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## EXPLANATORY NOTE

*(This note is not part of the Order)*

Section 1(1)(b) of the Gender Recognition Act 2004 (c. 7) (“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) of the Act 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) of the Act as one prescribed by order made by the Secretary of State.

Applicants under section 1(1)(b) need not meet the evidential requirements in sections 3(1) to (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 psychologist.

This Order prescribes the approved countries and territories for the purpose of the Act. It revokes the Gender Recognition (Approved Countries and Territories) Order 2011 (S.I. 2011/1630) (“the 2011 Order”).

This Order lists the following countries and territories which were not listed in the 2011 Order: Belarus; Bosnia and Herzegovina; China; Cuba; Georgia; India; Iran; Kazakhstan; Mongolia; Montenegro; Namibia; Panama; Sri Lanka and Taiwan.

This Order does not list the following countries and territories which were listed in the 2011 Order: the Australian Northern Territory and the Australian states of South Australia, Tasmania and Victoria; Austria; Belgium; Bulgaria; the Canadian provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec, Saskatchewan and Yukon Territory; Denmark; Finland; France; Greece; Iceland; Liechtenstein; Luxembourg; Malta; Mexico; Moldova; The Netherlands; New Zealand; Norway; Poland; the Russian Federation; Serbia; Singapore; Slovenia; Spain; Switzerland; the following states of the United States of America: California, Colorado, District of Columbia, Florida, Hawaii, Illinois, Maine, Michigan, Minnesota, Mississippi, Montana, Nevada, New Jersey, New Mexico, New York City, New York State, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Utah, Vermont, Virginia, Washington, West Virginia, Wyoming; and Uruguay.

Article 4 makes saving provision for applications which have been made but not determined before this Order comes into force. Those applications will be decided with reference to the 2011 Order.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.