



The General Guide for all Users

Gender Recognition Act 2004

The purpose of this guidance is to help potential applicants to make informed decisions about whether they wish to apply for gender recognition.

This guidance contains a wide range of information, which applicants might find helpful at every stage of the gender recognition process and indeed what happens once a Gender Recognition Certificate has been issued. This includes:

- An explanation of the gender recognition process
- An explanation of the words used in this guidance and the application pack
- Information on what obtaining a Gender Recognition Certificate will mean for various aspects of a person's life
- Details of the criteria that you must satisfy before you can receive a Gender Recognition Certificate
- Next steps after receipt of a Gender Recognition Certificate, including which authorities need to be informed
- Contact details for further help and assistance

The information in this publication is available in alternative formats on request.

Please contact the Gender Recognition Panel (GRP) administrative team on 0300 123 4503 or grpenquiries@justice.gov.uk

The Ministry of Justice and HM Courts and Tribunals Service processes personal information about you in the context of tribunal proceedings. For details of the standards we follow when processing your data, please visit the following address <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/personal-information-charter> To receive a paper copy of this privacy notice, please call 0300 123 1024 Textphone 18001 0300 123 1024. If calling from Scotland, please call 0300 790 6234 Textphone 18001 0300 790 6234.

1. Introduction

Under the laws of the United Kingdom, individuals are considered by the State to be of the gender – either male or female – that is registered on their birth certificates. The Gender Recognition Act 2004 enables transsexual people to apply to the Gender Recognition Panel to receive a Gender Recognition Certificate (GRC). If you are granted a full GRC you will, from the date of issue, be considered in the eyes of the law to be of your acquired gender. You will be entitled to all the rights appropriate to a person of your acquired gender. This will include the right to retire and receive state pension at the age appropriate to your acquired gender.

If your birth was registered in the United Kingdom or abroad with the British authorities, following the issue of your full GRC you will also be able to obtain a new birth certificate showing your recognised legal gender. This recognition extends throughout the United Kingdom. But a GRC is not retrospective and does not re-write your gender history or affect the things that you did before it was issued.

A more detailed explanation of the consequences of obtaining a GRC is contained later in this guidance. You should read the guidance very carefully before applying for your GRC.

Once you have been issued with a full GRC you are for all purposes a person of your acquired gender. In some aspects of life, men and women are treated differently by the State. You should remember that a change of legal gender may affect aspects of your life negatively. For example, you may find that the date you can start to receive your pension may change and the pension of your spouse or partner may be affected. The guidance below will explain some of the possible consequences, and the list of contacts at the end of this guidance gives details of where further advice might be available.

2. Words and phrases used in this guidance and the application pack

For the purposes of this guidance:

- 2.1 **Transsexual people** have a deep conviction that their gender identity does not match their appearance and/or anatomy. This terminology is used for the purpose of the Gender Recognition Act 2004 and this guidance, but people in this position may refer to themselves as 'trans', 'transgender' or in a number of other ways.
- 2.2 **Transsexual men** are people who were registered at birth as female (or a girl) but now present to the world as male.
- 2.3 **Transsexual women** are people who were registered at birth as male (or a boy) but now present to the world as female.

- 2.4 **Gender dysphoria** is a recognised medical condition variously also described as gender identity disorder and transsexualism. It is an overwhelming desire to live in the opposite gender to that which a person has been registered at birth.
- 2.5 **Acquired gender** refers to the gender in which a transsexual person lives and presents to the world. This is not the gender that they were registered in at birth, but it is the gender in which they would wish to be recognised.
- 2.6 **Gender reassignment** is one of the protected characteristics under the Equality Act 2010, section 7. A person has this protected characteristic if they are proposing to undergo, are undergoing or have undergone the process of reassigning their gender. The Equality Act 2010 therefore, subject to certain exceptions, prohibits discrimination against transsexual people in the provision of employment and in the provision of services. The 2010 Act also prohibits discrimination based on perception – so employers and service providers should not treat others less favourably because they mistakenly think that the person is proposing to undergo, is undergoing or has undergone the process of reassigning their gender. Further information can be found on equality matters on GOV.UK and the Equality and Human Rights Commission website.
- 2.7 **Gender Recognition** is the process whereby a transsexual person may apply for legal recognition of his or her acquired gender. The process is established under the Gender Recognition Act 2004, as amended by subsequent legislation, including the Marriage (Same Sex Couples) Act 2013, the Marriage and Civil Partnership (Scotland) Act 2014 The Civil Partnership (Opposite-sex Couples) Regulations 2019' and 'The Marriage (Same-Sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019.
- 2.8 **The Gender Recognition Act 2004 (GRA)** is the legislation that allows transsexual people to gain legal recognition in their acquired gender. It governs various aspects of the process, including setting down the criteria for legal recognition. There is no need for a potential applicant to be familiar with the Act itself.
- 2.9 **Legal recognition** means that a person is recognised as being of his or her acquired gender, as opposed to the gender that was registered on that person's birth record when he or she was born.
- 2.10 **A birth certificate** is a copy or extract from the entry in a birth register made when a person's birth is registered. It contains the facts of a person's birth, including that person's gender as provided by the informant.
- 2.11 **The Gender Recognition Panel (GRP or Panel)** considers all applications for a GRC. The Panel is made up of legal and medical members who assess whether the legal and medical criteria for legal recognition are met. If the applicant is successful, the Panel will issue a full or an interim GRC. It is supported by an administrative team.

