



Gender Recognition Act 2004

2004 CHAPTER 7

Applications for gender recognition certificate

8 Appeals etc.

- (1) An applicant to a Gender Recognition Panel under section 1(1), 5(2) or 6(1) may appeal to the High Court or Court of Session on a point of law against a decision by the Panel to reject the application.
- (2) An appeal under subsection (1) must be heard in private if the applicant so requests.
- (3) On such an appeal the court must—
 - (a) allow the appeal and issue the certificate applied for,
 - (b) allow the appeal and refer the matter to the same or another Panel for re-consideration, or
 - (c) dismiss the appeal.
- (4) If an application under section 1(1) is rejected, the applicant may not make another application before the end of the period of six months beginning with the date on which it is rejected.
- (5) If an application under section 1(1), 5(2) or 6(1) is granted but the Secretary of State considers that its grant was secured by fraud, the Secretary of State may refer the case to the High Court or Court of Session.
- (6) On a reference under subsection (5) the court—
 - (a) must either quash or confirm the decision to grant the application, and
 - (b) if it quashes it, must revoke the gender recognition certificate issued on the grant of the application and may make any order which it considers appropriate in consequence of, or otherwise in connection with, doing so.