EXPLANATORY MEMORANDUM TO THE GENDER RECOGNITION (APPLICATION FEES) ORDER 2007

2007 No. 839

1. This Explanatory Memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Description

This instrument updates the income thresholds for application fees under the Gender Recognition Act 2004 ("the Act").

3. Matters of special interest to the Joint Committee on Statutory Instruments

None.

4. Legislative Background

Section 7(2) of the Gender Recognition Act 2004 ("the Act"), provides for fees to be payable in relation to applications to a Gender Recognition Panel for a gender recognition certificate under section 1(1), 5(2), 5A(2) or 6(1) of the Act. This Order amends the income thresholds at which those fees become payable.

5. Extent

This instrument applies to all of the United Kingdom.

6. Policy objectives

The Order retains the same level of fees as set out in the 2006 Order, but increases the thresholds for relevant income at which the fees of £30 and £140 fees are payable. The fee of £140 will now apply to applicants whose relevant income is greater than £24,019 (formerly £23,185), and the fee of £30 will now apply to applicants whose relevant income is greater than £16,017 (formerly £15,460), but not greater than £24,019. No fee will be payable in circumstances where the applicant's relevant income is £16,017 or less or the applicant is in receipt of a qualifying benefit.

The sum of £16,017 derives from the Inland Revenue. It is used as a qualifying threshold for several benefits including working tax credits. The upper figure of £24,019 reflects a percentage increase of 3.6%, based on the annual Retail Price index, on the previous figure of £23,185.

7. European Convention on Human Rights

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

8. Impact

A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

Lola Bello at the Department for Constitutional Affairs (020 7210 1323, lola.bello@dca.gsi.gov.uk) can answer any queries regarding the instrument.