

TRANS GUIDES

Issue 1:

Name Change & Gender Recognition Certificates



Presented by:

LGBT
foundation



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A BRIEF GUIDE TO CHANGING YOUR NAME



There is no legal process that you have to follow to change your name. You can simply start using a new name, but you do need evidence of your change of name to update your official records.

The easiest way to change your name is with a Change of Name Deed (also called a Deed Poll). You can get a Change of Name Deed by:

- Instructing a solicitor to draft it or you;
- Drafting it yourself;
- Using an online agency; or
- Enrolling your new name with the Royal Courts of Justice. This is not compulsory but it means your new name will be a matter of public record. The forms can be downloaded here: www.gov.uk/change-name-deed-poll/enrol-a-deed-poll-with-the-courts

If you decide to do it yourself then check out the Gov.uk website which provides suggested wording:

www.gov.uk/change-name-deed-poll/make-an-adult-deed-poll

When you sign your Change of Name Deed, your signature should be witnessed by two independent people, who should also sign it and give their names and addresses. They must be over 18 and not a spouse or relative.

Remember to make your Change of Name Deed as official looking as possible by using good quality paper and a black easy to read font (e.g. Times New Roman or Ariel). You could even use a cover page and bind it.

When you have completed your Change of Name Deed you should send it to each of your record holders such as the Passport Office, DVLA, Inland Revenue and your banks, insurers and medical practitioners (GP/dentist). You should not be charged for these changes, unless you want to also update the photo on your passport or diving licence.

TIP! If you change the name on your passport first, then you can use your new passport number to change your name at the DVLA without having to send your Change of Name Deed to them.

Myth Busting

- Official registration of your name change is not compulsory.
- Your Change of Name Deed does not have to be certified by a solicitor or other official (unless you want multiple copies, in which case a solicitor can prepare certified copies for you, for a small fee).

Important Bits

- Under 18? Parental consent or a Court Order will be needed to change your name.
- Choose your new name wisely. The Identity and Passport Service can reject a name if they think it brings the UK passport into disrepute - so nothing too whacky!
- Your passport records your gender. It is possible to change this either by getting a Gender Recognition Certificate or by providing a letter from your doctor confirming that your change in gender is permanent, together with your Change of Name Deed and evidence that you are using your new name and living in your preferred gender (e.g. a payslip or bill in your new name).
- Keep your Change of Name Deed in a safe place e.g. with your birth certificate.

A GUIDE TO OBTAINING A GENDER RECOGNITION CERTIFICATE



Without a full Gender Recognition Certificate a transgender person is recognised in a legal sense as their birth gender, not their acquired or preferred gender. The Gender Recognition Act 2004 therefore enables transgender people to have their UK birth certificates and legal gender changed by making an application to the Gender Recognition Panel.

Applying for a Gender Recognition Certificate used to mean that you had to get a divorce if you were married because two people of the same sex could not be married to each other, but the introduction of equal marriage means this is

NOTE: Gender Recognition Certificates are not compulsory and many transgender people live in their preferred gender without one.

no longer necessary. The spouse of the person applying must still consent to the certificate. If the couple decide to get a divorce then an Interim Gender Recognition Certificate can be issued and used to dissolve their marriage.

What if the person applying is in a Civil Partnership? At the moment it is not legally possible to be in a Civil Partnership with someone of the same sex so the applicant would have to transfer their Civil Partnership into a marriage, ideally before they make their application, unless their partner is applying for a Gender Recognition Certificate as well.

Most applicants use the Standard Route. They must be over 18, have lived in their preferred gender for 2 years, and be able to prove that they have or have had gender dysphoria. They must provide two medical reports: one from their GP and another from a gender specialist, confirming their diagnosis and any transition-related treatment (e.g. counselling, hormones or surgery). Note: it is not necessary for them to have had surgery, but one of their reports should explain if they are waiting for surgery or give the reason for them deciding not to have it.

There are two alternative options:

- The alternative route. Applicants must be over 18, have lived in their preferred gender for 6 years before 10 December 2014, and be able to prove they have or have had gender dysphoria or surgery to modify their sexual characteristics. The benefit of this route is that applicant only has to provide one medical report from a GP, surgeon, or gender specialist. It is suited to someone who has been living their preferred gender for a long time and may struggle to get two medical reports.
- The overseas route. If an applicant's preferred gender has already been legally accepted in certain other countries then there is a more streamlined route they can use.

Applicants must complete a written application form and provide supporting evidence, including a Statutory Declaration (a standard form which can be downloaded online and must be sworn in front of a solicitor or someone else who is able to administer oaths), their birth certificate, change of name deed, any marriage or divorce documents, and evidence that they have been living in their preferred gender. The fee payable to the Gender Recognition Panel is £140 (although exemptions may apply if the applicant has a low income/is on benefits) and fees may also be charged for medical reports. Tip: start collecting evidence that you are living in your preferred gender as soon as possible (e.g. utility bills, medical records and other official documents in your new name).

What happens next? The applicant is granted either a full or interim certificate. An interim certificate will be granted if they are married but do not have the consent of their spouse, or are married or in a Civil Partnership and want to dissolve it. If the application is rejected then they will be told why (this is usually due to insufficient evidence in support). It is possible to appeal to the Family Division of the High Court if the applicant believes the decision to be wrong on a point of law.

All of the forms and advice on the different routes can be downloaded here:

www.gov.uk/apply-gender-recognition-certificate/how-to-apply

There is also a specialist helpline available:

GRPenquiries@hmcts.gsi.gov.uk

Telephone: +44 (0) 300 1234 503



Irwin Mitchell LLP is proud to support LGBT Foundation's Trans Programme and provide a free 30 minute initial telephone consultation to trans people who may need legal advice.

Please contact Hannah Saxe on 0161 838 2392 or hannah.saxe@irwinmitchell.com for more information.



LGBT Foundation support trans and non-binary people through various services. Including events, helpline, sign-posting, peer groups, befriending and counselling.

Call: **0345 3 30 30 30**

Email: trans@lgbt.foundation

For more info visit: www.lgbt.foundation/trans

We believe in a
fair and equal
society where all
lesbian, gay,
bisexual and trans
people can achieve
their full potential.

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0345 3 30 30 30 or email **info@lgbt.foundation**

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