SCHEDULE 2
CONSEQUENTIAL MODIFICATIONS

Modification of the Gender Recognition Act 2004

5 (1) The Gender Recognition Act 2004 is modified as follows.

(2) In section 3 (evidence), after subsection (6F) insert—

"(6G) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include—

(a) a statutory declaration by the applicant that the applicant wishes the civil partnership to continue after the issue of a full gender recognition certificate (if that is the case), and

(b) either—

(i) a statutory declaration by the applicant's civil partner that the civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate ("a statutory declaration of consent") (if the civil partner has made such a declaration), or

(ii) a statutory declaration by the applicant that no such declaration by the applicant's civil partner is included.

(6H) If an application includes a statutory declaration of consent by the applicant's civil partner under subsection (6G)(b)(i), the Gender Recognition Panel must give the civil partner notice that the application has been made.".

(3) In section 3D (evidence for granting applications on alternative grounds: Scotland)—

(a) for subsection (7) substitute—

"(7) If the applicant is—

(a) married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage,

(b) a party to a civil partnership, the application must include a statutory declaration as to whether the civil partnership is a protected Scottish civil partnership.",

(b) after subsection (8) insert—

"(8A) If the applicant is a party to a protected Scottish civil partnership, the application must also include—

(a) a statutory declaration of consent (within the meaning of section 3(6G)(b)(i)) by the applicant's civil partner (if the civil partner has made such a declaration), or

(b) a statutory declaration by the applicant that no such declaration by the applicant's civil partner is included.",

(c) in subsection (9)—

(i) after "applicant's spouse" insert "or (as the case may be) civil partner",

(ii) after "the spouse" insert "or civil partner".

(4) In section 4 (successful applications)—

(a) in subsection (3)(e), for "(3C)(b)" substitute "(3C)(c)",

(b) in subsection (3C)—

(i) paragraph (b) is repealed,

(ii) after paragraph (a) insert—

"(c) the applicant is a party to a protected Scottish civil partnership and both parties to the partnership consent to it continuing after the issue of a full gender recognition certificate,",

(c) in subsection (3D)—

(i) paragraphs (c) and (d) are repealed,

(ii) after paragraph (b) insert—

"(ba) the applicant is a party to a protected Scottish civil partnership and either party to the partnership does not consent to it continuing after the issue of a full gender recognition certificate,",

(d) after subsection (3E) insert—

"(3EA) If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected Scottish civil partnership, the Panel must give the applicant's civil partner notice of the issue of the certificate.",

(e) subsection (3F) is repealed.

(5) In section 4C (married person with interim certificate: issue of full certificate (Scotland))—

(a) in subsection (1), for "in either of the following cases" substitute "if, on an application by the person ("the applicant"), the Panel is satisfied that the conditions set out in subsection (1A) are met",

(b) after subsection (1) insert—

"(1A) The conditions referred to in subsection (1) are—

(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.",

(c) subsections (2) and (3) are repealed,

(d) in subsection (4), for "(2) or (3)" substitute "(1)",

(e) in subsection (5), for "(2)" substitute "(1)",

(f) subsection (6) is repealed,

(g) in subsection (7)—

(i) for "(2) or (3)" substitute "(1)",

(ii) after "3(6D)(b)(i)" insert "or (6G)(b)(i)",

(iii) after "spouse" insert "or (as the case may be) civil partner",

(h) subsection (8) is repealed,

(i) in subsection (9), after "spouse" insert "or (as the case may be) civil partner",

(j) the section title becomes "**Married person or civil partner with interim certificate: issue of full certificate (Scotland)**".

(6) In section 4D (application under section 4C: death of spouse)—

(a) in subsection (1)—

(i) for "4C(2) or (3)" substitute "4C",

(ii) after "applicant's spouse" insert "or (as the case may be) civil partner",

(iii) in paragraph (a) after "spouse" insert "or civil partner",

(b) the section title becomes "**Application under section 4C: death of spouse or civil partner**".

(7) In section 4E (married person with interim certificate: issue of full certificate on application to the sheriff (Scotland))—

(a) in subsection (1)—

(i) for paragraph (b) substitute—

"(b) the person and another person ("P") are the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership,",

(ii) in paragraph (c)—

(A) for "the person's spouse" substitute "P",

(B) for "the spouse" substitute "P",

(C) after "marriage" insert "or (as the case may be) civil partnership",

(b) in subsection (2), for paragraphs (a) and (b) substitute—

"(a) at the time when the interim gender recognition certificate was issued, the applicant and P were the parties to—

(i) a protected Scottish marriage, or

(ii) a protected Scottish civil partnership,

(b) 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",

(c) in subsection (3), after "spouse" insert "or (as the case may be) civil partner",

(d) the section title becomes "**Married person or civil partner with interim certificate: issue of full certificate on application to the sheriff (Scotland)**".

(8) Section 4F is repealed.

(9) In section 5A (issue of full certificate where applicant has been a civil partner), after subsection (1) insert—

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

(10) Section 5C is repealed.

(11) Section 5D is repealed.

(12) In section 7 (applications: supplementary), in subsection (1) the word "4F," is repealed.

(13) In section 8 (appeals etc.)—

(a) in subsection (1), the word "4F," is repealed,

(b) in subsection (5), the word "4F," is repealed,

(c) in subsection (5B), the word "4F," is repealed.

(14) For section 11B substitute—

"**11B Change in gender of civil partner**

(1) This section applies in relation to a protected civil partnership if (by virtue of section 4(2)(c) or 4A) a full gender recognition certificate is issued to a party to the partnership.

(2) The continuity of the protected civil partnership is not affected by the relevant change in gender.

(3) If the protected civil partnership is a protected overseas relationship, the continuity of the civil partnership continues by virtue of subsection (2) notwithstanding any impediment under the relevant law.

(4) In this section—

"impediment" means anything which would affect the continuation of the overseas relationship merely by virtue of the relevant change in gender,

"relevant change in gender" means the change or changes in gender occurring by virtue of the issue of the full gender recognition certificate or certificates,

"relevant law", in relation to the protected overseas relationship in question, has the same meaning as in Chapter 2 of Part 5 of the Civil Partnership Act 2004.".

(15) In section 11D (continuity of civil partnership: Scotland), for the words from "full" to the end substitute "a full gender recognition certificate to either (or both) of the civil partners.".

(16) In section 22 (prohibition on disclosure of information), in subsection (2)(a) for the words from "under" to "6(1)" substitute "under any other section of this Act".

(17) In section 24 (orders and regulations), in subsection (5B) the words "or 5D(1)" are repealed.

(18) In section 25 (interpretation), in subsection (1)—

(a) in the definition of "full gender recognition certificate", for "5A or 5D" substitute "or 5A",

(b) in the definition of "protected civil partnership", for the words from "means" to the end substitute "means—

(a) a civil partnership under the law of England and Wales or under the law of Northern Ireland, or

(b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004,

and "protected overseas relationship" means a protected civil partnership within paragraph (b),".

(19) In schedule 3 (registration)—

(a) in paragraph 19, the word "4F," is repealed,

(b) in paragraph 20A(4), in the definition of qualifying Scottish civil partnership, for "each" substitute "one, or each,".