



Tribunals Service  
Gender Recognition Panel

## Explanatory leaflet

### A guide for users

Gender Recognition Act 2004

**Updated June 2006**

**The purpose of this guidance is to help potential applicants to make informed decisions about whether they wish to apply for gender recognition.**

It contains:

- An introduction to the Gender Recognition process
- An explanation of the words used in this guidance and the application pack
- Information on what obtaining a Gender Recognition Certificate will mean for various aspects of a person's life
- Details of the criteria that must be satisfied for gender recognition to be granted
- An explanation of the process for applying for a Gender Recognition Certificate
- Contact details for further advice or assistance

# 1. Introduction

Under the laws of the United Kingdom, individuals are generally considered by the State to be of the gender – either male or female – that is registered on their birth certificates (although the position under European Community law can be more complicated). The Gender Recognition Act 2004 enables transsexual people to apply to the Gender Recognition Panel to receive a Gender Recognition Certificate. Successful applicants, who are granted a full Gender Recognition Certificate, will, from the date of issue, be considered in the eyes of the law to be of their acquired gender. He or she is entitled to all the rights appropriate to a person of his or her acquired gender. This will include the right to marry someone of the opposite gender, or to form a civil partnership with someone of the same gender, and to retire and receive state pension at the age appropriate to the acquired gender. A person whose birth was registered in the United Kingdom will also be able to obtain a new Birth Certificate showing his or her recognised legal gender. This recognition extends throughout the United Kingdom.

A more detailed explanation of the consequences of obtaining a Gender Recognition Certificate is contained later in this guidance. You should read the guidance very carefully before applying for a Gender Recognition Certificate.

When a full Gender Recognition Certificate has been issued to you, you are for all purposes a person of your acquired gender. In some aspects of life, men and women are treated differently by the State. You should remember that a change of legal gender may affect aspects of your life negatively. For example, you may find that you are entitled to fewer benefits or a smaller pension as a result of being recognised in your acquired gender. The guidance below will explain some of the possible consequences, and the list of contacts at the end of this guidance gives details of where further advice might be available.

## 2. Words and phrases used in this guidance and the application pack

- 2.1 Transsexual people** have a deep conviction that their gender identity does not match their appearance and/or anatomy. The incongruity between identity and body can be so strong that individuals are driven to presenting themselves in the acquired (opposite) gender. This terminology is used for the purpose of the Gender Recognition Act, but people in this position may refer to themselves as 'transgendered' or in a number of other ways.
- 2.2 Transsexual men** are people who were registered at birth as female (or a girl) but now present to the world as male. **Transsexual women** were registered at birth as male (or a boy) but now present as female.
- 2.3 Gender dysphoria** is a widely recognised medical condition variously referred to as gender dysphoria, gender identity disorder and transsexualism. It is a drive to live in the opposite gender to that in which a person has been registered at birth.

- 2.4 Gender reassignment** is a process which is undertaken under medical supervision for the purpose of reassigning a person's sex by changing physiological or other characteristics of sex. This may include counselling, hormone treatment or surgery.
- 2.5 Acquired gender** refers to the gender in which a transsexual person lives and presents to the world. This is not the gender that they were registered in at birth, but it is the gender in which they should be treated.
- 2.6 Gender Recognition** is the process whereby a transsexual person may apply for legal recognition of his or her acquired gender. The process is established under the Gender Recognition Act.
- 2.7 The Gender Recognition Act** is the legislation that allows transsexual people to gain legal recognition in the acquired gender. It governs various aspects of the process, including setting down the criteria for legal recognition. There is no need for a potential applicant to be familiar with the Act itself.
- 2.8 Legal recognition** means that in the eyes of the law a person is seen to be of his or her acquired gender, as opposed to the gender that was registered on that person's birth record when he or she was born.
- 2.9 A Birth Certificate** is a copy or extract from the entry in a birth register made when a person's birth is registered. It contains the facts of a person's birth, including that person's gender.
- 2.10 A Gender Recognition Panel** considers applications for gender recognition. The panels are ordinarily made up of legal and medical members who assess whether the legal and medical criteria for legal recognition are met. If the applicant is successful, the panel will issue a full or an interim Gender Recognition Certificate.
- 2.11 A full Gender Recognition Certificate** shows that a person has satisfied the criteria for legal recognition in the acquired gender. It will be issued to a successful applicant if he or she is not married or in a civil partnership. From the date of issue, the holder's gender becomes the acquired gender for all purposes.
- 2.12 An interim Gender Recognition Certificate** will be issued to a successful applicant if he or she is married at the time of the application. The interim certificate is issued to allow the applicant and his or her spouse to end their marriage easily. It has no legal significance beyond this use. When the marriage is ended, a full Gender Recognition Certificate will be issued to the successful applicant.

