

# Gender Recognition Act 2004

1. The purpose of the Gender Recognition Act is to enable transsexual people to gain legal recognition in their acquired gender. Legal recognition will follow from the issue of a full Gender Recognition Certificate (GRC) by a Gender Recognition Panel.
2. In practical terms, legal recognition will have the effect that, for example, a male-to-female transsexual person will be legally recognised as a woman. On the issue of a full Gender Recognition Certificate, the person will be entitled to obtain a new birth certificate reflecting their new gender (provided a UK birth register entry already exists for the person) and will be able to marry someone of the opposite gender to his or her new gender. A married person will be required to dissolve their marriage in order to obtain a gender recognition certificate as same sex marriages are not recognised in the UK.
3. The Gender Recognition Act was implemented from 4 April 2005 when applications started to be considered by Gender Recognition panels and Gender Recognition Certificates issued.
4. The Department for Constitutional Affairs (DCA) is responsible for external communications on Gender Recognition. It is leading on development of the Gender Recognition application pack that will include information on rights and responsibilities and cross – government messages.
5. The Department for Work and Pensions will contribute to the DCA Gender Recognition application pack by providing information on DWP benefits, pensions and services.
6. It is an offence for a person to disclose information acquired in an official capacity about a person's application for a gender recognition certificate or about the gender history of a successful applicant. This information is termed 'protected information' under the Act. There are specific exceptions in the Act to the general prohibition on disclosure. For example, disclosure will not constitute an offence where the person to be identified has consented to the disclosure or where the disclosure is for the purposes of proceedings before a court or tribunal. The Act also contains a delegated power for the Secretary of State to prescribe other exceptions by statutory instrument.

It will be important that the gender recognition records of scheme members are held securely to ensure that schemes meet the requirements of the Gender Recognition Act.

7. Members' entitlement to benefits are unlikely to change following the issue of the GRC and for most schemes there is no issue over the contribution record.