



# Gender Recognition Act 2004

## CHAPTER 7

### GENDER RECOGNITION ACT 2004

#### *Applications for gender recognition certificate*

- 1 Applications
- 2 Determination of applications
- 3 Evidence
- 3A Alternative grounds for granting applications
- 3B Evidence for granting applications on alternative grounds
- 3C Alternative grounds for granting applications: Scotland
- 3D Evidence for granting applications on alternative grounds: Scotland
- 3E Alternative grounds for granting applications: Scotland (English and Welsh and Northern Ireland residents)
- 3F Evidence for granting applications on alternative grounds: Scotland (English and Welsh and Northern Ireland residents)
- 4 Successful applications

#### *Issue of full certificate after interim certificate: applicant married or a civil partner*

- 4A Married person or civil partner with interim certificate: issue of full certificate
- 4B Application under section 4A: death of spouse or civil partner
- 4C Married person or civil partner with interim certificate: issue of full certificate (Scotland)
- 4D Application under section 4C: death of spouse or civil partner
- 4E Married person or civil partner with interim certificate: issue of full certificate on application to the sheriff (Scotland)
- 4F Death of civil partner or spouse: issue of full certificate (Scotland)
- 5 Issue of full certificates where applicant has been married
- 5A Issue of full certificates where applicant has been a civil partner

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*Other provision about applications and certificates*

- 5B Applications by both civil partners
- 5C Protected Scottish civil partnership: applications by both civil partners
- 5D Protected Scottish civil partnership: power to make further provision for issue of full certificate
- 6 Errors
- 7 Applications: supplementary
- 8 Appeals etc.

*Consequences of issue of gender recognition certificate etc.*

- 9 General
- 10 Registration
- 11 Marriage
- 11A Change in gender of party to marriage
- 11B Change in gender of civil partner
- 11C Continuity of marriage: Scotland
- 11D Continuity of civil partnership: Scotland
- 12 Parenthood
- 13 Social security benefits and pensions
- 14 Discrimination
- 15 Succession etc.
- 16 Peerages etc.
- 17 Trustees and personal representatives
- 18 Orders where expectations defeated
- 19 Sport
- 20 Gender-specific offences
- 21 Foreign gender change and marriage

*Supplementary*

- 22 Prohibition on disclosure of information
- 23 Power to modify statutory provisions
- 24 Orders and regulations
- 25 Interpretation
- 26 Commencement
- 27 Applications within two years of commencement
- 28 Extent
- 29 Short title

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SCHEDULES

SCHEDULE 1 — Gender Recognition Panels

*List of persons eligible to sit*

- 1 (1) Subject to sub-paragraph (1A), the Lord Chancellor must, after...

*President*

- 2 (1) Subject to sub-paragraph (1A), the Lord Chancellor must, after...

*Tenure of persons appointed to list*

- 3 Persons on the list— (a) hold and vacate their appointments...

*Membership of Panels*

- 4 (1) The President must make arrangements for determining the membership...  
5 The arrangements must ensure that a Panel determining an application...

*Procedure*

- 6 (1) Where a Panel consists of more than one member,...

*Staff and facilities*

- 7 The Secretary of State may make staff and other facilities...

*Money*

- 8 (1) The Secretary of State may pay sums by way...  
8A *Delegation*

*Tribunals and Inquiries Act 1992*

- 9 In Schedule 1 to the Tribunals and Inquiries Act 1992...

*Disqualification*

- 10 In Part 3 of Schedule 1 to the House of...  
11 In Part 3 of Schedule 1 to the Northern Ireland...

SCHEDULE 2 — Interim certificates: marriage

Part 1 — ENGLAND AND WALES

- 1 The Matrimonial Causes Act 1973 (c. 18) is amended as...  
2 In section 12 (grounds on which a marriage celebrated after...  
3 In section 13 (bars to relief), after subsection (2) insert—...  
4 (1) Paragraph 11 of Schedule 1 (grounds on which a...

Part 2 — SCOTLAND

- 5 The Divorce (Scotland) Act 1976 (c. 39) is amended as...  
6 (1) In subsection (1) of section 1 (grounds on which...  
7 In section 2(1) (encouragement of reconciliation), for “in an action...

