



STATUTORY INSTRUMENTS.

S.I. No. 539 of 2017



GENDER RECOGNITION OF FOREIGN BIRTHS REGULATIONS 2017

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I, SIMON COVENEY, Minister for Foreign Affairs and Trade, in exercise of the powers conferred on me by section 27(5) (amended by section 31 of the Gender Recognition Act 2015 (No. 25 of 2015)) of the Irish Nationality and Citizenship Act 1956 (No. 26 of 1956) (as adapted by the Foreign Affairs (Alteration of Name of Department and Title of Minister) Order 2001 (S.I. No. 246 of 2011)), hereby make the following regulations:

1. (1) These Regulations may be cited as the Gender Recognition of Foreign Births Regulations 2017.

(2) These Regulations shall come into operation on 1 December 2017.

2. In these Regulations—

“Act of 1956” means the Irish Nationality and Citizenship Act 1956 (No. 26 of 1956);

“Act of 2015” means the Gender Recognition Act 2015 (No. 25 of 2015);

“Minister” means the Minister for Foreign Affairs and Trade;

“register of gender recognition of foreign births” means the register referred to in section 27(3A) of the Act of 1956.

3. The register of gender recognition of foreign births shall be kept in electronic form and shall include the particulars specified in the Schedule.

4. On receipt of an application in that behalf by a person referred to in subparagraph (iii) of section 9(1)(a) of the Act of 2015 to whom a gender recognition certificate is issued, particulars of the person’s gender recognition shall be entered in the register of gender recognition of foreign births by—

(a) the Secretary General of the Department of Foreign Affairs and Trade, or

(b) any officer of the Minister who performs functions as an officer of the Minister in relation to the rendering of consular services.

5. The Minister shall keep an index to make a traceable connection between each entry in the foreign births register and the corresponding entry in the register of gender recognition of foreign births.

Notice of the making of this Statutory Instrument was published in “Iris Oifigiúil” of 1st December, 2017.

6. The index kept under Regulation 5 shall not be open to public inspection, and no information from that index shall be given to any person except by order of a court of competent jurisdiction in the State.

7. A court shall not make an order referred to in Regulation 6, where the person to whom the information relates is a child of less than 18 years of age, unless satisfied that it is in the best interests of the child.

8. (1) Subject to these Regulations, the register of gender recognition of foreign births shall not be open to public inspection.

(2) Subject to paragraph (5), any person referred to in paragraph (4), may request the issue of a copy or an extract of an entry in the register of gender recognition of foreign births.

(3) Where a copy or an extract of an entry in the register of gender recognition of foreign births is issued pursuant to paragraph (2), such copy or extract shall be authenticated by being certified to be a true copy of the entry by a person authorised under Regulation 4 to make entries in the register of gender recognition of foreign births.

(4) The following persons may make a request to the Minister under paragraph (2):

- (a) the person to whom the entry in the register of gender recognition of foreign births relates;
- (b) a person who is, in relation to the person referred to in subparagraph (a)—
 - (i) the surviving spouse or civil partner,
 - (ii) if no surviving spouse or civil partner, the child,
 - (iii) if no surviving spouse or civil partner, or child, a parent, or
 - (iv) if no surviving spouse or civil partner, or child or parent, a surviving brother or sister.

(5) A certified copy of an entry referred to in paragraph (2) shall not disclose the fact that the entry is contained in the register of gender recognition of foreign births.

(6) In paragraph (4) “civil partner” has the same meaning as it has in the Civil Partnership and Certain Rights and Obligation of Cohabitants Act 2010 (No. 24 of 2010).

9. Subject to Regulation 10, the Minister may—

- (a) amend or delete an incorrect entry in the register of gender recognition of foreign births,

- (b) amend or delete an entry in the register of gender recognition of foreign births to correspond with an amendment or deletion of an incorrect entry in the foreign births register, or
- (c) where the Minister is notified under the Act of 2015 that a gender recognition certificate is amended or revoked, amend or delete an entry in register of the gender recognition of foreign births.

10. (1) The Minister shall, not less than 3 months before amending or deleting an incorrect entry in the register of gender recognition of foreign births, serve a notice in writing of the proposed amendment or deletion on any person—

- (a) likely to be affected by the proposed amendment or deletion concerned, and
- (b) whose whereabouts are known and who can readily be found.

(2) A notice under paragraph (1) shall—

- (a) specify the text of the proposed amendment or that it is proposed to delete the entry concerned, as the case may be,
- (b) state the reasons for the proposed amendment or deletion,
- (c) state that the person to whom the notice is addressed may make representations in writing in respect of the proposed amendment or deletion not later than 3 months after the service of the notice, and
- (d) state the name and address of the person to whom any such representations shall be made.

(3) A notice under paragraph (1) shall be addressed to the person concerned by name, and may be served on or given to that person in one of the following ways:

- (a) by delivering it to the person;
- (b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address;
- (c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

(4) A person to whom a notice under paragraph (1) is addressed may, not later than 3 months after the service of the notice, make representations in writing in accordance with the notice in respect of the proposed amendment or deletion.

(5) The Minister may, at his or her discretion, invite a person who has made representations in accordance with a notice under paragraph (1) to make further

representations, orally or in writing, in respect of the proposed amendment or deletion concerned.

(6) The Minister shall, in deciding whether or not to amend or delete an incorrect entry in the register of gender recognition of foreign births, have regard to any representations made by a person in accordance with this Regulation.

11. Where the Minister amends or deletes an incorrect entry in the gender recognition of foreign births register—

(a) he or she shall cause to be entered in that register—

(i) a statement that an amendment or deletion in respect of the entry concerned has been made, and

(ii) the date of the making of the amendment or deletion, and

(b) the amendment or deletion shall be authenticated by the signature (beneath or alongside the said statement) of the officer of the Minister who made that amendment or deletion.

12. The Minister, following a correction of an error of an entry in the foreign births register which corresponds to an entry in the register of gender recognition of foreign births, shall amend the appropriate entry in the second register accordingly.

Regulation 3

SCHEDULE

Form of, and particulars to be contained in, entries of foreign births to be entered in the Register of Gender Recognition of Foreign Births

1. Number of entry.
2. Date of entry.
3. Surname and Forename(s).
4. Sex.
5. Date of birth.
6. Place of birth.
7. Names in full of parent(s) through whom citizenship is derived.
8. Details of how citizenship of parent(s) referred to at paragraph 7 was acquired.
9. Date and place of birth of parent(s) referred to at paragraph 7.
10. Details of place where parent is a naturalised citizen and the number and date of certificate of naturalisation.
11. Surname and Forename(s) of person requesting registration.
12. Full postal address of the person.
13. Name of person making entry in the register of gender recognition of foreign births.



GIVEN under my Official Seal,
28 November 2017.

SIMON COVENEY,
Minister for Foreign Affairs and Trade.

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