



# Gender Recognition Act 2004

## 2004 CHAPTER 7

### *Consequences of issue of gender recognition certificate etc.*

#### **21 Foreign gender change and marriage**

- (1) A person's gender is not to be regarded as having changed by reason only that it has changed under the law of a country or territory outside the United Kingdom.
- (2) Accordingly, a person is not to be regarded as being married by reason of having entered into a foreign post-recognition marriage.
- (3) But if a full gender recognition certificate is issued to a person who has entered into a foreign post-recognition marriage, after the issue of the certificate the marriage is no longer to be regarded as being void on the ground that (at the time when it was entered into) the parties to it were not respectively male and female.
- (4) However, subsection (3) does not apply to a foreign post-recognition marriage if a party to it has entered into a later (valid) marriage before the issue of the full gender recognition certificate.
- (5) For the purposes of this section a person has entered into a foreign post-recognition marriage if (and only if)—
  - (a) the person has entered into a marriage in accordance with the law of a country or territory outside the United Kingdom,
  - (b) before the marriage was entered into the person had changed gender under the law of that or any other country or territory outside the United Kingdom,
  - (c) the other party to the marriage was not of the gender to which the person had changed under the law of that country or territory, and
  - (d) by virtue of subsection (1) the person's gender was not regarded as having changed under the law of any part of the United Kingdom.
- (6) Nothing in this section prevents the exercise of any enforceable Community right.