

Status: Point in time view as at 01/07/2009.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, SCHEDULE 1. (See end of Document for details)

SCHEDULES

SCHEDULE 1

Section 1

GENDER RECOGNITION PANELS

List of persons eligible to sit

- 1 (1) [^{F1}Subject to sub-paragraph (1A), the Lord Chancellor]^{F1} must, after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland, make appointments to a list of persons eligible to sit as members of Gender Recognition Panels.
- [^{F2}(1A) The Lord Chancellor may appoint a person under sub-paragraph (1) only with the concurrence of all of the following—
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.]
- ^{F2}(2) The only persons who may be appointed to the list are persons who—
- (a) have a relevant legal qualification (“legal members”), or
 - (b) are registered medical practitioners or [^{F3}registered psychologists]^{F3}(“medical members”).
- (3) The following have a relevant legal qualification—
- (a) a person who has a 7 year general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990 (c. 41),
 - (b) an advocate or solicitor in Scotland of at least seven years' standing, and
 - (c) a member of the Bar of Northern Ireland or [^{F4}solicitor of the Court of Judicature of Northern Ireland]^{F4} of at least seven years' standing.

Textual Amendments

- F1** Words in Sch. 1 para. 1(1) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 2, **Sch. 1 para. 13**
- F2** Sch. 1 para. 1(1A) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 2, **Sch. 1 para. 14**
- F3** Words in Sch. 1 para. 1(2)(b) substituted (1.7.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#), art. 4(2), **Sch. 5 para. 8(d)** (with arts. 9, 10); S.I. 2009/1357, **art. 2(d)**
- F4** Words in Sch. 1 para. 1(3)(c) substituted (1.10.2009) by [Constitutional Reform Act 2005 \(c. 4\)](#), ss. 59, 148, **Sch. 11 para. 5**; S.I. 2009/1604, **art. 2(d)**

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President

- 2 (1) [^{F5}Subject to sub-paragraph (1A), the Lord Chancellor]^{F5} must, after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland—
- (a) appoint one of the legal members to be the President of Gender Recognition Panels (“the President”), and
 - (b) appoint another of the legal members to be the Deputy President of Gender Recognition Panels (“the Deputy President”).
- [^{F6}(1A) The Lord Chancellor may appoint a person under sub-paragraph (1) only with the concurrence of all of the following—
- (a) the Lord Chief Justice of England and Wales;
 - (b) the Lord President of the Court of Session;
 - (c) the Lord Chief Justice of Northern Ireland.]

^{F6}(2) The Deputy President has the functions of the President—

 - (a) if the President is unavailable, and
 - (b) during any vacancy in the office of President.

Textual Amendments

- F5** Words in [Sch. 1 para. 2\(1\)](#) substituted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 2, [Sch. 1 para. 15](#)
- F6** [Sch. 1 para. 2\(1A\)](#) inserted (3.4.2006) by [The Lord Chancellor \(Transfer of Functions and Supplementary Provisions\) \(No.2\) Order 2006 \(S.I. 2006/1016\)](#), art. 2, [Sch. 1 para. 16](#)

Tenure of persons appointed to list

- 3 Persons on the list—
- (a) hold and vacate their appointments in accordance with the terms on which they are appointed, and
 - (b) are eligible for re-appointment at the end of their period of appointment.

Membership of Panels

- 4 (1) The President must make arrangements for determining the membership of Panels.
- (2) The arrangements must ensure that a Panel determining an application under section 1(1)(a) includes—
- (a) at least one legal member, and
 - (b) at least one medical member.
- 5 The arrangements must ensure that a Panel determining an application under section 1(1)(b), 5(2) [^{F7}, 5A(2)]^{F7} or 6(1) includes at least one legal member.

Textual Amendments

- F7** Words in [Sch. 1 para. 5](#) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 250\(8\)](#), 263; [S.I. 2005/3175](#), [art. 3](#), [Sch. 2](#)

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Procedure

- 6
- (1) Where a Panel consists of more than one member, either the President or Deputy President or another legal member nominated by the President must preside.
 - (2) Decisions of a Panel consisting of more than one member may be taken by majority vote (and, if its members are evenly split, the member presiding has a casting vote).
 - (3) Panels are to determine applications in private.
 - (4) A Panel must determine an application without a hearing unless the Panel considers that a hearing is necessary.
 - (5) The President may, after consulting the [^{F8}Administrative Justice and Tribunals Council]^{F8}, give directions about the practice and procedure of Panels.
 - (6) Panels must give reasons for their decisions.
 - (7) Where a Panel has determined an application, the Secretary of State must communicate to the applicant the Panel's decision and its reasons for making its decision.

Textual Amendments

- F8** Words in Sch. 1 para. 6(5) substituted (1.11.2007) by Tribunals, Courts and Enforcement Act 2007 (c. 15), ss. 48(1), 148, Sch. 8 para. 60, S.I. 2007/2709, {art. 3(b)}

Staff and facilities

- 7 The Secretary of State may make staff and other facilities available to Panels.

Money

- 8
- (1) The Secretary of State may pay sums by way of remuneration, allowances and expenses to members of Panels.
 - (2) The Secretary of State may pay compensation to a person who ceases to be on the list if the Secretary of State thinks it appropriate to do so because of special circumstances.

Delegation

- [^{F9}8A (1) The Lord Chief Justice of England and Wales may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise any of his functions under this Schedule.
- (2) The Lord President of the Court of Session may nominate a judge of the Court of Session who is a member of the First or Second Division of the Inner House of that Court to exercise his functions under this Schedule.
 - (3) The Lord Chief Justice of Northern Ireland may nominate any of the following to exercise his functions under this Schedule—
 - (a) the holder of one of the offices listed in Schedule 1 to the Justice (Northern Ireland) Act 2002;
 - (b) a Lord Justice of Appeal (as defined in section 88 of that Act).]

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Textual Amendments

- F9** Sch. 1 para. 8A inserted (3.4.2006) by The Lord Chancellor (Transfer of Functions and Supplementary Provisions) (No.2) Order 2006 (S.I. 2006/1016), **Sch. 1 para. 17**

Council on Tribunals

- 9 In Schedule 1 to the Tribunals and Inquiries Act 1992 (c. 53) (tribunals under supervision of Council on Tribunals), before paragraph 22 insert—

“Gender Recognition	21AA. Gender Recognition Panels constituted under Schedule 1 to the Gender Recognition Act 2004 (c. 7).”
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Disqualification

- 10 In Part 3 of Schedule 1 to the House of Commons Disqualification Act 1975 (c. 24) (offices disqualifying person from membership of House of Commons), at the appropriate place insert— “ Person on the list of those eligible to sit as members of a Gender Recognition Panel. ”
- 11 In Part 3 of Schedule 1 to the Northern Ireland Assembly Disqualification Act 1975 (c. 25) (offices disqualifying persons from membership of Northern Ireland Assembly), at the appropriate place insert— “ Person on the list of those eligible to sit as members of a Gender Recognition Panel. ”

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