

Draft Order laid before Parliament under section 24(3) of the Gender Recognition Act 2004, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2011 No.

GENDER RECOGNITION

The Gender Recognition (Approved Countries and Territories) Order 2011

Made - - - - *****
Coming into force - - *In accordance with*
Article 1

The Secretary of State makes the following Order in exercise of the power conferred by section 2(4) of the Gender Recognition Act 2004⁽¹⁾.

In accordance with section 2(4) of that Act, the Secretary of State has consulted the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland.

In accordance with section 24(3) of that Act, a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. This Order may be cited as the Gender Recognition (Approved Countries and Territories) Order 2011 and comes into force on the day after the day on which it is made.

Approved countries and territories

2. The countries and territories set out in the Schedule are each prescribed as an “approved country or territory” for the purposes of the Gender Recognition Act 2004.

Revocation

3. The Gender Recognition (Approved Countries and Territories) Order 2005⁽²⁾ is revoked.

(1) 2004 c. 7.
(2) S.I. 2005/874.

Draft Legislation: This is a draft item of legislation. This draft has since been made as a UK Statutory
Instrument: The Gender Recognition (Approved Countries and Territories) Order 2011 No. 1630

Signed by authority of the Secretary of State

Date

Minister of State
Ministry of Justice

SCHEDULE

Article 2

Approved Countries and Territories

The Australian territories of Australian Capital Territory and Northern Territory and the states of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia,

Austria,

Belgium,

Bulgaria,

the Canadian provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan and the Yukon Territory,

Croatia,

Republic of Cyprus,

Czech Republic,

Denmark,

Estonia,

Finland,

France,

Germany,

Greece,

Iceland,

Italy,

Japan,

Liechtenstein,

Luxembourg,

Malta,

the Federal District of Mexico,

Moldova,

Netherlands,

New Zealand,

Norway,

Poland,

Romania,

Russian Federation,

Serbia,

Singapore,

Slovakia,

Slovenia,

South Africa,

South Korea,

Spain,

Sweden,
Switzerland,
Turkey,
Ukraine,
the District of Columbia and all of the States of the United States of America except for Idaho, Ohio, Tennessee and Texas, and
Uruguay.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order revokes and re-makes, with amendments, the Gender Recognition (Approved Countries and Territories) Order 2005 (S.I. 2005/874). It adds nine countries and territories to the list of countries and territories that are approved by the Secretary of State for the purposes of the Gender Recognition Act 2004 (the “Act”) (the Canadian province of Prince Edward Island, Croatia, the Czech Republic, Liechtenstein, the Federal District of Mexico, Serbia, Singapore, South Korea and Uruguay) and removes two countries (Latvia and Serbia and Montenegro).

Section 1(1)(b) of 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) 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) as one prescribed by order made by the Secretary of State.

Applicants under section 1(1)(b) need not meet the evidentiary 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 a chartered psychologist.