SCHEDULES

SCHEDULE 3 U.K.

Section 10

REGISTRATION

PART 1 E+W

ENGLAND AND WALES

Introductory

1 In this Part—

"the Registrar General" means the Registrar General for England and Wales, and

"the 1953 Act" means the Births and Deaths Registration Act 1953 (c. 20).

Gender Recognition Register

2 (1) The Registrar General must maintain, in the General Register Office, a register to be called the Gender Recognition Register.

(2) In this Part "the Gender Recognition Register" means the register maintained under sub-paragraph (1).

(3) The form in which the Gender Recognition Register is maintained is to be determined by the Registrar General.

(4) The Gender Recognition Register is not to be open to public inspection or search.

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

3 (1) If the Registrar General receives under section 10(1) a copy of a full gender recognition certificate issued to a person, the Registrar General must—

(a) make an entry in the Gender Recognition Register containing such particulars as may be prescribed in relation to the person's birth and any other prescribed matter,

(b) secure that the UK birth register entry is marked in such manner as may be prescribed, and

(c) make traceable the connection between the entry in the Gender Recognition Register and the UK birth register entry.

(2) Sub-paragraph (1) does not apply if the certificate was issued after an application under section 6(1) and that sub-paragraph has already been complied with in relation to the person.

(3) No certified copy of the UK birth register entry and no short certificate of birth compiled from that entry is to include anything marked by virtue of sub-paragraph (1)(b).

(4) Information kept by the Registrar General for the purposes of sub-paragraph (1)(c) is not to be open to public inspection or search.

(5) "Prescribed" means prescribed by regulations made by the Registrar General with the approval of **[**[F1]the Secretary of State**]**.

Textual Amendments

F1 Words in Sch. 3 para. 3(5) substituted (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 5(1), **Sch. 2 para. 13** (with art. 4)

Modifications etc. (not altering text)

C1 Sch. 3 para. 3(5): functions transferred (3.4.2008) by The Transfer of Functions (Registration) Order 2008 (S.I. 2008/678), art. 3(1), **Sch. 1 para. 13** (with art. 4)

Indexing of entries in Gender Recognition Register

4 (1) The Registrar General must make arrangements for each entry made in the Gender Recognition Register to be included in the relevant index kept in the General Register Office.

(2) Any right to search the relevant index includes the right to search entries included in it by virtue of sub-paragraph (1).

(3) Where by virtue of sub-paragraph (1) an index includes entries in the Gender Recognition Register, the index must not disclose that fact.

(4) "The relevant index", in relation to an entry made in the Gender Recognition Register in relation to a person, means the index of the certified copies of entries in registers, or of entries in registers, which includes the person's UK birth register entry.

Certified copies of entries in Gender Recognition Register

5 (1) Anyone who may have a certified copy of the UK birth register entry of a person issued with a full gender recognition certificate may have a certified copy of the entry made in relation to the person in the Gender Recognition Register.

(2) Any fee which would be payable for a certified copy of the person's UK birth register entry is payable for a certified copy of the entry made in relation to the person in the Gender Recognition Register.

(3) If the person's UK birth register entry is an entry in the Gender Recognition Register, sub-paragraph (1) applies as if the person's UK birth register entry were the most recent entry within section 10(2)(a) or (b) containing a record of the person's birth or adoption which is not an entry in the Gender Recognition Register.

(4) A certified copy of an entry in the Gender Recognition Register must not disclose the fact that the entry is contained in the Gender Recognition Register.

(5) A certified copy of an entry in the Gender Recognition Register must be sealed or stamped with the seal of the General Register Office.

Short certificates of birth compiled from Gender Recognition Register

6 Where a short certificate of birth under section 33 of the 1953 Act is compiled from the Gender Recognition Register, the certificate must not disclose that fact.

Gender Recognition Register: re-registration

7 (1) Section 10A of the 1953 Act (re-registration where parents not married) applies where an entry relating to a person's birth has been made in the Gender Recognition Register as where the birth of a child has been registered under that Act.

