



STATUTORY INSTRUMENTS.

**S.I. No. 84 of 2016**



CIRCUIT COURT RULES (GENDER RECOGNITION ACT) 2016

CIRCUIT COURT RULES (GENDER RECOGNITION ACT) 2016

We, the Circuit Court Rules Committee, constituted pursuant to the provisions of section 69 of the Courts of Justice Act 1936, by virtue of the powers conferred on us by section 66 of the Courts of Justice Act 1924 and section 70 of the Courts of Justice Act 1936, (as applied by section 48 of the Courts (Supplemental Provisions) Act 1961) and section 27 of the Courts (Supplemental Provisions) Act 1961, and of all other powers enabling us in this behalf, do hereby, with the concurrence of the Minister for Justice and Equality, make the annexed Rules of Court.

Dated this 20th day of October 2015.

(Signed): Raymond Groarke  
(Chairman of the Circuit Court Rules Committee)

Alison Lindsay  
Sarah Berkeley  
Keith Walsh  
Mairead Ahern  
Rita Considine  
Noel Rubotham

I concur in the making of the above Rules of Court.

Dated this 23rd day of February 2016.

Signed: FRANCES FITZGERALD,  
Minister for Justice and Equality.

*Notice of the making of this Statutory Instrument was published in  
"Iris Oifigiúil" of 26th February, 2016.*

## S.I. No. 84 of 2016

## CIRCUIT COURT RULES (GENDER RECOGNITION ACT) 2016

1. (1) These Rules, which may be cited as the Circuit Court Rules (Gender Recognition Act) 2016, shall come into operation on the 25th day of February 2016.

(2) These Rules shall be construed together with the Circuit Court Rules 2001 to 2016.

(3) The Circuit Court Rules 2001 to 2016 as amended by these Rules may be cited as the Circuit Court Rules 2001 to 2016.

2. The Circuit Court Rules are amended:

(i) by the insertion immediately following rule 7 of Order 59 of the following rule:

**“Rule 8 — Section 12, Gender Recognition Act 2015 (No. 25 of 2015)**

**Section 12 of the Gender Recognition Act 2015**

*Introduction*

8. (1) In this rule:

the “2015 Act” means the Gender Recognition Act 2015;

each of the expressions “Court”, “endocrinologist” and “medical practitioner” has the same meaning as in section 2 of the 2015 Act;

“guardian” has the same meaning as in section 12(7) of the 2015 Act.

*Venue*

(2) Any proceedings under this rule shall be brought in the county in which the child on whose behalf the application is being brought ordinarily resides.

*Hearing to be otherwise than in public*

(3) Where an application under sub-rule (4) is heard otherwise than in public in accordance with section 12(3) of the 2015 Act, only the officers of the Court, the applicant, the applicant’s legal representative (if any) and such other persons as the Judge in his discretion shall allow, shall be permitted to be present at the hearing.

*Form of Proceedings*

(4) An application under section 12 of the 2015 Act for an order exempting a child from the requirement to comply with

section 9(2)(a) or 15(8)(b) of the 2015 Act shall be in the Form 37P in the Schedule of Forms and shall be made by originating motion ex parte by the next friend of the child grounded upon an affidavit, which shall be in the Form 37Q in the Schedule of Forms, sworn by the applicant.

*Proofs where application intended under section 8 or section 11*

(5) Where an application is intended to be made on behalf of the child for a gender recognition certificate, pursuant to section 8 of the 2015 Act or section 11 of the 2015 Act, the affidavit shall set out information sufficient to identify the child to whom the application relates and the circumstances of the application; shall identify the persons mentioned in section 12(4)(a) of the 2015 Act whose consent is required to the making of the application and confirm the deponent's consent, where the deponent is such a person mentioned, and shall, in all cases, exhibit:

- (a) the certificate, in writing, of a medical practitioner, mentioned in section 12(4)(b)(i) of the 2015 Act in the Form 37S in the Schedule of Forms;
- (b) the certificate, in writing, of an endocrinologist or psychiatrist, who has no connection to the child, mentioned in section 12(4)(b)(ii) of the 2015 Act, in the Form 37T in the Schedule of Forms;
- (c) the birth certificate of the child, and
- (d) where the child has changed name from the name appearing on the birth certificate by Deed Poll, the Order of Deed Poll concerned.

*Proofs where application intended under section 15*

(6) Where an application is intended to be made on behalf of the child for revocation of a gender recognition certificate, pursuant to section 15 of the 2015 Act, the affidavit shall set out information sufficient to identify the child to whom the application relates and the circumstances of the application; shall identify the persons mentioned in section 12(4)(a) of the 2015 Act whose consent is required to the making of the application and confirm the deponent's consent, where the deponent is such a person mentioned, and shall, in all cases, exhibit:

- (a) the certificate, in writing, of a medical practitioner, mentioned in section 12(4)(c)(i) of the 2015 Act in the Form 37U in the Schedule of Forms;
- (b) the certificate, in writing, of an endocrinologist or psychiatrist, who has no connection to the child, mentioned in section 12(4)(b)(ii) of the 2015 Act, in the Form 37V in the Schedule of Forms;

- (c) the birth certificate of the child, and
- (d) where the child has changed name from the name appearing on the birth certificate by Deed Poll, the Order of Deed Poll concerned.

