

2011 No. 1607

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,
ETC. ENGLAND AND WALES**

**The Gender Recognition Register (Amendment)
Regulations 2011**

Made - - - - *29th June 2011*

Coming into force - - *20th July 2011*

The Registrar General, in exercise of the powers conferred by section 26(3) of the Welsh Language Act 1993(a) and paragraph 3 of Schedule 3 to the Gender Recognition Act 2004(b), with the approval of the Secretary of State (c), makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Gender Recognition Register (Amendment) Regulations 2011 and shall come into force on 20th July 2011.

(2) In these Regulations—

“the Principal Regulations” means the Gender Recognition Register Regulations 2005(d).

Amendment to regulation 1(2) of the Principal Regulations

2.—(1) Regulation 1(2) of the Principal Regulations (Citation, commencement and interpretation) is amended as follows.

(2) For the definition of “the Adopted Children Register” substitute—

““the Adopted Children Register” means the register maintained by the Registrar General under section 11 of the Adoption of Children Act 1926(e), section 12 of the Adoption of Children Act 1949(f), section 17 of the Adoption Act 1950(g), section 20 of the Adoption Act 1958(h), section 50 of the Adoption Act 1976(i) and section 77 of the Adoption and Children Act 2002(j);”.

(a) 1993 c. 38.

(b) 2004 c.7.

(c) The approval of the Secretary of State is required by the Gender Recognition Act 2004, Schedule 3, paragraph 3(5) as amended by the Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), article 5(1), Schedule 2, paragraph 13 (with article 4).

(d) S.I. 2005/912, amended by S.I. 2009/1892.

(e) 1926 c.29 (16 & 17 Geo 5); the whole Act was repealed by the Adoption Act 1950, section 46, Schedule 4 and by the Children Act 1975 section 108, Schedule 4 Part 1.

(f) 1949 c.98 (12, 13 & 14 Geo 6); the whole Act was repealed by the Statute Law (Repeals) Act 1993, section 1(1), Schedule 1 Part VIII.

(g) 1950 c.26 (14 Geo 6); the whole Act was repealed by the Adoption Act 1958, section 59(2) and Schedule 6.

(h) 1958 c.5 (7 Eliz 2); the whole Act was repealed by the Adoption Act 1976, section 73(3) and Schedule 4.

(i) 1976 c.36 the whole Act, except Part 4 and paragraph 6 of Schedule 2 was repealed by the Adoption and Children Act 2002 (c.38), section 139(3), Schedule 5.

(j) 2002 c.38.

(3) For the definition of “Parental Order Register” substitute—

““Parental Order Register” means the register maintained by the Registrar General under section 50 of the Adoption Act 1976 as modified by the Parental Orders (Human Fertilization and Embryology) Regulations 1994(a) and section 77 of the Adoption and Children Act 2002 as modified by the Human Fertilization and Embryology (Parental Orders) Regulations 2010(b);”.

Amendment to regulation 2 (1) of the Principal Regulations

3.—(1) In regulation 2(1)(a) of the Principal Regulations for “the particulars set out in Part 1 of Schedule 1” substitute “the particulars set out in the relevant part of Schedule 1”.

(2) In regulation 2(1)(e) of the Principal Regulations for “the particulars set out in Schedule 5” substitute “the particulars set out in the relevant part of Schedule 5”.

Amendment to regulation 3 of the Principal Regulations

4.—(1) Omit regulation 3 of the Principal Regulations (additional particulars in certain cases).

(2) After regulation 3 insert—

“Modification of particulars in certain cases

3A. Where a person who immediately prior to 20th July 2011 is the subject of an entry in the Gender Recognition Register requests that the entry be modified so that the particulars contained in the entry are those which would be so contained in accordance with regulation 2 if the entry were made on or after 20th July 2011, the particulars to be contained in the entry are those specified in regulation 2 as it applies on 20th July 2011.”.

Amendment to Schedules 1-9 of the Principal Regulations

5. For Schedules 1-9 respectively of the Principal Regulations substitute the relevant Schedule set out in the Schedule to these Regulations.

Saving

6. Nothing in these Regulations shall affect the validity of any particulars entered into the Gender Recognition Register prior to 20th July 2011 or of anything done pursuant to or in consequence of or in reliance on any such particulars.

Made by

29th June 2011

Sarah Rapson
Registrar General

I approve

Home Office
29th June 2011

Damian Green
Minister of State

(a) S.I. 1994/2767 regulation 2, Schedule 1, paragraph 4.
(b) S.I. 2010/985 regulation 2, Schedule 1.

