

SCHEDULE 2 CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

PART 1

APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

Successful applications

- 4 In section 4 (successful applications)—
- (a) after subsection (1) insert—
 - “(1A) The certificate is to be a full gender recognition certificate if the applicant is neither married nor in a civil partnership.”,
 - (b) in subsection (2) (substituted by paragraph 3 of schedule 5 to the Marriage (Same Sex Couples) Act 2013)—
 - (i) after first “is” insert “also”,
 - (ii) paragraph (a) is repealed,
 - (c) in subsection (3) (as so substituted)—
 - (i) in paragraph (b), at the beginning insert “subject to subsection (3C) (a),” and
 - (ii) in paragraph (e), at the beginning insert “subject to subsection (3C) (b),” and
 - (d) after subsection (3B) (as so substituted) insert—
 - “(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
 - (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.
 - (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,
 - (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

Status: This is the original version (as it was originally enacted).

(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.

(3F) Subsection (3C)(b) is subject to section 5C.”.