church of England, say that preserving the possibility of informed consent is necessary to comply with human rights.⁵⁴ Others, including the mental health charity Mind, have said that it is “not possible to achieve informed consent for conversion practices”⁵⁵ partly because they take place in situations of power imbalance, or where individuals fear alienation within their community or family.⁵⁶
- Specific concerns about banning practices that seek to change a person’s gender identity. Some groups argue that a conversion practices ban could cause clinicians to be fearful when discussing gender identity, predisposing them towards supporting gender reassignment without fully and freely exploring the reasons a person may have for seeking this. They argue that this presents a particular risk to young, vulnerable or ill-informed individuals who may proceed with medical or surgical treatment to modify their sexual characteristics without fully appreciating the implications.⁵⁷
- Some commentators have argued that a desire to change gender can be associated with sexuality, and that gender dysphoria may in some cases be an expression of internalised homophobia or misogyny. Therefore, a gay man or woman who does not conform to usual expectations of masculinity or femininity might seek to change their gender identity to align with a heteronormative conception of sexuality.⁵⁸ Some, therefore, resist legislative proposals that they argue would insulate these heteronormative beliefs from being challenged.⁵⁹
- Several stakeholders advocate waiting for the outcome of the [Cass Review](#) before legislating. The Cass Review – or the Independent Review

⁵² Ilias Trispiotis, Craig Purhouse, ‘[Conversion Therapy’ As Degrading Treatment](#), *Oxford Journal of Legal Studies*, Volume 42, Issue 1, Spring 2022, Pages 104–132

⁵³ For example, [Legal Advice: Private Member’s Bill to Prohibit Conversion Therapy](#), 29 November 2023

⁵⁴ Church of England, [Briefing and reflections on Conversion Therapy](#), 8 February 2024, p17

⁵⁵ Mind, [Mind response: Banning Conversion Therapy Consultation](#) (PDF), 4 February 2022, p5

⁵⁶ Expert Advisory Group on Ending Conversion Practices, [Report and recommendations](#), 4 October 2022, p17

⁵⁷ Sex Matters, [Policy proposal: Legislation to ban modern conversion therapy](#), October 2023

⁵⁸ The European Institute for Gender Equality [defines heteronormativity](#) as “Heteronormativity is what makes heterosexuality seem coherent, natural and privileged. It involves the assumption that everyone is ‘naturally’ heterosexual, and that heterosexuality is an ideal, superior to homosexuality or bisexuality.”

⁵⁹ [Conversion Practices](#), 6 December 2023, c84WH

of Gender Identity Services for Children and Young People – was commissioned by the NHS in 2020, to make recommendations about NHS services to children and young people questioning their gender identity. The Cass Review [published its interim report in February 2022](#); the final report is still awaited.⁶⁰

The above is a non-exhaustive summary of some of the main issues raised by stakeholders, which are more fully discussed in the Library’s [Prohibiting conversion therapy](#)⁶¹ and the Parliamentary Office of Science and Technology’s [briefing on conversion therapy](#).⁶²

Many of these points were made during the House of Lords [second reading debate](#) of the [Conversion Therapy Prohibition \(Sexual Orientation and Gender Identity\) Bill \[HL\]](#). These concerns lead some stakeholders to oppose a ban, while others raise them with a view to ensuring a ban is effective and avoids unintended effects.

It is largely due to the above concerns that clause 1 of the Bill, discussed below, provides a list of circumstances in which no offence would be committed under the Bill’s proposed prohibition of conversion practices.

⁶⁰ Independent review of gender identity services for children and young people: Interim report, 2022

⁶¹ Commons Library research briefing CBP9972, Prohibiting conversion therapy

⁶² Conversion Therapy, POSTnote 658, 16 December 2021

3

The Bill

3.1

Definitions used in the Bill

Clause 4 would define “conversion practice” as:

a course of conduct or activity, the predetermined purpose and intent of which is to change someone’s sexual orientation or to change a person to or from being transgender, including to suppress a sexual orientation or transgender identity so that the orientation or identity no longer exists in full or in part

The Bill’s [explanatory notes](#) explain the components of this definition:

“a course of conduct or activity”, which means something that had happened more than once, is a planned activity and cannot include one off or ad hoc actions by a person;

“the predetermined purpose and intent” meaning that there must be a higher threshold than just immediate intent, but that a predetermined outcome must have been intended before the course of conduct of activity started;

“change someone’s sexual orientation or to change a person to or from being transgender” to change is a common English understanding the direction of travel is all directions—that is, in this context, from same sex to opposite sex orientation or opposite sex to same sex, equally from transgender to non-transgender or non-transgender to transgender. It covers a person having the intent to change someone from same sex orientation to transgender or from transgender to same sex orientation as both would be a change in either class.