SCHEDULE

Regulation 5

“SCHEDULE 1

Regulation 2(1)(a)

Particulars to be entered in Gender Recognition Register where the birth was registered in England and Wales

PART 1

Particulars to be entered where birth record was created on or before 31st March 1969

Registration district

Sub-district

Administrative area

Entry number

Date of registration

Year of birth

Name and surname of informant (if not mother or father)

Signature, description and residence of informant

Signature and designation of registrar

Child

Date of birth

Place of birth

Forename(s)

Sex

Forename(s) entered after registration

Father

Name

Occupation

Address where given

Mother

Name

Maiden surname

Address where given

PART 2

Modified particulars to be entered where UK birth record was created on or
after 1st April 1969

Additional particulars to be entered

Child

Surname

National Health Service number

Father

Place of birth

Mother

Place of birth

Occupation

Surname at marriage if different from maiden surname

Usual address

Alternative particulars to be entered

If applicable for

“Father

Name

Occupation

Address where given

Place of birth”

substitute:

“**Parent** (being a woman who is a parent of the child by virtue of section 42 or 43 of the
2008 Act)

Name

Occupation

Address where given

Place of Birth”

SCHEDULE 2

Regulation 2(1)(b)

Her Majesty's Forces Records

PART 1

Particulars to be entered where birth record was created on or before 31st March
1959

Military, air force or naval station

Entry number

Signature, description and residence of informant

When and where registered

Signature of registering officer

Child

Date of birth

Place of birth

Forename(s)

Sex

Forename(s) entered after registration

Father

Name

Nationality

Rank and if soldier or airman Regimental number

Mother

Name

Maiden surname

PART 2

Particulars to be entered where birth record was created on or after 1st April
1959 and on or before 31st December 1971

Command

Entry number

Signature, description and residence of informant

When and where registered

Signature of registering officer

Child

Date of birth

Place of birth

Forename(s)

Surname

Sex

Forename(s) entered after registration

Father

Name

Country of residence

Rank or occupation

Mother

Name

Maiden surname

PART 3

Particulars to be entered where birth record was created on or after 1st January
1972

Headquarters

Entry number

Name and surname of informant (if not mother or father)

Signature, qualification and residence of informant

When and where registered

Signature of registering officer

Child

Date of birth

Place of birth

Forename(s)

Surname

Sex

Forename(s) entered after registration

**Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008
Act**

Name

Country of residence

Place of birth
Rank or occupation

Mother

Name
Place of birth
Maiden surname
Surname at marriage if different from maiden surname
Country of residence
Rank or occupation

SCHEDULE 3 Regulation 2(1)(c)
Consular or High Commission Records

District of High Commission or Consul
Entry number
Name and surname of informant (if not mother or father)
Signature, qualification and residence of informant
Date of Registration
Signature of consul or registering officer

Child

Date of birth
Place of birth
Forename(s)
Surname
Sex
Claim to citizenship
Forename(s) entered after registration

Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act

Name
Date of birth
Place of birth
Rank, profession or occupation
Claim to British Nationality or citizenship

Mother

Name

Maiden surname

Surname at marriage if different from maiden surname

Date of birth

Place of birth

Occupation

Claim to British Nationality or citizenship

SCHEDULE 4

Regulation 2(1)(d)

Adopted Children Register

PART 1

Particulars to be entered where birth record was created on or after 1st January 1927 and on or before 31st December 1949

Entry number

Date of adoption order and description of court

Signature of attesting officer

Date of entry

Adopted child

Forename(s)

Sex

Date of birth

Adopter/Adopters

Name, address and occupation

PART 2

Particulars to be entered where the birth record was created on or after 1st January 1950 and on or before 31st December 1958

Entry number

Date of adoption order and description of court

Date of entry

Signature of attesting officer

Adopted Child

Forename(s)

Surname

Sex

Date of birth

Country of birth

Adopter/Adopters

Name and surname

Address and occupation

PART 3

Particulars to be entered where birth record was created on or after 1st April
1958 and on or before 31st December 1975

Entry number

Date of adoption order and description of court

Date of entry

Signature of attesting officer

Adopted child

Forename(s)

Surname

Sex

Date of birth

Country of birth (if England or Wales –Registration District and Sub-district)

Adopter/Adopters

Name and surname

Address and occupation

PART 4

Particulars to be entered where birth record was created on or after 1st January
1976 and on or before 31st May 2003

Entry number

Date of adoption order and description of court by which made

Date of entry

Signature of attesting officer

Adopted child

Forename(s)

Surname

Sex

Date of birth

Country of birth (if England or Wales – Registration District and Sub-district)

Adopter/Adopters

Name and surname

Address and occupation

PART 5

Particulars to be entered where birth record was created on or after 1st June
2003

Entry number

Date of adoption order or date adoption was effected

Description of court by whom effected

Date of entry

Signature of attesting officer

Adopted child

Forename(s)

Surname

Sex

Date of birth

Place of birth (England or Wales – Registration District and Sub-district)

Country of birth

Adopter/Adopters

Name and surname

Address and occupation

SCHEDULE 5
Parental Order Register

Regulation 2(1)(e)

PART 1

Particulars to be entered where record was created on or after 15th December
1994 and on or before 29th April 2010

Entry number
Registration district
Sub-district
Administrative area
Date of registration
Signature of registering officer

Child

Date of birth
Place of birth
Forename(s)
Surname
Sex
Forename(s) entered after registration