(2) In its application by virtue of sub-paragraph (1) section 10A has effect—

(a) as if the reference to the registrar in subsection (1) were to the Registrar General, and

(b) with the omission of subsection (2).

(3) Sections 14 and 14A of the 1953 Act (re-registration in cases of legitimation and after declaration of parentage) apply where an entry relating to a person's birth has been made in the Gender Recognition Register as if the references in those sections to the Registrar General authorising re-registration of the person's birth were to the Registrar General's re-registering it.

Correction etc. of Gender Recognition Register

8 (1) Any power or duty of the Registrar General or any other person to correct, alter, amend, mark or cancel the marking of a person's UK birth register entry is exercisable, or falls to be performed, by the Registrar General in relation to an entry in the Gender Recognition Register which—

(a) relates to that person, and

(b) under paragraph 4(1) is included in the index which includes the person's UK birth register entry.

(2) If the person's UK birth register entry is an entry in the Gender Recognition Register, the references in sub-paragraph (1) to the person's UK birth register entry are to the most recent entry within section 10(2)(a) or (b) containing a record of the person's birth or adoption which is not an entry in the Gender Recognition Register.

(3) The Registrar General may correct the Gender Recognition Register by entry in the margin (without any alteration of the original entry) in consequence of the issue of a full gender recognition certificate after an application under section 6(1).

Revocation of gender recognition certificate etc.

9 (1) This paragraph applies if, after an entry has been made in the Gender Recognition Register in relation to a person, the High Court or the Court of Session makes an order under section 8(6) quashing the decision to grant the person's application under section 1(1) **[**[F2], 5(2) or 5A(2)**]**.

(2) The High Court or the Court of Session must inform the Registrar General.

(3) Subject to any appeal, the Registrar General must—

(a) cancel the entry in the Gender Recognition Register, and

(b) cancel, or secure the cancellation, of any marking of an entry relating to the person made by virtue of paragraph 3(1)(b).

Textual Amendments

F2 Words in Sch. 3 para. 9(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(9)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2

Evidence

10 (1) Section 34(5) of the 1953 Act (certified copy of entry in register under that Act deemed to be true copy) applies in relation to the Gender Recognition Register as if it were a register under that Act.

(2) A certified copy of an entry made in the Gender Recognition Register in relation to a person is to be received, without further or other proof, as evidence—

(a) if the relevant index is the index of the Adopted Children Register, of the matters of which a certified copy of an entry in that Register is evidence,

(b) if the relevant index is the index of the Parental Order Register, of the matters of which a certified copy of an entry in that Register is evidence, and

(c) otherwise, of the person's birth.

(3) And any certified copy which is receivable in evidence of any matter in Northern Ireland by virtue of paragraph 31(2)(a) or (b) of this Schedule is also receivable as evidence of that matter in England and Wales.

Regulatory reform

11 [F3] . . . . . .

Textual Amendments

F3 Sch. 3 para. 11 repealed (8.1.2007) by Legislative and Regulatory Reform Act 2006 (c. 51), ss. 30, 33, **Sch.** (with s. 30(2)-(5))

[F4 Registration of marriages and civil partnerships

Textual Amendments

F4 Sch. 3 para. 11A and cross-heading inserted (30.6.2014 for specified purposes, 10.12.2014 in so far as not already in force) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 5 para. 9(2)**; S.I. 2014/1662, art. 2(b); S.I. 2014/3169, art. 2

11A (1) The Registrar General may make regulations about—

(a) the registration of qualifying marriages, and

(b) the registration of qualifying civil partnerships.

(2) The regulations may, in particular, provide for the maintenance of—

(a) a separate register in relation to qualifying marriages, and

(b) a separate register in relation to qualifying civil partnerships.

