



Gender Recognition Act 2004

2004 CHAPTER 7

Applications for gender recognition certificate

[^{F1}3E Alternative grounds for granting applications: Scotland (English and Welsh [^{F2}and Northern Ireland] residents)

- (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) In this section, and section 3F, in so far as those sections extend to England and Wales [^{F3}or to Northern Ireland], “protected Scottish civil partnership” and “protected Scottish marriage” have the meanings given by section 25.
- (3) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3F and meets the conditions in subsections (4) to (7).
- (4) The first condition is that the applicant was a party to a protected Scottish marriage or a protected Scottish civil partnership on or before the date the application was made.
- (5) The second condition is that the applicant—
 - (a) was living in the acquired gender six years before the commencement of section 29 of the Marriage and Civil Partnership (Scotland) Act 2014 [^{F4}(but see subsection (5A))];
 - (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.

[Where the applicant is ordinarily resident in Northern Ireland, subsection (5)(a) has ^{F5}(5A) effect as if for the words after “was living in the acquired gender” there was substituted “on 13 January 2014”.]

- (6) 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.

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

- (7) The fourth condition is that the applicant is ordinarily resident in England or Wales [^{F6}or in Northern Ireland].
- (8) The Panel must reject the application if not required by subsection (3) to grant it.]

Textual Amendments

- F1** Ss. 3E, 3F inserted (E.W.S.) (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), art. 1(2), **Sch. 5 para. 15(4)**
- F2** Words in s. 3E heading 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. 43(2)** (with regs. 6-9)
- F3** Words in s. 3E(2) 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. 43(4)** (with regs. 6-9)
- F4** Words in s. 3E(5)(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. 43(5)** (with regs. 6-9)
- F5** S. 3E(5A) 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. 43(6)** (with regs. 6-9)
- F6** Words in s. 3E(7) inserted (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), **43(7)** (with regs. 6-9)

Modifications etc. (not altering text)

- C1** S. 3E 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. 43(1)** (with regs. 6-9)

Changes to legislation:

There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 3E.