



Gender Recognition Act 2004

CHAPTER 7

GENDER RECOGNITION ACT 2004

Applications for gender recognition certificate

- 1 Applications
- 2 Determination of applications
- 3 Evidence
- 3A Alternative grounds for granting applications
- 3B Evidence for granting applications on alternative grounds
- 3C Alternative grounds for granting applications: Scotland
- 3D Evidence for granting applications on alternative grounds: Scotland
- 3E Alternative grounds for granting applications: Scotland (English and Welsh residents)
- 3F Evidence for granting applications on alternative grounds: Scotland (English and Welsh residents)
- 4 Successful applications

Issue of full certificate after interim certificate: applicant married

- 4A Married person with interim certificate: issue of full certificate
- 4B Application under section 4A: death of spouse
- 4C Married person with interim certificate: issue of full certificate (Scotland)
- 4D Application under section 4C: death of spouse
- 4E Married person with interim certificate: issue of full certificate on application to the sheriff (Scotland)
- 4F Death of civil partner or spouse: issue of full certificate (Scotland)
- 5 Issue of full certificates where applicant has been married
- 5A Issue of full certificates where applicant has been a civil partner

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Other provision about applications and certificates

- 5B Applications by both civil partners
- 5C Protected Scottish civil partnership: applications by both civil partners
- 5D Protected Scottish civil partnership: power to make further provision for issue of full certificate
- 6 Errors
- 7 Applications: supplementary
- 8 Appeals etc.

Consequences of issue of gender recognition certificate etc.

- 9 General
- 10 Registration
- 11 Marriage
- 11A Change in gender of party to marriage
- 11B Change in gender of civil partners
- 11C Continuity of marriage: Scotland
- 11D Continuity of civil partnership: Scotland
- 12 Parenthood
- 13 Social security benefits and pensions
- 14 Discrimination
- 15 Succession etc.
- 16 Peerages etc.
- 17 Trustees and personal representatives
- 18 Orders where expectations defeated
- 19 Sport
- 20 Gender-specific offences
- 21 Foreign gender change and marriage

Supplementary

- 22 Prohibition on disclosure of information
- 23 Power to modify statutory provisions
- 24 Orders and regulations
- 25 Interpretation
- 26 Commencement
- 27 Applications within two years of commencement
- 28 Extent
- 29 Short title

SCHEDULES

SCHEDULE 1 — Gender Recognition Panels

List of persons eligible to sit

- 1 (1) Subject to sub-paragraph (1A), the Lord Chancellor must, after...

President

- 2 (1) Subject to sub-paragraph (1A), the Lord Chancellor must, after...

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Tenure of persons appointed to list

- 3 Persons on the list— (a) hold and vacate their appointments...

Membership of Panels

- 4 (1) The President must make arrangements for determining the membership...
5 The arrangements must ensure that a Panel determining an application...

Procedure

- 6 (1) Where a Panel consists of more than one member,...

Staff and facilities

- 7 The Secretary of State may make staff and other facilities...

Money

- 8 (1) The Secretary of State may pay sums by way...
8A *Delegation*

Tribunals and Inquiries Act 1992

- 9 In Schedule 1 to the Tribunals and Inquiries Act 1992...

Disqualification

- 10 In Part 3 of Schedule 1 to the House of...
11 In Part 3 of Schedule 1 to the Northern Ireland...

SCHEDULE 2 — Interim certificates: marriage

Part 1 — ENGLAND AND WALES

- 1 The Matrimonial Causes Act 1973 (c. 18) is amended as...
2 In section 12 (grounds on which a marriage celebrated after...
3 In section 13 (bars to relief), after subsection (2) insert—...
4 (1) Paragraph 11 of Schedule 1 (grounds on which a...

Part 2 — SCOTLAND

- 5 The Divorce (Scotland) Act 1976 (c. 39) is amended as...
6 (1) In subsection (1) of section 1 (grounds on which...
7 In section 2(1) (encouragement of reconciliation), for “in an action...

