



Gender Recognition Act 2004

2004 CHAPTER 7

[^{F1}Issue of full certificate after interim certificate: applicant married [^{F1}or a civil partner]]

[^{F1}4E [^{F2}Married person or civil partner with interim certificate: issue of full certificate on application to the sheriff (Scotland)]

- (1) A person may make a summary application to the sheriff for the issue of a full gender recognition certificate where—
 - (a) an interim gender recognition certificate has been issued to the person,
 - [^{F3}(b) the person and another person (“P”) are the parties to—
 - (i) a protected Scottish marriage, or
 - (ii) a protected Scottish civil partnership,]
 - (c) the person is not in possession of a statutory declaration by [^{F4}P] that [^{F5}P] consents to the marriage [^{F6}or (as the case may be) civil partnership] continuing after the issue of a full gender recognition certificate.
- (2) The sheriff must grant an application made under subsection (1) if the sheriff is satisfied that—
 - [^{F7}(a) at the time when the interim gender recognition certificate was issued, the applicant and P were the parties to—
 - (i) a protected Scottish marriage, or
 - (ii) a protected Scottish civil partnership,
 - (b) the applicant is still a party to that protected Scottish marriage, and]
 - (c) the application was made within the period of six months beginning with the day on which the interim gender recognition certificate was issued.
- (3) If an application is made under this section, the sheriff must give the applicant's spouse [^{F8}or (as the case may be) civil partner]—
 - (a) notice of the application, and
 - (b) if the sheriff grants the application, notice of the issue of the full gender recognition certificate.
- (4) Where the sheriff issues a full gender recognition certificate, the sheriff must send a copy to the Gender Recognition Panel.]

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 4E. (See end of Document for details)

Textual Amendments

- F1** Ss. 4C-4F inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\)](#), s. 36, [Sch. 2 para. 5](#); S.S.I. 2014/287, art. 3, Sch.
- F2** S. 4E title substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(d\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F3** S. 4E(1)(b) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(i\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F4** Word in s. 4E(1)(c) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(ii\)\(a\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F5** Word in s. 4E(1)(c) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(ii\)\(b\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F6** Words in s. 4E(1)(c) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(a\)\(ii\)\(c\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F7** S. 4E(2)(a)(b) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(b\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F8** Words in s. 4E(3) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(7\)\(c\)](#); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

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