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**Changes to legislation:** There are currently no known outstanding effects for the Marriage and Civil Partnership (Scotland) Act 2014, Cross Heading: Applications by both civil partners. (See end of Document for details)

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## SCHEDULE 2 CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

### PART 1

#### APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

##### *Applications by both civil partners*

7 Before section 6 insert—

##### **Protected Scottish civil partnership: applications by both civil partners**

- “5C (1) This section applies where a Gender Recognition Panel decides to issue a full gender recognition certificate to a party to a protected Scottish civil partnership.
- (2) The Panel must not issue the full gender recognition certificate to that person unless the Panel issues a full gender recognition certificate to the other party to the protected Scottish civil partnership.
- (3) In such a case, the Panel must issue both certificates on the same day.
- (4) Those certificates take effect at the beginning of the day on which they are issued.

##### **Protected Scottish civil partnership: power to make further provision for issue of full certificate**

- 5D (1) The Scottish Ministers may by order provide for the issue by a Gender Recognition Panel, on an application under section 1(1) by a qualifying person, of a full gender recognition certificate in additional circumstances to those specified in section 4(3C)(b) or 5C.
- (2) In subsection (1), “qualifying person” means a person who is a party to a protected Scottish civil partnership.
- (3) An order under subsection (1) may include, in particular, provision about—
- (a) the evidence or other information that is to be included with an application,
  - (b) the procedure to be followed in determining an application, including provision for the giving of notice to any person,
  - (c) the effect of the issuing to the applicant of a full gender recognition certificate in relation to the civil partnership to which the applicant is party.
- (4) Provision under subsection (3)(c) may include, in particular, provision for changing the civil partnership into a marriage.
- (5) An order under subsection (1) may modify this Act or any other enactment.
- (6) Before making an order under subsection (1), the Scottish Ministers must consult the following persons on a copy of the proposed draft order—
- (a) the Registrar General for Scotland,

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- (b) the Gender Recognition Panel, and
- (c) such other persons as the Scottish Ministers consider appropriate.”.

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**Commencement Information**

- I1** Sch. 2 para. 7 in force at 1.9.2014 for specified purposes by S.S.I. 2014/212, art. 2, Sch.
- I2** Sch. 2 para. 7 in force at 16.12.2014 in so far as not already in force by S.S.I. 2014/287, art. 3, Sch.

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