- 2.12 **The Marriage (Same Sex Couples) Act 2013** is the legislation that made the marriage of same sex couples legal in England and Wales. It made changes to the Gender Recognition Act 2004 and introduced the terms 'protected marriage', 'protected civil partnership' and the spousal 'statutory declaration of consent' in relation to those intending to remain married post gender recognition. It can be found here: <http://www.legislation.gov.uk/ukpga/2013/30/contents/enacted/data.htm>
- 2.13 **The Marriage and Civil Partnership (Scotland) Act 2014** is the legislation that made the marriage of same sex couples legal in Scotland. It also made changes to the Gender Recognition Act 2004 and introduced the terms 'Scottish protected marriage', 'Scottish protected civil partnership'. It can be found here: <http://www.legislation.gov.uk/asp/2014/5/contents/enacted>.
- 2.14 The Civil Partnership (Opposite-sex Couples) Regulations 2019 is the legislation that made opposite sex Civil Partnership legal in England and Wales. It also made changes to the Gender Recognition Act 2004 and introduced the civil partner 'statutory declaration of consent' in relation to those intending to remain in their protected civil partnership post gender recognition. It can be found here: <http://www.legislation.gov.uk/ukdsi/2019/9780111190784>
- 2.15 The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 is the legislation that made the marriage of same sex couples legal in Northern Ireland and made it legal for opposite sex couples to enter into a civil partnership. It changed the Gender Recognition Act 2004 to make a marriage under the law of Northern Ireland a 'protected marriage' and a civil partnership under the law of Northern Ireland a 'protected civil partnership'.
- It can be found at: <http://www.legislation.gov.uk/uksi/2019/1514/contents/made>
- 2.16 **A protected marriage** is a marriage registered under the law of England, Wales or Northern Ireland or a marriage under the law of a country or territory outside the UK. It would include a marriage contracted on UK consular premises or an armed forces base, where the couple elected England, Wales or Northern Ireland as the relevant part of the UK.
- 2.17 **A protected civil partnership** means a civil partnership registered under the law of England, Wales or Northern Ireland. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where the couple elected England, Wales or Northern Ireland as the relevant part of the UK. Overseas relationships that are treated as civil partnerships in England and Wales by virtue of the Civil Partnership Act 2004 are also considered protected civil partnerships.

- 2.18 **A statutory declaration of consent by the applicant's spouse or civil partner** is simply a statutory declaration by the applicant's spouse or civil partner to confirm that they consent to the marriage continuing after the issue of a full GRC.
- 2.19 **A Scottish protected marriage** is a marriage solemnised in Scotland. It would include a marriage contracted on UK consular premises or an armed forces base, where the couple elected Scotland as the relevant part of the UK.
- 2.20 **A Scottish protected civil partnership** is a civil partnership registered in Scotland. It would include a civil partnership contracted on UK consular premises or on an armed forces base, where a couple elected Scotland as the relevant part of the UK.
- 2.21 **Ordinarily resident** is not a term that is expressly defined in law in relation to eligibility for a GRC. But its established, general meaning is that a person is ordinarily resident if they are habitually residing in the United Kingdom (apart from temporary or occasional absences), and their residence here has been adopted voluntarily and for settled purposes as part of the regular order of their life for the time being.
- 2.22 **A full Gender Recognition Certificate (full GRC)** is the document issued by the GRP that shows that a person has satisfied the criteria for legal recognition in the acquired gender (see section 5 which sets out the criteria). From the date of issue of the full certificate, the holder's gender becomes the acquired gender for all purposes.
- 2.23 **An interim Gender Recognition Certificate (interim GRC)** is the document issued to a successful applicant who is married or in a civil partnership who while meeting the criteria set out in section 5 of this guidance, needs to end their marriage or civil partnership before a full GRC can be granted. The interim certificate is issued to enable the applicant and his or her spouse to end their marriage or civil partnership. It has no legal significance beyond this use. When the marriage or civil partnership is ended, a full GRC will be issued to the successful applicant. (For those in a Scottish protected marriage it may also be used in an application to the sheriff court for a full certificate for those without a statutory declaration of consent from their spouse.) See section 4.
- 2.24 **The Gender Recognition Register (GRR)** is a confidential and separate register maintained by each of the Registrars General for those people with a UK birth entry from which their new birth entry will be created. It has no other purpose and is not available for public scrutiny.
- 2.25 **The Standard Application track or route** is the usual application route if you are applying on the basis that you have lived in your acquired gender for two years and have or have had gender dysphoria. (See section 5.)

- 2.26 **The Alternative Application track or route** is the application route available to those long –termed transitioned people who are or were in a protected or Scottish protected marriage or a protected or Scottish civil partnership and who have lived in their acquired gender for six years before the commencement of the new gender recognition provisions. (See section 5 for further information.)
- 2.27 **The Overseas Application track or route** is the application route for those who have had a legal gender change from a country or territory approved by the Secretary of State. Further details can be found at section 5.

3. What obtaining a Gender Recognition Certificate means for you

There are many implications of receiving legal recognition in your acquired gender. Most of these will be positive, since they will give a legal basis to the way that you have been living your life for some time – in your acquired gender. This will be the case for the vast majority of transsexual people.

Depending on your circumstances, there may be emotional and financial disadvantages of obtaining legal recognition in your acquired gender. For example, you should consider the effect on your marriage and civil partnership, if relevant to you. If you are in a marriage or civil partnership and your spouse or civil partner does not consent to the marriage/civil partnership continuing post gender recognition, you will have to weigh up the benefits of legal recognition in your acquired gender against the disadvantages of ending your marriage or civil partnership. If you were married or entered into a civil partnership in a country or territory outside of the UK, you may want to consider what impact (if any) a legal gender change might have on your marriage or civil partnership.

You may decide that you do not wish to become legally recognised in your acquired gender. Only you can make the decision about whether or not to make an application. You are not required to do so. However, there are places to go to for advice and support. A list of helpful contacts is provided in section 8 of this document.

3.1 Birth Certificates

Birth certificates are legal documents and there are many reasons why you could be asked to produce one. If you are successful in your application and you have a UK birth entry, the GRP will notify the relevant Registrar General of the issue of a full GRC. The Registrar General will write to you to make arrangements for the issue of your new birth certificate. More information on what the Registrar General does can be found at section 7.3.

3.2 Children

If you have children, legal recognition in your acquired gender will not affect your legal status as the father or mother of your children. Your rights and responsibilities as a parent of your child or children will be unaffected.

