



Gender Recognition Act 2004

2004 CHAPTER 7

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

[^{F1}4C [^{F2}Married person or civil partner with interim certificate: issue of full certificate (Scotland)]

(1) A Gender Recognition Panel must issue a full gender recognition certificate to a person [^{F3}if, on an application by the person (“the applicant”), the Panel is satisfied that the conditions set out in subsection (1A) are met].

[The conditions referred to in subsection (1) are—

- ^{F4}(1A) (a) an interim gender recognition certificate has been issued to the applicant,
(b) when the interim gender recognition certificate was issued, the applicant and another person (“P”) were the parties to—
(i) a protected Scottish marriage, or
(ii) a protected Scottish civil partnership,
(c) the applicant and P are still, or have since become, the parties to—
(i) a protected Scottish marriage, or
(ii) a protected Scottish civil partnership, and
(d) P consents to the marriage or civil partnership continuing after the issue of a full gender recognition certificate.]

^{F5}(2)

^{F5}(3)

(4) If, on an application under subsection [^{F6}(1)], the Panel is not satisfied as mentioned in that subsection, the Panel must reject the application.

(5) An application under subsection [^{F7}(1)] must be made within the period of six months beginning with the day on which the interim gender recognition certificate is issued.

^{F8}(6)

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

- (7) An application under subsection [F⁹(1)] must include a statutory declaration of consent (within the meaning of section 3(6D)(b)(i) [F¹⁰ or (6G)(b)(i)]) made by the person's spouse [F¹¹ or (as the case may be) civil partner].
- F¹²(8)
- (9) If an application is made under this section, the Panel must give the applicant's spouse [F¹³ or (as the case may be) civil partner]—
- (a) notice of the application, and
 - (b) if the Panel grants the application, notice of the issue of the full gender recognition certificate.]

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. 4C title substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(j)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F3 Words in s. 4C(1) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(a)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F4 S. 4C(1A) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(b)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F5 S. 4C(2)(3) repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(c)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F6 Word in s. 4C(4) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(d)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F7 Word in s. 4C(5) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(e)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F8 S. 4C(6) repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(f)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F9 Word in s. 4C(7) substituted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(g)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F10 Words in s. 4C(7) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(g)(ii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F11 Words in s. 4C(7) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(g)(iii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F12 S. 4C(8) repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(h)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F13 Words in s. 4C(9) inserted (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(5)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

Modifications etc. (not altering text)

- C1 S. 4C modified (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), arts. 1(2), **15(2)**
- C2 S. 4C modified (16.12.2014) by The Marriage Between Civil Partners (Procedure for Change and Fees) (Scotland) Regulations 2014 (S.S.I. 2014/361), regs. 1, **8(2)**

Changes to legislation:

There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 4C .