*Form of consent*

(7) The consent of the child's parents, surviving parent or guardian to the making of the application may be given

- (a) in the affidavit of such person or of each such person (in the Form 37Q or Form 37R, as appropriate in the Schedule of Forms), or
- (b) orally by such person or by each such person on the hearing of the application.

*Order dispensing with consent*

(8) Where an application under this rule includes an application to dispense with the requirement to obtain the consent of a person referred to in section 12(4)(a) of the 2015 Act to the making of an order, the affidavit grounding the application shall additionally set out the grounds and state and verify the facts supporting the grounds of the application to dispense with the requirement of such consent.

*Court may direct notice*

(9) The Court may, on the hearing of an application under this rule, receive any oral evidence or may direct service of notice of the application on any person.

*Appeals under 2015 Act*

(10) Any appeal to the Court under section 17 of the Act of 2015 shall be conducted in accordance with the provisions of Order 64C."

3. The Forms in the Schedule hereto shall be added to the Schedule of Forms annexed to the Circuit Court Rules immediately following Form 37O.

SCHEDULE

Form 37P

AN CHÚIRT CHUARDA TEAGHLAIGH

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE GENDER RECOGNITION ACT 2015

NOTICE OF MOTION

On the application of [State name of next friend of child on whose behalf the application is made] as next friend of [State name of child on whose behalf the application is made] (“the child”),

Applicant

TAKE NOTICE that on the .....day of .....20... at 10.00 am in the forenoon or on the next opportunity thereafter, the Applicant will apply to the Circuit Family Court sitting at .....for an order under section 12 of the above Act exempting the child from the requirements of \*[section 9(2)(a)] \*[section 15(8)(b)] of the Act

\*[and an order under section 12(5) of the Act dispensing with the consent of the child’s \*[parents] \*[surviving parent] \*[guardian] to the making of this application.]

WHICH application will be grounded on my Affidavit sworn on the .....20.. and the exhibits thereto \*[, and the affidavit(s) of consent to this application of .....\*and..... the child’s \*[parents] \*[surviving parent] \*[surviving guardian]].

Dated the..... day of.....

Signed.....

Applicant

To: \*The County Registrar [where application is being made in the Dublin Circuit]

\* the Combined Court Office Manager [where application is being made outside the Dublin Circuit]

\*delete where appropriate

Form 37Q

AN CHÚIRT CHUARDA TEAGHLAIGH

THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE GENDER RECOGNITION ACT 2015

AFFIDAVIT OF [Insert name of person swearing affidavit]

I, [Insert name of person swearing affidavit], of .....  
being aged eighteen years and upwards, MAKE OATH and say as follows:

1. I am the next friend of [state name of child on whose behalf the application is made] (“the child”), who ordinarily resides at .....

2. I refer to the ex parte motion in these proceedings dated the ..... 20... and say that the facts as alleged in this affidavit are true and correct.

3. I beg to refer to the certificates of ....., medical practitioner, and ....., \*[endocrinologist] \*[psychiatrist], upon which, marked with the letter “A”, I have signed my name prior to the swearing of this affidavit.

4. †As the child’s \*[parents] \*[surviving parent] \*[surviving guardian], \*[I/we] your deponent(s) consent to the making of this application on behalf of the child.

†The child’s \*[parents] \*[surviving parent] \*[surviving guardian], \*[are/\*is] ..... of ..... \*[and ..... of .....] and I further beg to refer to the affidavit(s) of the said ..... \*[and .....], indicating consent to the application made in these proceedings.]

†The child’s \*[parents] \*[surviving parent] \*[surviving guardian], \*[are/\*is] ..... of ..... \*[and..... of .....] and an application will be made to the Court to dispense with the consent of ..... on the grounds that

\*the consent cannot be obtained because ..... cannot be identified or found

\*the consent cannot be obtained because ..... is failing or neglecting to respond to a request for consent

\*the consent should not be obtained because the nature of the relationship between the child and ..... shows that it would not be in the interest of the safety or welfare of the child to contact .....

The facts supporting the said application to dispense with consent are .....

.....Deponent(s)

Sworn before me at.....  
in the County of .....  
this .....day of ..... 20...  
and \*[I know the deponent/each of the deponents  
personally]  
\*[the deponent/each of the deponents having  
been identified to me by ..... of  
..... who is personally known to me]  
\*[the identity of the deponent/each of the  
deponents having been established by me by  
reference to the following document (being a  
relevant document within the meaning of section  
2 of the Statutory Declarations Act 1938),  
viz.....]

.....  
Commissioner for Oaths/Practising Solicitor

\*Delete where appropriate

†Use only the option which is appropriate to the case and delete the other two



Form 37R

AN CHÚIRT CHUARDA TEAGHLAIGH  
THE CIRCUIT FAMILY COURT

CIRCUIT

COUNTY OF

IN THE MATTER OF THE GENDER RECOGNITION ACT 2015

AFFIDAVIT OF *[Insert name of person swearing affidavit]*

I, *[Insert name of person swearing affidavit]*, of .....  
being aged eighteen years and upwards, MAKE OATH and say as follows:

1. I am *\*[one of the parents] \*[the surviving parent] \*[the surviving guardian]*  
of *[state name of child on whose behalf the application is made]* (“the child”),  
who ordinarily resides at .....

