

*Status: Point in time view as at 04/04/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, SCHEDULE 4. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 4

Section 11

#### 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—
- “(6) Subsection (5) of this section and Parts 2 and 3 of the First Schedule to this Act have effect subject to the following modifications in the case of a party to a marriage whose gender has become the acquired gender under the Gender Recognition Act 2004 (“the relevant person”).
- (7) Any reference in those provisions to a former wife or former husband of the relevant person includes (respectively) any former husband or former wife of the relevant person.
- (8) And—
- (a) the reference in paragraph (b) of subsection (5) of this section to the relevant person’s son’s mother is to the relevant person’s son’s father if the relevant person is the son’s mother; and
- (b) the reference in paragraph (d) of that subsection to the relevant person’s daughter’s father is to the relevant person’s daughter’s mother if the relevant person is the daughter’s father.”
- 3 After section 5A insert—
- “5B Marriages involving person of acquired gender**
- (1) A clergyman is not obliged to solemnise the marriage of a person if the clergyman reasonably believes that the person’s gender has become the acquired gender under the Gender Recognition Act 2004.
- (2) A clerk in Holy Orders of the Church in Wales is not obliged to permit the marriage of a person to be solemnised in the church or chapel of which the clerk is the minister if the clerk reasonably believes that the person’s gender has become the acquired gender under that Act.”

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*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 31st July 1971 is voidable), insert at the end—
- “(h) that the respondent is a person whose gender at the time of the marriage had become the acquired gender under the Gender Recognition Act 2004.”
- 6 In section 13(2), (3) and (4) (bars to relief), for “or (f)” substitute “, (f) or (h)”.

**PART 2**

SCOTLAND

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

- 7 In section 2 of the Marriage (Scotland) Act 1977 (marriage of related persons), insert at the end—
- “(6) Subsections (1A) and (1B) above and paragraphs 2 and 2A of Schedule 1 to this Act have effect subject to the following modifications in the case of a party to a marriage whose gender has become the acquired gender under the Gender Recognition Act 2004 (“the relevant person”).
- (7) Any reference in those provisions to a former wife or former husband of the relevant person includes (respectively) any former husband or former wife of the relevant person.
- (8) And—
- (a) the reference in paragraph (b) of subsection (1B) above to the relevant person’s son’s mother is to the relevant person’s son’s father if the relevant person is the son’s mother; and
- (b) the reference in paragraph (d) of that subsection to the relevant person’s daughter’s father is to the relevant person’s daughter’s mother if the relevant person is the daughter’s father.”

**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 Ireland) Order 1984 (restrictions on marriage), after paragraph (2D) insert—
- “(2DA) Paragraph (2D) and Parts 2 and 3 of the Table in paragraph (1) have effect subject to the following modifications in the case of a party to a marriage whose gender has become the acquired gender under the Gender Recognition Act 2004 (“the relevant person”).

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(2DB) Any reference in those provisions to a former wife or former husband of the relevant person includes (respectively) any former husband or former wife of the relevant person.

(2DC) And—

- (a) the reference in paragraph (2D)(b) to the relevant person’s son’s mother is to the relevant person’s son’s father if the relevant person is the son’s mother, and
- (b) the reference in paragraph (2D)(d) to the relevant person’s daughter’s father is to the relevant person’s daughter’s mother if the relevant person is the daughter’s father.”

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

- 9           The Matrimonial Causes (Northern Ireland) Order 1978 is amended as follows.
- 10          In Article 14 (grounds on which a marriage celebrated after the commencement of that Article is voidable), insert at the end—
- “(h) that the respondent is a person whose gender at the time of the marriage had become the acquired gender under the Gender Recognition Act 2004.”
- 11          In Article 16(2), (3) and (4) (bars to relief), for “or (f)” substitute “, (f) or (h) ”.

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