



Gender Recognition Act 2004

2004 CHAPTER 7

Applications for gender recognition certificate

[^{F1}3A Alternative grounds for granting applications

- (1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with this section.
 - (2) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3B and meets the conditions in subsections (3) to (6).
 - (3) The first condition is that the applicant was a party to a protected marriage or a protected civil partnership on or before the date the application was made.
 - (4) The second condition is that the applicant—
 - (a) was living in the acquired gender six years before the commencement of section 12 of the Marriage (Same Sex Couples) Act 2013 [^{F2}(but see subsection (8))],
 - (b) continued to live in the acquired gender until the date the application was made, and
 - (c) intends to continue to live in the acquired gender until death.
 - (5) The third condition is that the applicant—
 - (a) has or has had gender dysphoria, or
 - (b) has undergone surgical treatment for the purpose of modifying sexual characteristics.
 - (6) The fourth condition is that the applicant is ordinarily resident in England, Wales [^{F3}, Scotland or Northern Ireland].
 - (7) The Panel must reject the application if not required by subsection (2) to grant it.]
- [^{F4}(8) Where the applicant—
- (a) is a party to a protected marriage that is a marriage under the law of Northern Ireland, or

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 3A. (See end of Document for details)

(b) is a party to a protected civil partnership that is a civil partnership under the law of Northern Ireland, or

(c) is ordinarily resident in Northern Ireland,

subsection (4)(a) has effect as if for the words after “was living in the acquired gender” there were substituted “on 13 January 2014”.]

Textual Amendments

- F1** S. 3A inserted (E.W.S.) (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 5 para. 17](#); [S.I. 2014/3169, art. 2](#)
- F2** Words in s. 3A(4)(a) inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\), reg. 42\(3\)](#) (with regs. 6-9)
- F3** Words in s. 3A(6) substituted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\), reg. 42\(4\)](#) (with regs. 6-9)
- F4** S. 3A(8) inserted (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\), regs. 1\(2\), 42\(5\)](#) (with regs. 6-9)

Modifications etc. (not altering text)

- C1** S. 3A extended to Northern Ireland (N.I.) (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\), reg. 42\(1\)](#) (with regs. 6-9)

Changes to legislation:

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