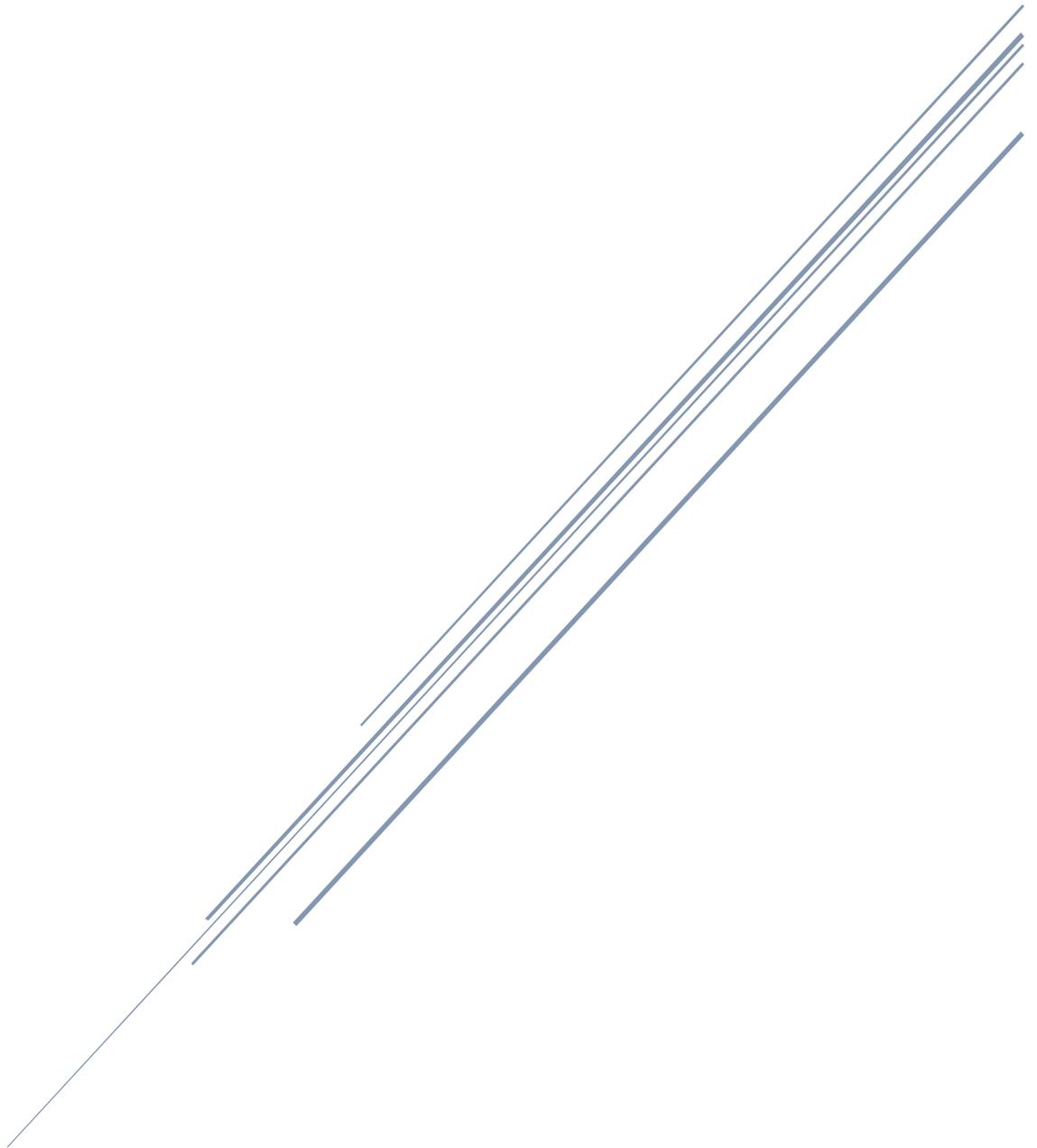


GENDER RECOGNITION ACT 2004 (ABRIDGED)