(3) In this paragraph—

" qualifying civil partnership " means a civil partnership under the law of England and Wales in a case where a full gender recognition certificate has been issued to **[**[F5]one, or each,**]** of the civil partners;

" qualifying marriage " means a marriage under the law of England and Wales in a case where a full gender recognition certificate has been issued to one, or each, of the spouses. **]**

Textual Amendments

F5 Words in Sch. 3 para. 11A(3) substituted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **34** (with reg. 35)

PART 2 S

SCOTLAND

Introductory

12 In this Part—

"the Registrar General" means the Registrar General for Scotland, and

"the 1965 Act" means the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49).

Gender Recognition Register

13 (1) The Registrar General must maintain, in the General Register Office of Births, Deaths and Marriages in Scotland, a register to be called the Gender Recognition Register.

(2) In this Part "the Gender Recognition Register" means the register maintained under sub-paragraph (1).

(3) The form in which the Gender Recognition Register is maintained is to be determined by the Registrar General.

(4) The Gender Recognition Register is not to be open to public inspection or search.

Entries in Gender Recognition Register

14 (1) If the Registrar General receives under section 10(1) a copy of a full gender recognition certificate issued to a person, the Registrar General must—

(a) make an entry in the Gender Recognition Register containing such particulars as may be prescribed in relation to the person's birth and any other prescribed matter, and

(b) otherwise than by annotating in any way the birth register, make traceable the connection between the UK birth register entry and the entry in the Gender Recognition Register.

(2) Sub-paragraph (1) does not apply if the gender recognition certificate was issued after an application under section 6(1) and that sub-paragraph has already been complied with in relation to the person.

(3) Information kept by the Registrar General for the purposes of sub-paragraph (1)(b) is not to be open to public inspection or search.

(4) "Prescribed" means prescribed by regulations made by the Registrar General with the approval of the Scottish Ministers.

Indexing of entries in Gender Recognition Register

15 (1) The Registrar General must make arrangements for each entry made in the Gender Recognition Register to be included in an index of such entries kept in the General Register Office of Births, Deaths and Marriages in Scotland.

(2) Whenever the Registrar General causes a search to be made under subsection (2)(a) of section 38 of the 1965 Act (search of indexes of entries in the registers of births, deaths and marriages) on behalf of any person, he must also, without payment of any fee additional to the fee or fees prescribed under that section—

(a) cause a search to be made of the index of entries in the Gender Recognition Register on behalf of that person, and

(b) issue to that person an extract of any such entry provided that (disregarding, for the purposes of subsection (4)(j) of section 22, this paragraph) disclosure of the entry to the person would not constitute an offence under that section.

Extracts of entries in Gender Recognition Register

16 (1) This paragraph applies in respect of an extract issued under paragraph 15(2)(b).

(2) Except as regards the sex and name of the person to whom it relates, the extract must have the form and content it would have had had it been an extract from the register of births of the entry relating to that person.

(3) The extract must not disclose the fact that the entry is contained in the Gender Recognition Register.

[F6 Abbreviated extracts of birth compiled from Gender Recognition Register F6]

Textual Amendments

F6 S. 17 and preceding cross-heading substituted (1.1.2007) by The Registration Services (Consequential Provisions) (Scotland) Order 2006 (S.S.I. 2006/596), **art. 2(2)**

[F7 17 Where an abbreviated extract of birth under section 39E **F8** of the 1965 Act is compiled from the Gender Recognition Register, the extract must not disclose that fact.**F7]**

Textual Amendments

F7 S. 17 and preceding cross-heading substituted (1.1.2007) by The Registration Services (Consequential Provisions) (Scotland) Order 2006 (S.S.I. 2006/596), **art. 2(2)**

F8 As inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 ("the 2006 Act"), section 44(5).

Gender Recognition Register: correction, re-registration etc.

18 Section 18A(2) (decrees of parentage and non-parentage), **[**[F9]section 20(1)**]**(re-registration in certain cases), section 42(1) and (5) (correction of errors), section 43(1), (2) and (5) to (9) (recording change of name or surname) and section 44 (Register of Corrections etc.) of the 1965 Act apply in relation to the Gender Recognition Register as they apply in relation to the register of births.