## 3. What obtaining a Gender Recognition Certificate means for you

There are many implications of receiving official recognition in your new gender. Most of these will be positive, since they will give a legal basis to the way that you have been living your life for some time – in your acquired gender. This will be the case for the vast majority of transsexual people.

Depending on your circumstances, however, there may be emotional and financial disadvantages of obtaining legal recognition in your acquired gender. For example, there is a section below on marriage. If you are married, you will have to weigh up the benefits of legal recognition in your acquired gender against the disadvantages of ending your marriage.

You may decide that you do not wish to become legally recognised in your acquired gender. Only you can make the decision about whether or not to make an application. You are not required to do so. However, there are many places to turn for advice and support. A list of helpful contacts is provided in section 6 of this document.

### 3.1 Birth Certificates

Birth Certificates are legal documents and there are many reasons why a person could be asked to produce one. However, prior to legal recognition, a transsexual person's Birth Certificate states the original gender. This can lead to questions being asked, embarrassment or an unwelcome invasion of privacy.

If you are successful in your application – and your birth was registered by the UK – the Gender Recognition Panel will notify the relevant Registrar General of the issue of a full Gender Recognition Certificate. The Registrar General will then write to you and, where possible, will offer you options for the type of Birth Certificate available in your acquired gender. (You will still be able to obtain a birth certificate in your birth gender should you need to do so). More information on what the Registrar General does can be found at section 5.4.

### 3.2 Marriage

To receive a full Gender Recognition Certificate, a transsexual person must be unmarried and not in a civil partnership. This is because, under the laws of the UK, a marriage is only valid if it is contracted by two people of the opposite sex in law. A civil partnership may only be registered between people of the same sex in law. So, for example, a male-to-female transsexual person who has not received legal recognition as a woman remains in law male and may only marry a woman. She may not marry a man.

If you knowingly or unknowingly obtain a Gender Recognition Certificate whilst still married or in a civil partnership, this will invalidate it and any rights or benefits you would expect to receive in your acquired gender.

Some transsexual people are legally married to people of the opposite gender to their birth gender (although after the transsexual person transitions, the couple may present as being of the same gender). These marriages are valid because until the transsexual party receives legal recognition in the acquired gender, he or she remains in law of their birth gender.

A holder of a full Gender Recognition Certificate has all the same rights as other people of his or her acquired gender. This means that he or she may marry someone of the opposite gender or register a civil partnership with a person of the same gender. For example, a male-to-female transsexual person may marry a man once she receives legal recognition of her acquired gender or register a civil partnership with a woman.

The Gender Recognition process has been designed to make applications for legal recognition from married people as straightforward as possible. If an applicant satisfies all the criteria for legal recognition but remains married, he or she will receive an interim Gender Recognition Certificate. This certificate is valid for a period of six months from the date on which it is issued and may be used as evidence if either member of the couple chooses to end their marriage on the basis that an interim Gender Recognition Certificate has been issued to a party to the marriage. In England, Wales and Northern Ireland, the marriage may be dissolved or annulled on this ground. In Scotland, a decree of divorce may be granted on this ground.

When ending a marriage, you must consider the effect on your financial resources and whether any provision needs to be made for children of the marriage. There is no suggestion that ending the marriage means that the couple should cease to live together, for example. It is merely a legal requirement for one member of the partnership to be legally recognised in his or her acquired gender.

