SCHEDULES

SCHEDULE 2

Section 4

INTERIM CERTIFICATES: MARRIAGE

PART 1

ENGLAND AND WALES

1 The Matrimonial Causes Act 1973 (c. 18) is amended as follows.

2 In section 12 (grounds on which a marriage celebrated after 31st July 1971 is voidable), after paragraph (f) insert—

"(g) that an interim gender recognition certificate under the Gender Recognition Act 2004 has, after the time of the marriage, been issued to either party to the marriage;".

3 In section 13 (bars to relief), after subsection (2) insert—

"(2A) Without prejudice to subsection (1) above, the court shall not grant a decree of nullity by virtue of section 12 above on the ground mentioned in paragraph (g) of that section unless it is satisfied that proceedings were instituted within the period of six months from the date of issue of the interim gender recognition certificate."

4 (1) Paragraph 11 of Schedule 1 (grounds on which a marriage celebrated before 1st August 1971 is voidable) is amended as follows.

(2) In sub-paragraph (1), after paragraph (d) insert "or

(e) that an interim gender recognition certificate under the Gender Recognition Act 2004 has been issued to either party to the marriage;".

(3) After sub-paragraph (3) insert—

"(3A) The court shall not grant a decree of nullity in a case falling within sub-paragraph (1)(e) above unless it is satisfied that proceedings were instituted within six months from the date of issue of the interim gender recognition certificate."

PART 2

SCOTLAND

5 The Divorce (Scotland) Act 1976 (c. 39) is amended as follows.

6 (1) In subsection (1) of section 1 (grounds on which decree of divorce may be granted)—

(a) the words "the marriage has broken down irretrievably" become paragraph (a), and

(b) after that paragraph insert "or

(b) an interim gender recognition certificate under the Gender Recognition Act 2004 has, after the date of the marriage, been issued to either party to the marriage."

(2) Accordingly, the title of that section becomes "Grounds of divorce".

7 In section 2(1) (encouragement of reconciliation), for "in an action for divorce" substitute "under paragraph (a) of section 1(1)".

PART 3

NORTHERN IRELAND

8 The Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15)) is amended as follows.

9 In Article 14 (grounds on which a marriage celebrated after the commencement of that Article is voidable), after paragraph (f) insert—

"(g) that an interim gender recognition certificate under the Gender Recognition Act 2004 has, after the time of the marriage, been issued to either party to the marriage;".

10 In Article 16 (bars to relief), after paragraph (2) insert—

"(2A) Without prejudice to paragraph (1), the court shall not grant a decree of nullity by virtue of Article 14 on the ground mentioned in paragraph (g) of that Article unless it is satisfied that proceedings were instituted within the period of six months from the date of issue of the interim gender recognition certificate."

11 (1) Paragraph 18 of Schedule 3 (grounds on which a marriage celebrated before the commencement of Article 14 is voidable) is amended as follows.

(2) In sub-paragraph (1), after paragraph (d) insert "or

(e) that an interim gender recognition certificate under the Gender Recognition Act 2004 has been issued to either party to the marriage;".

(3) After sub-paragraph (4) insert—

"(4A) The court shall not grant a decree of nullity in a case falling within sub-paragraph (1)(e) unless it is satisfied that proceedings were instituted within six months from the date of issue of the interim gender recognition certificate."