



# Gender Recognition Act 2004

## 2004 CHAPTER 7

### *Applications for gender recognition certificate*

#### **3 Evidence**

- (1) An application under section 1(1)(a) must include either—
  - (a) a report made by a registered medical practitioner practising in the field of gender dysphoria and a report made by another registered medical practitioner (who may, but need not, practise in that field), or
  - (b) a report made by a [<sup>F1</sup>registered psychologist] practising in that field and a report made by a registered medical practitioner (who may, but need not, practise in that field).
- (2) But subsection (1) is not complied with unless a report required by that subsection and made by—
  - (a) a registered medical practitioner, or
  - (b) a [<sup>F1</sup>registered psychologist],practising in the field of gender dysphoria includes details of the diagnosis of the applicant's gender dysphoria.
- (3) And subsection (1) is not complied with in a case where—
  - (a) the applicant has undergone or is undergoing treatment for the purpose of modifying sexual characteristics, or
  - (b) treatment for that purpose has been prescribed or planned for the applicant, unless at least one of the reports required by that subsection includes details of it.
- (4) An application under section 1(1)(a) must also include a statutory declaration by the applicant that the applicant meets the conditions in section 2(1)(b) and (c).
- (5) An application under section 1(1)(b) must include evidence that the applicant has changed gender under the law of an approved country or territory.
- (6) Any application under section 1(1) must include—
  - (a) a statutory declaration as to whether or not the applicant is married [<sup>F2</sup>or a civil partner],

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- (b) any other information or evidence required by an order made by the Secretary of State, and
- (c) any other information or evidence which the Panel which is to determine the application may require,

and may include any other information or evidence which the applicant wishes to include.

[<sup>F3</sup>(6A) If the applicant is married, an application under section 1(1) must include a statutory declaration as to whether the marriage is a marriage under the law of England and Wales, of Scotland, of Northern Ireland, or of a country or territory outside the United Kingdom.

[ If the applicant is a civil partner, an application under section 1(1) must include a <sup>F4</sup>(6AA) statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004.]

(6B) If the applicant is married [<sup>F5</sup> or a civil partner], and the marriage [<sup>F6</sup> or civil partnership] is a protected marriage [<sup>F7</sup> or a protected civil partnership], an application under section 1(1) must also include—

- (a) a statutory declaration by the applicant's spouse [<sup>F8</sup> or civil partner] that the spouse [<sup>F9</sup> or partner] consents to the marriage [<sup>F10</sup> or partnership] continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the spouse [<sup>F9</sup> or partner] has made such a declaration), or
- (b) a statutory declaration by the applicant that the applicant's spouse [<sup>F11</sup> or civil partner] has not made a statutory declaration of consent (if that is the case).

(6C) If an application includes a statutory declaration of consent by the applicant's spouse [<sup>F12</sup> or civil partner], the Gender Recognition Panel must give the spouse [<sup>F13</sup> or partner] notice that the application has been made.]

[<sup>F14</sup>(6D) If the applicant is a party to a protected Scottish marriage, an application under section 1(1) must also include—

- (a) a statutory declaration by the applicant that the applicant wishes the marriage to continue after the issue of a full gender recognition certificate (if that is the case), and
- (b) either—
  - (i) a statutory declaration by the applicant's spouse that the spouse consents to the marriage continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the spouse has made such a declaration), or
  - (ii) a statutory declaration by the applicant that no such declaration by the applicant's spouse is included.

(6E) If an application includes a statutory declaration of consent by the applicant's spouse under subsection (6D)(b)(i), the Gender Recognition Panel must give the spouse notice that the application has been made.

(6F) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include a statutory declaration as to where the civil partnership was registered and, if the civil partnership was registered outside the United Kingdom, that details of the civil partnership have been sent to the Registrar General for Scotland.]