SCEG Project for Review and Redraft of Guidance for
Transgender Inclusion in Domestic Sport 2020



Gender Recognition Act 2004

SOURCED 2ND JULY 2020

An Act to make provision for and in connection with change of gender. [1st July 2004]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Applications for gender recognition certificate

1. Applications

- 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, or
 - b. having changed gender under the law of a country or territory outside the United Kingdom.
- 2) In this Act “the acquired gender”, in relation to a person by whom an application under subsection (1) is or has been made, means—
 - a. in the case of an application under paragraph (a) of that subsection, the gender in which the person is living, or
 - b. in the case of an application under paragraph (b) of that subsection, the gender to which the person has changed under the law of the country or territory concerned.
- 3) An application under subsection (1) is to be determined by a Gender Recognition Panel.
- 4) Schedule 1 (Gender Recognition Panels) has effect.

2. Determination of applications

- 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.
- 2) In the case of an application under section 1(1)(b), the Panel must grant the application if satisfied—
 - a. that the country or territory under the law of which the applicant has changed gender is an approved country or territory, and
 - b. that the applicant complies with the requirements imposed by and under section 3.
- 3) The Panel must reject an application under section 1(1) if not required by subsection (1) or (2) to grant it.
 - a. This section does not apply 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 3A.
 - b. This section does not apply 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.
 - c. This section does not apply 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 3E.
- 4) In this Act “approved country or territory” means a country or territory prescribed by order made by the Secretary of State after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland.

3. Evidence

- 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).
- 2) But subsection (1) is not complied with unless a report required by that subsection and made by—
 - a. a registered medical practitioner, or
 - b. a registered psychologist, practising in the field of gender dysphoria includes details of the diagnosis of the applicant's gender dysphoria.
- 3) And subsection (1) 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 at least one of the reports required by that subsection includes details of it.
- 4) An application under section 1(1)(a) must also include a statutory declaration by the applicant that the applicant meets the conditions in section 2(1)(b) and (c).
- 5) An application under section 1(1)(b) must include evidence that the applicant has changed gender under the law of an approved country or territory.
- 6) Any application under section 1(1) must include—
 - a. a statutory declaration as to whether or not the applicant is married or a civil partner,
 - i. If the applicant is married, an application under section 1(1) must include a statutory declaration as to whether the marriage is a marriage under the law of England and Wales, of Scotland, of Northern Ireland, or of a country or territory outside the United Kingdom
 - ii. If the applicant is a civil partner, an application under section 1(1) must include a statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004
 - b. any other information or evidence required by an order made by the Secretary of State, and
 - i. If the applicant is married or a civil partner, and the marriage or civil partnership is a protected marriage or a protected civil partnership, an application under section 1(1) must also include—
 - 1. a statutory declaration by the applicant's spouse or civil partner that the spouse or partner consents to the marriage or partnership continuing after the issue of a full gender recognition certificate ("a statutory declaration of consent") (if the spouse or partner has made such a declaration), or
 - 2. a statutory declaration by the applicant that the applicant's spouse or civil partner has not made a statutory declaration of consent (if that is the case).
 - 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.
 - i. If an application includes a statutory declaration of consent by the applicant's spouse or civil partner, the Gender Recognition Panel must give the spouse or partner notice that the application has been made.
 - d. If the applicant is a party to a protected Scottish marriage, an application under section 1(1) must also include—
 - i. a statutory declaration by the applicant that the applicant wishes the marriage to continue after the issue of a full gender recognition certificate (if that is the case), and
 - ii. either
 - 1. 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
 - 2. a statutory declaration by the applicant that no such declaration by the applicant's spouse is included.
 - e. If an application includes a statutory declaration of consent by the applicant's spouse under subsection (6D)(b)(i), the Gender Recognition Panel must give the spouse notice that the application has been made
 - f. If the applicant is a party to a protected Scottish civil partnership, an application under section 1(1) must also include a statutory declaration as to where the civil partnership was registered and, if the civil partnership was registered outside the United Kingdom, that details of the civil partnership have been sent to the Registrar General for Scotland
 - 7) The Secretary of State may not make an order under subsection (6)(b) without consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland.
 - 8) If the Panel which is to determine the application requires information or evidence under subsection (6)(c) it must give reasons for doing so.

