



# 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 with interim certificate: issue of full certificate (Scotland)
- 4D Application under section 4C: death of spouse
- 4E Married person 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...

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### *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...

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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...

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*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—



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[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- s. 3D(7) substituted by 2020 asp 15 sch. 2 para. 5(3)(a)
- s. 3D(9) words inserted by 2020 asp 15 sch. 2 para. 5(3)(c)(i)
- s. 3D(9) words inserted by 2020 asp 15 sch. 2 para. 5(3)(c)(ii)
- s. 4(3)(e) word substituted by 2020 asp 15 sch. 2 para. 5(4)(a)
- s. 4(3C)(b) repealed by 2020 asp 15 sch. 2 para. 5(4)(b)(i)
- s. 4(3D)(c)(d) repealed by 2020 asp 15 sch. 2 para. 5(4)(c)(i)
- s. 4(3F) repealed by 2020 asp 15 sch. 2 para. 5(4)(e)
- s. 4C title substituted by 2020 asp 15 sch. 2 para. 5(5)(j)
- s. 4C(1) words substituted by 2020 asp 15 sch. 2 para. 5(5)(a)
- s. 4C(2)(3) repealed by 2020 asp 15 sch. 2 para. 5(5)(c)
- s. 4C(4) word substituted by 2020 asp 15 sch. 2 para. 5(5)(d)
- s. 4C(5) word substituted by 2020 asp 15 sch. 2 para. 5(5)(e)
- s. 4C(6) repealed by 2020 asp 15 sch. 2 para. 5(5)(f)
- s. 4C(7) word substituted by 2020 asp 15 sch. 2 para. 5(5)(g)(i)
- s. 4C(7) words inserted by 2020 asp 15 sch. 2 para. 5(5)(g)(ii)
- s. 4C(7) words inserted by 2020 asp 15 sch. 2 para. 5(5)(g)(iii)
- s. 4C(8) repealed by 2020 asp 15 sch. 2 para. 5(5)(h)
- s. 4C(9) words inserted by 2020 asp 15 sch. 2 para. 5(5)(i)
- s. 4D title substituted by 2020 asp 15 sch. 2 para. 5(6)(b)
- s. 4D(1) word substituted by 2020 asp 15 sch. 2 para. 5(6)(a)(i)
- s. 4D(1) words inserted by 2020 asp 15 sch. 2 para. 5(6)(a)(ii)
- s. 4D(1)(a) words inserted by 2020 asp 15 sch. 2 para. 5(6)(a)(iii)
- s. 4E title substituted by 2020 asp 15 sch. 2 para. 5(7)(d)
- s. 4E(1)(b) substituted by 2020 asp 15 sch. 2 para. 5(7)(a)(i)
- s. 4E(1)(c) word substituted by 2020 asp 15 sch. 2 para. 5(7)(a)(ii)(a)
- s. 4E(1)(c) word substituted by 2020 asp 15 sch. 2 para. 5(7)(a)(ii)(b)
- s. 4E(1)(c) words inserted by 2020 asp 15 sch. 2 para. 5(7)(a)(ii)(c)
- s. 4E(2)(a)(b) substituted by 2020 asp 15 sch. 2 para. 5(7)(b)
- s. 4E(3) words inserted by 2020 asp 15 sch. 2 para. 5(7)(c)
- s. 4F repealed by 2020 asp 15 sch. 2 para. 5(8)
- s. 5(1)(a) word omitted by 2020 c. 11 Sch. para. 56(b)
- s. 5(1)(a) words substituted by 2020 c. 11 Sch. para. 56(a)
- s. 5C repealed by 2020 asp 15 sch. 2 para. 5(10)
- s. 5D repealed by 2020 asp 15 sch. 2 para. 5(11)
- s. 7(1) word repealed by 2020 asp 15 sch. 2 para. 5(12)
- s. 8(1) word repealed by 2020 asp 15 sch. 2 para. 5(13)(a)
- s. 8(5) word repealed by 2020 asp 15 sch. 2 para. 5(13)(b)
- s. 8(5B) word repealed by 2020 asp 15 sch. 2 para. 5(13)(c)
- s. 11B substituted by 2020 asp 15 sch. 2 para. 5(14)
- s. 11D words substituted by 2020 asp 15 sch. 2 para. 5(15)
- s. 22(2)(a) words substituted by 2020 asp 15 sch. 2 para. 5(16)
- s. 24(5B) words repealed by 2020 asp 15 sch. 2 para. 5(17)
- s. 25(1) words substituted by 2020 asp 15 sch. 2 para. 5(18)(a)
- s. 25(1) words substituted by 2020 asp 15 sch. 2 para. 5(18)(b)
- Sch. 3 para. 19 word repealed by 2020 asp 15 sch. 2 para. 5(19)(a)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 3(6G)(6H) inserted by 2020 asp 15 sch. 2 para. 5(2)
- s. 3D(8A) inserted by 2020 asp 15 sch. 2 para. 5(3)(b)
- s. 4(3C)(c) inserted by 2020 asp 15 sch. 2 para. 5(4)(b)(ii)
- s. 4(3D)(ba) inserted by 2020 asp 15 sch. 2 para. 5(4)(c)(ii)
- s. 4(3EA) inserted by 2020 asp 15 sch. 2 para. 5(4)(d)
- s. 4C(1A) inserted by 2020 asp 15 sch. 2 para. 5(5)(b)
- s. 5(1)(aa) inserted by 2020 c. 11 Sch. para. 56(c)
- s. 5A(1A) inserted by 2020 asp 15 sch. 2 para. 5(9)