



The Gender Recognition Act 2004 enables transsexual people to apply to the Gender Recognition Panel.

If you are granted a full Gender Recognition Certificate, from the date of issue you are considered in the eyes of the law to be a person of that acquired gender.

This means

- You can marry someone of the opposite gender.
- You can form a civil partnership with someone of the same gender.
- You will retire/receive state pension at the age appropriate to that acquired gender.
- You can obtain a new birth certificate showing your newly recognised acquired gender.
- Your rights as parent of your children will be unaffected and their birth certificates will not be altered.

However also be aware this could also mean –

- You may be entitled to lower benefits as a result of your change of legal gender.
- You may be entitled to a smaller or later pension as a result of your change of legal gender.
- If you might potentially lose any gifts in a Will that are gender-specific (e.g. “to my eldest son”) you can apply to the Court for the Will to be interpreted in the light of the Gender Recognition Act.

An Interim Gender Recognition Certificate will be issued to a successful applicant if he or she is married at the time of application when the marriage is ended, a full Gender Recognition Certificate will be issued.

This Interim Certificate is valid for a period of 6 months, and may be used as evidence to end the marriage by divorce or nullity on the basis that an Interim Gender Recognition Certificate has been issued to a party of the marriage (as parties to a marriage have to be respectively male and female).

If the marriage is ended – this does not necessarily mean that you and your spouse have to live apart.

- If you and your ex-spouse wish to continue to cohabit, you can both enter into a civil partnership.
- If you and your ex-spouse no longer wish to continue to cohabit, proper arrangements will have to be made for division of assets and provision for spouse/children, as would be usual in divorce or nullity proceedings.

- If you and your current spouse are both transsexual, you may both want to apply for Gender Recognition Certificates at the same time. This will allow the marriage to continue as you will remain in a male/female union.

The Gender Recognition Act safeguards the privacy of transsexuals by defining much information relating to the Gender Recognition process as “protected information”. However there are a limited series of exemptions that permit information to be disclosed for valid public policy reasons without consent – for example for preventing/investigating crime.

It is unlawful discrimination for an employer to treat a job applicant or an employee less favourably on the ground that the employee intends to undergo or has undergone gender reassignment. However there are limited exemptions on grounds of privacy/decency.

There is a one-off means tested fee payable to the Gender Recognition Panel.

The standard application process requires applicants to show

- They have (have had) gender dysphoria (a desire to live in the opposite gender to that in which a person has been registered at birth).
- They have lived fully for the last 2 years in their acquired gender.
- They intend to live permanently in their acquired gender.
- They are aged 18 or over.

There is a fast track application (available until 03.04.07) available to those who have lived for the last 6 years in their acquired identity, requiring less medical evidence.

If your acquired gender has been recognised in another country, and that country is on the list of “approved countries”, you should apply using the overseas recognition process.

If you wish to apply for Gender Recognition, additional explanatory leaflets and application forms are available at www.grp.gov.uk or from

GRP
PO BOX 6987
Leicester
LE1 6ZX
Tel: 0845 355 5155

E mail: grpenquiries@tribunals.gsi.gov.uk

Few applications require actual attendance at Court. Instead almost all applications are decided on the papers.

Your application will be assigned to one member of the panel team, who will be responsible for every step of your application. That person will contact you, using your preferred method of contact, if there is information missing from your form, which is required before your application can be processed.

Within 5 days of your application being received by the panel, you should receive a letter telling you how long the process should take.

If you are successful in obtaining a full Gender Recognition Certificate, you will be informed.

- Which government department you must inform (or risk prosecution).
- What other steps you may wish to take.

If you are unsuccessful, there is limited scope for appeal on a point of law to the High Court if the panel has acted unlawfully.

Subject to both a merits test and means tested eligibility:

- Legal Help will be available to assist with preparing an application for a Gender Recognition Certificate (but not for payment of the fee).
- Legal Representation can be available to appeal refusal.

Dunn & Baker – Here to help you

Disclaimer: The material contained in this fact sheet is for general guidance only. It is specific to the law of England and Wales, and represents a brief outline of the law current as at the date of the fact sheet. It is not intended to constitute, or to be a substitute for, legal advice specific to your case. Dunn and Baker will be responsible only for advice specifically given to you.