Textual Amendments

F9 Words in Sch. 3 para. 18 substituted (1.1.2007) by The Registration Services (Consequential Provisions) (Scotland) Order 2006 (S.S.I. 2006/596), **art. 2(3)**

Revocation of gender recognition certificate etc.

19 (1) This paragraph applies if, after an entry has been made in the Gender Recognition Register in relation to a person, the High Court or the Court of Session makes an order under section 8(6) quashing the decision to grant the person's application under section 1(1) **[**[F10]4C, 4E, [F11]...**][**[F12], 5(2) or 5A(2)**]**.

(2) The High Court or the Court of Session must inform the Registrar General.

(3) Subject to any appeal, the Registrar General must cancel the entry in the Gender Recognition Register.

Textual Amendments

F10 Words in Sch. 3 para. 19(1) inserted (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 9(2)(a)**; S.S.I. 2014/287, art. 3, Sch.

F11 Word in Sch. 3 para. 19 repealed (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(19)(a)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

F12 Words in Sch. 3 para. 19(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(9)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2

Authentication and admissibility

20 **[**[F13] sections 41 and 41A **]**[F14] of the 1965 Act (authentication of extracts etc. and their admissibility as evidence) **[**[F15]apply**]** in relation to the Gender Recognition Register as in relation to the registers kept under the provisions of that Act.

Textual Amendments

F13 Words in Sch. 3 para. 20 substituted (1.1.2007) by The Registration Services (Consequential Provisions) (Scotland) Order 2006 (S.S.I. 2006/596), **art. 2(4)(a)**

F14 As inserted by the 2006 Act, section 44(6).

F15 Word in Sch. 3 para. 20 substituted (1.1.2007) by The Registration Services (Consequential Provisions) (Scotland) Order 2006 (S.S.I. 2006/596), **art. 2(4)(b)**

[[F16]20A(1) The Registrar General may, with the approval of the Scottish Ministers, make regulations about—

(a) the registration of qualifying Scottish marriages, and

(b) the registration of qualifying Scottish civil partnerships.

(2) Regulations under sub-paragraph (1) may in particular make provision for fees to be payable in respect of things done under the regulations.

(3) Regulations under sub-paragraph (1) may make different provision for different cases or circumstances.

(4) In this paragraph—

"qualifying Scottish civil partnership" means a civil partnership registered in Scotland in a case where a full gender recognition certificate has been issued to **[**[F17]one, or each,**]** of the civil partners,

" qualifying Scottish marriage " means a marriage solemnised in Scotland in a case where a full gender recognition certificate has been issued to one, or each, of the spouses. **]**

Textual Amendments

F16 Sch. 3 para. 20A inserted (1.9.2014 for specified purposes, 16.12.2014 in so far as not already in force) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 9(2)(b)**; S.S.I. 2014/212, art. 2, Sch. (as amended (1.9.2014) by S.S.I. 2014/218, art. 2(3), Sch.); S.S.I. 2014/287, art. 3, Sch.

F17 Words in Sch. 3 para. 20A(4) substituted (18.1.2021 for specified purposes, 30.11.2021 in so far as not already in force) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(19)(b)**; S.S.I. 2020/457, reg. 2(c); S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

PART 3 N.I.

NORTHERN IRELAND

Introductory

21 In this Part—

"the Registrar General" means the Registrar General for Northern Ireland, and

"the 1976 Order" means the Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14)).

Gender Recognition Register

22 (1) The Registrar General must maintain, in the General Register Office in Northern Ireland, a register to be called the Gender Recognition Register.

(2) In this Part "the Gender Recognition Register" means the register maintained under sub-paragraph (1).

(3) The form in which the Gender Recognition Register is maintained is to be determined by the Registrar General.

(4) **[**[F18]Subject to sub-paragraph (5), the**]** Gender Recognition Register is not to be open to public inspection or search.

[[F19](5) The Department of Finance and Personnel may by regulations make provision for any person to have access, on payment of the prescribed fee, to any information contained in the Gender Recognition Register.

