

**EXPLANATORY MEMORANDUM TO**  
**THE GENDER RECOGNITION (APPLICATION FEES) (AMENDMENT)**  
**ORDER 2008**

**2008 No. 715**

1. This explanatory memorandum has been prepared by the Ministry of Justice and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

**2. Description**

This instrument updates the income thresholds for application fees under the Gender Recognition Act 2004 ("the Act").

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

None.

**4. Legislative Background**

4.1 Section 7(2) of the Gender Recognition Act 2004 ("the Act"), provides for fees to be payable in relation to applications to the Gender Recognition Panel for a gender recognition certificate under sections 1(1), 5(2), 5A(2) or 6(1) of the Act. This Order amends the income thresholds at which those fees become payable.

4.2 The Gender Recognition (Application Fees) Order 2006, S.I. 2006/758, ("the 2006 Order") prescribed the level of fees and the circumstances in which no fee is payable. Two levels of fees are prescribed - £30 and £140 - dependant upon on the income of applicants.

4.3 The Gender Recognition (Application Fees) (Amendment) Order 2007, S.I. 2007/839, ("the 2007 Order") increased the income thresholds. This Order which comes into force on 6<sup>th</sup> April 2008 in relation to applications made on or after that date, similarly amends the 2006 Order to increase the income thresholds.

**5. Extent**

This instrument applies to all of the United Kingdom.

## **6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy objectives**

The 2008 Order makes no change to the level of fees set out in the 2006 Order, but increases the thresholds for relevant income at which the fees of £30 and £140 become payable. The fee of £140 will now apply to applicants whose relevant income is greater than £24,956 (formerly £24,019), and the fee of £30 will now apply to applicants whose relevant income is greater than £16,642 (formerly £16,017) but not greater than £24,956. No fee will be payable in circumstances where the applicant's relevant income is £16,642 or less or if the applicant is in receipt of a qualifying benefit. "Relevant income" and "qualifying benefit" are defined in articles 4 and 5 of the 2006 Order. The sum of £16,642 derives from HM Revenue and Customs. It is used as a qualifying threshold for several benefits. The upper figure of £24,956 reflects a percentage increase of 3.9%, based on the annual Retail Price index, on the previous upper limit of £24,019. Only those who earn in excess of £24,956 will pay the full fee.

## **8. Impact**

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

Any enquiries about this memorandum should be addressed to: Marguerite Celiz, Human Rights Division, Ministry of Justice (email: [marguerite.celiz@justice.gsi.gov.uk](mailto:marguerite.celiz@justice.gsi.gov.uk) or telephone: 020 7210 1323).