



# Gender Recognition Act 2004

## 2004 CHAPTER 7

### *Applications for gender recognition certificate*

#### **[<sup>F1</sup>3D Evidence for granting applications on alternative grounds: 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 section 3C.
- (2) The application must include either—
  - (a) a report made by a registered medical practitioner, or
  - (b) a report made by a registered psychologist practising in the field of gender dysphoria.
- (3) If the application is based on the applicant having or having had gender dysphoria—
  - (a) the reference in subsection (2) to a registered medical practitioner is to one practising in the field of gender dysphoria, and
  - (b) that subsection is not complied with unless the report includes details of the diagnosis of the applicant's gender dysphoria.
- (4) Subsection (2) 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 the report required by that subsection includes details of it.
- (5) The application must also include a statutory declaration by the applicant that the applicant meets the conditions in section 3C(3) and (4).
- (6) The application must include—
  - (a) a statutory declaration as to whether or not the applicant is married or a civil partner,
  - (b) any other information or evidence required by an order made by the Scottish Ministers, and

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

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- (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>F2</sup>(7) If the applicant is—
- (a) married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage,
  - (b) a party to a civil partnership, the application must include a statutory declaration as to whether the civil partnership is a protected Scottish civil partnership.]
- (8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include—
- (a) a statutory declaration of consent (within the meaning of section 3(6D)(b)(i)) by the applicant's spouse (if the spouse has made such a declaration), or
  - (b) a statutory declaration by the applicant that no such declaration by the applicant's spouse is included.
- [ If the applicant is a party to a protected Scottish civil partnership, the application must <sup>F3</sup>(8A) also include—
- (a) a statutory declaration of consent (within the meaning of section 3(6G)(b)(i)) by the applicant's civil partner (if the civil partner has made such a declaration), or
  - (b) a statutory declaration by the applicant that no such declaration by the applicant's civil partner is included.]
- (9) If the application includes a statutory declaration of consent by the applicant's spouse [<sup>F4</sup>or (as the case may be) civil partner], the Panel must give the spouse [<sup>F5</sup>or civil partner] notice that the application has been made.
- (10) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.]

#### Textual Amendments

- F1** S. 3D 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. 17**; 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.
- F2** S. 3D(7) substituted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 5(3)(a)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F3** S. 3D(8A) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 5(3)(b)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F4** Words in s. 3D(9) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 5(3)(c)(i)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)
- F5** Words in s. 3D(9) inserted (30.11.2021) by [Civil Partnership \(Scotland\) Act 2020 \(asp 15\)](#), s. 16, **sch. 2 para. 5(3)(c)(ii)**; S.S.I. 2021/351, reg. 2, sch. (with reg. 3)

**Changes to legislation:**

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