Part 3 — NORTHERN IRELAND

- 8 The Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I....  
9 In Article 14 (grounds on which a marriage celebrated after...  
10 In Article 16 (bars to relief), after paragraph (2) insert—...  
11 (1) Paragraph 18 of Schedule 3 (grounds on which a...

SCHEDULE 3 — Registration

Part 1 — ENGLAND AND WALES

*Introductory*

- 1 In this Part— “the Registrar General” means the Registrar General...

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

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### *Gender Recognition Register*

- 2 (1) The Registrar General must maintain, in the General Register...

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

- 3 (1) If the Registrar General receives under section 10(1) a...

### *Indexing of entries in Gender Recognition Register*

- 4 (1) The Registrar General must make arrangements for each entry...

### *Certified copies of entries in Gender Recognition Register*

- 5 (1) Anyone who may have a certified copy of the...

### *Short certificates of birth compiled from Gender Recognition Register*

- 6 Where a short certificate of birth under section 33 of...

### *Gender Recognition Register: re-registration*

- 7 (1) Section 10A of the 1953 Act (re-registration where parents...

### *Correction etc. of Gender Recognition Register*

- 8 (1) Any power or duty of the Registrar General or...

### *Revocation of gender recognition certificate etc.*

- 9 (1) This paragraph applies if, after an entry has been...

### *Evidence*

- 10 (1) Section 34(5) of the 1953 Act (certified copy of...

### *Regulatory reform*

- 11 England and Wales

### *Registration of marriages and civil partnerships*

- 11A (1) The Registrar General may make regulations about—  
Part 2 — SCOTLAND

### *Introductory*

- 12 In this Part— “the Registrar General” means the Registrar General...

### *Gender Recognition Register*

- 13 (1) The Registrar General must maintain, in the General Register...

### *Entries in Gender Recognition Register*

- 14 (1) If the Registrar General receives under section 10(1) a...

### *Indexing of entries in Gender Recognition Register*

- 15 (1) The Registrar General must make arrangements for each entry...

*Extracts of entries in Gender Recognition Register*

- 16 (1) This paragraph applies in respect of an extract issued...

*Abbreviated extracts of birth compiled from Gender Recognition Register*

- 17 Where an abbreviated extract of birth under section 39E of...

*Gender Recognition Register: correction, re-registration etc.*

- 18 Section 18A(2) (decrees of parentage and non-parentage), section 20(1)  
(re-registration in...

*Revocation of gender recognition certificate etc.*

- 19 (1) This paragraph applies if, after an entry has been...

*Authentication and admissibility*

- 20 sections 41 and 41A of the 1965 Act (authentication of...  
20A (1) The Registrar General may, with the approval of the...  
Part 3 — NORTHERN IRELAND

*Introductory*

- 21 In this Part— “the Registrar General” means the Registrar General...

*Gender Recognition Register*

- 22 (1) The Registrar General must maintain, in the General Register...

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

- 23 (1) If the Registrar General receives under section 10(1) a...

*Indexing of entries in Gender Recognition Register*

- 24 (1) The Registrar General must make arrangements for each entry...

*Certified copies of entries in Gender Recognition Register*

- 25 (1) Anyone who may have a certified copy of the...

*Short certificates of birth compiled from Gender Recognition Register*

- 26 Where a short certificate of birth under Article 40 of...

*Gender Recognition Register: re-registration*

- 27 Articles 18, 19 and 19A of the 1976 Order (re-registration...

*Correction of errors in Gender Recognition Register*

- 28 (1) Any power or duty of the Registrar General to...

*Revocation of gender recognition certificate etc.*

- 29 (1) This paragraph applies if, after an entry has been...

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### *Change of name*

30 Paragraphs (4) to (6) of Article 37 of the 1976...

### *Evidence*

31 (1) Article 42 of the 1976 Order (proof of age...

### *Fees*

32 Article 47 of the 1976 Order (fees for searches, certificates...

### *Registration of marriages and civil partnerships*

33 (1) The Department of Finance in Northern Ireland may by...

