

## **Gender Recognition Act 2004 (original legislation)**

[http://www.legislation.gov.uk/ukpga/2004/7/pdfs/ukpga\\_20040007\\_en.pdf](http://www.legislation.gov.uk/ukpga/2004/7/pdfs/ukpga_20040007_en.pdf)

### **9 General (p 5)**

Where a full gender recognition certificate is issued to a person, the person's gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman).

### **14 Discrimination (p 6)**

Schedule 6 (amendments of Sex Discrimination Act 1975) has effect.

### **19 Sport (p 7)**

(1) A body responsible for regulating the participation of persons as competitors in an event or events involving a gender-affected sport may, if subsection (2) is satisfied, prohibit or restrict the participation as competitors in the event or events of persons whose gender has become the acquired gender under this Act.

(2) This subsection is satisfied if the prohibition or restriction is necessary to secure—

(a) fair competition, or

(b) the safety of competitors,

at the event or events.

(3) "Sport" means a sport, game or other activity of a competitive nature.

(4) A sport is a gender-affected sport if the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport.

### **20 Gender-specific offences (p 8)**

(1) Where (apart from this subsection) a relevant gender-specific offence could be committed or attempted only if the gender of a person to whom a full gender recognition certificate has been issued were not the acquired gender, the fact that the person's gender has become the acquired gender does not prevent the offence being committed or attempted.

(2) An offence is a "relevant gender-specific offence" if—

(a) either or both of the conditions in subsection (3) are satisfied, and

(b) the commission of the offence involves the accused engaging in sexual activity.

(3) The conditions are—

(a) that the offence may be committed only by a person of a particular gender, and

(b) that the offence may be committed only on, or in relation to, a person of a particular gender, and the references to a particular gender include a gender identified by reference to the gender of the other person involved.

### **25 Interpretation In this Act— (p 11)**

"gender dysphoria" means the disorder variously referred to as gender dysphoria, gender identity disorder and transsexualism

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<http://www.legislation.gov.uk/ukpga/2004/7/contents>

## **Applications** <http://www.legislation.gov.uk/ukpga/2004/7/section/1>

(1) A person of either gender who is aged at least 18 may make an application for a gender recognition certificate on the basis of—

(a) living in the other gender

## **2 Determination of applications** <http://www.legislation.gov.uk/ukpga/2004/7/section/2>

(1) In the case of an application under section 1(1)(a), the Panel must grant the application if satisfied that the applicant—

(a) has or has had gender dysphoria,

(b) has lived in the acquired gender throughout the period of two years ending with the date on which the application is made,

(c) intends to continue to live in the acquired gender until death, and

(d) complies with the requirements imposed by and under section 3.

## **3 Evidence** <http://www.legislation.gov.uk/ukpga/2004/7/section/3>

(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 registered psychologist practising in that field and a report made by a registered medical practitioner (who may, but need not, practise in that field).

(6B) If the applicant is married, and the marriage is a protected marriage, an application under section 1(1) must also include—

(a) 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

(b) a statutory declaration by the applicant that the applicant's spouse has not made a statutory declaration of consent (if that is the case).

## **4 Successful applications** <http://www.legislation.gov.uk/ukpga/2004/7/section/4>

(3) The certificate is to be an interim gender recognition certificate if—

(a) the applicant is a party to a protected marriage and the applicant's spouse does not consent to the marriage continuing after the issue of a full gender recognition certificate

#### **4 A Married person with interim certificate: issue of full certificate**

<http://www.legislation.gov.uk/ukpga/2004/7/section/4A>

(3) Case B is where, on an application by the person, the Panel is satisfied that—

- (a) an interim gender recognition certificate has been issued to the person;
- (b) the person was a party to a civil partnership at the time when the interim gender recognition certificate was issued;
- (c) a conversion application has been made within the period of six months beginning with the day on which that certificate was issued;
- (d) the conversion application has resulted in the civil partnership being converted into a marriage;
- (e) the person is a party to that marriage; and
- (f) the person's spouse consents to the marriage continuing after the issue of the full gender recognition certificate.

#### **5A Issue of full certificates where applicant has been a civil partner**

<http://www.legislation.gov.uk/ukpga/2004/7/section/5A>

(1) A court which—

(a) makes final a nullity order made on the ground that an interim gender recognition certificate has been issued to a civil partner, or

(b) (in Scotland) grants a decree of dissolution on that ground,

must, on doing so, issue a full gender recognition certificate to that civil partner and send a copy to the Secretary of State

#### **9 General** <http://www.legislation.gov.uk/ukpga/2004/7/section/9>

(1) Where a full gender recognition certificate is issued to a person, the person's gender becomes for all purposes the acquired gender (so that, if the acquired gender is the male gender, the person's sex becomes that of a man and, if it is the female gender, the person's sex becomes that of a woman).

#### **12 Parenthood** <http://www.legislation.gov.uk/ukpga/2004/7/section/12>

The fact that a person's gender has become the acquired gender under this Act does not affect the status of the person as the father or mother of a child.

#### **14 Discrimination** <http://www.legislation.gov.uk/ukpga/2004/7/section/14>

Schedule 6 (amendments of Sex Discrimination Act 1975 (c. 65) and Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15))) has effect.

#### **19 Sport** <http://www.legislation.gov.uk/ukpga/2004/7/section/19>

(1) A body responsible for regulating the participation of persons as competitors in an event or events involving a gender-affected sport may, if subsection (2) is satisfied, prohibit or restrict the participation as competitors in the event or events of persons whose gender has become the acquired gender under this Act.

(2) This subsection is satisfied if the prohibition or restriction is necessary to secure—

- (a) fair competition, or
- (b) the safety of competitors,

at the event or events.

(3) “Sport” means a sport, game or other activity of a competitive nature.

(4) A sport is a gender-affected sport if the physical strength, stamina or physique of average persons of one gender would put them at a disadvantage to average persons of the other gender as competitors in events involving the sport.

## **20 Gender-specific offences** <http://www.legislation.gov.uk/ukpga/2004/7/section/20>

(1) Where (apart from this subsection) a relevant gender-specific offence could be committed or attempted only if the gender of a person to whom a full gender recognition certificate has been issued were not the acquired gender, the fact that the person’s gender has become the acquired gender does not prevent the offence being committed or attempted.

(2) An offence is a “relevant gender-specific offence” if—

- (a) either or both of the conditions in subsection (3) are satisfied, and
- (b) the commission of the offence involves the accused engaging in sexual activity.

(3) The conditions are—

- (a) that the offence may be committed only by a person of a particular gender, and
- (b) that the offence may be committed only on, or in relation to, a person of a particular gender,

and the references to a particular gender include a gender identified by reference to the gender of the other person involved.

## **22 Prohibition on disclosure of information** <http://www.legislation.gov.uk/ukpga/2004/7/section/22>

(1) It is an offence for a person who has acquired protected information in an official capacity to disclose the information to any other person.

(4) But it is not an offence under this section to disclose protected information relating to a person if—

- (d) the disclosure is in accordance with an order of a court or tribunal,
- (e) the disclosure is for the purpose of instituting, or otherwise for the purposes of, proceedings before a court or tribunal,
- (f) the disclosure is for the purpose of preventing or investigating crime

## **25 Interpretation** <http://www.legislation.gov.uk/ukpga/2004/7/section/25>

“gender dysphoria” means the disorder variously referred to as gender dysphoria, gender identity disorder and transsexualism