
Status: Point in time view as at 04/04/2005.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Part 1. (See end of Document for details)

SCHEDULES

SCHEDULE 3

REGISTRATION

PART 1

ENGLAND AND WALES

Introductory

- 1 In this Part—
- “the Registrar General” means the Registrar General for England and Wales, and
 - “the 1953 Act” means the Births and Deaths Registration Act 1953 (c. 20).

Gender Recognition Register

- 2
- (1) The Registrar General must maintain, in the General Register Office, a register to be called the Gender Recognition Register.
 - (2) In this Part “the Gender Recognition Register” means the register maintained under sub-paragraph (1).
 - (3) The form in which the Gender Recognition Register is maintained is to be determined by the Registrar General.
 - (4) The Gender Recognition Register is not to be open to public inspection or search.

Entries in Gender Recognition Register and marking of existing birth register entries

- 3
- (1) If the Registrar General receives under section 10(1) a copy of a full gender recognition certificate issued to a person, the Registrar General must—
 - (a) make an entry in the Gender Recognition Register containing such particulars as may be prescribed in relation to the person’s birth and any other prescribed matter,
 - (b) secure that the UK birth register entry is marked in such manner as may be prescribed, and
 - (c) make traceable the connection between the entry in the Gender Recognition Register and the UK birth register entry.
 - (2) Sub-paragraph (1) does not apply if the certificate was issued after an application under section 6(1) and that sub-paragraph has already been complied with in relation to the person.

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- (3) No certified copy of the UK birth register entry and no short certificate of birth compiled from that entry is to include anything marked by virtue of sub-paragraph (1) (b).
- (4) Information kept by the Registrar General for the purposes of sub-paragraph (1)(c) is not to be open to public inspection or search.
- (5) “Prescribed” means prescribed by regulations made by the Registrar General with the approval of the Chancellor of the Exchequer.

Indexing of entries in Gender Recognition Register

- 4 (1) The Registrar General must make arrangements for each entry made in the Gender Recognition Register to be included in the relevant index kept in the General Register Office.
- (2) Any right to search the relevant index includes the right to search entries included in it by virtue of sub-paragraph (1).
- (3) Where by virtue of sub-paragraph (1) an index includes entries in the Gender Recognition Register, the index must not disclose that fact.
- (4) “The relevant index”, in relation to an entry made in the Gender Recognition Register in relation to a person, means the index of the certified copies of entries in registers, or of entries in registers, which includes the person’s UK birth register entry.

Certified copies of entries in Gender Recognition Register

- 5 (1) Anyone who may have a certified copy of the UK birth register entry of a person issued with a full gender recognition certificate may have a certified copy of the entry made in relation to the person in the Gender Recognition Register.
- (2) Any fee which would be payable for a certified copy of the person’s UK birth register entry is payable for a certified copy of the entry made in relation to the person in the Gender Recognition Register.
- (3) If the person’s UK birth register entry is an entry in the Gender Recognition Register, sub-paragraph (1) applies as if the person’s UK birth register entry were the most recent entry within section 10(2)(a) or (b) containing a record of the person’s birth or adoption which is not an entry in the Gender Recognition Register.
- (4) A certified copy of an entry in the Gender Recognition Register must not disclose the fact that the entry is contained in the Gender Recognition Register.
- (5) A certified copy of an entry in the Gender Recognition Register must be sealed or stamped with the seal of the General Register Office.

Short certificates of birth compiled from Gender Recognition Register

- 6 Where a short certificate of birth under section 33 of the 1953 Act is compiled from the Gender Recognition Register, the certificate must not disclose that fact.

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Gender Recognition Register: re-registration

- 7
- (1) Section 10A of the 1953 Act (re-registration where parents not married) applies where an entry relating to a person's birth has been made in the Gender Recognition Register as where the birth of a child has been registered under that Act.
 - (2) In its application by virtue of sub-paragraph (1) section 10A has effect—
 - (a) as if the reference to the registrar in subsection (1) were to the Registrar General, and
 - (b) with the omission of subsection (2).
 - (3) Sections 14 and 14A of the 1953 Act (re-registration in cases of legitimation and after declaration of parentage) apply where an entry relating to a person's birth has been made in the Gender Recognition Register as if the references in those sections to the Registrar General authorising re-registration of the person's birth were to the Registrar General's re-registering it.

Correction etc. of Gender Recognition Register

- 8
- (1) Any power or duty of the Registrar General or any other person to correct, alter, amend, mark or cancel the marking of a person's UK birth register entry is exercisable, or falls to be performed, by the Registrar General in relation to an entry in the Gender Recognition Register which—
 - (a) relates to that person, and
 - (b) under paragraph 4(1) is included in the index which includes the person's UK birth register entry.
 - (2) If the person's UK birth register entry is an entry in the Gender Recognition Register, the references in sub-paragraph (1) to the person's UK birth register entry are to the most recent entry within section 10(2)(a) or (b) containing a record of the person's birth or adoption which is not an entry in the Gender Recognition Register.
 - (3) The Registrar General may correct the Gender Recognition Register by entry in the margin (without any alteration of the original entry) in consequence of the issue of a full gender recognition certificate after an application under section 6(1).

Revocation of gender recognition certificate etc.

- 9
- (1) This paragraph applies if, after an entry has been made in the Gender Recognition Register in relation to a person, the High Court or the Court of Session makes an order under section 8(6) quashing the decision to grant the person's application under section 1(1) or 5(2).
 - (2) The High Court or the Court of Session must inform the Registrar General.
 - (3) Subject to any appeal, the Registrar General must—
 - (a) cancel the entry in the Gender Recognition Register, and
 - (b) cancel, or secure the cancellation, of any marking of an entry relating to the person made by virtue of paragraph 3(1)(b).

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Evidence

- 10 (1) Section 34(5) of the 1953 Act (certified copy of entry in register under that Act deemed to be true copy) applies in relation to the Gender Recognition Register as if it were a register under that Act.
- (2) A certified copy of an entry made in the Gender Recognition Register in relation to a person is to be received, without further or other proof, as evidence—
- (a) if the relevant index is the index of the Adopted Children Register, of the matters of which a certified copy of an entry in that Register is evidence,
 - (b) if the relevant index is the index of the Parental Order Register, of the matters of which a certified copy of an entry in that Register is evidence, and
 - (c) otherwise, of the person's birth.
- (3) And any certified copy which is receivable in evidence of any matter in Northern Ireland by virtue of paragraph 31(2)(a) or (b) of this Schedule is also receivable as evidence of that matter in England and Wales.

Regulatory reform

- 11 The Chancellor of the Exchequer may by order amend this Part in consequence of any order under section 1 of the Regulatory Reform Act 2001 (c. 6) which includes provision relating to the system of registration of births and adoptions in England and Wales.

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