
Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Part 2. (See end of Document for details)

SCHEDULES

SCHEDULE 3

REGISTRATION

PART 2

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.

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- (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.

[^{F1}Abbreviated extracts of birth compiled from Gender Recognition Register^{F1}]

Textual Amendments

- F1** 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)**

- [^{F2}17 Where an abbreviated extract of birth under section 39E ^{F3} of the 1965 Act is compiled from the Gender Recognition Register, the extract must not disclose that fact.^{F2}]

Textual Amendments

- F2** 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)**
- F3** As inserted by the Local Electoral Administration and Registration Services (Scotland) Act 2006 (“the 2006 Act”), section 44(5).

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Gender Recognition Register: correction, re-registration etc.

- 18 Section 18A(2) (decrees of parentage and non-parentage), [F4 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

- F4** 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) [F5 4C, 4E, F6 ...] [F7, 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

- F5** 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.
- F6** 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](#))
- F7** 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 [F8 sections 41 and 41A] [F9 of the 1965 Act (authentication of extracts etc. and their admissibility as evidence) [F10 apply] in relation to the Gender Recognition Register as in relation to the registers kept under the provisions of that Act.

Textual Amendments

- F8** 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\(4\)\(a\)](#)
- F9** As inserted by the 2006 Act, section 44(6).
- F10** 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\(4\)\(b\)](#)

- [F11 20A(1) The Registrar General may, with the approval of the Scottish Ministers, make regulations about—

- (a) the registration of qualifying Scottish marriages, and

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- (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 [^{F12}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

- F11** 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.
- F12** 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)

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