3.3 Pensions and Retirement

A holder of a full GRC has all the same rights as other people of his or her acquired gender. As a result you will be able to retire at the age appropriate to your legal gender. This will mean, of course, that until state pension age is equalised (which will apply to men and women born after 6 December 1953) men will have to wait longer than women to qualify for state pension. There may also be an impact on other pensions such as war pensions or workplace pensions and on any pension your spouse or civil partner may receive based on your earnings or National Insurance contributions. It is important that you or your spouse or civil partner ensure that the organisations which administer your pensions have the appropriate information to enable them to correctly calculate pension payments.

If you have a private or occupational pension (sometimes called a workplace pension) then you should contact your pension provider or scheme administrator to inform them of your gender recognition. They will be able to explain how your gender recognition may affect your pension or the pension of your spouse or civil partner in the event of your death. You should also ask them what documentation they will require in the event of a pension claim by either yourself or your surviving spouse or civil partner.

The Department of Work and Pensions (DWP) gender recognition team will be able to help with State Pension enquiries.

More detailed guidance on pension and retirement is available in a separate document the 'Benefits and Pensions Note'.

3.4 Social Security Benefits

The potential impacts of a legal change of gender on Social Security benefits are also outlined in a separate document the 'Benefits and Pensions Note'.

You are advised to read this information. It should help you to decide if a legal change of gender will impact any Social Security benefits that you receive currently or in the future.

3.5 Inheritance/Succession

This is a complex area and if you think you are likely to be affected by it you should seek the advice of a solicitor. The contacts list in section 8 may also be helpful.

3.6 Legally reverting to your birth gender

If a person in receipt of a full GRC wishes to revert to their birth gender they must make an application for a GRC and meet the requirements of the GRA in the same way they did when making their previous application.

3.7 Privacy

For all sorts of reasons, you may not wish your gender history to be common knowledge. The Gender Recognition Act 2004 safeguards the privacy of transsexual people by defining information in relation to the gender recognition process as protected information. Anyone who acquires that information in an official capacity may be breaking the law if they disclosed it without your consent. Having said that, the Act does contain a series of exemptions that allow information to be disclosed for valid public policy reasons without your consent, for example, for preventing or investigating crime.

People who might gain protected information in an official capacity include anyone to whom you show your GRC to obtain the rights that are associated with it. This might be someone at a bank, Jobcentre, or a potential employer. In addition, all the people who handle your application for a GRC are bound by law to respect your privacy. Information about your application will not be disclosed to third parties unless it is permitted under the GRA.

You should bear in mind that privacy does not mean absolute secrecy. There may be some situations in which you will be required by law or necessity to prove a link between your current legal gender and your former one. For example you may be required to provide documents to organisations administering your pension(s) to protect the survivor pension rights of your spouse. Although the gender recognition process seeks to safeguard your privacy, you do not have a right never to disclose the fact that you obtained a GRC.

3.8 Discrimination

Under the Equality Act 2010, it is unlawful discrimination for a person with the protected characteristic of gender reassignment – a transsexual person, or a person mistakenly perceived to be a transsexual person – to receive unfavourable treatment because of that in employment or in the provision of services (except in some very limited circumstances).

Once a person has been granted a full GRC they have the same rights and responsibilities as their legally acquired gender. So for instance, an employer must treat a transsexual woman with a GRC in the same way as other female employees when it comes to pay. As the same Act prohibits discrimination because of sex, the employer must also treat that person, as a woman, and in a way which is no less favourably than a man.

3.9 Payment

When you make an application to the GRP, the Panel will need to carry out some work for which you have to pay a fee. The fee for applying for a GRC is £5.

Am I required to pay a fee?

The apply for help with fees guide and application form informs you if you qualify for a fee remission or reduced fee. You can get a copy by contacting the GRP administrative team for the necessary form or online at [gov.uk/help-with-court-fees](https://www.gov.uk/help-with-court-fees). The help with fees form must be included with your gender recognition application.

Please remember the GRP administrative team may ask for evidence of your income if you are applying for a fee remission.

How can I pay the fee?

Please include your payment with your application to the GRP. The Panel accepts payment by:

- Sterling cheque drawn on a UK bank payable to **HM Courts & Tribunals Service**
- UK postal order payable to **HM Courts & Tribunals Service**
- Debit/Credit card – You will need to contact the GRP administrator on 0300 123 4503 within 10 days of receipt of your application acknowledgment. We will then take payment from you over the telephone. For security purposes, have your GRP reference number and password to hand. Please note your application will not proceed without payment.

You should fill in the details of your payment at the appropriate section of the application form and enclose evidence where necessary.

If I begin to receive benefits after I have applied, or if my relevant income changes, can I apply for a refund?

You can apply to get some or all of your money back if you have paid a fee in the last three months. However you must have been eligible when you paid the fee.

Do the fees ever change?

Yes. You should note that all fees are subject to increases in line with inflation. You must therefore ensure that you obtain an up to date version of this leaflet. You can get a copy from the GRP administrator or on the website www.gov.uk

Specifically at page: <https://www.gov.uk/government/publications/gender-recognition-certificates-t455>

4. Marriage and Civil Partnership

Applicants who are not married or in a civil partnership can apply for a full GRC. In addition following the implementation of the Marriage (Same Sex Couples) Act 2013, Marriage and Civil Partnership (Scotland) Act 2014, The Civil Partnership (Opposite-sex Couples) Regulations 2019 and The Marriage (Same-sex Couples) (Northern Ireland) Regulations 2019, many applicants who are married or in a civil partnership are now able to apply for their gender recognition without ending their marriage or civil partnership. Your eligibility will depend on where your marriage or civil partnership was registered and may also depend on whether your spouse or civil partner consents to remaining in the marriage or civil partnership following your gender recognition. This is explained in greater depth below. All applicants who are married or in a civil partnership and who wish to end their relationship can still **choose** to apply for an interim GRC which they can use to annul or dissolve their existing legal relationship.

