



# Gender Recognition Act 2004

## 2004 CHAPTER 7

### *Applications for gender recognition certificate*

#### **[<sup>F1</sup>3C Alternative grounds for granting applications: Scotland**

- (1) This section applies to an application under section 1(1)(a) which states that it is an application for a certificate to be granted in accordance with this section.
- (2) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3D and meets the conditions in subsections (3) to (6).
- (3) The first condition is that the applicant was a party to a protected Scottish marriage or a protected Scottish civil partnership on or before the date the application was made.
- (4) The second condition is that the applicant—
  - (a) was living in the acquired gender six years before the commencement of section 29 of the Marriage and Civil Partnership (Scotland) Act 2014,
  - (b) continued to live in the acquired gender until the date the application was made, and
  - (c) intends to continue to live in the acquired gender until death.
- (5) The third condition is that the applicant—
  - (a) has or has had gender dysphoria, or
  - (b) has undergone—
    - (i) surgical treatment, or
    - (ii) such other treatment as the Scottish Ministers may by order prescribe, for the purpose of modifying sexual characteristics.
- (6) The fourth condition is that the applicant is ordinarily resident in Scotland.
- (7) Before making an order under subsection (5)(b)(ii) the Scottish Ministers must consult the following persons on a copy of the proposed draft order—
  - (a) the Gender Recognition Panel,
  - (b) such other persons as the Scottish Ministers consider appropriate.

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*Changes to legislation: There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 3C. (See end of Document for details)*

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- (8) An order under subsection (5)(b)(ii)—
- (a) may make different provision for different cases or circumstances,
  - (b) may amend any enactment (including this Act).
- (9) The Panel must reject the application if not required by subsection (2) to grant it.]

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**Textual Amendments**

- F1** S. 3C 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. 15](#); [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.

**Changes to legislation:**

There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 3C.