a. Alternative Evidence for granting applications

- 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 3B and meets the conditions in subsections (3) to (6).
- 3) The first condition is that the applicant was a party to a protected marriage or a protected 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 12 of the Marriage (Same Sex Couples) Act 2013,
 - 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 surgical treatment for the purpose of modifying sexual characteristics
- 6) The fourth condition is that the applicant is ordinarily resident in England, Wales, Scotland or Northern Ireland
- 7) The Panel must reject the application if not required by subsection (2) to grant it
- 8) Where the applicant—
 - a. is a party to a protected marriage that is a marriage under the law of Northern Ireland, or
 - b. is a party to a protected civil partnership that is a civil partnership under the law of Northern Ireland, or
 - c. is ordinarily resident in Northern Ireland,

subsection (4)(a) has effect as if for the words after “was living in the acquired gender” there were substituted “on 13 January 2014”.

b. Evidence for granting applications on alternative grounds

- 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 3A
- 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 3A(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 Secretary of State, and
 - 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.
- 7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a marriage under the law of England and Wales, of Scotland, of Northern Ireland, or of a country or territory outside the United Kingdom.
 - a. If the applicant is a civil partner, the application must include a statutory declaration as to whether the civil partnership is a civil partnership under the law of England and Wales, of Scotland, or of Northern Ireland, or is an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004
- 8) If the applicant is married or a civil partner, and the marriage or civil partnership is a protected marriage or a protected civil partnership, the application must also include—
 - a. a statutory declaration of consent by the applicant's spouse or civil partner (if the spouse or partner has made such a declaration), or
 - b. a statutory declaration by the applicant that the applicant's spouse or civil partner has not made a statutory declaration of consent (if that is the case).
- 9) If the application includes a statutory declaration of consent by the applicant's spouse or civil partner, the Panel must give the spouse or 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.

c. 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.
- 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

d. 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
 - 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
- 7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage.
- 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.
- 9) If the application includes a statutory declaration of consent by the applicant's spouse, the Panel must give the spouse 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

e. Alternative grounds for granting applications: Scotland (English and Welsh and Northern Ireland 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 or to Northern Ireland, "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
 - i. Where the applicant is ordinarily resident in Northern Ireland, subsection (5)(a) has effect as if for the words after "was living in the acquired gender" there was substituted "on 13 January 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 or in Northern Ireland.
- 8) The Panel must reject the application if not required by subsection (3) to grant it.

f. Evidence for granting applications on alternative grounds: Scotland (English and Welsh and Northern Ireland 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 section 3E.
- 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 3E(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; and
 - b. 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.
- 7) If the applicant is married, the application must include a statutory declaration as to whether the marriage is a protected Scottish marriage.
- 8) If the applicant is married, and the marriage is a protected Scottish marriage, the application 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 no such declaration by the applicant's spouse is included.
- 9) If the application includes a statutory declaration of consent by the applicant's spouse, the Panel must give the spouse notice that the application has been made.
- 10) If the Panel which is to determine the application requires information or evidence under subsection (6)(b) it must give reasons for doing so