Marriages and Civil Partnerships Registered in England and Wales

The laws on marriage and civil partnership in England and Wales were changed by the Marriage (Same Sex Couples) Act 2013, to enable marriages of same sex couples to take place from March 2014. The laws in England and Wales were further changed by The Civil Partnership (Opposite-sex Couples) Regulations 2019 to enable civil partnerships of opposite sex couples to take place from December 2019. The 2013 Act and 2019 Regulations also changed some parts of the Gender Recognition Act 2004. The laws in England and Wales are now different from those in Scotland and Northern Ireland.

If you are married under the law of England and Wales or under the law of a country or territory outside the UK, then your marriage is considered to be a 'protected marriage'. Applicants who are in a protected marriage can choose to apply for a full GRC. For this both the applicant and their spouse will each need to complete a statutory declaration confirming their wish to remain married post gender recognition. If a spouse decides not to issue a statutory declaration or withdraws it before the application is dealt with, then the Panel will instead issue an interim GRC, which can be used by the applicant (or their spouse) to end the marriage following which a full GRC will be issued.

If your civil partnership is under the law of England and Wales it will be treated as a 'protected civil partnership'. Applicants who are in a protected civil partnership can choose to apply for a full GRC. For this both the applicant and their civil partner will each need to complete a statutory declaration confirming their wish to remain in their civil partnership post gender recognition. If a civil partner decides not to issue a statutory declaration or withdraws it before the application is dealt with, then the Panel will instead issue an interim GRC, which can be used by the applicant (or their partner) to end the marriage following which a full GRC will be issued.

If your civil partnership is registered outside of the UK you may be able to remain in your civil partnership post gender recognition by following the route above. Your civil partnership or overseas relationship must be one treated as a civil partnership under the Civil Partnership Act 2004. <http://www.legislation.gov.uk/ukpga/2004/33/schedule/20> If you do not know if your overseas relationship qualifies then you may wish to seek legal advice.

Marriages and Civil Partnerships Registered in Scotland

The Marriage and Civil Partnership (Scotland) Act 2014 received Royal Assent on 12 March 2014 enabling the first marriages of same sex couples to take place from December 2014. If your marriage was solemnised in Scotland then you are considered to be in a Scottish protected marriage. You can apply to the Panel for a full GRC, providing your spouse also completes a statutory declaration confirming they too wish to remain in your marriage following your gender recognition. If you are married but you and/or your spouse do not wish to remain married, following your gender recognition then the GRP will issue an interim GRC, which you can use in court proceedings to end your marriage. It is also possible for applicants in a Scottish protected marriage with an interim GRC to apply to the sheriff court for their full GRC, without first ending their marriage, irrespective of whether the couple wish to remain together post gender recognition.

If your civil partnership is registered in Scotland it will be treated as a 'Scottish protected civil partnership'. People in Scottish protected civil partnerships can choose to change their partnership to a marriage either by an administrative process or by a marriage ceremony. If you are in a Scottish protected civil partnership and want to apply for gender recognition, then you will need to decide whether you and your partner want to change your civil partnership to a marriage. (It is not possible for one partner to apply for gender recognition and for that civil partnership to continue following gender recognition.) If you decide that you wish to change your civil partnership to a marriage, this should be done before any application for gender recognition. This is the simplest way of proceeding.

If you are in a civil partnership and apply to the Panel for gender recognition the Panel will issue an interim GRC. This is because in Scotland, a civil partnership may only be registered between people of the same sex in law. So before a full GRC could be granted it would be necessary for the applicant to end their civil partnership. However, it is possible for both civil partners in a protected civil partnership to apply for legal recognition at the same time. Where the Panel grants both partners a full GRC it will do so on the same day which enables them to remain in their civil partnership. Where both civil partners want to apply for gender recognition they should make their applications at the same time and ensure that the GRP administrative team are aware that their applications are linked.

Marriages and Civil Partnerships Registered in Northern Ireland

The laws on marriage and civil partnerships in Northern Ireland were changed by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, to enable marriages of same sex couples and opposite sex civil partners to take place from 10 February 2020. The Regulations changed some parts of the Gender Recognition Act 2004.

If you are married under the law of Northern Ireland then your marriage is considered to be a 'protected marriage'. Applicants who are in a protected marriage can choose to apply for a full GRC. For this both the applicant and their spouse will each need to complete a statutory declaration confirming their wish to remain married post gender recognition. If a spouse decides not to issue a statutory declaration or withdraws it before the application is dealt with, then the Panel will instead issue an interim GRC, which can be used by the applicant (or their spouse) to end the marriage following which a full GRC will be issued.

If your civil partnership is under the law of Northern Ireland it will be treated as a 'protected civil partnership'. Applicants who are in a protected civil partnership can choose to apply for a full GRC. For this both the applicant and their civil partner will each need to complete a statutory declaration confirming their wish to remain in their civil partnership post gender recognition. If a civil partner decides not to issue a statutory declaration or withdraws it before the application is dealt with, then the Panel will instead issue an interim GRC, which can be used by the applicant (or their partner) to end the marriage following which a full GRC will be issued.

Summary of information on marriage and civil partnerships

The gender recognition process has been designed to make applications for legal recognition from married people and those in civil partnerships as straightforward as possible. Where an applicant satisfies all the evidential criteria for legal recognition at section 4, they will be treated as follows:

- If the applicant is in a protected or a Scottish protected marriage and their spouse has issued a statutory declaration of consent to remaining in the marriage following gender recognition, they will be issued with a full GRC.
- If the applicant is in a protected civil partnership and their partner has issued a statutory declaration of consent to remaining in the civil partnership following gender recognition, they will be issued with a full GRC.
- If the applicant is in a protected or a Scottish protected marriage but either does not wish to remain married after gender recognition or else their spouse has not issued a statutory declaration of consent to remain married following gender recognition then they will be issued with an interim GRC.

- If the applicant is in a protected civil partnership but either does not wish to remain in their civil partnership after gender recognition or else their civil partner has not issued a statutory declaration of consent to remain in their civil partnership following gender recognition then they will be issued with an interim GRC.
- If the applicant is in a Scottish protected civil partnership, their civil partner also applies for a GRC and both partners are successful then they will both be issued with full GRCs on the same day.
- If the applicant is in a Scottish protected civil partnership and only one partner has successfully applied for gender recognition he or she will receive an interim GRC.