A separate guidance note is available to assist married transsexual people, and if this applies to you it is essential that you read this before deciding whether to apply. The document is available from the Gender Recognition Panel or online at **[www.grp.gov.uk](http://www.grp.gov.uk)**.

If you and your partner are both transsexual and are considering applying for Gender Recognition Certificates, you may wish to apply at the same time. You should ensure the Gender Recognition Panel is advised that you are doing so in order that both applications can be dealt with at the same time. Further guidance on this issue is available in the guidance for married people and, even if you are not married, you should read the appropriate section of that guidance.

### **3.3 Children**

If you have children, legal recognition in your acquired gender will not affect your status as the father or mother of your children. Your rights and responsibilities as a parent of your child or children will be unaffected and their birth certificate(s) will not be altered.

### **3.4 Pensions and Retirement**

At present, women are entitled to retire, and receive state pension, aged 60. Men must reach age 65. A holder of a full Gender Recognition Certificate has all the same rights as other people of his or her acquired gender. As a result you will be able to retire at the age appropriate to your gender. This will mean, of course, that until state retirement is equalised, men will have to wait longer than women do to qualify for state pension. There may also be an impact on war pensions. More detailed guidance on pension and retirement is available in a separate document *Guidance on Benefits and Pensions* ('Benefit Note').

### **3.5 Social Security benefits**

The potential impacts of a legal change of gender on Social Security benefits are outlined in a separate document, *Guidance on Benefits and Pensions* ('Benefit Note').

You are advised to read this information. It should help you to decide if a legal change of gender will impact any Social Security benefits that you receive currently or at some point in the future.

### **3.6 Inheritance**

Some wills specify the gender of the beneficiary. For example, a will might say 'my house should go to my eldest son'. If you would have inherited something except for the fact that you have become legally recognised in your acquired gender, you may be able to apply to the courts to have the will interpreted in light of the Gender Recognition Act. The same applies to other people whose entitlement under a will was affected by your gender change. This is a complex area and if you think you are likely to be affected by it you should seek the advice of a solicitor. The contacts list in section 6 may be helpful.

### **3.7 Privacy**

For all sorts of reasons, you may not wish your gender history to be common knowledge. The Gender Recognition Act safeguards the privacy of transsexual people by defining much information relating to the Gender Recognition process as 'protected information'. Anyone who acquires that information 'in an official capacity' would be breaking the law if they disclosed it without your consent. Having said that, the Act does contain a series of exemptions that allow information to be disclosed for valid public policy reasons without your consent, for example, for preventing or investigating crime.

People who might gain protected information 'in an official capacity' include anyone to whom you show your Gender Recognition Certificate to obtain the rights that are associated with it. This might be someone at a building society or Jobcentre, or a potential employer. In addition, all the people who handle your application for gender recognition are bound by law to respect your privacy and we will not disclose any information about your application to third parties unless it is permitted under the Act.

You should bear in mind that privacy does not mean absolute secrecy. There may be some situations in which you will be required by law or necessity to prove a link between your current legal gender and your former one. Although the process seeks to safeguard your privacy, you do not have a right never to disclose the fact that you obtained a Gender Recognition Certificate. However, the covering letter that you receive with the full Certificate will enable you to do this easily should you ever need to.

### **3.8 Discrimination**

It is already unlawful discrimination for an employer to treat a job applicant or an employee less favourably on the ground that the employee intends to undergo, is undergoing or has undergone gender reassignment except in exceptional circumstances (such as where privacy and decency require it).

Once a person has become the acquired gender under the provisions of the Gender Recognition Act, these circumstances no longer apply. Thereafter, an employer must treat a transsexual woman with a Gender Recognition Certificate no less favourably than their other female employees.

### **3.9 Payment**

When you make an application to the Gender Recognition Panel, the Panel will need to carry out some work for which you may have to pay a one-off fee. There is a basic fee for applying for a Gender Recognition Certificate. Many people will pay this fee but some will not have to because, by law, they do not have to. Some may pay a reduced fee because of their financial circumstances.

A separate leaflet, Fees for Applying to the Gender Recognition Panel, is available and you should read this to determine how much your application would cost, if anything.

