



# Gender Recognition Act 2004

## 2004 CHAPTER 7

### *Applications for gender recognition certificate*

#### **[<sup>F1</sup>3B Evidence for granting applications on alternative grounds**

- (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 section 3A.
- (2) The application must include either—
  - (a) a report made by a registered medical practitioner, or
  - (b) a report made by a registered psychologist practising in the field of gender dysphoria.
- (3) If the application is based on the applicant having or having had gender dysphoria—
  - (a) the reference in subsection (2) to a registered medical practitioner is to one practising in the field of gender dysphoria, and
  - (b) that subsection is not complied with unless the report includes details of the diagnosis of the applicant's gender dysphoria.
- (4) Subsection (2) is not complied with in a case where—
  - (a) the applicant has undergone or is undergoing treatment for the purpose of modifying sexual characteristics, or
  - (b) treatment for that purpose has been prescribed or planned for the applicant, unless the report required by that subsection includes details of it.
- (5) The application must also include a statutory declaration by the applicant that the applicant meets the conditions in section 3A(3) and (4).
- (6) The application must include—
  - (a) a statutory declaration as to whether or not the applicant is married or a civil partner,
  - (b) any other information or evidence required by an order made by the Secretary of State, and

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- (c) any other information or evidence which the Panel which is to determine the application may require,  
and may include any other information or evidence which the applicant wishes to include.
- (7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a marriage under the law of England and Wales, of Scotland, or of Northern Ireland, or of a country or territory outside the United Kingdom.
- [ If the applicant is a civil partner, the application must include a statutory declaration  
F2(7A) as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004.]
- (8) If the applicant is married [F3 or a civil partner], and the marriage [F4 or civil partnership] is a protected marriage [F5 or a protected civil partnership], the application must also include—
- (a) a statutory declaration of consent by the applicant's spouse [F6 or civil partner] (if the spouse [F7 or partner] has made such a declaration), or
  - (b) a statutory declaration by the applicant that the applicant's spouse [F8 or civil partner] has not made a statutory declaration of consent (if that is the case).
- (9) If the application includes a statutory declaration of consent by the applicant's spouse [F9 or civil partner], the Panel must give the spouse [F10 or partner] notice that the application has been made.
- (10) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.]

### Textual Amendments

- F1** S. 3B inserted (30.6.2014 for specified purposes, 10.12.2014 in so far as not already in force) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 5 para. 19](#); S.I. 2014/1662, art. 2(b); S.I. 2014/3169, art. 2
- F2** S. 3B(7A) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(2\)](#) (with reg. 35)
- F3** Words in s. 3B(8) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(3\)\(a\)\(i\)](#) (with reg. 35)
- F4** Words in s. 3B(8) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(3\)\(a\)\(ii\)](#) (with reg. 35)
- F5** Words in s. 3B(8) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(3\)\(a\)\(iii\)](#) (with reg. 35)
- F6** Words in s. 3B(8)(a) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(3\)\(b\)\(i\)](#) (with reg. 35)
- F7** Words in s. 3B(8)(a) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(3\)\(b\)\(ii\)](#) (with reg. 35)
- F8** Words in s. 3B(8)(b) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(3\)\(c\)](#) (with reg. 35)
- F9** Words in s. 3B(9) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(4\)\(a\)](#) (with reg. 35)
- F10** Words in s. 3B(9) inserted (E.W.S.) (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\), regs. 1\(2\), 25\(4\)\(b\)](#) (with reg. 35)

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**Modifications etc. (not altering text)**

- C1** S. 3B 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 \(S.I. 2019/1514\)](#), regs. 1(2), **42(1)** (with regs. 6-9)

**Changes to legislation:**

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