



# Gender Recognition Act 2004

## 2004 CHAPTER 7

*Consequences of issue of gender recognition certificate etc.*

### **18 Orders where expectations defeated**

- (1) This section applies where the disposition or devolution of any property under a will or other instrument (made on or after the appointed day) is different from what it would be but for the fact that a person's gender has become the acquired gender under this Act.
- (2) A person may apply to the High Court or Court of Session for an order on the ground of being adversely affected by the different disposition or devolution of the property.
- (3) The court may, if it is satisfied that it is just to do so, make in relation to any person benefiting from the different disposition or devolution of the property such order as it considers appropriate.
- (4) An order may, in particular, make provision for—
  - (a) the payment of a lump sum to the applicant,
  - (b) the transfer of property to the applicant,
  - (c) the settlement of property for the benefit of the applicant,
  - (d) the acquisition of property and either its transfer to the applicant or its settlement for the benefit of the applicant.
- (5) An order may contain consequential or supplementary provisions for giving effect to the order or for ensuring that it operates fairly as between the applicant and the other person or persons affected by it; and an order may, in particular, confer powers on trustees.

**Changes to legislation:**

There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 18.