An interim GRC is valid for a period of six months from the date on which it is issued. It may be used as evidence if either member of the couple chooses to end their marriage or civil partnership on the basis that an interim GRC has been issued to a party to the marriage or civil partnership, following which the court will issue a full GRC. In England, Wales and Northern Ireland, a marriage may be annulled or the civil partnership dissolved on this ground. In Scotland, a decree of divorce may be granted on this ground but there the 6 months limit does not apply. Those applicants in a Scottish protected marriage with an interim GRC may also apply to the sheriff court for a full GRC without first ending their marriage, but this must be done within six months of the date of issue of the interim certificate.

If you have an interim GRC then you may apply to the Panel for a full certificate if:

- You are in a protected or a Scottish protected marriage and your spouse issues a statutory declaration of consent to remain in the marriage post gender recognition, within 6 months of the date of issue of the interim certificate; or
- You are in a protected civil partnership and your civil partner issues a statutory declaration of consent to remain in the civil partnership post gender recognition, within 6 months of the date of issue of the interim certificate; or
- You convert or change your Scottish protected civil partnership to a Scottish protected marriage. Your application to convert or change must be made within 6 months of the date of issue of the interim certificate and you will be required to prove this. Both you and your spouse will have to complete a statutory declaration of consent to remain in the marriage post gender recognition; or
- Your spouse or partner dies within 6 months of the date of issue of the interim certificate and you have not remarried or entered a new civil partnership.

5. The criteria for Gender Recognition

All applications for a GRC must be made using the GRP approved application form and one of the appropriate approved statutory declaration forms that accompany this guidance. (There are separate statutory declarations depending on whether you are currently married, in a civil partnership or single.) The purpose of the application form is to enable you to demonstrate to the Panel that you meet the criteria for the issue of a GRC. It also makes sure that the GRP has all the information it needs to issue a GRC.

There are three ways of obtaining a GRC:

- Standard Application track
- The Alternative Application track and
- The Overseas Application track

The application track that you should use will depend on your personal circumstances. Details of how to prove that you satisfy the criteria are contained later in this guidance.

Under all the circumstances, an applicant must prove that he or she is 18 years old or more.

The Standard Application track for a Gender Recognition Certificate requires applicants to demonstrate that:

- They have, or have had, gender dysphoria
- They have lived fully for the last two years in their acquired gender and continue to do so;
- They intend to live permanently in their acquired gender until death.

For the Alternative Application track applicants need to demonstrate that they:

- were in a protected marriage or civil partnership at the time the gender recognition provisions of The Marriage(Same Sex Couples) Act 2013 commenced on 10 December 2014. For those in Scottish protected marriages or civil partnerships this date is 16 December 2014 and for those married or in a civil partnership registered in Northern Ireland the date is 13 January 2020
- have or have had gender dysphoria or else have undergone surgical treatment for the purpose of modifying their sexual characteristics
- have lived fully in their acquired gender for a period of six years prior to 10 December 2014 - the commencement date of the gender recognition provisions of the Marriage (Same Sex Couples) Act 2013 and continued to do so up to the date the application was made; (for Scottish protected marriages or civil partnerships this date is 16 December 2014); and for those married or in a civil partnership registered in Northern Ireland the date is 13 January 2020

- intend to live permanently in their acquired gender until death and
- are ordinarily resident in England, Wales, Scotland or Northern Ireland.

For the Overseas Application track applicants must demonstrate that:

- They have been recognised in their acquired gender as set out in the list of approved countries and territories that is available from the GRP and/or its website.

If your acquired gender has been recognised in another country or territory and that country or territory is on our list, you should apply using the Overseas Application track. If not, you will need to apply through the Standard Application track, unless you are eligible to apply via the Alternative Application track for long-term transitioned people currently or formerly in protected or Scottish protected marriages or civil partnerships.

If your application is successful then you will be granted either a full GRC or an interim GRC depending on your circumstances.

A full GRC will be issued to a successful applicant who is:

- neither married nor in a civil partnership or
- in a protected marriage or a Scottish protected marriage, where the couple have both issued statutory declarations of consent confirming their wish to remain in their marriage post gender recognition or
- in a protected civil partnership, where the couple have both issued statutory declarations of consent confirming their wish to remain in their civil partnership post gender recognition or
- in a Scottish protected civil partnership, where both parties apply at the same time and are granted full GRCs on the same day.

An interim GRC will be issued to a successful applicant where he or she is:

- in a non-protected marriage or in a non-protected civil partnership at the time of the application or
- in a protected marriage or a Scottish protected marriage but does not wish to remain in that marriage or else where their spouse has not issued a statutory declaration of consent to remain in their marriage or
- in a protected civil partnership but does not wish to remain in that civil partnership or else where their partner has not issued a statutory declaration of consent to remain in their civil partnership or
- where both parties of a Scottish protected civil partnership apply for gender recognition but only one partner is successful or
- in a Scottish protected civil partnership, but the other party has not applied to change their legal gender.

6. The application process

Before deciding whether to apply for gender recognition, you should read this guidance thoroughly and think hard about the consequences of becoming recognised in your acquired gender. If you decide to apply for a GRC you will need to obtain a copy of the application pack.

Application packs are available from www.gov.uk or direct from the GRP administrative team by contacting:

Gender Recognition Panel

PO BOX 9300

Leicester

LE1 8DJ

Phone: 0300 123 4503 (between 9am and 5pm, Monday to Friday)

Email: grpenquiries@justice.gov.uk

There are separate application forms and statutory declarations for each of the three application routes. Each form consists of a section which asks about your personal details and the details of the evidence that you are submitting to the GRP. There are also templates to assist you in gathering the evidence you need. For example, for an application under the Standard Application track you will need to provide two medical reports and a statutory declaration to satisfy the criteria. There are templates for each of these documents.

In addition to this general guide, the following documents may help you to make decisions about whether, when and how to apply:

- The 'Benefits and Pensions Note'
- Guidance on completing the application form for a GRC for the Standard, Overseas, and Alternative application tracks.

