



Gender Recognition Act 2004

2004 CHAPTER 7

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

[^{F1} 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,
 - (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.

Status: Point in time view as at 02/12/2019. This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 4C. (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.
- (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

- F1** 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)**

Status:

Point in time view as at 02/12/2019. This version of this provision has been superseded.

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