
EXPLANATORY NOTE

(This note is not part of the Order)

Section 7(2) of the Gender Recognition Act 2004 (c. 7) (“the Act”), provides for fees to be payable in relation to applications to a Gender Recognition Panel under sections 1(1), 5(2), 5A(2) and 6(1) of the Act. The Gender Recognition (Application Fees) Order 2005 (S.I.2005/638) (“the 2005 Order”) prescribed the level of the fees payable under sections 1(1), 5(2) and 6(1). It prescribed a fee of £140 for applicants whose relevant income was greater than £22,575, and a fee of £30 for applicants whose relevant income was greater than £15,050 but not greater than £22,575. It prescribed that no fee was payable in circumstances where the applicant’s relevant income was £15,050 or less or the applicant was in receipt of a qualifying benefit.

This Order, which comes into force on 6th April 2006 and applies to applications made on or after that date, revokes and replaces the 2005 Order, increasing the thresholds for relevant income at which the £30 and £140 fees become payable. The fee of £140 will now apply to applicants whose relevant income is greater than £23,185, and the fee of £30 will now apply to applicants whose relevant income is greater than £15,460 but not greater than £23,185. No fee will be payable in circumstances where the applicant’s relevant income is £15,460 or less or the applicant is in receipt of a qualifying benefit. “Relevant income” and “qualifying benefit” are defined in articles 4 and 5.

As in the 2005 Order, this Order prescribes that no fee is payable if the application is made under section 1(1) where the applicant had previously received an interim gender recognition certificate, or under section 5(2) (application for a full gender recognition certificate following grant of an interim gender recognition certificate where applicant has been married) or 6(1) (application for a corrected certificate where the original contains an error). In addition it prescribes that no fee is payable if the application is made under section 5A(2) (application for a full gender recognition certificate following grant of an interim gender recognition certificate where applicant has been a civil partner). Section 5A was inserted into the Act (and consequential amendments made to sections 5 and 7) by section 250 of the Civil Partnership Act 2004 (c. 33).