

*These notes refer to the Gender Recognition Act 2004
(c.7) which received Royal Assent on 1 July 2004*

GENDER RECOGNITION ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 18: Orders where expectations defeated

82. This makes provision for any situation where the disposition or devolution of property under a will or other instrument is different from what it would be but for the fact that a person is regarded as being of the acquired gender. If, for example, an instrument governs succession by reference to the 'eldest daughter' of the settlor, and there is an older brother whose gender becomes female under the Act, then the person who was previously the 'eldest daughter' may cease to enjoy that position. *Subsection (2)* allows a person who is adversely affected by the different disposition or devolution of the property to make an application to the High Court, or the Court of Session in Scotland. The court, if it is satisfied that it is just to do so, may make such order as it considers appropriate in relation to the person benefiting from the different disposition of the property.