(6) Regulations under sub-paragraph (5) may provide that the relevant period must have expired in relation to the information.

(7) In sub-paragraph (6) " the relevant period " in relation to information relating to a person means the period of 100 years from the date of that person's birth or such other period as may be prescribed.

(8) Regulations under sub-paragraph (5) may provide for the Registrar General—

(a) to make arrangements with any person for the purpose of providing access to information as mentioned in that sub-paragraph; and

(b) for that purpose to transfer information to that person subject to conditions (including conditions as to the making of payments by that person to the Registrar General).**]**

Textual Amendments

F18 Words in Sch. 3 para. 22(4) substituted (16.11.2012) by Civil Registration Act (Northern Ireland) 2011 (c. 20), **ss. 26(2)**, 34; S.R. 2012/406, art. 2, Sch.

F19 Sch. 3 para. 22(5)-(8) added (16.11.2012) by Civil Registration Act (Northern Ireland) 2011 (c. 20), **ss. 26(3)**, 34; S.R. 2012/406, art. 2, Sch.

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

23 (1) If the Registrar General receives under section 10(1) a copy of a full gender recognition certificate issued to a person, the Registrar General must—

(a) make an entry in the Gender Recognition Register containing such particulars as may be prescribed in relation to the person's birth and any other prescribed matter,

(b) secure that the UK birth register entry is marked in such manner as may be prescribed, and

(c) make traceable the connection between the entry in the Gender Recognition Register and the UK birth register entry.

(2) Sub-paragraph (1) does not apply if the gender recognition certificate was issued after an application under section 6(1) and that sub-paragraph has already been complied with in relation to the person.

(3) No certified copy of the UK birth register entry and no short certificate of birth compiled from that entry is to include anything marked by virtue of sub-paragraph (1)(b).

(4) Information kept by the Registrar General for the purposes of sub-paragraph (1)(c) is not to be open to public inspection or search.

(5) "Prescribed" means prescribed by regulations made by the Department of Finance and Personnel.

Indexing of entries in Gender Recognition Register

24 (1) The Registrar General must make arrangements for each entry made in the Gender Recognition Register to be included in the relevant index kept in the General Register Office in Northern Ireland.

(2) Any right to search the relevant index includes the right to search entries included in it by virtue of sub-paragraph (1).

(3) Where by virtue of sub-paragraph (1) an index includes entries in the Gender Recognition Register, the index must not disclose that fact.

(4) "The relevant index", in relation to an entry made in the Gender Recognition Register in relation to a person, means the index of the entries in registers which includes the UK birth register entry.

Certified copies of entries in Gender Recognition Register

25 (1) Anyone who may have a certified copy of the UK birth register entry of a person issued with a full gender recognition certificate may have a certified copy of the entry made in relation to the person in the Gender Recognition Register.

(2) Any fee which would be payable for a certified copy of the person's UK birth register entry is payable for a certified copy of the entry made in relation to the person in the Gender Recognition Register.

(3) If the person's UK birth register entry is an entry in the Gender Recognition Register, sub-paragraph (1) applies as if the person's UK birth register entry were the most recent entry within section 10(2)(a) or (b) containing a record of the person's birth or adoption which is not an entry in the Gender Recognition Register.

(4) A certified copy of an entry in the Gender Recognition Register must not disclose the fact that the entry is contained in the Gender Recognition Register.

(5) A certified copy of an entry in the Gender Recognition Register must be sealed or stamped with the seal of the General Register Office in Northern Ireland.

Short certificates of birth compiled from Gender Recognition Register

26 Where a short certificate of birth under Article 40 of the 1976 Order is compiled from the Gender Recognition Register, the certificate must not disclose that fact.

Gender Recognition Register: re-registration

27 Articles 18, 19 and 19A of the 1976 Order (re-registration of births) apply where an entry relating to a person's birth has been made in the Gender Recognition Register as if the references in those Articles to the Registrar General authorising re-registration of the person's birth were to the Registrar General's re-registering it.

