

SCHEDULES

SCHEDULE 3

REGISTRATION

PART 2

SCOTLAND

Introductory

- 12 In this Part—
- “the Registrar General” means the Registrar General for Scotland, and
 - “the 1965 Act” means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49).

Gender Recognition Register

- 13
- (1) The Registrar General must maintain, in the General Register Office of Births, Deaths and Marriages in Scotland, 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

- 14
- (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, and
 - (b) otherwise than by annotating in any way the birth register, make traceable the connection between the UK birth register entry and the entry in the Gender Recognition Register.
 - (2) Sub-paragraph (1) does not apply if the gender recognition certificate was issued after an application under section 6(1) and that sub-paragraph has already been complied with in relation to the person.
 - (3) Information kept by the Registrar General for the purposes of sub-paragraph (1)(b) is not to be open to public inspection or search.

Status: This is the original version (as it was originally enacted).

- (4) “Prescribed” means prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers.

Indexing of entries in Gender Recognition Register

- 15 (1) The Registrar General must make arrangements for each entry made in the Gender Recognition Register to be included in an index of such entries kept in the General Register Office of Births, Deaths and Marriages in Scotland.
- (2) Whenever the Registrar General causes a search to be made under subsection (2)(a) of section 38 of the 1965 Act (search of indexes of entries in the registers of births, deaths and marriages) on behalf of any person, he must also, without payment of any fee additional to the fee or fees prescribed under that section—
- (a) cause a search to be made of the index of entries in the Gender Recognition Register on behalf of that person, and
 - (b) issue to that person an extract of any such entry provided that (disregarding, for the purposes of subsection (4)(j) of section 22, this paragraph) disclosure of the entry to the person would not constitute an offence under that section.

Extracts of entries in Gender Recognition Register

- 16 (1) This paragraph applies in respect of an extract issued under paragraph 15(2)(b).
- (2) Except as regards the sex and name of the person to whom it relates, the extract must have the form and content it would have had had it been an extract from the register of births of the entry relating to that person.
- (3) The extract must not disclose the fact that the entry is contained in the Gender Recognition Register.

Abbreviated certificates of birth compiled from Gender Recognition Register

- 17 Where an abbreviated certificate of birth under section 40 of the 1965 Act is compiled from the Gender Recognition Register, the certificate must not disclose that fact.

Gender Recognition Register: correction, re-registration etc.

- 18 Section 18A(2) (decrees of parentage and non-parentage), section 20(1) and (3) (re-registration in certain cases), section 42(1) and (5) (correction of errors), section 43(1), (2) and (5) to (9) (recording change of name or surname) and section 44 (Register of Corrections etc.) of the 1965 Act apply in relation to the Gender Recognition Register as they apply in relation to the register of births.

Revocation of gender recognition certificate etc.

- 19 (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 cancel the entry in the Gender Recognition Register.

Authentication and admissibility

- 20 Section 41 of the 1965 Act (authentication of extracts etc. and their admissibility as evidence) applies in relation to the Gender Recognition Register as in relation to the registers kept under the provisions of that Act.