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*Status: Point in time view as at 10/12/2014.*

*Changes to legislation: There are currently no known outstanding effects for the Marriage (Same Sex Couples) Act 2013, Paragraph 4. (See end of Document for details)*

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## SCHEDULES

### SCHEDULE 5

#### CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

##### PART 1

###### APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

*Issue of full certificate after interim certificate: applicant married*

4 After section 4 insert—

*“Issue of full certificate after interim certificate: applicant married*

#### **4A Married person with interim certificate: issue of full certificate**

- (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 marriage at the time when the interim gender recognition certificate was issued;
  - (c) the person is a party to a protected marriage; and
  - (d) the person's spouse now consents 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 civil partnership at the time when the interim gender recognition certificate was issued;
  - (c) a conversion application has been made within the period of six months beginning with the day on which that certificate was issued;
  - (d) the conversion application has resulted in the civil partnership being converted into 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.

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- (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 is converted into a marriage.
- (7) An application under subsection (2) or (3) must include a statutory declaration of consent made by the person's spouse.
- (8) An application under subsection (3) must also include—
  - (a) evidence of the date on which the conversion application was made, and
  - (b) evidence of the conversion of the civil partnership into a marriage.
- (9) If an application is made under this section, the Gender Recognition 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.
- (10) In this section “conversion application” means an application for the conversion of a civil partnership into a marriage under regulations under section 9 of the Marriage (Same Sex Couples) Act 2013.

#### **4B Application under section 4A: death of spouse**

- (1) In a case where an application is made under section 4A(2) or (3) and the applicant's spouse 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, 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) which the person is, by virtue of subsection (1), treated as having made;

“required evidence” means the evidence required by section 5(4).

Issue of full certificate after interim certificate: applicant no longer married or civil partner”.

#### **Commencement Information**

**II** Sch. 5 para. 4 in force at 10.12.2014 by S.I. 2014/3169, art. 2

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