



Gender Recognition Act 2004

2004 CHAPTER 7

[^{F1}Issue of full certificate after interim certificate: applicant married [^{F2}or a civil partner]

Textual Amendments

- F1** Ss. 4A, 4B and cross-heading inserted (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#), s. 21(3), [Sch. 5 para. 4](#); S.I. 2014/3169, art. 2
- F2** Words in s. 4A cross-heading inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), 27 (with reg. 35)

4A **Married person [^{F3}or civil partner] with interim certificate: issue of full certificate**

- (1) A Gender Recognition Panel must issue a full gender recognition certificate to a person [^{F4}if subsection (2) applies].
- (2) [^{F5}This subsection applies if], on an application by the person, the Panel is satisfied that—
 - (a) an interim gender recognition certificate has been issued to the person;
 - (b) the person was a party to a protected marriage [^{F6}or a protected civil partnership] at the time when the interim gender recognition certificate was issued;
 - (c) the person is a party to a protected marriage [^{F7}or a protected civil partnership]; and
 - (d) the person's spouse [^{F8}or civil partner] now consents to the marriage [^{F9}or civil partnership] continuing after the issue of the full gender recognition certificate.

^{F10}(3)

- (4) If, on an application under subsection (2) ^{F11}..., the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.

*Status: Point in time view as at 02/12/2019.**Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading: Issue of full certificate after interim certificate: applicant married or a civil partner. (See end of Document for details)*

- (5) An application under subsection (2) must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.
- ^{F12}(6)
- (7) An application under subsection (2) ^{F13}... must include a statutory declaration of consent made by the person's spouse [^{F14}or civil partner].
- ^{F15}(8)
- (9) If an application is made under [^{F16}subsection (2)], the Gender Recognition Panel must give the applicant's spouse [^{F17}or civil partner]—
- (a) notice of the application; and
 - (b) if the Panel grants the application, notice of the issue of the full gender recognition certificate.
- ^{F18}(10)

Textual Amendments

- F3** Words in s. 4A heading inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(2)** (with reg. 35)
- F4** Words in s. 4A(1) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(3)** (with reg. 35)
- F5** Words in s. 4A(2) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(4)(a)** (with reg. 35)
- F6** Words in s. 4A(2)(b) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(4)(b)** (with reg. 35)
- F7** Words in s. 4A(2)(c) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(4)(c)** (with reg. 35)
- F8** Words in s. 4A(2)(d) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(4)(d)(i)** (with reg. 35)
- F9** Words in s. 4A(2)(d) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(4)(d)(ii)** (with reg. 35)
- F10** S. 4A(3) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(5)** (with reg. 35)
- F11** Words in s. 4A(4) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(6)** (with reg. 35)
- F12** S. 4A(6) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(7)** (with reg. 35)
- F13** Words in s. 4A(7) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(8)(a)** (with reg. 35)
- F14** Words in s. 4A(7) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(8)(b)** (with reg. 35)
- F15** S. 4A(8) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(9)** (with reg. 35)
- F16** Words in s. 4A(9) substituted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(10)(a)** (with reg. 35)
- F17** Words in s. 4A(9) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(10)(b)** (with reg. 35)
- F18** S. 4A(10) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **28(11)** (with reg. 35)

Status: Point in time view as at 02/12/2019.

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4B Application under section 4A: death of spouse [^{F19}or civil partner]

- (1) In a case where an application is made under section 4A(2) ^{F20}... and the applicant's spouse [^{F21}or civil partner] dies before the application is determined—
 - (a) the application is to be treated as an application, made under section 5(2) in a case where a spouse has died [^{F22}or under section 5A(2) in a case where a civil partner has died], for a full gender recognition certificate to be issued; and
 - (b) that application is to be treated as having been made at the time when the application under section 4A was made.
- (2) The Gender Recognition Panel determining the application must specify the period within which the applicant is to produce the required evidence in support of the new application.
- (3) In this section—
 - “ new application ” means the application under section 5(2) [^{F23}or (as the case may be) section 5A(2)] which the person is, by virtue of subsection (1), treated as having made;
 - “ required evidence ” means the evidence required by section 5(4) [^{F24}or (as the case may be) section 5A(4)].]