#### SCHEDULE 4 — Effect on marriage

##### Part 1 — ENGLAND AND WALES

#### *Marriage Act 1949 (c. 76)*

- 1 The Marriage Act 1949 is amended as follows.
- 2 In section 1 (restrictions on marriage), insert at the end—...
- 3 After section 5A insert— Marriages involving person of acquired gender...

#### *Matrimonial Causes Act 1973 (c. 18)*

- 4 The Matrimonial Causes Act 1973 is amended as follows.
- 5 In section 12 (grounds on which a marriage celebrated after...
- 6 In section 13(2), (3) and (4) (bars to relief), for...

##### Part 2 — SCOTLAND

#### *Marriage (Scotland) Act 1977 (c. 15)*

- 7 In section 2 of the Marriage (Scotland) Act 1977 (marriage...

##### Part 3 — NORTHERN IRELAND

#### *Family Law (Miscellaneous Provisions) (Northern Ireland) Order 1984 (S.I. 1984/1984 (N.I. 14))*

- 8 In Article 18 of the Family Law (Miscellaneous Provisions) (Northern...

#### *Matrimonial Causes (Northern Ireland) Order 1978 (S.I. 1978/1045 (N.I. 15))*

- 9 The Matrimonial Causes (Northern Ireland) Order 1978 is amended as...
- 10 In Article 14 (grounds on which a marriage celebrated after...
- 11 In Article 16(2), (3) and (4) (bars to relief), for...

#### SCHEDULE 5 — Benefits and pensions

##### Part 1 — INTRODUCTORY

- 1 This Schedule applies where a full gender recognition certificate is...

##### Part 2 — STATE BENEFITS

#### *Introductory*

- 2 (1) In this Part of this Schedule “the 1992 Act”...

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*Widowed mother's allowance*

- 3 (1) If (immediately before the certificate is issued) the person...

*Widow's pension*

- 4 If (immediately before the certificate is issued) the person is...

*Widowed parent's allowance*

- 5 If (immediately before the certificate is issued) the person is,...

*Long-term incapacity benefit etc.*

- 6 If (immediately before the certificate is issued) the person is...

*Pension under Part 1 of the Pensions Act 2014*

- 6A (1) Any question— (a) whether the person is entitled to...

*Pension under Part 1 of the Pensions Act (Northern Ireland) 2015*

- 6B (1) Any question— (a) whether the person is entitled to...

*Category A retirement pension*

- 7 (1) Any question— (a) whether the person is entitled to...

*Category B retirement pension etc.*

- 8 (1) Any question whether the person is entitled to—

*Shared additional pension*

- 9 (1) Any question— (a) whether the person is entitled to...

*Deferment of pensions*

- 10 (1) The person's entitlement to— (za) a state pension under...

...

11

*Graduated retirement benefit: Great Britain*

- 12 (1) The provision that may be made by regulations under...

*Graduated retirement benefit: Northern Ireland*

- 13 (1) The provision that may be made by regulations under...  
Part 3 — OCCUPATIONAL PENSION SCHEMES

*Guaranteed minimum pensions etc.: Great Britain*

- 14 (1) In this paragraph “the 1993 Act” means the Pension...

*Guaranteed minimum pensions etc.: Northern Ireland*

- 15 (1) In this paragraph “the 1993 Act” means the Pension...

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*Equivalent pension benefits: Great Britain*

- 16 (1) The provision that may be made by regulations under...

*Equivalent pension benefits: Northern Ireland*

- 17 (1) The provision that may be made by regulations under...

SCHEDULE 6 — Sex discrimination

Part 1 — GREAT BRITAIN

- 1 Great Britain
- 2 Great Britain
- 3 Great Britain
- 4 Great Britain
- 5 Great Britain

Part 2 — NORTHERN IRELAND

- 6 The Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I....
- 7 In Article 10A (gender reassignment: exception for genuine occupational qualification),...
- 8 In Article 10B (supplementary exceptions relating to gender reassignment), for...
- 9 In Article 12 (discrimination against contract workers), after paragraph (3C)...
- 10 In Article 14 (partnerships), after paragraph (3C) insert—



**Changes to legislation:**

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