Successful applicants will also receive further guidance with recommendations of what action they should take upon receipt of a full certificate.

7. Applying for a Gender Recognition Certificate

Unlike most courts or tribunals, the GRP will not normally require a hearing to determine an application. Almost all applications will be decided 'on the papers'. It is very important that your application is completed correctly and is accompanied by the correct evidence.

You will need to take the following steps to apply for a GRC:

- Decide which application track is relevant to you and the right statutory declaration for your personal circumstances (if in doubt please ask the GRP administrative team);
- Fill in the parts of the form appropriate to your application;
- Gather the evidence that is appropriate to your application – this will depend on the process that you are applying through, and will include medical evidence, or confirmation of overseas recognition and a statutory declaration. You may need to include other evidence to support your application.
- Send your completed form and fee to the GRP.

When the GRP administrative team has received your application, they will look through the paperwork to see if there are any obvious omissions which would prevent the Panel determining your application. If necessary, they will contact you and ask you for more information or documents (see 7.1 below).

If your birth was registered in the United Kingdom, the Panel will also contact the Registrar General's Office in the part of the United Kingdom (England and Wales, Scotland or Northern Ireland) holding the relevant birth entry.

7.1 The Gender Recognition Panel Administrative Team

Your application will be looked at by the administrative team. They will try to ensure that the documentation that is put before the Panel is as complete as it can be.

To do this, a member of the administrative team may need to contact you after you have submitted your application. They will do this if it is clear that you have not included all the information or documents necessary to enable the Panel to consider your application. If you are asked to supply further information, you will normally be given 28 days to provide it. If you will not be able to provide it within 28 days, you should tell the administrative team immediately.

Details on your application for a GRC will be confidential. It will however, be necessary to share this information with the birth registration authorities.

7.2 The Gender Recognition Panel

After the administrative team have checked the application, it will be passed to a Panel. The following things will then happen:

- A Panel consisting of a legal or a legal and medical panel member, depending on the type of application, will consider your application.
- Applications are almost always considered on the papers. The Panel may issue Directions requesting further information or documents to assist you in presenting your application. In this case, a decision on your application will be delayed until you have had an opportunity to provide the further evidence.
- The Panel's decision to grant or refuse the application will be sent to you when the Panel makes its final decision. If you are unsuccessful, reasons will be provided. If successful, a full or interim GRC will be enclosed with the letter.
- For those applicants with a UK birth entry the Panel will send a copy of the full GRC to the relevant Registrar General as soon as it is issued. Where an applicant in a protected marriage or protected civil partnership or a Scottish protected marriage receives a full GRC the Panel will notify the appropriate Registrar General in case the couple should wish to apply for an updated marriage certificate or civil partnership certificate to reflect the applicant(s) new name. Similarly where both partners in a Scottish protected civil partnership are issued with a full GRC on the same day, the Panel will contact the relevant Registrar General. The Registrar General will contact you to let you know how you and your spouse can obtain a new marriage or civil partnership certificate if you want one.

7.3 New Birth, Marriage and Civil Partnership Certificates

- If your birth has a UK birth entry on receipt of a full GRC, the relevant Registrar General will send you a draft of the information to be recorded in the Gender Recognition Register (GRR) to clarify what the entry will look like and to resolve any queries before the registration goes ahead. The draft will contain all the details about date and place of birth and parentage that are included in your original birth record
- In the case of an adopted person, the draft will show the adoptive parents rather than the birth parents unless the adoption order has been quashed.
- If your birth was registered in England, Wales, Scotland or Northern Ireland the format of your certificate will match that of your original birth certificate, other than it will show your new name and acquired gender.
- On receipt of your confirmation that the draft contains the correct information, the Registrar General will create a new record in the GRR. Your current contact details will not be recorded in the register. (The purpose of a GRR is simply to create a new record from which the Registrar General may produce a new birth certificate. It is

not a record of all known transsexual people, nor will it be ever be used as such. The register does not record current address details or any other information which could be used to locate a transsexual person. The Register is held in the same way as the other central registers maintained by the Registrar General, such as those for adopted children and those for whom the courts have issued a parental order, and is not be open for public scrutiny.)

- Information about purchasing a new birth certificate will be sent to you with the draft entry.

Marriage Certificates

If you married in England, Wales, Scotland, Northern Ireland or overseas on consular premises or an armed forces base, on receipt of a full GRC you may choose to make arrangements so that a new marriage register entry is made and a new marriage certificate may be issued. The options open to you will depend on whether your marriage was originally registered in England, Wales, Scotland, Northern Ireland, but the appropriate Registrar General will contact you to explain these.

One option in Scotland is to have a renewed marriage ceremony. Another option in Scotland and the option in England, Wales, Scotland, Northern Ireland is for a new entry to be prepared. The Registrar General will send you a draft of the information to be recorded to clarify what the entry will look like and to resolve any queries before the registration goes ahead.

On receipt of your confirmation that the draft contains the correct information, the Registrar General will create a new record. This will allow a new marriage certificate to be created.

For those marriages registered in England, Wales, Scotland, Northern Ireland, the Registrar General will create a new record in the Gender Recognition Marriage Register (GRMR). The purpose of the GRMR is simply to enable the Registrar General for England and Wales or the Registrar General for Northern Ireland to create a new marriage record from which the new marriage certificate will be produced. As with the GRR, the register is held confidentially in the same way as the other central registers maintained by the Registrar General, such as those for adopted children and those for whom the courts have issued a parental order, and is not be open for public scrutiny.

Information about obtaining a new marriage certificate will be sent to you with the draft entry.

Your original marriage record will remain in existence and you can obtain original marriage certificates at any time.

In Northern Ireland, the original marriage record will remain in existence with an annotation. Original marriage certificates will be available to a limited set of applicants.