Correction of errors in Gender Recognition Register

28 (1) Any power or duty of the Registrar General to correct, alter, amend, mark or cancel the marking of a person's UK birth register entry is exercisable, or falls to be performed, by the Registrar General in relation to an entry in the Gender Recognition Register which—

(a) relates to that person, and

(b) under paragraph 24(1) is included in the index which includes the person's UK birth register entry.

(2) If the person's UK birth register entry is an entry in the Gender Recognition Register, the references in sub-paragraph (1) to the person's UK birth register entry are to the most recent entry within section 10(2)(a) or (b) containing a record of the person's birth or adoption which is not an entry in the Gender Recognition Register.

(3) The Registrar General may correct the Gender Recognition Register by entry in the margin (without any alteration of the original entry) in consequence of the issue of a full gender recognition certificate after an application under section 6(1).

Revocation of gender recognition certificate etc.

29 (1) This paragraph applies if, after an entry has been made in the Gender Recognition Register in relation to a person, the High Court or the Court of Session makes an order under section 8(6) quashing the decision to grant the person's application under section 1(1) **[**[F20], 5(2) or 5A(2)**]**.

(2) The High Court or the Court of Session must inform the Registrar General.

(3) Subject to any appeal, the Registrar General must—

(a) cancel the entry in the Gender Recognition Register, and

(b) cancel, or secure the cancellation of, any marking of an entry relating to the person made by virtue of paragraph 23(1)(b).

Textual Amendments

F20 Words in Sch. 3 para. 29(1) substituted (5.12.2005) by Civil Partnership Act 2004 (c. 33), **ss. 250(9)**, 263; S.I. 2005/3175, **art. 3**, Sch. 2

Change of name

30 Paragraphs (4) to (6) of Article 37 of the 1976 Order (change of name) apply in relation to the Gender Recognition Register as they apply in relation to a register under that Order.

Evidence

31 (1) Article 42 of the 1976 Order (proof of age or death) applies in relation to the Gender Recognition Register as it applies in relation to a register under that Order.

(2) A certified copy of an entry made in the Gender Recognition Register in relation to a person is to be received, without further or other proof, as evidence—

(a) if the relevant index is the index of the Adopted Children Register, of the matters of which a certified copy of an entry in that Register is evidence,

(b) if the relevant index is the index of the Parental Order Register, of the matters of which a certified copy of an entry in that Register is evidence, and

(c) otherwise, of the person's birth.

(3) And any certified copy which is receivable in evidence of any matter in England and Wales by virtue of paragraph 10(2)(a) or (b) of this Schedule is also receivable as evidence of that matter in Northern Ireland.

Fees

32 Article 47 of the 1976 Order (fees for searches, certificates etc.) applies in relation to the Gender Recognition Register as it applies in relation to a register under that Order.

[F21 Registration of marriages and civil partnerships

Textual Amendments

F21 Sch. 3 para. 33 and cross-heading inserted (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), **48** (with regs. 6-9)

33. (1) The Department of Finance in Northern Ireland may by regulations make provision about—

(a) the registration of qualifying marriages, and

(b) the registration of qualifying civil partnerships.

(2) Regulations under sub-paragraph (1) may, in particular, make provision for—

(a) the maintenance of—

(i) a separate register in relation to qualifying marriages, and

(ii) a separate register in relation to qualifying civil partnerships;

(b) fees to be payable in respect of things done under the regulations.

(3) Regulations under sub-paragraph (1) may make different provision for different cases or circumstances.

(4) In this paragraph—

"qualifying civil partnership" means a civil partnership under the law of Northern Ireland in a case where a full gender recognition certificate has been issued to one, or each, of the civil partners;

"qualifying marriage" means a marriage under the law of Northern Ireland in a case where a full gender recognition certificate has been issued to one, or each, of the spouses.**]**

Changes to legislation:
There are currently no known outstanding effects for the Gender Recognition Act 2004, SCHEDULE 3.