

8705 1204 SP5L00991

2. Date of Birth

3. Gender

4. Date of Issue

COGNITION CERTIFICATE

GUIDE TO

The above named person is, on the date of issue of this certificate, of the gender shown.

**UK LEGAL GENDER
RECOGNITION**

CAUTION: THERE ARE OFFENCES RELATING TO MAKING OR USING A FALSE GENDER RECOGNITION CERTIFICATE.

**HOW TO GET A GENDER RECOGNITION
CERTIFICATE UNDER THE GENDER
RECOGNITION ACT 2004**

FICATE IS NOT EVIDENCE OF

Key to colours used

Most of this guide applies to everyone, but some parts are specific to certain countries. We highlight these sections using text but also colours:

Red sections are specific to people who are living in **England or Wales**, or sometimes to people who entered into a marriage or civil partnership in England or Wales.

Blue sections are specific to people who are living in **Scotland**, or sometimes to people who entered into a marriage or civil partnership in Scotland.

Green sections are specific to people who are living in **Northern Ireland**, or sometimes to people who entered into a marriage or civil partnership in Northern Ireland.

Purple sections are specific to people who are living **outside of the UK** (including the Channel Islands and the Isle of Man), or sometimes to people who entered into a marriage or civil partnership outside of the UK.



This guide was made by UK Trans Info, a national organisation that works to improve the lives of trans and non-binary people in the UK through advocacy, campaigning, information and support.

www.uktrans.info



This guide was funded by Scottish Transgender Alliance, the Equality Network project to improve gender identity and gender reassignment equality, rights and inclusion in Scotland.

www.scottishtrans.org



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Introduction

Welcome to the UK Trans Info guide to gender recognition in the UK, which has been produced with support and funding from the Scottish Transgender Alliance.

In 2014 we saw the most significant changes to gender recognition in the UK since the Gender Recognition Act was enacted in 2004. This was because England, Scotland and Wales made it legal for couples who are legally the same sex to get married. Before these reforms, couples where one or both partners were seeking gender recognition had to end their marriage or civil partnership first. With same sex marriage legalised, some couples in this situation can remain married or in a civil partnership.

However it is only a partial end to the practice, and it has resulted in a complicated process that varies significantly depending on where you live and where you got married or entered into your civil partnership. A person who married or entered into a civil partnership in Northern Ireland will still have to get a divorce, annulment or dissolution before they can get gender recognition. A person who married in England or Wales may continue their marriage as long as their spouse agrees. People who married in Scotland and still live in Scotland are permitted gender recognition even without their spouse's consent.

This booklet will explain what gender recognition is, what the eligibility requirements are, how to make the application and what happens once you have applied. It will also guide you through the additional steps you'll need to take if you are married or in a civil partnership. If you need any more help then you can contact us or one of the other organisations listed at the back of the guide.

Jessica Coal
Founder, UK Trans Info



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What is gender recognition?

In the UK, the law says that everyone is either legally male or legally female and that this is determined by what it says on your birth certificate. This means that for certain things that are controlled by law (such as pensions, marriage and prisons) you may be treated as the gender on your birth certificate regardless of your actual gender identity. Gender recognition allows you to change your legal gender from male to female or from female to male. Unfortunately in the UK there is not yet any legal recognition of other genders, nor is there the ability to legally have no gender or an unspecified gender.

Unless your gender has been legally changed in another country, you will need to provide a large amount of evidence to apply for gender recognition. This includes medical reports and evidence that you have transitioned full-time for at least two years. If you are married or in a civil partnership then there will be additional requirements which vary according to your circumstances. All of the criteria are explained in detail in later sections.

Applying for gender recognition is completely optional. Many people cannot apply for it, and many others choose not to apply. The vast majority of things that you do on a day-to-day basis are not affected by whether you have it or not.

If you don't have gender recognition:

- You can still change your name, title and gender on almost all records held by organisations
- You can still use the toilets, changing rooms and other single-sex facilities of your choice
- You can still get a driving licence and passport with your choice of male or female gender marker
- You are still entitled to respect for your gender identity from employers and other organisations
- You are still protected from discrimination, harassment and victimisation by equality legislation
- Information about you is still confidential and protected by the Data Protection Act



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What are the legal effects of gender recognition?

Gender Recognition Certificate

When gender recognition is granted you will be issued with a full Gender Recognition Certificate (GRC). This can be used as evidence of your new legal gender, and if you don't have a UK birth or adoption certificate then it will be the only evidence that you have. You should almost never have to show this to anybody, and organisations should not ask to see this.