Civil Partnership certificates

If you entered into your civil partnership in England, Wales, Scotland, Northern Ireland or overseas on consular premises or an armed forces base, on receipt of a full GRC you may choose to make arrangements so that a new civil partnership register entry is made and a new civil partnership certificate may be issued. The options open to you will depend on whether your civil partnership was originally registered in England, Wales, Scotland, Northern Ireland, but the appropriate Registrar General will contact you to explain these.

One option in Scotland is to have a renewed civil partnership ceremony. Another option in Scotland and the option in England, Wales, Scotland, Northern Ireland is for a new entry to be prepared. The Registrar General will send you a draft of the information to be recorded to clarify what the entry will look like and to resolve any queries before the registration goes ahead.

On receipt of your confirmation that the draft contains the correct information, the Registrar General will create a new record. This will allow a new civil partnership certificate to be created.

7.4 Getting in contact with us

Within 5 days of your application being received by the administrative team, a confirmation letter will be posted to you. You may wish to contact the administrative team to find out how your application is progressing. If you do not receive information within the time suggested above please telephone 0300 123 4503.

7.5 Next steps

If you are successful in obtaining a full GRC, the GRP will send you information on:

- Obtaining a new birth certificate , marriage certificate or civil partnership where appropriate;
- Which government departments you must inform (you will be required by law to inform some bodies) and which organisations you may wish to inform;
- Other steps you should or may wish to take.

If your application is successful and you have lived, or paid tax, in the UK, or have claimed benefits, tax credits or pension, you will need to inform the relevant authorities. It is your responsibility to ensure that HM Revenue & Customs (HMRC) and any organisation that pays you pensions, benefits or tax credits (this could be the Department for Work and Pensions, the Social Security Agency in Northern Ireland or the Veterans' Agency) are informed.

If you fail to notify the relevant organisations that you have obtained a full GRC there may be adverse consequences. For example Department for Work and Pensions may not pay you, your spouse or civil partner the correct benefit or pension if your National Insurance records

have not been updated. For further information please see the 'Benefit and Pensions note'.

To make it easier for you, if you are successful, and you consent, the GRP will inform HMRC, which holds your National Insurance records. We strongly recommend that you ask us to do this for you. You will need to supply us with your National Insurance number and tick the box on your application form which gives us permission to contact HMRC.

If you do not give your consent you are obliged to let HMRC know if your application is successful. This will mean sending them your GRC and National Insurance number.

You should note that when HMRC are informed you are successful in obtaining a full GRC, they will update your record with any changes to personal details e.g. change of name and then they will restrict your record for specialist staff only to access; this is to comply with extra privacy requirements stipulated in the Gender Recognition Act 2004.

If you are personally notifying HMRC that you have received a full GRC, you can at the same time let them know that you wish to waive the restrictions they would normally place on your record.

You can waive the restrictions placed on your record at any time by writing to HMRC. However if you choose to waive the restrictions then you may lose out on some of the associated advantages, such as pension claims handling by a specialist gender recognition team within DWP.

If you obtain an interim GRC you will be sent guidance on:

- Obtaining an annulment or dissolution of your marriage or civil partnership
- The relevant time limits if you decide to convert your protected/Scottish protected civil partnership to a marriage
- Contracting a civil partnership or marriage for those applicants not in a protected/Scottish protected marriage or civil partnership.

If you are unsuccessful and the Panel rejects your application for a GRC, you may appeal that decision, on a point of law, to the High Court (or in Scotland to the Court of Session in Edinburgh). This can only be done if you can show that the Panel acted unlawfully when it determined your application.

In any event, the Panel will send you its reason for the refusal and information on

- Appealing the decision to the High Court (or Court of Session)
- Applying again for a GRC

All the guidance can be found on the Gender Recognition Panel's website at www.gov.uk

8. Who to contact for advice

If, after reading this guidance, you still have questions about:

- the broad implications of getting a GRC
- the criteria that need to be satisfied in order to make a successful application
- how to apply

you may wish to talk to someone who can help. You can contact the GRP administrative team, a solicitor or welfare rights organisation such as the Citizens Advice Bureau or you can contact any of the organisations listed below. You may be able to make enquiries to any of these organisations anonymously. You do not need to give any details if you do not wish to.

Please remember that the GRP administrative team can only offer advice on how to apply for a GRC. It cannot offer advice on whether you should apply, or on whether you will be successful.

GRP

PO Box 9300

Leicester LE1 8DJ

Email: grpenquiries@justice.gov.uk

Phone: 0300 123 4503 (Between 9:00 and 17:00, Monday to Friday)

Other organisations that you may find helpful include

Legal aid

Legal aid can help meet the costs of legal advice, family mediation and representation in a court or tribunal.

You'll usually need to show that:

- your case is eligible for legal aid
- the problem is serious
- you can't afford to pay for legal costs

www.gov.uk/legal-aid

The Equality and Advisory Support Service (EASS)

The EASS is a free helpline providing support and guidance to individuals who feel they may have been discriminated against or have a human rights issue. The helpline aims to help people solve their problems informally and is available to individuals from Scotland and Wales.

See their website with email form at www.equalityadvisoryservice.com/app/ask

Free phone Telephone **0808 800 0082**

Text phone **0808 800 0084**

There are a number of voluntary organisations that may provide information, advice or support. Details of some of those organisations and their websites are set out below. The GRP is not responsible for the contents or reliability of the websites listed below and would not necessarily endorse the views expressed within them. We cannot guarantee that these websites will work all of the time and we have no control over availability of the linked pages.

Gender Trust

The Gender Trust is a charity which specifically helps adults who are transsexual, gender dysphoric or transgender.

The Gender Trust

76 The Ridgeway

Astwood Bank

Worcestershire

B96 6LX

Email: info@gendertrust.org.uk

Gender Identity Research and Education Society

GIRES is a charity, which provides a wide range of support for trans people and those who care for them,

The Gender Identity Research & Education Society
Milverley
The Warren
Ashted
Surrey
KT21 2SP

Tel: 01372 801554

Fax: 01372 272297

Email: info@gires.org.uk

www.gires.org.uk

(GIRES also has details of a number of National and local support organisations on its website.)

