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STATUTORY RULES OF NORTHERN IRELAND

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**2005 No. 497**

**The Family Proceedings (Amendment  
No. 2) Rules (Northern Ireland) 2005**

**Amendment to the 1996 Rules**

**73.** After rule 3.38 insert—

**“Reference under section 8(5) of the Gender Recognition Act 2004**

**3.39.—**(1) A reference to the High Court under section 8(5) of the Gender Recognition Act 2004 shall be brought by originating motion issued out of the Matrimonial Office.

(2) The Secretary of State is to be referred to as the applicant and the respondent is the person whose application under section 1(1), 5(2) or 6(1) of the Gender Recognition Act 2004 was granted.

(3) The originating motion shall be served on the President of the Gender Recognition Panels and such other persons as the Court may direct.

(4) Where the applicant knows that—

(a) the respondent is a party to a cause in which the petition or answer prays for a decree of nullity of marriage under Article 14(g) of, or paragraph 18(1)(e) of Schedule 3 to, the Order of 1978 or for an order for nullity of civil partnership under section 174(1)(d) of the Act of 2004, he shall—

- (i) give particulars of those proceedings in the originating motion, and
- (ii) serve the originating motion on the court in which that petition is pending (where he has sufficient information to do so);

(b) a full gender recognition certificate has been issued to the respondent under section 5(1) of the Gender Recognition Act 2004, he shall give particulars of this in the originating motion.

(5) A copy of any order of the court made on the reference shall be served on—

- (a) the parties,
- (b) the President of Gender Recognition Panels,
- (c) where sufficient particulars have been provided under paragraph (4)(a)(i), on the court in which any such cause is pending,

and may be served on such other persons as the court thinks fit”.