



# Gender Recognition Act 2004

## 2004 CHAPTER 7

*[<sup>F1</sup>Issue of full certificate after interim certificate: applicant married [<sup>F1</sup>or a civil partner]]*

### 5 [<sup>F1</sup>Issue of full certificates where applicant has been married] **U.K.**

(1) A court which—

(a) makes [<sup>F2</sup>final a nullity of marriage order made] on the ground that an interim gender recognition certificate has been issued to a party to the marriage, <sup>F3</sup>...

[<sup>F4</sup>(aa) (in Northern Ireland) makes absolute a decree of nullity granted on that ground, or]

(b) (in Scotland) grants a decree of divorce on that ground,

must, on doing so, issue a full gender recognition certificate to that party and send a copy to the Secretary of State.

[<sup>F5</sup>(1A) Subsection (1) does not apply where a full gender recognition certificate has already been issued, to the party to whom the interim gender recognition certificate was issued, by the sheriff under section 4E.]

(2) If an interim gender recognition certificate has been issued to a person and either—

(a) the person's marriage is dissolved or annulled (otherwise than on the ground mentioned in subsection (1)) in proceedings instituted during the period of six months beginning with the day on which it was issued, or

(b) the person's spouse dies within that period,

the person may make an application for a full gender recognition certificate at any time within the period specified in subsection (3) (unless the person is again married [<sup>F6</sup>or is a civil partner]).

(3) That period is the period of six months beginning with the day on which the marriage is dissolved or annulled or the death occurs.

(4) An application under subsection (2) must include evidence of the dissolution or annulment of the marriage and the date on which proceedings for it were instituted, or of the death of the spouse and the date on which it occurred.

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*Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 5. (See end of Document for details)*

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- (5) An application under subsection (2) is to be determined by a Gender Recognition Panel.
- (6) The Panel—
- (a) must grant the application if satisfied that the applicant [<sup>F7</sup>is neither married nor a civil partner], and
  - (b) otherwise must reject it.
- (7) If the Panel grants the application it must issue a full gender recognition certificate to the applicant.

#### Textual Amendments

- F1** S. 5: heading substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(3)(c)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2
- F2** Words in s. 5(1)(a) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 56(a)** (with s. 8(6)); S.I. 2022/283, reg. 2
- F3** Word in s. 5(1)(a) omitted (6.4.2022) by virtue of Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 56(b)** (with s. 8(6)); S.I. 2022/283, reg. 2
- F4** S. 5(1)(aa) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 56(c)** (with s. 8(6)); S.I. 2022/283, reg. 2
- F5** S. 5(1A) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 6**; S.S.I. 2014/287, art. 3, Sch.
- F6** Words in s. 5(2) inserted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(3)(a)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2
- F7** Words in s. 5(6)(a) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(3)(b)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2

**Changes to legislation:**

There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 5.