Briefing sheet | Gender Recognition Act (GRA)

Some facts and figures about the GRA, to help journalists covering the topic.

**What is the Gender Recognition Act?**

The Gender Recognition Act 2004 (GRA) is the law that governs the process by which trans adults can change the gender marker on their birth certificate. If successful, the person receives a new birth certificate through their Gender Recognition Certificate (GRC).

Most trans people never apply for a GRC. You don’t need a GRC to use your preferred pronouns, change the gender on your passport, driving licence, documents such as bank cards or insurance policies, or gender markers in school or health records.

**What is the criteria for applying for a GRC?**

The GRA requires people to be at least 18 years old, diagnosed with ‘gender dysphoria’, have lived in their ‘acquired gender’ for two years, and to provide evidence supporting this to a gender recognition panel (made up of three people who never meet the applicant). They have the power to approve or deny an application, and it is nearly impossible to appeal the final decision.

Intersex or non-binary people don’t have legal recognition under the GRA. Young trans people/children cannot apply for a GRC, despite being able to change their gender marker in almost all other documentation.

The process costs £140, or if someone is on a low income, it’s free. This doesn’t include costs of obtaining medical reports and general evidence. The recognition process can be lengthy.

**Why is it relevant and what’s changing?**

The GRA is relevant to the few trans people applying for a GRC, with less than 5000 applications since 2004.

Following a 2016 inquiry by the Women’s and Equalities Committee, an in-depth review by the government is expected, with a public consultation starting in July. The consultation will include an option to use a Statutory Declaration to change the gender given on a birth certificate, instead of the current challenging, bureaucratic and time consuming application.

**What is a Statutory Declaration and what impact has it had?**

Statutory Declaration is a legally binding agreement, in this instance on the permanent change to someone’s gender marker, witnessed by someone who’s authorised to take oaths. It will have no other effect except to update the process of changing the gender on an individual’s birth certificate.

It has no impact on people’s rights to use toilets, prisons, the categorisation of people for sporting purposes, changing rooms, women’s refuges etc. Trans offenders don’t need a GRC to be housed in the estate appropriate to their gender. Nor is a GRC needed to change the gender of your medical records. All these are covered through various pre-existing legislation or guidelines, such as the Equality Act 2010.

In fact, the Equality Act protects trans people rights to use the correct facilities, whether or not they have a GRC. Trans people have been using single sex spaces for years – the GRA reform won’t change that.

Statutory Declaration exists in countries including: Ireland, Denmark, Norway, Belgium, Malta, California, Argentina, Mexico and Pakistan without any reported disadvantage to anyone. Since 2015, the Irish Government has flagged no issues with the Self Declaration, and with only 240 Gender Recognition Certificates issued.

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*Maria Miller MP, former Chair of the UK Parliament Women and Equalities committee, makes clear the attitude of those on the frontline of women’s services:*

“There is no evidence that trans women are a threat to anybody else. If anything, they are the victims of a great deal of hate crime, and very high levels of sexual assault themselves. I have sat down with Rape Crisis, I have sat down Women’s Aid, I’ve sat down with Refuge, and all of them are already incredibly supportive of trans women and the appalling situations they find themselves in.”