Textual Amendments

- F19** Words in s. 4B heading inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **29(2)** (with reg. 35)
- F20** Words in s. 4B(1) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **29(3)(a)(i)** (with reg. 35)
- F21** Words in s. 4B(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **29(3)(a)(ii)** (with reg. 35)
- F22** Words in s. 4B(1)(a) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **29(3)(b)** (with reg. 35)
- F23** Words in s. 4B(3) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **29(4)(a)** (with reg. 35)
- F24** Words in s. 4B(3) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **29(4)(b)** (with reg. 35)

[^{F25} 4C Married person with interim certificate: issue of full certificate (Scotland)]

- (1) A Gender Recognition Panel must issue a full gender recognition certificate to a person in either of the following cases.
- (2) Case A is where, on an application by the person, the Panel is satisfied that—
 - (a) an interim gender recognition certificate has been issued to the person,
 - (b) the person was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,
 - (c) the person is still a party to that protected Scottish marriage, and
 - (d) both parties to the marriage now consent to the marriage continuing after the issue of the full gender recognition certificate.
- (3) Case B is where, on an application by the person, the Panel is satisfied that—
 - (a) an interim gender recognition certificate has been issued to the person,

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- (b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
 - (c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,
 - (d) the submitting of notice has resulted in the civil partnership becoming a marriage,
 - (e) the person is a party to that marriage, and
 - (f) the person's spouse consents to the marriage continuing after the issue of the full gender recognition certificate.
- (4) If, on an application under subsection (2) or (3), the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.
- (5) An application under subsection (2) must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.
- (6) An application under subsection (3) must be made within the period of six months beginning with the day on which the civil partnership becomes a marriage.
- (7) An application under subsection (2) or (3) must include a statutory declaration of consent (within the meaning of section 3(6D)(b)(i)) made by the person's spouse.
- (8) An application under subsection (3) must also include—
- (a) evidence of the date on which the notice referred to in subsection (3)(c) was submitted, and
 - (b) evidence that the civil partnership has become a marriage.
- (9) If an application is made under this section, the Panel must give the applicant's spouse—
- (a) notice of the application, and
 - (b) if the Panel grants the application, notice of the issue of the full gender recognition certificate.

Textual Amendments

F25 Ss. 4C-4F inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), s. 36, [Sch. 2 para. 5](#); S.S.I. 2014/287, art. 3, Sch.

Modifications etc. (not altering text)

C1 S. 4C modified (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), arts. 1(2), [15\(2\)](#)

C2 S. 4C modified (16.12.2014) by [The Marriage Between Civil Partners \(Procedure for Change and Fees\) \(Scotland\) Regulations 2014 \(S.S.I. 2014/361\)](#), regs. 1, [8\(2\)](#)

4D Application under section 4C: death of spouse

- (1) In a case where an application is made under section 4C(2) or (3) and the applicant's spouse dies before the application is determined—

Status: Point in time view as at 02/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading: Issue of full certificate after interim certificate: applicant married or a civil partner. (See end of Document for details)

- (a) the application is to be treated as an application, made under section 5(2) in a case where a spouse has died, for a full gender recognition certificate to be issued, and
 - (b) that application is to be treated as having been made at the time when the application under section 4C was made.
- (2) The Gender Recognition Panel determining the application must specify the period within which the applicant is to produce the required evidence in support of the new application.
- (3) In this section—
- “ new application ” means the application under section 5(2) which the person is, by virtue of subsection (1), treated as having made,
 - “ required evidence ” means the evidence required by section 5(4).

Textual Amendments

F25 Ss. 4C-4F inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), s. 36, [Sch. 2 para. 5](#); S.S.I. 2014/287, art. 3, Sch.

4E Married person with interim certificate: issue of full certificate on application to the sheriff (Scotland)

- (1) A person may make a summary application to the sheriff for the issue of a full gender recognition certificate where—
- (a) an interim gender recognition certificate has been issued to the person,
 - (b) the person is a party to a protected Scottish marriage, and
 - (c) the person is not in possession of a statutory declaration by the person's spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate.
- (2) The sheriff must grant an application made under subsection (1) if the sheriff is satisfied that—
- (a) the applicant was a party to a protected Scottish marriage at the time when the interim gender recognition certificate was issued,
 - (b) the applicant is still a party to that protected Scottish marriage, and
 - (c) the application was made within the period of six months beginning with the day on which the interim gender recognition certificate was issued.
- (3) If an application is made under this section, the sheriff must give the applicant's spouse—
- (a) notice of the application, and
 - (b) if the sheriff grants the application, notice of the issue of the full gender recognition certificate.
- (4) Where the sheriff issues a full gender recognition certificate, the sheriff must send a copy to the Gender Recognition Panel.