4. Successful applications

- 1) If a Gender Recognition Panel grants an application under section 1(1) it must issue a gender recognition certificate to the applicant.
 - a. The certificate is to be a full gender recognition certificate if the applicant is neither married nor in a civil partnership
- 2) The certificate is also to be a full gender recognition certificate if—
 - a. the applicant is neither a civil partner nor married
 - b. the applicant is a party to a protected marriage and the applicant's spouse consents to the marriage continuing after the issue of a full gender recognition certificate, or
 - c. the applicant is a party to a protected civil partnership and the applicant's civil partner consents to the civil partnership continuing after the issue of a full gender recognition certificate.
- 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,
 - i. If a Gender Recognition Panel issues a full gender recognition certificate under this section to an applicant who is a party to a protected marriage or a protected civil partnership, the Panel must give the applicant's spouse or civil partner notice of the issue of the certificate.
 - b. subject to subsection (3C)(a), the applicant is a party to a marriage that is not a protected marriage,
 - c. the applicant is a party to a protected civil partnership and the other party to the civil partnership does not consent to the civil partnership continuing after the issue of a full gender recognition certificate,
 - d. [omitted]
 - e. subject to subsection (3C)(b), the applicant is a party to a civil partnership that is not a protected civil partnership.

5. Issue of full certificates where applicant has been married

6. Errors

7. Applications: supplementary

- 1) An application to a Gender Recognition Panel under section 1(1), 4A, 4C, 4F, 5(2), 5A(2) or 6(1) must be made in a form and manner specified by the Secretary of State after consulting the Scottish Ministers and the Department of Finance and Personnel in Northern Ireland.

- 2) The applicant must pay to the Secretary of State a non-refundable fee of an amount prescribed by order made by the Secretary of State unless the application is made in circumstances in which, in accordance with provision made by the order, no fee is payable; and fees of different amounts may be prescribed for different circumstances.

8. Appeals

- 3) An applicant to a Gender Recognition Panel under section 1(1), 4A, 4C, 4F, 5(2), 5A(2) or 6(1) may appeal to the High Court, family court or Court of Session on a point of law against a decision by the Panel to reject the application.
- 4) An appeal under subsection (1) must be heard in private if the applicant so requests.
- 5) On such an appeal the court must—
 - a. allow the appeal and issue the certificate applied for,
 - b. allow the appeal and refer the matter to the same or another Panel for re-consideration, or
 - c. dismiss the appeal.
- 6) If an application under section 1(1) is rejected, the applicant may not make another application before the end of the period of six months beginning with the date on which it is rejected.
- 7) If an application under section 1(1), 4A, 4C, 4E, 4F, 5(2), 5A(2) or 6(1) is granted but the Secretary of State considers that its grant was secured by fraud, the Secretary of State may refer the case to the High Court, family court or Court of Session.
 - a. If an application under section 1(1), 4A, 5(2), 5A(2) or 6(1) is granted, the applicant's spouse or civil partner may apply to the High Court or Court of Session to quash the decision to grant the application on the grounds that its grant was secured by fraud.
 - b. If an application under section 1(1), 4C, 4E, 4F, 5(2), 5A(2) or 6(1) is granted, the applicant's spouse or civil partner may apply to the Court of Session to quash the decision to grant the application on the grounds that its grant was secured by fraud.
 - c. If an application under section 4C is granted, the applicant's spouse or civil partner may apply to the High Court to quash the decision to grant the application on the grounds that its grant was secured by fraud
- 8) On a reference under subsection (5) or an application under subsection (5A) or an application under subsection (5B) the court—
 - a. must either quash or confirm the decision to grant the application, and
 - b. if it quashes it, must revoke the gender recognition certificate issued on the grant of the application and may make any order which it considers appropriate in consequence of, or otherwise in connection with, doing so.

Consequences of issue of gender recognition certificate etc.

9. General

- 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).
- 2) Subsection (1) does not affect things done, or events occurring, before the certificate is issued; but it does operate for the interpretation of enactments passed, and instruments and other documents made, before the certificate is issued (as well as those passed or made afterwards).
- 3) Subsection (1) is subject to provision made by this Act or any other enactment or any subordinate legislation.