## **4. The criteria for Gender Recognition**

All applications for a Gender Recognition Certificate must be made using the application form that accompanies this guidance. The purpose of the application form is to enable you to demonstrate to the panel that you meet the criteria for Gender Recognition. It also makes sure that the Gender Recognition Panel has all the information it needs to issue a Gender Recognition Certificate.

There are three ways of obtaining a Gender Recognition Certificate, and the method that applies to you will depend on your circumstances. Details of how to prove that you satisfy the criteria are contained later in this guidance. Don't worry if you cannot think how you will satisfy the criteria; there are many helpful tips.

Under all circumstances, an applicant must prove that he or she is 18 years old or more.

**The fast-track application process** requires applicants to demonstrate that:

- They have, or have had, gender dysphoria or have undergone surgery for the purposes of modifying sexual characteristics;
- They have lived fully for the last six years in their acquired gender;
- They intend to live permanently in their acquired gender.

Less medical evidence is required for fast-track applicants than for applicants using the normal standard process, below.

**The overseas recognition process** requires applicants to demonstrate that:

- They have been recognised in their acquired gender in a country or territory that is on the list of approved systems that is held by (and available from) the Gender Recognition Panel and its website.

**The standard application process** requires applicants to demonstrate that:

- They have, or have had, gender dysphoria;
- They have lived fully for the last two years in their acquired gender;
- They intend to live permanently in their acquired gender.

The fast-track process is intended to enable those transsexual people who have lived for a long time in their acquired gender to take advantage of legal recognition first. Less medical evidence is required in the fast-track process. Because its purpose is to prioritise applicants who have waited longest, Gender Recognition Panel will **NOT** consider applications using the standard process until 4 October 2005. The Panel will continue to accept fast-track application until 3 April 2007.

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 not, the application process that you choose will depend on whether you have lived in your acquired gender for more than six years. If you have, and you can provide evidence to satisfy the Panel of this, then you may use the fast-track process. If you have lived for between two and six years in your acquired gender, you should apply using the standard process.

Applications for the fast-track or overseas processes will be determined from 4 April 2005, when the Gender Recognition Panel sits for the first time.

Whichever application process is relevant to you, the procedure that you will follow to make your application will be the same. Details of the Gender Recognition process are below.

## 5. The application process

Before deciding whether to apply for Gender Recognition, you should read this guidance thoroughly and think hard about the consequences of becoming recognised in your acquired gender. If you decide to apply for a Gender Recognition Certificate you will need to obtain a copy of the application pack.

Application packs are available from [www.grp.gov.uk](http://www.grp.gov.uk) or direct from the Gender Recognition Panel by contacting:

GRP  
PO Box 6987  
Leicester  
LE1 6ZX  
Tel: 0845 355 5155 (Between 9:00 and 17:00, Monday to Friday)  
E Mail: [grpenquiries@tribunals.gsi.gov.uk](mailto:grpenquiries@tribunals.gsi.gov.uk)

The application form consists of a section which asks about your details and the details of the evidence that you are submitting to the Gender Recognition Panel. There are also templates to assist you in gathering the evidence you need. For example, if you apply using the standard application process, you will need to provide two medical reports and a statutory declaration to satisfy the criteria. There are templates for each of these documents.

You should spend some time reading through the application form and considering how best to fill in each part. There is detailed guidance about what information you should include for each section.

In addition to this Explanatory Leaflet, the following documents may help you to make decisions about whether, when and how to apply:

- Guidance on benefits and pensions
- Guidance for married People or those in Civil Partnerships
- Guidance on completing the application form for a Gender Recognition Certificate fast Track application / Overseas application / Standard application.

Successful applicants will also receive further guidance with recommendations of what action they should take upon receipt of a full Certificate.

## 5.1 Applying for a Gender Recognition Certificate

Unlike most courts or tribunals, the Gender Recognition Panel will not normally require a hearing to determine a case. Instead, almost all applications will be decided 'on the papers'. It is therefore very important that your application is completed correctly and is accompanied by the correct evidence.

