



Gender Recognition Act 2004

2004 CHAPTER 7

Supplementary

25 Interpretation

[^{F1}(1)] In this Act—

“the acquired gender” is to be construed in accordance with section 1(2),
“approved country or territory” has the meaning given by section 2(4),
“the appointed day” means the day appointed by order under section 26,

^{F2}
.....

“enactment” includes an enactment contained in an Act of the Scottish Parliament or in any Northern Ireland legislation,

“ full gender recognition certificate ”and “ interim gender recognition certificate ” mean the certificates issued as such under section 4 [^{F3}, [^{F4}5 or 5A [^{F4}4C, 4E, 4F, 5, [^{F5}or 5A]]]] and “gender recognition certificate” means either of those sorts of certificate,

“gender dysphoria” means the disorder variously referred to as gender dysphoria, gender identity disorder and transsexualism,

“Gender Recognition Panel” (and “Panel”) is to be construed in accordance with Schedule 1,

[^{F6}“protected civil partnership” [^{F7}means —

- (a) a civil partnership under the law of England and Wales or under the law of Northern Ireland, or
- (b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004,
and “protected overseas relationship” means a protected civil partnership within paragraph (b),]

“ protected marriage ” means—

- (a) a marriage under the law of England and Wales [^{F8}or under the law of Northern Ireland], or
- (b) a marriage under the law of a country or territory outside the United Kingdom,]

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 25. (See end of Document for details)

[^{F9}"protected Scottish civil partnership" means a civil partnership registered in Scotland,

"protected Scottish marriage" means a marriage solemnised in Scotland,]

[^{F10} " registered psychologist " means a person registered in the part of the register maintained under [^{F11}the Health Professions Order 2001] which relates to practitioner psychologists;]

[^{F12} " statutory declaration of consent " has the meaning given by section 3(6B)(a),]

" subordinate legislation " means an Order in Council, an order, rules, regulations, a scheme, a warrant, bye-laws or any other instrument made under an enactment, and

" UK birth register entry " has the meaning given by section 10(2).

[^{F13}(2) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of this Act as having been registered in Scotland if—

- (a) the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order, and
- (b) details of the civil partnership have been sent to the Registrar General for Scotland.

(3) A marriage which was registered outside the United Kingdom under the Foreign Marriage Act 1892 (other than a marriage registered by virtue of section 18 of that Act) is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.

(4) A marriage which was solemnised outside the United Kingdom and registered under an Order in Council made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.

(5) A consular marriage in relation to which the relevant part of the United Kingdom is Scotland is to be treated for the purposes of this Act as having been solemnised in Scotland.

(6) In subsection (5)—

" consular marriage " means a marriage solemnised in accordance with Part 1 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under it,

" relevant part of the United Kingdom ", in relation to such a marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) of that Part of that Schedule for the purposes of the marriage.]

Textual Amendments

F1 S. 25 renumbered as s. 25(1) (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#) , s. 36 , Sch. 2 para. 2(a) ; [S.S.I. 2014/287](#) , art. 3 , Sch.

F2 S. 25: definition of "chartered psychologist" omitted (1.7.2009) by virtue of [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#) , art. 4(2) , [Sch. 5 para. 8\(b\)](#) (with arts. 9 , 10) ; [S.I. 2009/1357](#) , [art. 2\(d\)](#)

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 25. (See end of Document for details)

- F3** Words in s. 25 substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(7)**, 263 ; S.I. 2005/3175, art. 3, **Sch. 2**
- F4** Words in s. 25(1) substituted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 2(b)**; S.S.I. 2014/287, art. 3, **Sch.**
- F5** Words in s. 25(1) substituted (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(18)(a)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F6** S. 25: definitions of "protected civil partnership" and "protected marriage" inserted (10.12.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 5 para. 14(a)**; S.I. 2014/3169, **art. 2**
- F7** Words in s. 25 substituted (E.W.) (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **33** (with reg. 35); (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **47(1)(a)(2)(a)(3)(a)** (with regs. 6-9); and (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(18)(b)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F8** Words in s. 25 inserted (E.W.N.I.) (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **47(1)(b)(2)(b)** (with regs. 6-9)
Words in s. 25(1) inserted (S.) (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), **47(3)(b)** (with regs. 6-9)
- F9** Words in s. 25(1) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 2(c)**; S.S.I. 2014/287, art. 3, **Sch.**; and inserted (E.W.N.I.) (27.1.2022) by The Civil Partnership (Scotland) Act 2020 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Modifications) Order 2022 (S.I. 2022/74), art. 1, **Sch. 1 para. 1(5)**
- F10** S. 25: definition of "registered psychologist" inserted (1.7.2009) by The Health Care and Associated Professions (Miscellaneous Amendments and Practitioner Psychologists) Order 2009 (S.I. 2009/1182), art. 4(2), **Sch. 5 para. 8(b)** (with arts. 9, 10); S.I. 2009/1357, **art. 2(d)**
- F11** Words in s. 25 substituted (2.12.2019) by Children and Social Work Act 2017 (c. 16), s. 70(2), **Sch. 5 para. 48(d)**; S.I. 2019/1436, reg. 2(s)
- F12** S. 25: definition of "statutory declaration of consent" inserted (10.12.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 5 para. 14(b)**; S.I. 2014/3169, art. 2
- F13** S. 25(2)-(6) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 2(d)**; S.S.I. 2014/287, art. 3, **Sch.**

Changes to legislation:

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