

*These notes refer to the Gender Recognition Act 2004  
(c.7) which received Royal Assent on 1 July 2004*

# **GENDER RECOGNITION ACT 2004**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 2: Determination of applications***

14. The criteria for a successful application under *section 1(1)(a)* ('living in the other gender') are set out in *subsection (1)*: the applicant must have, or have had, gender dysphoria; have lived in the acquired gender for at least two years before making the application; intend to continue to live in the acquired gender for the rest of his or her life; and provide the evidence required by or under *section 3*.
15. *Subsection (2)* provides that applications made under *section 1(1)(b)* must be granted if the evidence requirements are met and if the Panel is satisfied that the gender change occurred under the law of an approved country or territory. *Subsection (4)* provides the Secretary of State with the power to prescribe what is an approved country or territory for this purpose. This power will be used to prescribe those countries that have recognition criteria which are at least as rigorous as those in the Act.