

The Gender Recognition Act 2015

in a nutshell



March 2024



Family Law Centre

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Key points from the Gender Recognition Act 2015.

What this guide covers

The Act provides for the legal recognition of a person's preferred gender through Gender Recognition Certificates. It also amends related legislation, including the Irish Nationality and Citizenship Act 1956, Civil Registration Act 2004, Passports Act 2008 and Adoption Act 2010.

Important publishing note

This PDF is a general information guide based on the supplied source document. It should not be treated as legal advice for any particular person or set of facts.

At a glance

Adults	No medical or psychiatric report is required where the applicant is over 18.
Appeals	A refusal may be appealed within 90 days.
Certificates	Certificates apply from the date of issue and are not retrospective.

GENERAL POINTS

1. There will be no charge for making an application for a gender recognition certificate.
2. If an application is refused, reason(s) will be given why and an appeal may be made within 90 days. If no appeal is made, after 90 days the decision to refuse is final. See Section 17 for details.
3. If a person is over 18 there is no requirement to produce any medical or psychiatric reports; this requirement relates to those from 16 to 18 years of age.

ELIGIBILITY TO APPLY FOR A GENDER RECOGNITION CERTIFICATE

1. Must be 18 or over.
2. In certain cases where a child is 16 but not 18, an application for age exemption will only be considered by way of a Circuit Family Court Order. See Sections 12 and 37 for details.
3. Must hold a valid Birth or Adoption Certificate from this State, or one recognised by the State if born or adopted outside the State.
4. Applicant cannot be married or a civil partner.
5. Must comply with all the requirements on application.

REQUIREMENTS TO APPLY FOR A GENDER RECOGNITION CERTIFICATE

1. Name, address and PPS number.
2. The first and last name by which the applicant wishes to be known.
3. Proof of identity.
4. Proof of birth.
5. Proof of residency in the State if born outside the State.
6. Declaration of not being married or a civil partner.

7. Declaration of a settled and solemn intention to live in the preferred gender for life.
8. Confirmation that the applicant fully understands the consequences of the application.
9. Confirmation that the application is made of the applicant's free will.

RECOGNITION OF AN OUT-OF-STATE GENDER RECOGNITION CERTIFICATE

1. Provide the items listed in 1 to 7 above.
2. Provide the out-of-State Gender Recognition Certificate, translated and authenticated.
3. Show that the process to obtain a Gender Recognition Certificate out of State is at least equivalent to that in this State.

A GENDER RECOGNITION CERTIFICATE WILL INCLUDE

1. The date of issue. Certificates are not retrospective and apply only from the date of issue.
2. New name.
3. Date of birth.
4. Newly recognised gender.

How to apply for a new birth certificate

- If a birth is registered in the State, apply to the General Register Office to be entered in the register of Gender Recognition. Details will already have been sent to the General Registrar. See GRO application form.
- If registered in the Register of Intercountry Adoptions, apply in writing to the Adoption Authority of Ireland to be entered in the Register of Gender Recognition of Intercountry Adoptions. See AAI application form.
- If registered in the Foreign Births Register or a foreign births entry book, apply to the Department of Foreign Affairs to be entered in the Register of Gender Recognition of Foreign Births. See DFA information.
- When registration is complete, an application for a certified copy of the entry in the register, for the appropriate fee, can be made from the relevant authority.

How to apply for a new passport

- An application may be made for a new passport to reflect the newly recognised gender and name. The application must include the original Gender Recognition Certificate and current Irish Passport. If a first-time application is being made, the new Birth Certificate would have to be provided instead of an old passport.
- Original documents will be returned. The Passport Service may request further documents if deemed necessary.

OTHER IMPORTANT POINTS TO NOTE

- A person is not required to produce a Gender Recognition Certificate as proof of gender or identity for any purpose except as required by law.
- A Gender Recognition Certificate does not affect that person's rights, liabilities or consequences of actions in their original gender prior to the Gender Recognition Certificate being issued.
- There is no effect on the status of the person as a parent of a child born prior to the Gender Recognition Certificate being issued.

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- A Gender Recognition Certificate will not affect the disposal or devolution of property under a will, including a codicil, or other instrument. A person may apply to the High Court for relief on the grounds of being adversely affected by the different disposition or devolution of property.
- The Minister may, with good cause or on application, revoke a Gender Recognition Certificate. See Sections 14 and 15 for details. Clerical errors on certificates need to be notified to the Minister. See Section 16 for details.
- There are penalties of a Class C fine or 6 months imprisonment, or both, for a person who knowingly or recklessly provides information to the Minister that is false or misleading, or does not surrender a Gender Recognition Certificate when required. See Section 36.

Source: Gender Recognition Act 2015.

Prepared by Family Law Centre. Authored by Hugh Condon. March 2024.