Part 3 — NORTHERN IRELAND

- 8 The Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I.))...
9 In Article 14 (grounds on which a marriage celebrated after...
10 In Article 16 (bars to relief), after paragraph (2) insert—...
11 (1) Paragraph 18 of Schedule 3 (grounds on which a...

SCHEDULE 3 — Registration

Part 1 — ENGLAND AND WALES

Introductory

- 1 In this Part— “the Registrar General” means the Registrar General...

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Gender Recognition Register

- 2 (1) The Registrar General must maintain, in the General Register...

Entries in Gender Recognition Register and marking of existing birth register entries

- 3 (1) If the Registrar General receives under section 10(1) a...

Indexing of entries in Gender Recognition Register

- 4 (1) The Registrar General must make arrangements for each entry...

Certified copies of entries in Gender Recognition Register

- 5 (1) Anyone who may have a certified copy of the...

Short certificates of birth compiled from Gender Recognition Register

- 6 Where a short certificate of birth under section 33 of...

Gender Recognition Register: re-registration

- 7 (1) Section 10A of the 1953 Act (re-registration where parents...

Correction etc. of Gender Recognition Register

- 8 (1) Any power or duty of the Registrar General or...

Revocation of gender recognition certificate etc.

- 9 (1) This paragraph applies if, after an entry has been...

Evidence

- 10 (1) Section 34(5) of the 1953 Act (certified copy of...

Regulatory reform

- 11 England and Wales

Registration of marriages and civil partnerships

- 11A (1) The Registrar General may make regulations about—
Part 2 — SCOTLAND

Introductory

- 12 In this Part— “the Registrar General” means the Registrar General...

Gender Recognition Register

- 13 (1) The Registrar General must maintain, in the General Register...

Entries in Gender Recognition Register

- 14 (1) If the Registrar General receives under section 10(1) a...

Indexing of entries in Gender Recognition Register

- 15 (1) The Registrar General must make arrangements for each entry...

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Extracts of entries in Gender Recognition Register

16 (1) This paragraph applies in respect of an extract issued...

Abbreviated extracts of birth compiled from Gender Recognition Register

17 Where an abbreviated extract of birth under section 39E of...

Gender Recognition Register: correction, re-registration etc.

18 Section 18A(2) (decrees of parentage and non-parentage), section 20(1)
(re-registration in...

Revocation of gender recognition certificate etc.

19 (1) This paragraph applies if, after an entry has been...

Authentication and admissibility

20 sections 41 and 41A of the 1965 Act (authentication of...
20A (1) The Registrar General may, with the approval of the...
Part 3 — NORTHERN IRELAND

Introductory

21 In this Part— “the Registrar General” means the Registrar General...

Gender Recognition Register

22 (1) The Registrar General must maintain, in the General Register...

Entries in Gender Recognition Register and marking of existing birth register entries

23 (1) If the Registrar General receives under section 10(1) a...

Indexing of entries in Gender Recognition Register

24 (1) The Registrar General must make arrangements for each entry...

Certified copies of entries in Gender Recognition Register

25 (1) Anyone who may have a certified copy of the...

Short certificates of birth compiled from Gender Recognition Register

26 Where a short certificate of birth under Article 40 of...

Gender Recognition Register: re-registration

27 Articles 18, 19 and 19A of the 1976 Order (re-registration...

Correction of errors in Gender Recognition Register

28 (1) Any power or duty of the Registrar General to...

Revocation of gender recognition certificate etc.

29 (1) This paragraph applies if, after an entry has been...

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Change of name

- 30 Paragraphs (4) to (6) of Article 37 of the 1976...

Evidence

- 31 (1) Article 42 of the 1976 Order (proof of age...

Fees

- 32 Article 47 of the 1976 Order (fees for searches, certificates...

