

Draft Order laid before Parliament under section 24(3) of the Gender Recognition Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

GENDER RECOGNITION

**Gender Recognition (Approved
Countries and Territories) Order 2005**

Made - - - -

Coming into force - - *4th April 2005*

Whereas a draft of this Order has been approved by resolution of each House of Parliament;

Now, therefore, the Secretary of State, in exercise of the powers conferred by section 2(4) of the Gender Recognition Act 2004(1), and having consulted the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland, hereby makes the following Order:

Citation and commencement

1. This Order may be cited as The Gender Recognition (Approved Countries and Territories) Order 2005 and shall come into force on 4th April 2005.

Approved countries and territories

2. The countries and territories set out in the Schedule are each prescribed as an “approved country or territory” for the purposes of the Gender Recognition Act 2004.

Signed by authority of the Secretary of State

Date

Name
Parliamentary Under-Secretary of State
Department for Constitutional Affairs

SCHEDULE

Article 2

APPROVED COUNTRIES AND TERRITORIES

The Australian territories of Australian Capital Territory and Northern Territory and the states of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia,

Austria,

Belgium,

Bulgaria,

the Canadian provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Quebec and Saskatchewan and the Yukon Territory,

Republic of Cyprus,

Denmark,

Estonia,

Finland,

France,

Germany,

Greece,

Iceland,

Italy,

Japan,

Latvia,

Luxembourg,

Malta,

Moldova,

Netherlands,

New Zealand

Norway,

Poland,

Romania,

Russian Federation,

Serbia and Montenegro,

Slovakia,

Slovenia,

South Africa,

Spain,

Sweden,

Switzerland,

Turkey,

Ukraine,

the District of Columbia and all of the states of the United States of America except for Idaho, Ohio, Tennessee and Texas.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order prescribes the countries and territories that are approved by the Secretary of State for the purposes of the Gender Recognition Act 2004 (the “Act”).

Section 1(1)(b) of the Act permits applications for a gender recognition certificate on the basis of having changed gender under the law of a country or territory outside the United Kingdom. Applicants under section 1(1)(b) are required by section 3(5) to provide evidence that they have changed gender under the law of an “approved country or territory” outside the United Kingdom. An “approved country or territory” is defined by section 2(4) as one prescribed by order made by the Secretary of State.

Applicants under section 1(1)(b) need not meet the evidentiary requirements in sections 3(1) to 3(4), which apply to applications under section 1(1)(a) of the Act. These include a requirement to provide one or more medical reports from a registered medical practitioner or a chartered psychologist.