

Status: Point in time view as at 01/01/2007.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

GENDER RECOGNITION PANELS

List of persons eligible to sit

- 1 (1) [F1Subject to sub-paragraph (1A), the Lord Chancellor]F1 must, after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland, make appointments to a list of persons eligible to sit as members of Gender Recognition Panels.
- [F2(1A) The Lord Chancellor may appoint a person under sub-paragraph (1) only with the concurrence of all of the following—
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.]
- F2(2) The only persons who may be appointed to the list are persons who—
- (a) have a relevant legal qualification (“legal members”), or
 - (b) are registered medical practitioners or chartered psychologists (“medical members”).
- (3) The following have a relevant legal qualification—
- (a) a person who has a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41),
 - (b) an advocate or solicitor in Scotland of at least seven years' standing, and
 - (c) a member of the Bar of Northern Ireland or solicitor of the Supreme Court of Northern Ireland of at least seven years' standing.

Textual Amendments

- F1** Words in Sch. 1 para. 1(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 2, [Sch. 1 para. 13](#)
- F2** Sch. 1 para. 1(1A) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 2, [Sch. 1 para. 14](#)

President

- 2 (1) [F3Subject to sub-paragraph (1A), the Lord Chancellor]F3 must, after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland—
- (a) appoint one of the legal members to be the President of Gender Recognition Panels (“the President”), and

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- (b) appoint another of the legal members to be the Deputy President of Gender Recognition Panels (“the Deputy President”).

[^{F4}(1A) The Lord Chancellor may appoint a person under sub-paragraph (1) only with the concurrence of all of the following—

- (a) the Lord Chief Justice of England and Wales;
 (b) the Lord President of the Court of Session;
 (c) the Lord Chief Justice of Northern Ireland.]

^{F4}(2) The Deputy President has the functions of the President—

- (a) if the President is unavailable, and
 (b) during any vacancy in the office of President.

Textual Amendments

F3 Words in Sch. 1 para. 2(1) substituted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), art. 2, **Sch. 1 para. 15**

F4 Sch. 1 para. 2(1A) inserted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), art. 2, **Sch. 1 para. 16**

Tenure of persons appointed to list

3 Persons on the list—

- (a) hold and vacate their appointments in accordance with the terms on which they are appointed, and
 (b) are eligible for re-appointment at the end of their period of appointment.

Membership of Panels

4 (1) The President must make arrangements for determining the membership of Panels.

(2) The arrangements must ensure that a Panel determining an application under section 1(1)(a) includes—

- (a) at least one legal member, and
 (b) at least one medical member.

5 The arrangements must ensure that a Panel determining an application under section 1(1)(b), 5(2) [^{F5}, 5A(2)]^{F5} or 6(1) includes at least one legal member.

Textual Amendments

F5 Words in Sch. 1 para. 5 inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(8), 263**; S.I. 2005/3175, **art. 3, Sch. 2**

Procedure

6 (1) Where a Panel consists of more than one member, either the President or Deputy President or another legal member nominated by the President must preside.

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- (2) Decisions of a Panel consisting of more than one member may be taken by majority vote (and, if its members are evenly split, the member presiding has a casting vote).
- (3) Panels are to determine applications in private.
- (4) A Panel must determine an application without a hearing unless the Panel considers that a hearing is necessary.
- (5) The President may, after consulting the Council on Tribunals, give directions about the practice and procedure of Panels.
- (6) Panels must give reasons for their decisions.
- (7) Where a Panel has determined an application, the Secretary of State must communicate to the applicant the Panel's decision and its reasons for making its decision.

Staff and facilities

- 7 The Secretary of State may make staff and other facilities available to Panels.

Money

- 8 (1) The Secretary of State may pay sums by way of remuneration, allowances and expenses to members of Panels.
- (2) The Secretary of State may pay compensation to a person who ceases to be on the list if the Secretary of State thinks it appropriate to do so because of special circumstances.

Delegation

- [^{F6}8A (1) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under this Schedule.
- (2) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this Schedule.
- (3) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this Schedule—
- (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

Textual Amendments

- F6** Sch. 1 para. 8A inserted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), Sch. 1 para. 17

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Council on Tribunals

- 9 In Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under supervision of Council on Tribunals), before paragraph 22 insert—

“Gender Recognition	21AA. Gender Recognition Panels constituted under Schedule 1 to the Gender Recognition Act 2004 (c. 7).”
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Disqualification

- 10 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (offices disqualifying person from membership of House of Commons), at the appropriate place insert— “ Person on the list of those eligible to sit as members of a Gender Recognition Panel. ”
- 11 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (offices disqualifying persons from membership of Northern Ireland Assembly), at the appropriate place insert— “ Person on the list of those eligible to sit as members of a Gender Recognition Panel. ”

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