2. I refer to the application of *(state name of next friend of child on whose behalf  
the application is made)* as next friend of the child to the Court under section  
12 of the above Act for an order exempting the child from the requirements  
of *\*[section 9(2)(a)][1] \*[section 15(8)(b)][2]* of the Act.

3. I consent to that application being made.

.....Deponent

Sworn before me at.....  
in the County of .....  
this .....day of ..... 20...  
and *\*[I know the deponent personally]*  
*\*[the deponent having been identified to me by*  
*..... of ..... who is personally*  
*known to me]*  
*\*[the identity of the deponent having been*  
*established by me by reference to the following*  
*document (being a relevant document within the*  
*meaning of section 2 of the Statutory*  
*Declarations Act 1938), viz .....]*

.....  
Commissioner for Oaths/Practising Solicitor

1 To be completed where the child intends to apply to the Minister for a gender recognition certificate.  
2 To be completed where the child intends to apply to the Minister for revocation of a gender recognition certificate.

FORM 37S

CERTIFICATE OF MEDICAL PRACTITIONER (SECTION 12(4) OF THE GENDER RECOGNITION ACT 2015) — APPLICATION FOR A GENDER RECOGNITION CERTIFICATE

I ..... of ....., medical practitioner hereby certify as follows:

- 1. I am the primary treating medical practitioner of ....., who ordinarily resides at ..... (“the child”);
- 2. I have met the child for the purposes of this certificate.
- 3. In my professional medical opinion
  - (a) the child has attained a sufficient degree of maturity to make the decision to apply for gender recognition,
  - (b) the child is aware of, has considered and fully understands the consequences of that decision,
  - (c) the child’s decision is freely and independently made without duress or undue influence from another person, and
  - (d) the child has transitioned or is transitioning into \*[his] \*[her] preferred gender.

Signed .....

Dated .....

\*delete where appropriate

FORM 37T

CERTIFICATE OF ENDOCRINOLOGIST OR PSYCHIATRIST  
(SECTION 12(4) OF THE GENDER RECOGNITION ACT 2015) —  
APPLICATION FOR A GENDER RECOGNITION CERTIFICATE

I ..... of ....., \*[endocrinologist] \*[psy-  
chiatrist] hereby certify as follows:

1. I have no connection to ....., who ordinarily resides at ..... (“the child”);
2. I have met the child for the purposes of this certificate.
3. I have read the certificate of ....., medical practitioner, and I concur in my medical opinion with that certificate.

Signed .....

Dated .....

\*delete where appropriate

FORM 37U

CERTIFICATE OF MEDICAL PRACTITIONER (SECTION 12(4) OF THE GENDER RECOGNITION ACT 2015) — APPLICATION FOR REVOCATION OF A GENDER RECOGNITION CERTIFICATE

I ..... of ....., medical practitioner hereby certify as follows:

1. I am the primary treating medical practitioner of ....., who ordinarily resides at ..... (“the child”);
2. I have met the child for the purposes of this certificate.
3. In my professional medical opinion
  - (a) the child has attained a sufficient degree of maturity to make the decision to live in \*[his] \*[her] original gender for the rest of \*[his] \*[her] life,
  - (b) the child is aware of, has considered and fully understands the consequences of that decision,
  - (c) the child’s decision is freely and independently made without duress or undue influence from another person, and
  - (d) the child has reversed the transition or ceased transitioning into the gender recognised in the gender recognition certificate which has issued in respect of the child.

Signed .....

Dated .....

\*delete where appropriate

FORM 37V

CERTIFICATE OF ENDOCRINOLOGIST OR PSYCHIATRIST  
(SECTION 12(4) OF THE GENDER RECOGNITION ACT 2015) —  
APPLICATION FOR REVOCATION OF A GENDER RECOGNITION  
CERTIFICATE

I ..... of ....., \*[endocrinologist] \*[psy-  
chiatrist] hereby certify as follows:

- 1. I have no connection to ....., who ordinarily resides at ..... (“the child”);
- 2. I have met the child for the purposes of this certificate.
- 3. I have read the certificate of ....., medical practitioner, and I concur in my medical opinion with that certificate.

Signed .....

Dated .....

\*delete where appropriate

EXPLANATORY NOTE

*(This note is not part of the Instrument and does not purport to be a legal interpretation.)*

These rules amend Order 59 of the Circuit Court Rules by the insertion of a new rule 8 and forms 37P, 37Q, 37R, 37S, 37T, 37U, and 37V to the schedule of forms annexed to those Rules to regulate the procedure in applications for an exemption order under section 12 of the Gender Recognition Act 2015 in respect of a child between 16 and 18 years of age.

BAILE ÁTHA CLIATH  
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR  
Le ceannach díreach ó  
FOILSEACHÁIN RIALTAIS,  
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nó trí aon díoltóir leabhar.

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