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- [<sup>F15</sup>(6G) If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include—
- (a) a statutory declaration by the applicant that the applicant wishes the civil partnership to continue after the issue of a full gender recognition certificate (if that is the case), and
  - (b) either—
    - (i) a statutory declaration by the applicant's civil partner that the civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate (“a statutory declaration of consent”) (if the civil partner has made such a declaration), or
    - (ii) a statutory declaration by the applicant that no such declaration by the applicant's civil partner is included.
- (6H) If an application includes a statutory declaration of consent by the applicant's civil partner under subsection (6G)(b)(i), the Gender Recognition Panel must give the civil partner notice that the application has been made.]
- (7) The Secretary of State may not make an order under subsection (6)(b) without consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland.
- (8) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.
- [<sup>F16</sup>(9) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3A.]
- [<sup>F17</sup>(10) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3C.]
- [<sup>F18</sup>(11) This section does not apply to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with section 3E.]

#### Textual Amendments

- F1** Words in s. 3(1)(b)(2)(b) substituted (1.7.2009) by [The Health Care and Associated Professions \(Miscellaneous Amendments and Practitioner Psychologists\) Order 2009 \(S.I. 2009/1182\)](#) , art. 4(2) , [Sch. 5 para. 8\(a\)](#) (with arts. 9 , 10 ) ; S.I. 2009/1357 , [art. 2\(d\)](#)
- F2** Words in s. 3(6)(a) inserted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#) , [ss. 250\(2\)\(a\)](#) , 263 ; S.I. 2005/3175 , [art. 3](#) , [Sch. 2](#)
- F3** S. 3(6A)-(6C) inserted (10.12.2014) by [Marriage \(Same Sex Couples\) Act 2013 \(c. 30\)](#) , s. 21(3) , [Sch. 5 para. 2](#) ; S.I. 2014/3169 , art. 2
- F4** S. 3(6AA) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#) , [regs. 1\(2\)](#) , [24\(2\)](#) (with reg. 35)
- F5** Words in s. 3(6B) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#) , [regs. 1\(2\)](#) , [24\(3\)\(a\)\(i\)](#) (with reg. 35)
- F6** Words in s. 3(6B) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#) , [regs. 1\(2\)](#) , [24\(3\)\(a\)\(ii\)](#) (with reg. 35)
- F7** Words in s. 3(6B) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#) , [reg. 24\(3\)\(a\)\(iii\)](#) (with reg. 35)
- F8** Words in s. 3(6B)(a) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#) , [reg. 24\(3\)\(b\)\(i\)](#) (with reg. 35)

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- F9** Words in s. 3(6B)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **24(3)(b)(ii)** (with reg. 35)
- F10** Words in s. 3(6B)(a) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **24(3)(b)(iii)** (with reg. 35)
- F11** Words in s. 3(6B)(b) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **24(3)(c)** (with reg. 35)
- F12** Words in s. 3(6C) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **24(4)(a)** (with reg. 35)
- F13** Words in s. 3(6C) inserted (2.12.2019) by The Civil Partnership (Opposite-sex Couples) Regulations 2019 (S.I. 2019/1458), regs. 1(2), **24(4)(b)** (with reg. 35)
- F14** S. 3(6D)-(6F) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 3**; S.S.I. 2014/287, art. 3, Sch.
- F15** S. 3(6G)(6H) inserted (S.) (30.11.2021) by Civil Partnership (Scotland) Act 2020 (asp 15), s. 16, **sch. 2 para. 5(2)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F16** S. 3(9) inserted (E.W.S.) (10.12.2014) by Marriage (Same Sex Couples) Act 2013 (c. 30), s. 21(3), **Sch. 5 para. 18**; S.I. 2014/3169, art. 2
- F17** S. 3(10) inserted (S.) (16.12.2014) by Marriage and Civil Partnership (Scotland) Act 2014 (asp 5), s. 36, **Sch. 2 para. 16**; S.S.I. 2014/287, art. 3, Sch.
- F18** S. 3(11) inserted (E.W.S.) (16.12.2014) by The Marriage and Civil Partnership (Scotland) Act 2014 and Civil Partnership Act 2004 (Consequential Provisions and Modifications) Order 2014 (S.I. 2014/3229), art. 1(2), **Sch. 5 para. 15(3)**

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**Modifications etc. (not altering text)**

- C1** S. 3(9) extended to Northern Ireland (N.I.) (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), **reg. 42(1)** (with regs. 6-9)
- C2** S. 3(11) extended to Northern Ireland (N.I.) (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), **reg. 43(1)** (with regs. 6-9)

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