



Civil Partnership Act 2004

2004 CHAPTER 33

PART 7

MISCELLANEOUS

250 Gender recognition where applicant a civil partner

- (1) Amend the Gender Recognition Act 2004 (c. 7) as follows.
- (2) In—
 - (a) section 3 (evidence), in subsection (6)(a), and
 - (b) section 4 (successful applications), in subsections (2) and (3), after “is married” insert “or a civil partner”.
- (3) In section 5 (subsequent issue of full certificates)—
 - (a) in subsection (2), after “is again married” insert “or is a civil partner”,
 - (b) in subsection (6)(a), for “is not married” substitute “is neither married nor a civil partner”, and
 - (c) for the heading substitute “Issue of full certificates where applicant has been married”.
- (4) After section 5 insert—

“5A Issue of full certificates where applicant has been a civil partner

- (1) A court which—
 - (a) makes final a nullity order made on the ground that an interim gender recognition certificate has been issued to a civil partner, or
 - (b) (in Scotland) grants a decree of dissolution on that ground, must, on doing so, issue a full gender recognition certificate to that civil partner and send a copy to the Secretary of State.
- (2) If an interim gender recognition certificate has been issued to a person and either—

Status: This is the original version (as it was originally enacted).

- (a) the person’s civil partnership 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 civil partner 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 a civil partner or is married).
- (3) That period is the period of six months beginning with the day on which the civil partnership is dissolved or annulled or the death occurs.
- (4) An application under subsection (2) must include evidence of the dissolution or annulment of the civil partnership and the date on which proceedings for it were instituted, or of the death of the civil partner and the date on which it occurred.
- (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 is neither a civil partner nor married, and
 - (b) otherwise must reject it.
- (7) If the Panel grants the application it must issue a full gender recognition certificate to the applicant.”
- (5) In—
 - (a) section 7 (applications: supplementary), in subsection (1),
 - (b) section 8 (appeals etc.), in subsections (1) and (5), and
 - (c) section 22 (prohibition on disclosure of information), in subsection (2)(a), after “5(2)” insert “, 5A(2)”.
- (6) In section 21 (foreign gender change and marriage), in subsection (4), after “entered into a later (valid) marriage” insert “or civil partnership”.
- (7) In section 25 (interpretation), in the definition of “full gender recognition certificate” and “interim gender recognition certificate”, for “or 5” substitute “, 5 or 5A”.
- (8) In Schedule 1 (Gender Recognition Panels), in paragraph 5, after “5(2)” insert “, 5A(2)”.
- (9) In Schedule 3 (registration), in paragraphs 9(1), 19(1) and 29(1), for “or 5(2)” substitute “, 5(2) or 5A(2)”.