SCHEDULE 4 — Effect on marriage
Part 1 — ENGLAND AND WALES

Marriage Act 1949 (c. 76)

- 1 The Marriage Act 1949 is amended as follows.
- 2 In section 1 (restrictions on marriage), insert at the end—...
- 3 After section 5A insert— Marriages involving person of acquired gender...

Matrimonial Causes Act 1973 (c. 18)

- 4 The Matrimonial Causes Act 1973 is amended as follows.
- 5 In section 12 (grounds on which a marriage celebrated after...
- 6 In section 13(2), (3) and (4) (bars to relief), for...
Part 2 — SCOTLAND

Marriage (Scotland) Act 1977 (c. 15)

- 7 In section 2 of the Marriage (Scotland) Act 1977 (marriage...
Part 3 — NORTHERN IRELAND

*Family Law (Miscellaneous Provisions) (Northern
Ireland) Order 1984 (S.I. 1984/1984 (N.I. 14))*

- 8 In Article 18 of the Family Law (Miscellaneous Provisions) (Northern...

Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))

- 9 The Matrimonial Causes (Northern Ireland) Order 1978 is amended as...
- 10 In Article 14 (grounds on which a marriage celebrated after...
- 11 In Article 16(2), (3) and (4) (bars to relief), for...

SCHEDULE 5 — Benefits and pensions
Part 1 — INTRODUCTORY

- 1 This Schedule applies where a full gender recognition certificate is...
Part 2 — STATE BENEFITS

Introductory

- 2 (1) In this Part of this Schedule “the 1992 Act”...

Widowed mother’s allowance

- 3 (1) If (immediately before the certificate is issued) the person...

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Widow's pension

- 4 If (immediately before the certificate is issued) the person is...

Widowed parent's allowance

- 5 If (immediately before the certificate is issued) the person is,...

Long-term incapacity benefit etc.

- 6 If (immediately before the certificate is issued) the person is...

Pension under Part 1 of the Pensions Act 2014

- 6A (1) Any question— (a) whether the person is entitled to...

Pension under Part 1 of the Pensions Act (Northern Ireland) 2015

- 6B (1) Any question— (a) whether the person is entitled to...

Category A retirement pension

- 7 (1) Any question— (a) whether the person is entitled to...

Category B retirement pension etc.

- 8 (1) Any question whether the person is entitled to—

Shared additional pension

- 9 (1) Any question— (a) whether the person is entitled to...

Deferment of pensions

- 10 (1) The person's entitlement to— (za) a state pension under...

...

11

Graduated retirement benefit: Great Britain

- 12 (1) The provision that may be made by regulations under...

Graduated retirement benefit: Northern Ireland

- 13 (1) The provision that may be made by regulations under...
Part 3 — OCCUPATIONAL PENSION SCHEMES

Guaranteed minimum pensions etc.: Great Britain

- 14 (1) In this paragraph “the 1993 Act” means the Pension...

Guaranteed minimum pensions etc.: Northern Ireland

- 15 (1) In this paragraph “the 1993 Act” means the Pension...

Equivalent pension benefits: Great Britain

- 16 (1) The provision that may be made by regulations under...

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Equivalent pension benefits: Northern Ireland

17 (1) The provision that may be made by regulations under...

SCHEDULE 6 — Sex discrimination

Part 1 — GREAT BRITAIN

- 1 Great Britain
- 2 Great Britain
- 3 Great Britain
- 4 Great Britain
- 5 Great Britain

Part 2 — NORTHERN IRELAND

- 6 The Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I....
- 7 In Article 10A (gender reassignment: exception for genuine occupational qualification),...
- 8 In Article 10B (supplementary exceptions relating to gender reassignment), for...
- 9 In Article 12 (discrimination against contract workers), after paragraph (3C)...
- 10 In Article 14 (partnerships), after paragraph (3C) insert—

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Changes and effects yet to be applied to :

- s. 25 words substituted by 2017 c. 16 Sch. 5 para. 48(d)