



Gender Recognition Act 2004

2004 CHAPTER 7

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

[^{F1}5A Issue of full certificates where applicant has been a civil partner

- (1) A court which—
- (a) makes final a nullity order made on the ground that an interim gender recognition certificate has been issued to a civil partner, or
 - (b) (in Scotland) grants a decree of dissolution on that ground,
- must, on doing so, issue a full gender recognition certificate to that civil partner and send a copy to the Secretary of State.

[Subsection (1) does not apply where a full gender recognition certificate has already ^{F2}(1A) been issued, to the party to whom the interim gender recognition certificate was issued, by the sheriff under section 4E.]

- (2) If an interim gender recognition certificate has been issued to a person and either—
- (a) the person's civil partnership is dissolved or annulled (otherwise than on the ground mentioned in subsection (1)) in proceedings instituted during the period of six months beginning with the day on which it was issued, or
 - (b) the person's civil partner dies within that period,
- the person may make an application for a full gender recognition certificate at any time within the period specified in subsection (3) (unless the person is again a civil partner or is married).
- (3) That period is the period of six months beginning with the day on which the civil partnership is dissolved or annulled or the death occurs.
- (4) An application under subsection (2) must include evidence of the dissolution or annulment of the civil partnership and the date on which proceedings for it were instituted, or of the death of the civil partner and the date on which it occurred.
- (5) An application under subsection (2) is to be determined by a Gender Recognition Panel.

Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 5A. (See end of Document for details)

- (6) The Panel—
- (a) must grant the application if satisfied that the applicant is neither a civil partner nor married, and
 - (b) otherwise must reject it.
- (7) If the Panel grants the application it must issue a full gender recognition certificate to the applicant.]

Textual Amendments

- F1** S. 5A inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), [ss. 250\(4\)](#), 263; S.I. 2005/3175, [art. 3](#), Sch. 2
- F2** [S. 5A\(1A\)](#) inserted (S.) (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, [sch. 2 para. 5\(9\)](#); S.S.I. 2021/351, [reg. 2](#), sch. (with [reg. 3](#))

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