



# Gender Recognition Act 2004

## 2004 CHAPTER 7

### *Applications for gender recognition certificate*

#### **2 Determination of applications**

- (1) In the case of an application under section 1(1)(a), the Panel must grant the application if satisfied that the applicant—
  - (a) has or has had gender dysphoria,
  - (b) has lived in the acquired gender throughout the period of two years ending with the date on which the application is made,
  - (c) intends to continue to live in the acquired gender until death, and
  - (d) complies with the requirements imposed by and under section 3.
- (2) In the case of an application under section 1(1)(b), the Panel must grant the application if satisfied—
  - (a) that the country or territory under the law of which the applicant has changed gender is an approved country or territory, and
  - (b) that the applicant complies with the requirements imposed by and under section 3.
- (3) The Panel must reject an application under section 1(1) if not required by subsection (1) or (2) to grant it.

[<sup>F1</sup>(3A) This section does not apply 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 3A.]

[<sup>F2</sup>(3B) This section does not apply 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 3C.]

[<sup>F3</sup>(3C) This section does not apply 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.]

- (4) In this Act “approved country or territory” means a country or territory prescribed by order made by the Secretary of State after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland.

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*Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 2. (See end of Document for details)*

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#### **Textual Amendments**

- F1** S. 2(3A) inserted (E.W.S.) (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\), s. 21\(3\), Sch. 5 para. 16](#); [S.I. 2014/3169, art. 2](#)
- F2** S. 2(3B) inserted (S.) (16.12.2014) by [Marriage and Civil Partnership \(Scotland\) Act 2014 \(asp 5\), s. 36, Sch. 2 para. 14](#); [S.S.I. 2014/287, art. 3, Sch.](#)
- F3** S. 2(3C) 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\(2\)](#)

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#### **Modifications etc. (not altering text)**

- C1** S. 2(3A) 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\(2\), 42\(1\)](#) (with regs. 6-9)
- C2** S. 2(3C) 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)

**Changes to legislation:**

There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 2.