



Gender Recognition Act 2004

2004 CHAPTER 7

Applications for gender recognition certificate

[^{F1}3F Evidence for granting applications on alternative grounds: 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 section 3E.
- (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 3E(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; and
 - (b) any other information or evidence which the Panel which is to determine the application may require,

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and may include any other information or evidence which the applicant wishes to include.

- [^{F3}(7) If the applicant is—
- (a) married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage;
 - (b) a party to a civil partnership, the application must include a statutory declaration as to whether the civil partnership is a protected Scottish civil partnership.]
- (8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include—
- (a) a statutory declaration by the applicant’s spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the spouse has made such a declaration); or
 - (b) a statutory declaration by the applicant that no such declaration by the applicant’s spouse is included.
- [If the applicant is a party to a protected Scottish civil partnership, the application must
- ^{F4}(8A) also include—
- (a) a statutory declaration by the applicant’s civil partner that the civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the civil partner has made such a declaration); or
 - (b) a statutory declaration by the applicant that no such declaration by the applicant’s civil partner is included.]
- (9) If the application includes a statutory declaration of consent by the applicant’s spouse [^{F5}or (as the case may be) civil partner], the Panel must give the spouse [^{F6}or civil 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)(b) it must give reasons for doing so.]

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. 3F heading inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **43(2)** (with regs. 6-9)
- F3** S. 3F(7) substituted (27.1.2022) by [The Civil Partnership \(Scotland\) Act 2020 and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2022 \(S.I. 2022/74\)](#), art. 1, **Sch. 1 para. 1(2)(a)**
- F4** S. 3F(8A) inserted (27.1.2022) by [The Civil Partnership \(Scotland\) Act 2020 and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2022 \(S.I. 2022/74\)](#), art. 1, **Sch. 1 para. 1(2)(b)**
- F5** Words in s. 3F(9) inserted (27.1.2022) by [The Civil Partnership \(Scotland\) Act 2020 and Marriage and Civil Partnership \(Scotland\) Act 2014 \(Consequential Modifications\) Order 2022 \(S.I. 2022/74\)](#), art. 1, **Sch. 1 para. 1(2)(c)(i)**

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- F6** Words in s. 3F(9) inserted (27.1.2022) by The Civil Partnership (Scotland) Act 2020 and Marriage and Civil Partnership (Scotland) Act 2014 (Consequential Modifications) Order 2022 (S.I. 2022/74), art. 1, **Sch. 1 para. 1(2)(c)(ii)**

Modifications etc. (not altering text)

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

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