BRITAIN, unlike Liverpool or Everton, is heading for another defeat in Europe. The issue this time is whether Mark Nicholas Alban Rees from Tunbridge Wells can have those names retrospectively recorded on his birth certificate. The document currently records him as Brenda Margaret Rees.

Mr (for thus we shall call him, though his passport leaves him sexless) Rees, 43, has just been given the unanimous thumbs up by the European Commission of Human Rights, who consider that his rights are being violated by the British Government under article 8.

Mr Rees began to change his sex at the age of 28 and in 1974 started a process of surgery on the NHS at Charing Cross Hospital. His doctors stated that he was neither a normal female or male at birth. He has been able to change all his documents except birth certificate, causing embarrassment and prejudice when applying for jobs or courses. His honour and dignity were threatened.

The Government argued that the birth certificate was simply a record of facts at the time of birth which it could not falsify. But the Commission took the view that the Government could easily retain the original record, note the change of sex on the original and issue a certificate recording the new status.

"Violated Rights" of Tunbridge Wells thereby wins the first leg: the decider is played before the Council of Ministers. The Guardian 12/4/85