

GENDER RECOGNITION ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 27: Applications within two years of commencement

94. *Section 27* creates a ‘fast-track’ process for the first two years after commencement of the Act, under which applications may be made on the basis of having lived in the acquired gender for six years. This process is exclusive for the first six months after commencement of the Act, i.e. those transsexual people who have lived in the acquired gender for at least six years will have their applications dealt with first. After this period applications from those transsexual people who can only show that they have lived in the acquired gender for two years will be dealt with according to the normal procedure. However, those transsexual people who are able to show that they have lived in the acquired gender for six years will continue to benefit from the ‘fast-track’ process for a further eighteen months.
95. Applicants using this procedure will have to satisfy the criteria set out in *section 2(1)* as modified, that is, satisfy the Panel that they have lived in the other gender for six (rather than two) years; and that either they have or have had gender dysphoria, or that they have undergone surgical treatment for the purpose of modifying sexual characteristics.
96. Under *subsection (5)*, the requirements for medical evidence stated in *section 3(1)* to *(3)* will not be applied to these applicants. Instead, if a person is applying on the basis of having or having had gender dysphoria, the application need only be accompanied by one medical report providing details of the diagnosis of gender dysphoria and details of treatment that the applicant has undergone, is undergoing, or that has been prescribed or planned for the applicant to undergo. This report must be provided by a registered medical practitioner or chartered psychologist practising in the field of gender dysphoria.
97. If a person is applying on the basis of having undergone surgical treatment for the purpose of modifying sexual characteristics, the application must be accompanied by one medical report containing details of the treatment undergone and any further treatment which has been prescribed or planned. This report must be provided by either a registered medical practitioner, or a chartered psychologist practising in the field of gender dysphoria.