You will need to take the following steps to apply for a Gender Recognition Certificate:

- Decide which application process is relevant to you: the fast-track, the overseas or the standard;
- Fill in the parts of the form appropriate to your application;
- Gather the evidence that is appropriate to your application – this will depend on the process that you are applying through, and may include medical evidence, a statutory declaration or confirmation of overseas recognition. You may wish to include other evidence to support your application.
- Send your completed form to the Gender Recognition Panel.

When the Panel has received your application, its staff will look through the pack to ensure that you have included all the information that will enable Panel members to determine your application. If they have a query, they will contact you and may ask you for more information or evidence.

If your birth was registered in the United Kingdom, the Panel will also contact the Registrar General's office in the part of the UK where it was registered (England and Wales, Scotland or Northern Ireland). It will request a copy of the original birth registration or adoption details. It will also make it easier for a new Birth Certificate to be issued if you are successful and if you have requested this to happen on the application form.

## 5.2 The Gender Recognition Panel

Your application will be assigned to one member of the team, who will be responsible for every step of the application. It is not the role of the Gender Recognition team to catch people out. They will try to ensure that the documentation that is put before the Panel is as full as it could be.

To do this, a member of staff may need to contact you after you have submitted your application. They will do this if they think that you have not included all the information or evidence necessary to enable the Panel to approve your application. They will only contact you using your preferred method of contact, as specified in the application form. If you are asked to supply further information, you will be given 28 days to send it. If you will not be able to supply it within 28 days, you should tell the Panel immediately.

Details on your application for Gender Recognition will be confidential (it will however, be necessary to share this information with the birth registration authorities).

### 5.3 What the Panel does

When satisfied that your application is complete, your application will be passed to a Gender Recognition Panel. The following things will then happen:

- A Panel consisting of the correct number of members, depending on the type of application, will consider your application.
- Applications are almost always considered on the papers, but the Panel may request further written or oral evidence in occasional circumstances. In this case, a decision will be postponed until that evidence is received.
- The Panel's decision will be sent to the applicant. If you are unsuccessful, reasons will be provided. If successful, a full or interim Gender Recognition Certificate will be enclosed with the letter.
- For applicants whose births were registered in the UK, the Panel will send a copy of the full Gender Recognition Certificate to the relevant Registrar General as soon as it is issued.

### 5.4 What the Registrar General does

- On receipt of a full Gender Recognition Certificate the Registrar General will send you a draft of the information to be recorded in the Gender Recognition Register to clarify what the entry will look like and to resolve any queries before the registration goes ahead. The draft will contain all the details about date and place of birth and parentage that are included in your original birth record, together with your new name (or, if you prefer, your birth surname where this is different from the surname on your Gender Recognition Certificate) and acquired gender as notified by the Gender Recognition Panel.
- In the case of an adopted person, the draft will show the adoptive parents rather than the birth parents unless the adoption order has been quashed.
- If your birth was registered in England or Wales prior to 1 April 1969 you will be sent two drafts – one in the pre-1969 landscape format (no surname) and one in the post-1969 portrait format. Guidance to help you choose a certificate format will be provided. If you choose the post-1969 portrait format you will be asked to provide some additional details for the registration. The same is true of Northern Ireland for certificates issued before and after 1973, when the format changed.
- If your birth was registered in Scotland, the format of your certificate will match that of your original Birth Certificate, other than it will show your new name and acquired gender.
- On receipt of your confirmation that the draft contains the correct information, together with any additional registration details you have supplied, the Registrar General will create a new record in the Gender Recognition Register. Your current contact details will not be recorded in the register.
- A free short birth certificate will be sent to you by post together with any additional full birth certificates you have purchased. Information about purchasing a new Birth Certificate will be sent to you with the draft entry.

- Your original birth record will remain in existence and you can obtain original birth certificates at any time. However, it will not be apparent that these have been taken from that Register.
- The purpose of the Gender Recognition Register is simply to create a new record from which the Registrar General may produce a birth certificate. It is not intended as a record of all known transsexual people, nor will it be used as such. The register will not record current address details nor any other information which could be used to locate a transsexual person. The register will be held in the same way as the other central registers maintained by the Registrar General, such as those for adopted children and those for whom the courts have issued a parental order, and will not be open for public scrutiny.