“suppress a sexual orientation or transgender identity so that the orientation or identity no longer exists in full or in part” means to actively negate the identity or orientation but it does not cover changes which do not negate the identity or orientation.⁶³

“Transgender”, “sexual orientation” and “transgender identity” are defined by reference to the Sentencing Act 2020.

[Section 66\(6\)\(e\)](#) of the Sentencing Act 2020 states that references to being transgender include references to being “transsexual, or undergoing, proposing to undergo or having undergone a process or part of a process of gender reassignment”. This is similar to the definition of gender reassignment in [section 7](#) of the Equality Act 2010.⁶⁴

⁶³ [Conversion Practices \(Prohibition\) Bill Explanatory Notes](#), para 54

⁶⁴ For a detailed discussion of the definition see: Law Commission, Hate crime laws: Final report, HC 942, 2021, [pp103-116](#)

Sexual orientation is mentioned although not defined in the Sentencing Act 2020, however paragraph 56 the explanatory notes state the interpretation would be in line with the definition of sexual orientation in the Equality Act 2010:

Sexual orientation means a person's sexual orientation towards—

- (a) persons of the same sex,
- (b) persons of the opposite sex, or
- (c) persons of either sex.⁶⁵

Transgender identity is mentioned in the Sentencing Act 2020 although not defined.⁶⁶

3.2 Prohibition of conversion practices

Clause 1(1) of the Bill would prohibit conversion practices in specific scenarios. These would be where a person:

- offers, undertakes or takes payment for conversion practices
- offers, provides or takes payments for materials, advice or guides to conducting conversion practices
 - This is intended to “target those that facilitate and encourage the practice—for example, by developing “do it yourself” guides”⁶⁷
- Advertises or takes payment for advertising of conversion practices.

Clause 1(4) provides that the “appropriate national authority” must publish guidance on the offence defined in clause 1(1) and may under **clause 1(5)** revise this guidance.

The appropriate national authority would in England and Wales be the Secretary of State; in Scotland it would be Scottish ministers; and in Northern Ireland, the Department for Communities.

The Bill does not specify a date by which the guidance must be published.

⁶⁵ Equality Act 2010, section 12

⁶⁶ Sentencing Act 2020, [section 66\(1\)\(e\)](#)

⁶⁷ [Conversion Practices \(Prohibition\) Bill Explanatory Notes](#), para 46

3.3

The clarifications

Clause 1(2) provides a list of scenarios in which no offence would be committed under the prohibition of conversion practices covered in clause 1(1). The explanatory notes describe these as “the clarifications”, which are intended to identify “actions that do not meet a criminal threshold of conversion practices under the Bill, taken by people in particular roles.”⁶⁸

Broadly, under clause 1(2), no offence would be committed where a person:

- expresses a religious or other belief, provided that it is not directed to an individual as part of a conversion practice
- expresses disapproval or acceptance of a person’s sexual orientation or transgender identity, or lack thereof
- is a healthcare practitioner acting in the course of providing a health service that is compliant with regulation and professional standards; is considered by the practitioner in their reasonable professional judgement to be appropriate; and that does not at the start of the treatment have a predetermined outcome in terms of sexual orientation or transgender identity or lack of it. A healthcare practitioner is defined in clause 4 as being a person who is a member of a body overseen or accredited by the Professional Standards Body for Health and Social Care.
- is assisting someone undergoing a regulated course of treatment
- is, other than as part of a conversion practice, “facilitating or offering support to a person” who is:
 - exploring or questioning their sexual orientation or transgender identity, or lack thereof; or
 - seeking to develop coping skills in relation to their sexual orientation or gender identity, or lack thereof
- exercising parental responsibility for a child, in accordance with relevant legislation, provided that “the child’s welfare is the person’s paramount consideration”.⁶⁹

⁶⁸ [Conversion Practices \(Prohibition\) Bill Explanatory Notes](#), para 5

⁶⁹ Clause 1(2)(f). The relevant legislation would in England & Wales be the Children Act 1989; in Scotland the Children (Scotland) Act 1995; in Northern Ireland the Children (Northern Ireland) Order 1995

Amending the clarifications

The list of clarifications could be amended by regulations.