Status: Point in time view as at 02/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading: Issue of full certificate after interim certificate: applicant married or a civil partner. (See end of Document for details)

Textual Amendments

F25 Ss. 4C-4F inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), s. 36, [Sch. 2 para. 5](#); [S.S.I. 2014/287](#), art. 3, Sch.

4F **Death of civil partner or spouse: issue of full certificate (Scotland)**

- (1) A Gender Recognition Panel must issue a full gender recognition certificate to a person in either of the following cases.
- (2) Case A is where, on an application by the person, the Panel is satisfied that—
 - (a) an interim gender recognition certificate has been issued to the person,
 - (b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
 - (c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued, and
 - (d) the person's civil partner died—
 - (i) before the submitting of notice had resulted in the civil partnership becoming a marriage, and
 - (ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.
- (3) Case B is where, on an application by the person, the Panel is satisfied that—
 - (a) an interim gender recognition certificate has been issued to the person,
 - (b) the person was a party to a protected Scottish civil partnership at the time when the interim gender recognition certificate was issued,
 - (c) the protected civil partnership was a qualifying civil partnership (within the meaning of section 5(6) of the Marriage (Scotland) Act 1977) and the parties to the civil partnership submitted notice of intention to marry under section 3(1) of that Act within the period of six months beginning with the day on which that certificate was issued,
 - (d) the submitting of notice resulted in the civil partnership becoming a marriage, and
 - (e) the person's spouse died—
 - (i) within the period of six months beginning with the day on which the civil partnership became a marriage, and
 - (ii) after the period of six months beginning with the day on which the interim gender recognition certificate was issued.
- (4) If, on an application under subsection (2) or (3), the Panel is not satisfied—
 - (a) as mentioned in that subsection, or
 - (b) that the person is neither married nor a civil partner,
 the Panel must reject the application.
- (5) An application under subsection (2) or (3) must be made within the period of six months beginning with the day on which the death occurs.

Status: Point in time view as at 02/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading: Issue of full certificate after interim certificate: applicant married or a civil partner. (See end of Document for details)

- (6) An application under subsection (2) or (3) must include evidence of—
- (a) the death of the person's civil partner or, as the case may be, spouse and the date on which it occurred,
 - (b) the date on which the notice under section 3(1) of the 1977 Act was submitted.]

Textual Amendments

F25 Ss. 4C-4F inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), s. 36, [Sch. 2 para. 5](#); S.S.I. 2014/287, art. 3, Sch.

Modifications etc. (not altering text)

C3 S. 4F modified (16.12.2014) by [The Marriage and Civil Partnership \(Scotland\) Act 2014 and Civil Partnership Act 2004 \(Consequential Provisions and Modifications\) Order 2014 \(S.I. 2014/3229\)](#), arts. 1(2), [15\(3\)](#)

C4 S. 4F modified (16.12.2014) by [The Marriage Between Civil Partners \(Procedure for Change and Fees\) \(Scotland\) Regulations 2014 \(S.S.I. 2014/361\)](#), regs. 1, [8\(3\)](#)

5 [F26] Issue of full certificates where applicant has been married]

- (1) A court which—
- (a) makes absolute a decree of nullity granted on the ground that an interim gender recognition certificate has been issued to a party to the marriage, 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.

[F27](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 [F28]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.
- (5) An application under subsection (2) is to be determined by a Gender Recognition Panel.
- (6) The Panel—

Status: Point in time view as at 02/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading: Issue of full certificate after interim certificate: applicant married or a civil partner. (See end of Document for details)

- (a) must grant the application if satisfied that the applicant [^{F29}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

- F26** 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
- F27** 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.
- F28** 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
- F29** 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

[^{F30}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—
- (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.

Status: Point in time view as at 02/12/2019.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading:
Issue of full certificate after interim certificate: applicant married or a civil partner. (See end of Document for details)

(7) If the Panel grants the application it must issue a full gender recognition certificate to the applicant.]

Textual Amendments

F30 S. 5A inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), **ss. 250(4)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2

Status:

Point in time view as at 02/12/2019.

Changes to legislation:

There are currently no known outstanding effects for the Gender Recognition Act 2004, Cross Heading: Issue of full certificate after interim certificate: applicant married or a civil partner.