Father

Name and surname
Place of birth
Occupation

Mother

Name and surname
Place of birth
Occupation
Maiden surname
Surname at marriage if different from maiden surname
Usual address

PART 2

Particulars to be entered where record was created on or after 30th April 2010

Entry number
Registration district
Sub-district
Administrative area
Date of registration
Signature of registering officer

Child

Date of birth
Place of birth
Forename(s)
Surname
Sex
Forename(s) entered after registration

Parent

Name and surname
Place of birth
Occupation

Parent

Name and surname
Place of birth
Occupation
Parents' address

SCHEDULE 6

Regulation 2(1)(f)

Air Register Book of Births and Deaths

Entry number
Registration marking of aircraft
Date of registration
Signature of registrar
Name, description and usual address of informant

Child

Date of birth

Place of birth

Forename(s)

Surname

Sex

Baptismal or given name(s) entered after registration

Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act

Name and surname

Usual residence

Nationality

Profession or occupation and rank or title (if any)

Mother

Name and surname

Maiden surname

Usual residence

Nationality

SCHEDULE 7

Regulation 2(1)(g)

**Birth registered under section 3A of the Births and Deaths
Registration Act 1953 (abandoned children)**

Entry number

Date of registration

Signature of attesting officer

Child

Place of birth (Registration district and Sub-district)

Date of birth

Forename(s)

Surname

Sex

SCHEDULE 8

Regulation 2(1)(h)

Marine Register

PART 1

Particulars to be entered where birth record was created on or before 31st
December 1948

Entry number
Name of ship
Official number
Date of registration
Signature of registering officer

Child

Date of birth
Forename(s)
Sex

Father

Name
Rank, profession or occupation
Nationality (stating birthplace)
Last place of abode

Mother

Name
Maiden surname
Nationality (stating birthplace)
Last place of abode

PART 2

Particulars to be entered where birth record was created on or after 1st January
1949 and on or before 31st December 1972

Entry number
Name of ship and port of registry
Official number
Date of registration
Signature of registering officer

Child

Date of birth

Place of birth

Forename(s)

Sex

Father

Name

Rank, profession or occupation

Nationality (stating birthplace)

Last place of abode

Mother

Name

Maiden surname

Nationality (stating birthplace)

Last place of abode

PART 3

Particulars to be entered where birth record was created on or after 1st January
1973

Entry number

Name of ship

Official number

Port of registry or owner's name and address

Name and surname of master or name, surname, qualification and usual address of informant

Date of registration

Signature of registering officer

Child

Date of birth

Place of birth

Forename(s)

Surname

Sex

Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act

Name

Occupation

Usual residence

Nationality

Mother

Name

Maiden name

Surname at marriage if different from maiden surname

Usual residence

Nationality

SCHEDULE 9
Hovercraft Records

Regulation 2(1)(i)

Entry number

Registration marking of hovercraft

Country of registration of hovercraft

Name and surname of master or name, surname, qualification and usual address of informant

Date of registration

Signature of registering officer

Child

Date of birth

Place of birth

Forename(s)

Surname

Sex

Baptismal or given name(s) entered after registration

Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act

Name

Usual residence

Nationality

Profession or occupation and rank or title (if any)

Mother

Name

Maiden surname

Usual residence

Nationality”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Gender Recognition Register Regulations 2005.

Regulation 2 amends the definitions of “the Adopted Children Register” and “Parental Order Register”.

Regulation 4(1) revokes regulation 3 of the Gender Recognition Register Regulations 2005. This removes the ability of a person who is the subject of an England and Wales birth record that was created on or before 31st March 1969 to elect to have additional particulars, including a surname, entered in the Gender Recognition Register. Regulation 3 had the effect of permitting such a person to change their surname since birth records created on or before 31st March 1969 did not contain the surname of the child. That option was not afforded to those whose birth records were created on or after 1st April 1969. The ability to change one’s surname through other legitimate means remains unaffected.

Regulation 4(2) inserts a new regulation 3A into the Gender Recognition Register Regulations 2005 which permits any person who is the subject of an existing entry in the Gender Recognition Register on 20th July 2011 who elects to do so, to have that entry modified in accordance with these Regulations.

Regulation 5 amends Schedules 1-9 of the Gender Recognition Register Regulations 2005 in order that an entry made in the Gender Recognition Register contains information which corresponds with the information recorded in the applicant’s existing birth record, apart from the new forename and gender which will be obtained from the Gender Recognition Certificate provided to the Registrar General under section 10(1) of the Gender Recognition Act 2004.

Regulation 6 contains a saving provision. This clarifies that nothing in these Regulations will affect the validity of any particulars entered into the Gender Recognition Register prior to 20th July 2011 nor of anything done pursuant to, in consequence of or in reliance on any such entry, for instance the obtaining of a certified copy of an entry which may subsequently have been used to support an application for employment or benefits.

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STATUTORY INSTRUMENTS

2011 No. 1607

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ETC. ENGLAND AND WALES**

The Gender Recognition Register (Amendment)
Regulations 2011

£5.75