

SCHEDULE 1

CONSEQUENTIAL MODIFICATIONS TO PRIMARY LEGISLATION

Gender Recognition Act 2004

1.—(1) The Gender Recognition Act 2004⁽¹⁾ is amended as follows.

(2) In section 3F (evidence for granting applications on alternative grounds: Scotland (English and Welsh and Northern Ireland residents))⁽²⁾—

(a) for subsection (7) substitute—

“(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.”,

(b) after subsection (8) insert—

“(8A) If the applicant is a party to a protected Scottish civil partnership, the application must also include—

(a) 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

(b) a statutory declaration by the applicant that no such declaration by the applicant’s civil partner is included.”,

(c) in subsection (9)—

(i) after “applicant’s spouse” insert “or (as the case may be) civil partner”,

(ii) after “the spouse” insert “or civil partner”.

(3) In section 11B (change in gender of civil partner)⁽³⁾, for subsection (3) substitute—

“(3) If the protected civil partnership is a protected overseas relationship—

(a) the continuity of the civil partnership continues by virtue of subsection (2) notwithstanding any impediment under the relevant law;

(b) the relevant law is not affected by the continuation of the civil partnership by virtue of subsection (2).”.

(4) In section 11D (continuity of civil partnership: Scotland)⁽⁴⁾, for the words from “full” to the end substitute “a full gender recognition certificate to either (or both) of the civil partners.”.

(5) In section 25 (interpretation)⁽⁵⁾ before the definition of “registered psychologist” insert—

““protected Scottish civil partnership” means a civil partnership registered in Scotland,

“protected Scottish marriage” means a marriage solemnised in Scotland.”.

(1) 2004 c. 7.

(2) Section 3F was added by paragraph 15(4) of Schedule 5 to [S.I. 2014/3229](#), and amended and extended to Northern Ireland by regulation 43 of [S.I. 2019/1514](#).

(3) Section 11B was added by paragraph 11 of Schedule 5 to the Marriage (Same Sex Couples) Act 2013 (c. 30) and substituted in so far as extending to Scotland by paragraph 5(14) of Schedule 2 to the Civil Partnership (Scotland) Act 2020 (asp 15).

(4) Section 11D, in so far as extending to England and Wales, was added by paragraph 15(6) of Schedule 5 to [S.I. 2014/3229](#), and was extended to Northern Ireland by regulation 45(2) of [S.I. 2019/1514](#).

(5) Section 25 was relevantly amended, in so far as extending to England and Wales, by regulation 33 of [S.I. 2019/1458](#) and, in so far as extending to Northern Ireland, by paragraph 8(b) of Schedule 5 to [S.I. 2009/1182](#).

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