### 5.5 Getting in contact with us

Within 5 days of your application being received by the panel, a confirmation letter will be posted to you. You may wish to contact somebody at the panel to find out how your application is progressing. If you do not receive information within the time suggested by the panel please telephone 0845 355 5155.

If you have any comments or complaints we would welcome your feedback.

### 5.6 Next steps

If you are successful in obtaining a **FULL** Gender Recognition Certificate, you will be sent guidance on:

- Obtaining a new Birth Certificate where appropriate;
- Which Government Departments you must inform (you will be required by law to inform some bodies) and which organisations you may wish to inform;
- Other steps you should or may wish to take.

To make it easier for you, if you are successful, the Gender Recognition Panel will inform the Inland Revenue, which holds your national Insurance records. To enable us to do this you will need to supply us with your National Insurance number and statement of consent.

If you do not give your consent you are obliged to let the Inland Revenue know if your application is successful. This will mean sending your Gender Recognition Certificate and National Insurance number. If you fail to notify the Inland Revenue that you have received a Gender Recognition Certificate you may be liable for prosecution.

If you obtain an **INTERIM** Gender Recognition Certificate, you will be sent guidance on:

- Obtaining an annulment or dissolution of your marriage
- Contracting a civil partnership from 05/12/2005

If you are unsuccessful and the Panel rejects your application for a Gender Recognition Certificate, you may appeal that decision, on a point of law, to the High Court (or, in Scotland, to the Court of Session in Edinburgh). This can only be done if you believe that the Panel acted unlawfully when it determined your application.

In any event, the Panel will send you its reasons for the refusal and guidance on:

- Appealing the decision in the High Court (or Court of Session);
- Applying again for a Gender Recognition Certificate.

All the guidance can be found on the Gender Recognition Panel's website at [www.grp.gov.uk](http://www.grp.gov.uk).

## 6. Who to contact

If, after reading this guidance, you still have questions about:

- the broad implications of getting a Gender Recognition Certificate,
- the criteria that need to be satisfied in order to make a successful application,
- how to apply,

You may wish to talk to someone who can help. You can telephone the Gender Recognition Panel, or you can contact any of the organisations listed below, with details of how they might be able to help you. You can make enquiries to any of these organisations anonymously. You do not need to give any details if you do not wish to.

Please remember that the Gender Recognition Panel can only offer advice on how to apply for a Gender Recognition Certificate. It cannot offer advice on whether you should apply, or on whether you will be successful.

Gender Recognition Panel  
GRP  
PO Box 6987  
Leicester  
LE1 6ZX  
Email: [grpenquiries@tribunals.gsi.gov.uk](mailto:grpenquiries@tribunals.gsi.gov.uk)  
Tel: 0845 355 5155 (Between 9:00 and 17:00, Monday to Friday)

### **FTM Network**

The FTM network is an informal self help group, open to all female to male transgender and transsexual people, or those exploring this aspect of their gender.

FTM Network  
BM Network  
London WC1N 3XX  
Email: [membership@ftm.org.uk](mailto:membership@ftm.org.uk)

### **Gender Trust**

The Gender Trust is a charity which specifically helps adults who are transsexual, gender dysphoric or transgender.

The Gender Trust  
P.O.Box 3192  
Brighton  
BN1 3WR  
Email: [info@gendertrust.org.uk](mailto:info@gendertrust.org.uk)

### **Press for Change**

Press for Change is a political lobbying and educational organisation, which campaigns on behalf all transgender people in the UK.

Press for Change  
BM Network  
London WC1N 3XX  
Email: [letters@pfc.org.uk](mailto:letters@pfc.org.uk)

### **Community Legal Service Direct**

You may wish to seek further advice on the consequences of obtaining a Gender Recognition Certificate. You can get help through a national network of Citizens Advice Bureaux, Law Centres, many independent advice centres and thousands of high street solicitors. Many of the organisations offer all of their services for free. Community Legal Service Direct is a free, easy-to-use service to help you solve your legal problems.

Tel: 0845 345 4 345  
Web: [www.clsdirect.org.uk](http://www.clsdirect.org.uk)