10. Registration

- 1) Where there is a UK birth register entry in relation to a person to whom a full gender recognition certificate is issued, the Secretary of State must send a copy of the certificate to the appropriate Registrar General.
 - a. Where a full gender recognition certificate is issued to a person who is a party to—
 - i. a marriage under the law of England and Wales, or
 - ii. a civil partnership under that law, the Secretary of State must send a copy of the certificate to the Registrar General for England and Wales
 - b. Where a full gender recognition certificate is issued by a Gender Recognition Panel or the sheriff to a person who is a party to a protected Scottish marriage or a protected Scottish civil partnership, the Panel must send a copy of the certificate to the Registrar General for Scotland
 - c. Where a full gender recognition certificate is issued to a person who is a party to—
 - i. a marriage under the law of Northern Ireland, or

- ii. a civil partnership under the law of Northern Ireland, the Secretary of State must send a copy of the certificate to the Registrar General for Northern Ireland
- 2) In this Act “UK birth register entry”, in relation to a person to whom a full gender recognition certificate is issued, means—
 - a. an entry of which a certified copy is kept by a Registrar General, or
 - b. an entry in a register so kept, containing a record of the person’s birth or adoption (or, if there would otherwise be more than one, the most recent).
- 3) “The appropriate Registrar General” means whichever of—
 - a. the Registrar General for England and Wales,
 - b. the Registrar General for Scotland, or
 - c. the Registrar General for Northern Ireland, keeps a certified copy of the person’s UK birth register entry or the register containing that entry
- 4) Schedule 3 (provisions about registration) has effect.

11. Marriage

12. Parenthood

13. Social security benefits and pensions

14. Discrimination

15. Succession etc.

16. Peerages etc.

17. Trustees and personal representatives

18. Orders where expectations defeated

19. Sport

- 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.
- 5) This section does not affect—
 - a. section 44 of the Sex Discrimination Act 1975 (c. 65) (exception from Parts 2 to 4 of that Act for acts related to sport), or
 - b. Article 45 of the Sex Discrimination (Northern Ireland) Order 1976 (S.I. 1976/1042 (N.I. 15)) (corresponding provision for Northern Ireland).

Textual Amendments

S. 19 repealed (E.W.S.) by Equality Act 2010, Sch 27 Pt. 1 (as substituted (1.10.2010) by [S.I. 2010/2279, art. 1\(2\)](#), [Sch. 2](#) (see S.I. 2010/2317, art. 2))

20. Gender Specific Offences

- 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

21. Foreign gender change and marriage

- 1) A person's gender is not to be regarded as having changed by reason only that it has changed under the law of a country or territory outside the United Kingdom.
- 2) [Omitted]
- 3) [Omitted]
- 4) [Omitted]
- 5) [Omitted]
- 6) Nothing in this section prevents the exercise of any enforceable EU right.

22. Prohibition on disclosure of information

- 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.
- 2) "Protected information" means information which relates to a person who has made an application under section 1(1) and which—
 - a. concerns that application or any application by the person under section 5(2) or 6(1), or
 - b. if the application under section 1(1) is granted, otherwise concerns the person's gender before it becomes the acquired gender.
- 3) A person acquires protected information in an official capacity if the person acquires it—
 - a. in connection with the person's functions as a member of the civil service, a constable or the holder of any other public office or in connection with the functions of a local or public authority or of a voluntary organisation,
 - b. as an employer, or prospective employer, of the person to whom the information relates or as a person employed by such an employer or prospective employer, or
 - c. in the course of, or otherwise in connection with, the conduct of business or the supply of professional services
- 4) But it is not an offence under this section to disclose protected information relating to a person if—
 - a. the information does not enable that person to be identified
 - b. that person has agreed to the disclosure of the information
 - c. the information is protected information by virtue of subsection (2)(b) and the person by whom the disclosure is made does not know or believe that a full gender recognition certificate has been issued,
 - 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,
 - g. the disclosure is made to the Registrar General for England and Wales, the Registrar General for Scotland or the Registrar General for Northern Ireland,
 - h. the disclosure is made for the purposes of the social security system or a pension scheme,
 - i. the disclosure is in accordance with provision made by an order under subsection (5), or
 - j. the disclosure is in accordance with any provision of, or made by virtue of, an enactment other than this section.
- 5) The Secretary of State may by order make provision prescribing circumstances in which the disclosure of protected information is not to constitute an offence under this section.
- 6) The power conferred by subsection (5) is exercisable by the Scottish Ministers (rather than the Secretary of State) where the provision to be made is within the legislative competence of the Scottish Parliament.
- 7) An order under subsection (5) may make provision permitting—
 - a. disclosure to specified persons or persons of a specified description,
 - b. disclosure for specified purposes,
 - c. disclosure of specified descriptions of information, or
 - d. disclosure by specified persons or persons of a specified description.
- 8) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.