Clause 1(3) would provide that the regulations could be made by the appropriate national authority, as defined in clause 1(4).

The regulations amending the list of clarifications would be subject to the affirmative procedure in the relevant legislature.⁷⁰

3.4 Offence of assisting a non-UK person to conduct conversion practice

Clause 2 would create an offence intended to prevent the circumventing of the prohibition of conversion practices in clause 1(1) by organising conversion practices abroad.

Under **clause 2(1)** it would be an offence for a person to aid, abet, counsel or procure another person, who is not in the UK, to offer, undertake or take payment for a conversion practice outside the UK, where this is done in relation to a UK national or resident. The person facilitating conversion practices abroad would commit the offence if those practices would be illegal in the UK under the Bill.⁷¹

Clause 2(2) would provide that the offence in clause 2 may be prosecuted anywhere that the Act (resulting from this Bill) is in force.

3.5 Penalties

Clause 3(1) provides that a person guilty of one of the offences in the Bill would be liable for a fine not exceeding level 5 on the standard scale (ie a potentially unlimited fine).⁷²

The Bill uses the phrase “liable on either way conviction” to refer to the fact offences in the Bill could be tried in the Magistrates’ Court or Crown Court (or Justice of the Peace Court/Sheriff Court in Scotland).

Clause 3(2) would provide that proceedings may only be brought for an offence in the Bill with the consent in England, Wales or Northern Ireland of the relevant Director of Public Prosecutions. The explanatory notes observe

⁷⁰ Clause 5(4)-(6)

⁷¹ Clause 2(1)(b)

⁷² The precise level of the fine would be decided by reference, among other things, to the seriousness of the offence and circumstances of the offender; see Sentencing Act 2020, [section 125](#)

that, in respect of Scotland, the “Crown Office and Prosecutor Fiscal Service must already give consent in Scotland”.⁷³ The intended effect of this provision is to exclude the possibility of private prosecutions.

Clause 3(3) would amend [section 178\(1\)](#) of the Charities Act 2011, the effect of which would be to disqualify a person found guilty of an offence under the Bill from being a charity trustee.

Section 178 of the Charities Act 2011 extends to England and Wales only.⁷⁴ In respect of Scotland and Northern Ireland, the explanatory notes state:

Scottish Ministers may already by order amend the Charities (Regulation and Administration) (Scotland) Act 2023 if they were to extend this act to Scotland.

The same applies in Northern Ireland under the Charities Act (Northern Ireland) 2008. The relevant charity commission may remove the disbarment via application.⁷⁵

3.6 Extent and commencement

Clause 5(1) provides that the Bill would extend to England and Wales, Scotland and Northern Ireland.

Clause 5(2) provides that the provisions of the Bill would commence in England and Wales six months after the Bill’s Royal Assent.

In respect of Scotland and Northern Ireland, the Bill would come into force on a date appointed by regulations made by Scottish Ministers/the Department for Communities.

3.7 Reviewing the legislation

Clause 7(1) provides that the Secretary of State must arrange for a committee to review how the legislation is operating and if necessary, make recommendations for amendment. The committee must also publish its findings and recommendations.

Clause 7(2) provides that the majority of the members of the committee must be Members of the House of Commons. Under **clause 7(3)** the arrangements must be made no later than four years after the Act comes into force.

⁷³ [Conversion Practices \(Prohibition\) Bill Explanatory Notes](#), para 52

⁷⁴ Charities Act 2011, [section 356\(1\)](#)

⁷⁵ [Conversion Practices \(Prohibition\) Bill Explanatory Notes](#), para 53

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