Gender Recognition Act 2004

2004 CHAPTER 7

Applications for gender recognition certificate

[F1 3E Alternative grounds for granting applications: Scotland (English and Welsh residents)

(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) In this section, and section 3F, in so far as those sections extend to England and Wales, "protected Scottish civil partnership" and "protected Scottish marriage" have the meanings given by section 25.

(3) The Panel must grant the application if satisfied that the applicant complies with the requirements imposed by and under section 3F and meets the conditions in subsections (4) to (7).

(4) 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.

(5) 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.

(6) The third condition is that the applicant—

(a) has or has had gender dysphoria; or

(b) has undergone surgical treatment for the purpose of modifying sexual characteristics.

(7) The fourth condition is that the applicant is ordinarily resident in England or Wales.

(8) The Panel must reject the application if not required by subsection (3) to grant it.**]**

Status: *Point in time view as at 16/12/2014. This version of this provision has been superseded.*
Changes to legislation: *There are currently no known outstanding effects for the Gender Recognition Act 2004, Section 3E. (See end of Document for details)*

Textual Amendments

F1 Ss. 3E, 3F 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(4)**

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