Press for Change

Press for Change is a lobbying and legal support organisation for Trans people in the UK.

Press for Change

BM Network

London WC1N 3XX

Email: letters@pfc.org.uk

www.pfc.org.uk

Equality Network and the Scottish Transgender Alliance

The Scottish Equality Network promotes lesbian, gay, bisexual and transgender equality across Scotland. www.equality-network.org

The Scottish Transgender Alliance (STA) is based within the Equality Network and assists transgender people, service providers and equality organisations.

30 Bernard Street, Edinburgh EH6 6PR (t+ 44 (0) 131 467 6039

sta@equality-network.org

Depend

Depend is an organisation offering free, confidential and non-judgmental advice, information and support to all family members, partners, spouses and friends of transsexual people.

www.depend.org.uk

Mermaids

Mermaids offers support and information for children and teenagers who are trying to cope with gender identity issues and for their families and carers. www.mermaidsuk.org.uk

The Beaumont Society

The Beaumont Society provides advice and support for transsexual and transvestite people.

www.beaumontsociety.org.uk

The Beaumont Trust

The Beaumont Trust is a charitable educational resource for medical, voluntary and lay people who wish to increase their knowledge on the subjects of transsexualism and transvestism. www.beaumont-trust.org.uk

FTM London

FTM London is a peer support group for female to male transgender or transexual people.

www.ftmlondon.org.uk

Details of departments and other organisations that you may find useful:

The Ministry of Justice

The Ministry of justice is responsible for the policy on the Gender Recognition Act 2004.

www.gov.uk

The Scottish Government

The Scottish Government is responsible for Scottish gender recognition policy matters.

Family Law Team

Scottish Government

Room GW.15

St Andrew's House

Regent Road

EDINBURGH EH1 3DG

Email: family.law@scotland.gsi.gov.uk

The Citizens Advice Scotland website is at www.cas.org.uk

The Government Equalities Office

The Government Equalities Office (GEO) is responsible for equality strategy and legislation across government. Its works to take action on the government's commitment to remove barriers to equality and help to build a fairer society, leading on issues relating to women, sexual orientation and transgender equality.

The Department for Work and Pensions (DWP)

The Department for Work and Pensions (DWP) is responsible for welfare reform. Its aim is to promote opportunity and independence for all. It delivers support and advice through a modern network of services to people of working age, employers, pensioners, families and children and disabled people.

www.gov.uk/government/organisations/department-for-work-pensions

For State Pension enquiries the DWP Gender Recognition team can be contacted on:

Phone: 0191 2187622

Fax: 0191 613 8913

Email: npc.grteam@dwp.gov.uk

General Register Office for England and Wales, The National Records for Scotland and the General Register Office for Northern Ireland

These General Register Offices give you information about how to register a birth or death, how to go about getting married, how to obtain a birth certificate, a marriage certificate or a death certificate.

www.gro.gov.uk/gro/content

www.gro-scotland.gov.uk

www.nidirect.gov.uk/gro

UK Sport

UK Sport promotes the highest standards of sporting conduct and explores its wider social applications. It is preparing guidance, with the Department for Culture, Media and Sport, to assist sporting bodies in dealing with the Gender Recognition Act 2004 and its consequences. www.uk sport.gov.uk

The Equality and Human Rights Commission

The Equality and Human Rights Commission has a statutory remit to promote and monitor human rights; and to protect, enforce and promote equality across the nine 'protected' grounds - age, disability, gender, race, religion and belief, pregnancy and maternity, marriage and civil partnership, sexual orientation and gender reassignment.

www.equalityhumanrights.com

Trades Union Congress

The TUC policy is to campaign for equal treatment for all workers, including the rights of trans workers.

www.tuc.org.uk

Pensions and Lifetime Savings Association

PLSA promotes workplace pensions. Its priority is to ensure a regulatory and fiscal environment which encourages the provision and take up of employer-sponsored pensions, as well as sound stewardship of pension fund assets. www.plsa.co.uk

Credit Reference Agencies

The three UK credit reference agencies (CRAs) hold information about virtually every UK adult. Under section 7 of the Data Protection Act, you are entitled to see a copy of the information the CRAs hold on you. This is called your credit report. Because your credit report will probably show a link between your current and former names, the three CRAs have each arranged a special service to help Transsexual people manage the information on their report.

You can get an advice pack from any of the CRAs websites or confidential helplines:

www.experian.co.uk/gra/

Experian

Phone: 0870 366 1660

graadvicelineuk@equifax.com

Equifax

Phone: 0870 2400 686

www.transunion.co.uk

TransUnion

Making comments or complaints about the GRP administrative team

How you can help us

You can help by telling the administrative team what you like about our service, how you would like it to be improved and how you believe that we have not met our usual standards.

Administrative Complaints Handling Procedure

As a result of customer feedback, HM Courts & Tribunals Service has introduced a new administrative complaints handling procedure.

All complaints received about administrative issues will now be responded to within 10 working days.

When further investigation is required you can expect us to contact you to explain and give you a date by which you'll receive a reply in full.

You can find out more about how to make a complaint here: www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure

How we aim to help you

All comments and complaints are dealt with seriously and you may be contacted for your comments about how your query was dealt with.

Your comments and complaints will be used to help make improvements to our administrative service.

Who can make a comment or complaint about the GRP administrative team?

Anyone who has used the facilities and services of the GRP administrative team.

How can I make a comment or a complaint?

Tell a member of the administrative team

Telephone the customer service centre on 0300 123 4503. Calls are taken from 9am to 5pm from Monday to Friday and are charged at the local rate.

Email: grpenquiries@justice.gov.uk

Write directly to the secretariat at: GRP, PO Box 9300, Leicester, LE1 8DJ

You may have to make your comment or your complaint in writing. You will be told if you have to do this.

If you are sending a letter please:

- Mark it as a comment, complaint or compliment
- Quote the application reference number
- Give your reason for making the comment or complaint

What if I am not satisfied with the reply?

You may write to the Director of Tribunals at:

1st Floor

Procession House

55 Ludgate Hill

London

EC4M 7JW