

2004 No. 3418 (L. 27)

SUPREME COURT OF ENGLAND AND WALES

The High Court (Distribution of Business) Order 2004

Made - - - - *30th December 2004*

Laid before Parliament *31st December 2004*

Coming into force - - *21st January 2005*

The Lord Chancellor, in exercise of the powers conferred on him by section 61(3)(a) and (c) of the Supreme Court Act 1981(a), hereby makes the following Order:

1. This Order may be cited as the High Court (Distribution of Business) Order 2004 and comes into force on 21st January 2005.

2. All proceedings in the High Court under sections 6 and 8 of the Gender Recognition Act 2004(b) are assigned to the Family Division.

3. In paragraph 3 of Schedule 1 to the Supreme Court Act 1981 after sub-paragraph (h), insert—

“(i) all proceedings under sections 6 and 8 of the Gender Recognition Act 2004.”

Falconer of Thoroton, C

Dated 30th December 2004

(a) 1981 c. 51; paragraph 3 of Schedule 1 was amended by section 68(1) of and paragraph 26 of Schedule 1 to the Family Law Act 1986 (c. 55), section 5 of the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), section 33(4) of and Schedule 4 to the Family Law Reform Act 1987 (c. 42), sections 92(11) and 108(5) of, paragraph 9 of Schedule 11 to and paragraph 45(3) of Schedule 13 to the Children Act 1989 (c. 41), section 66(1) of and paragraph 51 of Schedule 8 to the Family Law Act 1996 (c. 27), section 84(1) of and paragraph 1 of Schedule 12 to the Welfare Reform and Pensions Act 1999 (c. 30), article 3 of and the Schedule to S.I. 1991/1210 and article 3 of S.I. 1993/622.

(b) 2004 c. 7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order assigns to the Family Division of the High Court all proceedings under sections 6 and 8 of the Gender Recognition Act 2004 (c. 7) (“the 2004 Act”). Paragraph 3 of Schedule 1 to the Supreme Court Act 1981 (c. 54) is amended accordingly.

The 2004 Act provides for transsexual persons legal recognition in their acquired gender on the issue of a full gender recognition certificate. In order to obtain a full gender recognition certificate a party must apply first to a Gender Recognition Panel. In certain circumstances the courts may also issue gender recognition certificates. Section 6 of the 2004 Act provides for applications to a court for the issue of a corrected gender recognition certificate where the court has issued a gender recognition certificate which contains an error. Section 8(1) of the 2004 Act provides a statutory appeal to the High Court on a point of law against a decision of a Gender Recognition Panel to reject an application made to it. Section 8(5) provides for the Secretary of State to refer cases to the High Court where he considers an application for a gender recognition certificate to have been secured by fraud.

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