



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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