



Gender Recognition Act 2004

2004 CHAPTER 7

Applications for gender recognition certificate

4 Successful applications

(1) If a Gender Recognition Panel grants an application under section 1(1) it must issue a gender recognition certificate to the applicant.

[^{F1}(1A) The certificate is to be a full gender recognition certificate if the applicant is neither married nor in a civil partnership.]

[^{F2}(2) The certificate is [^{F3}also] to be a full gender recognition certificate if—

- [^{F4}(a) the applicant is neither a civil partner nor married,]
- (b) the applicant is a party to a protected marriage and the applicant's spouse consents to the marriage continuing after the issue of a full gender recognition certificate, or
- (c) the applicant is a party to a protected civil partnership and [^{F5}the applicant's civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate.]

(3) The certificate is to be an interim gender recognition certificate if—

- (a) the applicant is a party to a protected marriage and the applicant's spouse does not consent to the marriage continuing after the issue of a full gender recognition certificate,
- (b) [^{F6}subject to subsection (3C)(a),] the applicant is a party to a marriage that is not a protected marriage,
- (c) the applicant is a party to a protected civil partnership and the other party to the civil partnership [^{F7}does not consent to the civil partnership continuing after the issue of a full gender recognition certificate, or]

^{F8}(d)

- (e) [^{F9}subject to subsection [^{F10}(3C)(b)][^{F10}(3C)(c)],] the applicant is a party to a civil partnership that is not a protected civil partnership.

(3A) If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected marriage [^{F11}or a protected civil

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partnership], the Panel must give the applicant's spouse [^{F12}or civil partner] notice of the issue of the certificate.]

^{F13}(3B)

^{F14}(3C) The certificate is also to be a full gender recognition certificate if—

(a) the applicant is a party to a protected Scottish marriage and both parties to the marriage consent to the marriage continuing after the issue of a full gender recognition certificate, or

^{F15}(b) the applicant is a party to a protected Scottish civil partnership and the Gender Recognition Panel has decided to issue a full gender recognition certificate to the other party to the civil partnership.]

^{F16}(c) [the applicant is a party to a protected Scottish civil partnership and both parties to the partnership consent to it continuing after the issue of a full gender recognition certificate,]

(3D) The certificate is to be an interim gender recognition certificate if—

(a) the applicant is a party to a protected Scottish marriage and either party to the marriage does not consent to the marriage continuing after the issue of a full gender recognition certificate,

(b) subject to subsection (2)(b), the applicant is a party to a marriage which is not a protected Scottish marriage,

^{F17}(ba) [the applicant is a party to a protected Scottish civil partnership and either party to the partnership does not consent to it continuing after the issue of a full gender recognition certificate,]

^{F18}(c) the applicant is a party to a protected Scottish civil partnership and the other party to the civil partnership has not made an application under section 1(1),

(d) the applicant is a party to a protected Scottish civil partnership and the Gender Recognition Panel has decided not to issue a full gender recognition certificate to the other party to the civil partnership, or]

(e) subject to subsection (2)(c), the applicant is a party to a civil partnership which is not a protected Scottish civil partnership.

(3E) If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected Scottish marriage, the Panel must give the applicant's spouse notice of the issue of the certificate.

^{F19}(3EA) [If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected Scottish civil partnership, the Panel must give the applicant's civil partner notice of the issue of the certificate.]

^{F20}(3F) Subsection (3C)(b) is subject to section 5C.]]

(4) Schedule 2 (annulment or dissolution of marriage after issue of interim gender recognition certificate) has effect.

(5) The Secretary of State may, after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland, specify the content and form of gender recognition certificates.

Textual Amendments

F1 S. 4(1A) inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), s. 36, [Sch. 2 para. 4\(a\)](#); [S.S.I. 2014/287](#), art. 3, Sch.

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- F2** S. 4(2)-(3B) substituted for s. 4(2)(3) (10.12.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 5 para. 3**; S.I. 2014/3169, art. 2
- F3** Word in s. 4(2) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 4(b)(i)**; S.S.I. 2014/287, art. 3, Sch.
- F4** S. 4(2)(a) repealed (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 4(b)(ii)**; S.S.I. 2014/287, art. 3, Sch.
- F5** Words in s. 4(2)(c) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), **regs. 1(2), 26(2)** (with reg. 35)
- F6** Words in s. 4(3)(b) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 4(c)(i)**; S.S.I. 2014/287, art. 3, Sch.
- F7** Words in s. 4(3)(c) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), **regs. 1(2), 26(3)(a)** (with reg. 35)
- F8** S. 4(3)(d) omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), **regs. 1(2), 26(3)(b)** (with reg. 35)
- F9** Words in s. 4(3)(e) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 4(c)(ii)**; S.S.I. 2014/287, art. 3, Sch.
- F10** Word in s. 4(3)(e) substituted (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(a)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F11** Words in s. 4(3A) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), **regs. 1(2), 26(4)(a)** (with reg. 35)
- F12** Words in s. 4(3A) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), **regs. 1(2), 26(4)(b)** (with reg. 35)
- F13** S. 4(3B) omitted (2.12.2019) by virtue of The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), **regs. 1(2), 26(5)** (with reg. 35)
- F14** S. 4(3C)-(3F) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 4(d)**; S.S.I. 2014/287, art. 3, Sch.
- F15** S. 4(3C)(b) repealed (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(b)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F16** S. 4(3C)(c) inserted (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(b)(ii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F17** S. 4(3D)(ba) inserted (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(c)(ii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F18** S. 4(3D)(c)(d) repealed (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(c)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F19** S. 4(3EA) inserted (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(d)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F20** S. 4(3F) repealed (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(4)(e)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

Changes to legislation:

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