

THE GENDER RECOGNITION ACT 2004
PROCEDURE: (1) TITLE OF THE CAUSE
(2) EVIDENCE AT TRIAL OF CAUSE

President's Direction
5th April 2005

1. Introduction

The Gender Recognition Act 2004 ("the Act") provides transsexual people with the opportunity to obtain legal recognition in their acquired gender. Legal recognition follows from the issue of a full gender recognition certificate by a Gender Recognition Panel. Section 4 of the Act requires that where a Panel has granted an application to a married applicant, the gender recognition certificate that it must issue shall be an interim gender recognition certificate. The interim certificate may then be used by either party to the marriage as evidence in support of an application to annul the marriage under Section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Matrimonial Causes Act 1973 (*'that an interim gender recognition certificate has, after the time of the marriage, been issued to either party to the marriage'*).

2. Application

- 2.1 This Practice Direction applies to proceedings for divorce, judicial separation and annulment of marriage commenced on or after **4th April 2005**.
- 2.2 Where proceedings for divorce, judicial separation or annulment of marriage have been commenced prior to this date, paragraphs 3.2 to 3.5 below shall also apply to those proceedings if, but only if, the court acquires protected information (as defined by Section 22 of the Act) in respect of a party to those proceedings.

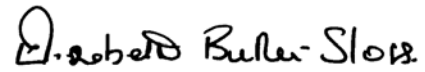
3. Title of the Cause

- 3.1 When a party to a matrimonial cause has changed his or her name since marriage, by deed poll or otherwise, the name currently being used by the party should appear first on any petition, answer and statement of arrangements followed by "formerly known as (married name)".
- 3.2 Subject to paragraph 3.3, when describing the parties in any Decree, Order, Notice or other document issued by the court, the parties should be described by their full current names only.
- 3.3 When giving details of the parties in any court list (including a special procedure cause list) they should be described by the initials and surname of their current names only. (For example, A B Jones –v- C D Jones).
- 3.4 For the sake of clarity, in any document or court list mentioned in paragraphs 3.2 and 3.3 above party titles (i.e. Mr, Mrs, Miss, etc.) should be omitted.
- 3.5 The Practice Note of 2nd May 1940 (Title of Cause) shall cease to have effect.

4. Evidence at trial of cause

- 4.1 This part of the Practice Direction applies where the following conditions are met:
 - (a) proceedings for annulment of marriage are brought under Section 12(g) of, or paragraph 11(1)(e) of Schedule 1 to, the Matrimonial Causes Act 1973 and under no other ground under Sections 11 or 12 of, or paragraph 11 of Schedule 1 to, that Act; and
 - (b) the cause is an undefended cause.
- 4.2 Any party requesting directions for trial may, in addition to the requirements of FPR rule 2.25(2), state in their request that they would wish to give their evidence at the trial of the cause in accordance with the provisions of this Practice Direction; and in that event, the request must be accompanied by an affidavit setting out the information required by the appendix to this Practice Direction.

- 4.3 Where directions for trial are given in accordance with FPR rule 2.24(5) in respect of a request to which paragraph 4.2 applies, a direction may also be given under Rule 2.28(3) that the affidavit lodged with the request for directions shall be treated as the evidence of that party at the trial of the cause (unless otherwise directed).
 - 4.4 In the case of an undefended cause proceeding on the respondent's answer, this part of the Practice Direction and the contents of the appendix shall apply with appropriate modifications.
 - 4.5 The appendix sets out a form of affidavit that may be used for the purposes of paragraph 4.2.
5. Issued with the approval and concurrence of the Lord Chancellor.

A handwritten signature in black ink that reads "Elizabeth Butler-Sloss". The signature is written in a cursive, slightly informal style.

Elizabeth Butler-Sloss
President

APPENDIX

A FORM OF AFFIDAVIT FOR THE PURPOSES OF PARAGRAPH 4.2

*Affidavit by Petitioner in support of petition for
annulment under Section 12(g) of the Matrimonial Causes Act 1973*

No. of matter:

* Delete as
appropriate.

IN THE COUNTY COURT*
[PRINCIPAL REGISTRY OF THE FAMILY DIVISION*]

Between (Petitioner)
and (Respondent)
and (Co-Respondent)

QUESTION	ANSWER
About the Petition 1. Have you read the petition in this case?	
2. Do you wish to alter or to add to any statement in the petition? If so, state the alterations or additions.	
3. Subject to these alterations or additions (if any) is everything stated in your petition true? If any statement is not within your own knowledge, indicate this and say whether it is true to the best of your information and belief.	
About the interim gender recognition certificate 4. State the date on which the interim gender recognition certificate was issued: State the serial number of the interim certificate: State the name of the person to whom the certificate has been issued: State the date on which you commenced proceedings to annul your marriage: You must attach a copy of the interim gender recognition certificate to this form.	
About other proceedings	

5. To the best of your knowledge and belief has there been or is there continuing any of the following proceedings;
- an application to amend an error in the interim certificate;
 - an appeal against a decision to amend (or not to amend) an error in the interim certificate;
 - a reference under section 8(5) of the Gender Recognition Act 2004; or
 - an appeal against a decision made following a reference under section 8(5)?

If so, please give details of those proceedings and any order made. (You should also attach copies of any orders made).

About the children of the family

6. Has a Statement of Arrangements been filed in this case?

If so, answer questions 7, 8 and 9.

7. Have you read the Statement of Arrangements filed in this case?

8. Do you wish to alter anything in the Statement of Arrangements or add to it?

If so, state the alterations or additions.

9. Subject to these alterations and additions (if any) is everything stated in the **Statement of Arrangements** true?

If any statement is not within your own knowledge, indicate this and say whether it is true and correct to the best of your information and belief.

I, _____ (full name)

of _____ (full residential address)

(occupation)

make oath and say as follows:-

1. I am the petitioner in this cause.
2. **The answers to Questions 1 to 9 above are true.**
3. ⁽¹⁾ I identify the signature ⁽²⁾ appearing in the copy acknowledgement of service now produced to me and marked "A" as the signature of my husband / wife, the respondent in this cause.

(1) Delete if the acknowledgement is signed by a solicitor.

(2) Insert name of the respondent exactly as it appears on the acknowledgement signed by him or her.

(3) If you have answered "Yes" to question 5, exhibit any document on which you

4. I exhibit marked "B" a copy of the interim gender recognition certificate issued to myself / the respondent in this cause.
5. ⁽³⁾
6. I identify the signature.....⁽²⁾
 appearing at Part IV of the Statement of Arrangements dated..... now
 produced to me and marked "C" as the signature of the respondent.
7. I ask the court to grant a decree annulling my marriage with the respondent on the ground stated in my petition [and to order the respondent / co-respondent to pay the costs of this suit].⁽⁴⁾

Sworn at

In the County of

this

day of

20



Before me,

⁽⁵⁾ Delete as the case may be.

A Commissioner for Oaths ⁽⁵⁾
 Officer of the Court appointed by the Judge to take Affidavits