Some (but not all) people who are married or in a civil partnership will not be issued with a full GRC, but will instead get an interim GRC which is only valid for six months. An interim GRC does not change your legal gender or offer you any of the protections of a full GRC, but instead it can be used to end your marriage or civil partnership. Once the marriage or civil partnership is ended a full GRC will be issued. See the section on 'Applying while married or in a civil partnership' for more details.

New birth or adoption certificates

If you were adopted in the UK then you will be able to get a new adoption certificate. If you weren't adopted but your birth was registered in the UK then you will be able to get a new birth certificate. These certificates will have all the details from the original certificate except that your name and sex will be changed. You can use this new birth or adoption certificate as evidence of your legal gender. If your birth or adoption was registered outside the UK, you can still be issued a GRC. However, arrangements for reissuing birth or adoption documents will be governed by the relevant country, which may not accept a UK GRC as sufficient evidence.

Marriage and Civil Partnership

Many rules regarding marriages and civil partnerships depend on the legal gender of the two people involved. For example in Northern Ireland it is not possible for two people who are legally the same gender to get married. This means that a trans man could not marry someone who is legally female in Northern Ireland until after he obtains gender recognition. On the other hand civil partnerships throughout the UK can only be entered into by two people who are legally the same gender. This means that a trans man could enter into a civil partnership with someone who is legally female but only before he obtains gender recognition.



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In addition, apart from in Scotland the words 'husband' and/or 'wife' must be used in marriage vows and unfortunately some registrars insist that the word use must match the person's legal gender. That means that a trans woman would be referred to as 'husband' and a trans man as 'wife' in the wedding vows unless they hold a GRC. This requirement is not specifically stated in legislation, and at the time of writing there has been no case law to determine if this requirement is legal or not. There is no mention of gender on marriage certificates. Civil partnerships don't have gendered language in the vows, but the certificates in England and Wales will state each person's legal gender.

If you are already in a marriage or civil partnership that was formed in the UK, then once you have gender recognition you may in some circumstances be able to get new marriage or civil partnership certificates. However in other circumstances you will not be able to obtain gender recognition at all unless you end your legal relationship. See the section on 'Applying while married or in a civil partnership' for more details.

Northern Ireland does not currently recognise the marriage of legally same-sex couples. If after receiving your full GRC you are legally in a same-sex marriage, it will only be recognised as a Civil Partnership in Northern Ireland. However if you are in a legally same-sex marriage which becomes a legally opposite-sex marriage when you get a GRC, then in Northern Ireland it will be fully recognised as a marriage even if though was previously only recognised as a Civil Partnership.

Parenting

The law says that obtaining gender recognition does not affect your status as a mother or father. This means that you can be a mother even if legally male, and can be a father even if legally female. It also means that you cannot have your children's birth certificates altered.

Benefits and Pensions

The majority of state benefits in the UK are the same regardless of your legal gender, so in most cases will be unaffected. However there may be some changes if you receive a benefit such as Widow's Pension or Widowed Mother's Allowance which are dependent on legal gender.

If you were born before 6th December 1953 then the age at which you can claim a State Pension may change. This means that your State Pension could stop if you are already receiving it, or you could become eligible if you previously weren't. It can



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also affect your national insurance contributions if you are between the two State Pension ages. For some people, obtaining Gender Recognition will require them to end their existing marriage or civil partnership. This may have an impact on state or company pension arrangements, for example with regard to pension substitutions or spousal pensions

The DWP has produced a detailed guide to ***how getting a full Gender Recognition Certificate may affect National Insurance, pensions and other social security benefits for applicants and their spouses or civil partners***¹ which is available online or from the Gender Recognition Panel.

Peerage, dignities and titles of honour

The descent of peerages, dignities and titles of honour is not affected by the issuing of a GRC. For example, a peerage that is only handed down the male line can be inherited by a trans woman but not by a trans man, regardless of whether either of them have a GRC.

Inheritance

Some wills specify who things go to in a gendered way, such as "I leave my guitar to my oldest son". The law says that this should be interpreted according to your legal gender at the time that the will was made. For example, this means that a trans woman would be able to inherit something left to the eldest son if the will was made before she got a GRC, but not if the will was made afterwards. However the trustees or personal representatives do not have to ask whether or not you hold a GRC, or when you got it, so this rule might be applied incorrectly unless you tell them about your GRC.

