

*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 23: Power to modify statutory provisions

91. This provides the Secretary of State with the power to make an order modifying the operation of any enactment or subordinate legislation in relation to persons who have acquired a new legal gender under this Act or any description of such persons. This power is strictly limited and is provided due to the entirely novel nature of this legislation. Legislation has made distinctions on the basis of gender for centuries, and the use of gender-specific terms, though it has reduced, nevertheless continues in some contexts. Though a thorough analysis has been conducted of areas in which the facility to change gender may cause difficulties or complexities, this section acknowledges the possibility that other instances may come to light in the future. *Subsection (5)* provides that, before an order is made under this section, there must be appropriate consultation with persons likely to be affected by it.
92. This power is also extended, for the same reasons as given above, to Scottish Ministers and the appropriate Northern Ireland department should they need to modify legislation that falls within the devolved competence of the Scottish Parliament or the Northern Ireland Assembly respectively.