



# Gender Recognition Act 2004

## 2004 CHAPTER 7

*[<sup>F1</sup>Issue of full certificate after interim certificate: applicant married [<sup>F2</sup>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 [<sup>F3</sup>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 [<sup>F4</sup>if subsection (2) applies].
- (2) [<sup>F5</sup>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 [<sup>F6</sup>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 [<sup>F7</sup>or a protected civil partnership]; and
  - (d) the person's spouse [<sup>F8</sup>or civil partner] now consents to the marriage [<sup>F9</sup>or civil partnership] continuing after the issue of the full gender recognition certificate.

<sup>F10</sup>(3) .....

- (4) If, on an application under subsection (2) <sup>F11</sup>..., the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.

*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.
- <sup>F12</sup>(6) .....
- (7) An application under subsection (2) <sup>F13</sup>... must include a statutory declaration of consent made by the person's spouse [<sup>F14</sup>or civil partner].
- <sup>F15</sup>(8) .....
- (9) If an application is made under [<sup>F16</sup>subsection (2)], the Gender Recognition Panel must give the applicant's spouse [<sup>F17</sup>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.
- <sup>F18</sup>(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)

**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)

#### **4B Application under section 4A: death of spouse <sup>F19</sup>or civil partner]**

- (1) In a case where an application is made under section 4A(2) <sup>F20</sup>... and the applicant's spouse <sup>F21</sup>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 <sup>F22</sup>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) <sup>F23</sup>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) <sup>F24</sup>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)

#### **<sup>F25</sup>4C <sup>F26</sup>Married person or civil partner with interim certificate: issue of full certificate (Scotland)]**

- (1) A Gender Recognition Panel must issue a full gender recognition certificate to a person <sup>F27</sup>if, on an application by the person (“the applicant”), the Panel is satisfied that the conditions set out in subsection (1A) are met].
    - [ The conditions referred to in subsection (1) are—
- <sup>F28</sup>(1A)
- (a) an interim gender recognition certificate has been issued to the applicant,
  - (b) when the interim gender recognition certificate was issued, the applicant and another person (“P”) were the parties to—
    - (i) a protected Scottish marriage, or
    - (ii) a protected Scottish civil partnership,
  - (c) the applicant and P are still, or have since become, the parties to—
    - (i) a protected Scottish marriage, or

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- (ii) a protected Scottish civil partnership, and
- (d) P consents to the marriage or civil partnership continuing after the issue of a full gender recognition certificate.]
- <sup>F29</sup>(2) . . . . .
- <sup>F29</sup>(3) . . . . .
- (4) If, on an application under subsection [<sup>F30</sup>(1)], the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.
- (5) An application under subsection [<sup>F31</sup>(1)] must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.
- <sup>F32</sup>(6) . . . . .
- (7) An application under subsection [<sup>F33</sup>(1)] must include a statutory declaration of consent (within the meaning of section 3(6D)(b)(i) [<sup>F34</sup>or (6G)(b)(i)]) made by the person's spouse [<sup>F35</sup>or (as the case may be) civil partner].
- <sup>F36</sup>(8) . . . . .
- (9) If an application is made under this section, the Panel must give the applicant's spouse [<sup>F37</sup>or (as the case may be) 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.

#### 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.
- F26** S. 4C title substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(j)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F27** Words in s. 4C(1) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(a)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F28** S. 4C(1A) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(b)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F29** S. 4C(2)(3) repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(c)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F30** Word in s. 4C(4) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(d)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F31** Word in s. 4C(5) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(e)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F32** S. 4C(6) repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(f)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F33** Word in s. 4C(7) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(g)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F34** Words in s. 4C(7) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(g)(ii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F35** Words in s. 4C(7) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(g)(iii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F36** S. 4C(8) repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(h)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

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**F37** Words in s. 4C(9) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**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** [<sup>F38</sup>**Application under section 4C: death of spouse or civil partner**]

- (1) In a case where an application is made under section [<sup>F39</sup>4C] and the applicant's spouse [<sup>F40</sup>or (as the case may be) 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 [<sup>F41</sup>or 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 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.

**F38** S. 4D title substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(6)(b)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**F39** Word in s. 4D(1) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(6)(a)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**F40** Words in s. 4D(1) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(6)(a)(ii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**F41** Words in s. 4D(1)(a) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(6)(a)(iii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**4E** [<sup>F42</sup>**Married person or civil partner 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,
  - [<sup>F43</sup>(b) the person and another person (“P”) are the parties to—
    - (i) a protected Scottish marriage, or

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- (ii) a protected Scottish civil partnership,]
  - (c) the person is not in possession of a statutory declaration by [F44P] that [F45P] consents to the marriage [F46or (as the case may be) civil partnership] 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—
- [F47(a) at the time when the interim gender recognition certificate was issued, the applicant and P were the parties to—
    - (i) a protected Scottish marriage, or
    - (ii) a protected Scottish civil partnership,
  - (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 [F48or (as the case may be) civil partner]—
- (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.]

#### 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.
- F42** S. 4E title substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(d\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F43** S. 4E(1)(b) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(i\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F44** Word in s. 4E(1)(c) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(ii\)\(a\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F45** Word in s. 4E(1)(c) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(ii\)\(b\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F46** Words in s. 4E(1)(c) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(ii\)\(c\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F47** S. 4E(2)(a)(b) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(b\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F48** Words in s. 4E(3) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(c\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

#### <sup>F49</sup>4F Death of civil partner or spouse: issue of full certificate (Scotland)

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**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

**F49** S. 4F repealed (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(8\)](#); [S.S.I. 2021/351](#), reg. 2, [sch.](#) (with reg. 3)

## 5 <sup>F50</sup>Issue of full certificates where applicant has been married]

(1) A court which—

(a) makes <sup>F51</sup>final a nullity of marriage order made] on the ground that an interim gender recognition certificate has been issued to a party to the marriage, <sup>F52</sup>...

<sup>F53</sup>(aa) (in Northern Ireland) makes absolute a decree of nullity granted on that ground, 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.

<sup>F54</sup>(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 <sup>F55</sup>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—

(a) must grant the application if satisfied that the applicant <sup>F56</sup>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

**F50** 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](#)

**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)

- F51** Words in s. 5(1)(a) substituted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 56(a)** (with s. 8(6)); S.I. 2022/283, reg. 2
- F52** Word in s. 5(1)(a) omitted (6.4.2022) by virtue of Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 56(b)** (with s. 8(6)); S.I. 2022/283, reg. 2
- F53** S. 5(1)(aa) inserted (6.4.2022) by Divorce, Dissolution and Separation Act 2020 (c. 11), s. 8(1)(8), **Sch. para. 56(c)** (with s. 8(6)); S.I. 2022/283, reg. 2
- F54** 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. 2
- F55** 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
- F56** 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

[<sup>F57</sup>**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.

[ Subsection (1) does not apply where a full gender recognition certificate has already  
<sup>F58</sup>(1A) 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 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.
- (7) If the Panel grants the application it must issue a full gender recognition certificate to the applicant.]



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### Textual Amendments

- F57** 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
- F58** [S. 5A\(1A\)](#) inserted (S.) (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(9\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**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.