If you don't inherit something because you have a GRC, but would have inherited it if you hadn't got a GRC, then you can apply to the High Court (or the Court of Session in Scotland) asking them to look into the situation. The court, if it is satisfied that it is just to do so, can make an order to rectify the situation. If someone else would have inherited something if you didn't have a GRC, but they didn't inherit it because you do have a GRC, then they can also apply to the court for a similar order.

¹ Available at: <http://uktrans.info/grc-welfare>



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For these reasons it is preferable if all wills and other instruments refer to you by name rather than (or as well as) by gender. If this is unavoidable then you may want to seek the advice of a solicitor.

Credit Reference Agencies

As your credit reports usually contain details of previous names, each of the three main credit reference agencies has put in place a procedure to protect your information once you have received a GRC. You can either have information changed into your new name, or put a warning on your credit file to inform the people that view it that your information cannot be disclosed. Each method has advantages and disadvantages which vary depending on your circumstances but will be explained by the credit reference agencies.

Privacy

Before obtaining a full GRC, information that reveals your previous names, trans status, sex you were assigned at birth, legal gender or similar details are protected by data protection, equalities and human rights legislation. However once you have been issued with a full GRC this protection is increased even further.

Once you have a full GRC, anybody who obtains or has obtained this kind of information would be committing a criminal offence if they disclosed it to anybody, and may be subject to a fine. However this only applies if they know that you have a full GRC and they learnt the information in a professional capacity, such as because they are your employer, a colleague, a doctor, a civil servant, a charity worker, a politician or someone working for a business.

There are a number of exceptions which allow people to disclose the information without committing a criminal offence. These are if:

- you can't be identified from the information
- you have consented to the information being disclosed
- a court or tribunal has ordered the disclosure,
- it is necessary to disclose the information to start, or as part of, court or tribunal proceedings, or for certain purposes connected with insolvency or bankruptcy
- the information has been disclosed as part of preventing or investigating a crime,
- the information has been disclosed so that someone can get legal advice,



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- the information has been disclosed to help someone to decide whether to officiate at or permit a marriage, or to decide whether a marriage is valid or should be annulled or dissolved,
- the information has been disclosed to help someone to decide whether to admit or appoint a person as a member, minister, employee or other post holder of an organised religion, or to suspend, terminate or revoke any such admission or appointment. This exception only applies if the information is needed in order to make a decision which complies with the doctrines of the religion in question or avoids conflicting with the strongly held religious convictions of a significant number of the religion's followers,
- the information has been disclosed to a health professional for medical purposes, but only if the person making the disclosure believes that the person it is about has given consent to the disclosure or cannot give such consent,
- the information is contained in a court or tribunal order and has been disclosed by or on behalf of a credit reference agency
- the information has been disclosed to the Registrar General,
- the information has been disclosed for the purposes of the social security system or a pension scheme.



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What if you already have your gender recognised in another country?

If you are a national of an EU or EEA country other than the UK and you have received legal gender recognition in that country, this should be automatically recognised in the UK. If you have lived or paid tax in the UK then you must, by law, ensure that you inform HMRC (see page 59) so that they can update your details. However, if you have a UK birth or adoption certificate then you may still need to apply for and receive a full Gender Recognition Certificate in order to get it reissued.

If you have had your gender recognised outside of the EU/EEA then this will not be automatically accepted by the UK government. You will need to apply for and be issued with a full Gender Recognition Certificate before your legal gender change will be recognised in the UK.

In many cases, if you have had your gender recognised outside of the UK you can then make an Overseas Track application that will allow you to be granted a Gender Recognition Certificate without providing much additional evidence. You can only do this if your gender has been recognised in an approved country or territory. As of November 2015 the approved countries and territories are shown in the list on the next page.

If you received gender recognition in an approved country or territory then the Overseas Track is usually the quickest and simplest way to obtain a Gender Recognition Certificate. You will need to provide evidence of your gender recognition – which could be a new birth certificate, an amended birth certificate that shows the change of gender, a court order, a record of recognition equivalent to a Gender Recognition Certificate, or a copy of an entry in a register. If the evidence isn't in English then you will also have to provide an official translation.

If you received gender recognition in a country or territory that isn't on the approved list then you will not be able to use the Overseas Track. Instead you will need to make a Standard Track or Alternative Track application as described in the next section.