23. Power to modify statutory provisions

24. Orders and regulations

25. Interpretation

- 1) In this act –
 - “the acquired gender” is to be construed in accordance with section 1(2),
 - “approved country or territory” has the meaning given by section 2(4),
 - “the appointed day” means the day appointed by order under section 26,
 - “enactment” includes an enactment contained in an Act of the Scottish Parliament or in any Northern Ireland legislation,
 - “ full gender recognition certificate ”and “ interim gender recognition certificate ” mean the certificates issued as such under section 4 and “gender recognition certificate” means either of those sorts of certificate,
 - “gender dysphoria” means the disorder variously referred to as gender dysphoria, gender identity disorder and transsexualism,
 - “Gender Recognition Panel” (and “Panel”) is to be construed in accordance with Schedule 1,
 - “protected civil partnership” means—
 - a) a civil partnership under the law of England and Wales or under the law of Northern Ireland, or
 - (b) an overseas relationship that is treated as a civil partnership by virtue of Chapter 2 of Part 5 of the Civil Partnership Act 2004, and “protected overseas relationship” means a protected civil partnership within paragraph (b),
 - “ protected marriage ” means—
 - (a) a marriage under the law of England and Wales or under the law of Northern Ireland], or
 - (b) a marriage under the law of a country or territory outside the United Kingdom,
 - “protected Scottish civil partnership” means a civil partnership registered in Scotland,
 - “protected Scottish marriage” means a marriage solemnised in Scotland,
 - “ registered psychologist ” means a person registered in the part of the register maintained under the Health Professions Order 2001 which relates to practitioner psychologists;
 - “ statutory declaration of consent ” has the meaning given by section 3(6B)(a),
 - “ subordinate legislation ” means an Order in Council, an order, rules, regulations, a scheme, a warrant, bye-laws or any other instrument made under an enactment, and
 - “ UK birth register entry ” has the meaning given by section 10(2).
- 2) A civil partnership which was registered outside the United Kingdom under an Order in Council made under Chapter 1 of Part 5 of the Civil Partnership Act 2004 is to be treated for the purposes of this Act as having been registered in Scotland if—
 - a. the parties to the civil partnership elected Scotland as the relevant part of the United Kingdom under the Order, and
 - b. details of the civil partnership have been sent to the Registrar General for Scotland.
- 3) A marriage which was registered outside the United Kingdom under the Foreign Marriage Act 1892 (other than a marriage registered by virtue of section 18 of that Act) is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.
- 4) A marriage which was solemnised outside the United Kingdom and registered under an Order in Council made under the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 is to be treated for the purposes of this Act as having been solemnised in Scotland if details of the marriage have been sent to the Registrar General for Scotland.
- 5) A consular marriage in relation to which the relevant part of the United Kingdom is Scotland is to be treated for the purposes of this Act as having been solemnised in Scotland.
- 6) In subsection (5)—

“consular marriage ” means a marriage solemnised in accordance with Part 1 of Schedule 6 to the Marriage (Same Sex Couples) Act 2013 and any Order in Council made under it,

“relevant part of the United Kingdom ”, in relation to such a marriage, means the part of the United Kingdom determined in accordance with paragraph 1(2)(b) of that Part of that Schedule for the purposes of the marriage.

26. Commencement

27. Applications within two years of commencement

28. Extent

29. Short title