



## **Statutory Declaration for the Spouse of an Applicant for Gender Recognition**

### **General**

1. Your spouse is applying to the Gender Recognition Panel (GRP) for a legal gender change, under the Gender Recognition Act 2004. Under the gender recognition provisions, it is possible for some applicants to remain in an existing marriage entered into in their birth gender and receive a full Gender Recognition Certificate if
  - They are in a protected marriage or a Scottish protected marriage and their spouse has consented to remain in their marriage post gender recognition

A protected marriage is a marriage under the law of England or Wales or a country or territory outside of the UK. A Scottish protected marriage is a marriage solemnised in Scotland.

2. Where a married applicant applies to the GRP we need to know if both parties to the marriage want to remain married following gender recognition. We do this by asking both the applicant and their spouse to complete a statutory declaration making several statements about their marriage and intentions. This helps the Panel to deal with the application for gender recognition.
3. A statutory declaration is a written statement of facts which the person making it signs and solemnly declares to be true before a person authorised to administer oaths.

### **Is this form the right one for you?**

4. This form is for those spouses who wish to confirm their intention to remain in either a protected marriage or a Scottish protected marriage post gender recognition. If you are unsure about how to complete this form, please contact the GRP administrative team who may be able to guide you.

## Guidance for completing your statutory declaration

5. Please complete all sections of the statutory declaration form, taking care to delete all those statements that do not apply to you. You must enter your full name in the space provided and the address at which you reside. This is the address to which the GRP administrative team will use to write to you, unless you tell us otherwise. You should then complete the remaining sections as follows:
  - Section 1 – please enter the current name by which the applicant is known.
  - Section 2 – we need to know the date on which you were married to the applicant and the place and country in which your marriage was registered. We ask you to indicate whether this is England and Wales, Scotland, Northern Ireland or a country or territory outside of the UK.
  - Section 3 – we need to be certain that we know your wishes. This statement just confirms that you wish to remain in your marriage following your spouse's gender recognition.

## Finalising your statutory declaration

6. Once you have filled in your statutory declaration form and you are satisfied that it represents the truth, you will need to take it to an officer authorised to administer an oath. You will then need to read and sign your statutory declaration in front of that officer who will then also sign the document. He or she will then need to add their own contact details and provide details of the qualification that enables them to administer the statutory declaration.
7. Examples of people who would be able to administer an oath are a practising solicitor, a commissioner for oaths, a notary public, a legal executive, a licensed conveyancer, an authorised advocate, an authorised litigator or a Justice of the Peace or a magistrate. In Scotland a notary public or a Justice of the Peace can administer an oath. Most solicitors in Scotland would also be a notary public.
8. In order to have your oath administered by a Justice of the Peace or a magistrate in England and Wales, you would need to go to the magistrates' court. To find out when they hear applications for declarations, you should contact your local magistrates' court. They will also be able to tell you how much the fee will be or whether it can be waived.



# Statutory Declaration

## Gender Recognition Act 2004

of *(this is the address to which the Gender Recognition Panel will send all communications.)*

Do solemnly declare that:

1. I am married to *(enter the current name by which the applicant is known)*

2. We were married on  /  /

at: *(enter the place and country of marriage),*

and the marriage registered under the law of England and Wales\*/ a country or territory outside of the United Kingdom/solemnised in Scotland\* *(\*delete as appropriate).*

3. I consent to the marriage detailed above continuing after the issue of a full gender recognition certificate to my spouse under the Gender Recognition Act 2004.

4. I make this solemn declaration conscientiously believing the same to be true and by virtue of the provisions of the Statutory Declarations Act 1835.

Declared at

Signature of applicant's Spouse

Date  /  /

### Witness who is authorised to administer oaths

Name of witness

Signature of witness who is authorised to administer oaths

Qualification of person authorised to administer the statutory declaration