



THE RUBICON SOCIETY

TRAINING AND DEVELOPMENT

THE GENDER RECOGNITION ACT

A BRIEF OVERVIEW

What the Act does:

It allows T people* to re-register their gender. A person's re-registered gender, called the acquired gender, becomes their legal gender for all purposes, including the right to marry in the acquired gender. A replacement birth certificate, known as a Gender Recognition Certificate is available in the acquired gender and new name. The Act includes a provision to prohibit the disclosure of information that re-registration has taken place.

Under the rules of the Act:

A person can apply for a GRC*, on the basis that they are living in the opposite gender to that of their birth gender. The application is made to the GRP*, which comprises: one or more legally trained person or persons and one or more persons trained in medicine or psychology, appointed by the government. There is a fee Payable.

Conditions:

The applicant must provide evidence to the GRP, that a number of conditions are satisfied. The main ones being that the applicant:

- Has or has had gender dysphoria*
- Has lived in the acquired gender for at least two years
- Intends to live in that gender for the rest of their life
- Is at least 18 years of age

SURGICAL OR HORMONE TREATMENTS ARE **NOT** REQUIRED
CONDITIONS



The evidence must include:

- A report from a doctor or psychologist working in the field of gender dysphoria which gives details of the diagnosis of the applicant's gender dysphoria
- A separate report from another doctor, who need not specialise in GD
- A statutory declaration by the applicant, that they have lived in the acquired gender for at least two years and intend to do so for the rest of their life.
- Evidence of name change
- Any other evidence required by the GRP

A person may also apply for a GRC on the basis that they have legally changed their gender in another country. Evidence of any such change will be required.

If the GRC is satisfied that conditions are met, then a full GRC will be issued (unless the applicant is married). If the application is refused, another application cannot be made for a further six months. An appeal, however, can be made on a point of law.

If the applicant is married, they will not receive a full GRC, as this would, in effect, create a same sex marriage. The pre-existing marriage must first be annulled. Meanwhile an interim certificate will be issued, this would have no other effect than to allow the applicant or their partner to use it as the basis for the annulment of the marriage. Once the marriage has been annulled, the applicant will receive the full GRC.

Effects of gender recognition:

Upon issue of the GRC, the person's gender becomes, for all purposes, the acquired gender. Gender recognition is not retrospective. The person's legal gender history, prior to GRS* remains unchanged.

Upon the issue of the full GRC, the registrar will update the applicant's records. Anyone inspecting the register will not be able to tell that a person had originally had a different birth certificate, name or gender.

Mothers and fathers will remain legally the parents of any children, despite the fact that they may have changed gender and name.

Where the female partner of an FTM* person has a child as a result of fertility treatment, the FTM partner will automatically be legally recognised as the father of the child after obtaining a GRC, even if the treatment or birth were before recognition.



Discrimination and Privacy:

The Act will amend the Sex Discrimination Act, so that special exemptions which apply on the grounds of GRS, which allow employers to discriminate against Tpeople, will no longer apply after obtaining a GRC.

The Act will also make it a criminal offence for people, who, acting in an official capacity, have obtained information about a person's gender recognition, or about their application, to disclose that information to anyone else. In an official capacity means:

- In connection with any functions of a public authority or voluntary organisation
- As an employer or prospective employer of the Tperson
- In connection with the conduct of business or the supply of services

It would, for example be criminal offence for an insurance agent to disclose medical information supplied, that a person had re-registered their gender to anyone else. Disclosure is allowed if agreed to by the person, or where they are unable to be identified by it. Also for court or tribunal purposes, or in the course of official duties.

It is not an offence for disclosure to be made by a member of the person's family.

Special rules:

Only people who have live din their acquired gender for at least six years are able to apply for a GRC in the first six months after the Act coming into effect. The rules on medical evidence will slightly differ. Only one report will be required and this will be either:

- From a doctor or psychologist specialising in GD, giving details of the applicants diagnosis of GD, or
- From any doctor, giving details of surgical or other treatment undergone by the applicant to modify sexual characteristics

* Abbreviations: GD: Gender Dysphoria. GRC: Gender Recognition Certificate. Tperson/people: Transperson/people. FTM: Female to Male. GR: Gender Recognition. GRP: Gender Recognition Panel. GRS: Gender Reassignment Surgery.