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List of Approved Countries and Territories for the Overseas Track

Australia (Territories of Australian Capital Territory and Northern Territory and the states of New South Wales, Queensland, South Australia, Tasmania, Victoria and Western Australia)		Canada (Provinces of Alberta, British Columbia, Manitoba, New Brunswick, Newfoundland and Labrador, Nova Scotia, Ontario, Prince Edward Island, Quebec and Saskatchewan and the Yukon Territory)	
Austria	Belgium	Bulgaria	
Croatia	Republic of Cyprus	Czech Republic	
Denmark	Estonia	Finland	
France	Germany	Greece	
Iceland	Italy	Japan	
Liechtenstein	Luxembourg	Malta	
Federal District of Mexico	Moldova	Netherlands	
New Zealand	Norway	Poland	
Romania	Russian Federation	Serbia	
Singapore	Slovakia	Slovenia	
South Africa	South Korea	Spain	
Sweden	Switzerland	Turkey	
Ukraine		Uruguay	
United States of America (the District of Columbia and all of the states except for Idaho, Ohio, Tennessee and Texas)			

This list can change, although it hasn't changed since 2011 and has only changed once since 2004. You can get a copy of the current list from the Gender Recognition Panel or view it online on their website.



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Who is eligible to apply?

There are three “tracks” that can be used to apply for a Gender Recognition Certificate which each have different requirements. These are the Standard Track, the Overseas Track and the Alternative Track. Most people will only be able to use the Standard Track, but this track also requires the most evidence so the others are preferable when available. The Overseas Track is described in the previous section and is open to those whose gender has already been legally changed in some other countries. The Alternative Track has reduced medical evidence, but has very strict requirements and is only available to those living in England, Scotland or Wales.

Currently the only genders recognised in the UK are male and female, which makes gender recognition unsuitable for some non-binary people. If you are a non-binary person who would prefer their legal gender to be changed to the other available option then there are a few things to consider. You will need to swear an oath that you “intend to live full time as a male/female (delete as appropriate) until death” and in most cases you will need to provide evidence that you have been living full-time as either a man or a woman for at least two years.

All three tracks require you to be at least 18 years old. If you have not yet turned 18 then you should not apply for a Gender Recognition Certificate as the application will be automatically rejected. You can start collecting evidence and have the forms filled in ready, but you must not sign the statutory declaration or application form until on or after your 18th birthday.

There are also additional rules for anyone who is married or in a civil partnership which are the same for all three tracks. These rules vary depending on where you live, where the marriage or civil partnership was formed, whether you can convert your civil partnership into a marriage and whether your spouse will agree to the marriage continuing after gender recognition. See the later section on “applying while married or in a civil partnership” for more details.

The majority of applications are made using the Standard Track. For this track you must have had a diagnosis of gender dysphoria, gender identity disorder or transsexualism and be able to get a medical report from a gender specialist confirming this diagnosis. You will also need to obtain a medical report from another doctor (usually your GP) giving specific details of any relevant medical treatment you have had (or stating that you haven’t had any such treatment). In addition you must provide evidence that you have been living full-time as either a man or a



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woman for at least two years, and swear an oath that you “intend to live full time as a male/female (delete as appropriate) until death.”

If you live in England, Wales or Scotland

Some people who transitioned long ago may struggle to obtain the medical evidence required for the Standard Track, especially if the doctor who made the diagnosis has retired. The Alternative Track has been put in place to help these people, but it has very strict requirements. You must be in either a marriage or in a civil partnership, or have been in one at some point*. The marriage must not have been formed in Northern Ireland, or the civil partnership must have been formed in England, Scotland or Wales. You must also have evidence that you have been living full-time as either a man or a woman since before 10th December 2008 (or 16th December 2008 if you married or entered into your civil partnership in Scotland) and swear an oath that you “intend to live full time as a male/female (delete as appropriate) until death.”

If you meet these criteria then the medical requirements are reduced. You will need to meet ONE of the following criteria:

Have or have had a diagnosis of gender dysphoria, gender identity disorder or transsexualism and be able to get a medical report from a gender specialist confirming it; or

Have had some sort of surgery for the modification of sexual characteristics and be able to get a medical report from a gender specialist or other doctor (such as a GP or surgeon) confirming it. This does not have to be genital surgery and could be, for example, chest reconstruction.

The law in Scotland is expected to change early in 2016. After that, people who married or entered a CP in Scotland and who have had hormone treatment, but not surgery will also be eligible.



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If you live outside of the UK, or if much of your evidence will need to come from outside the UK, then it is sometimes easier to obtain gender recognition in that country and then apply for a GRC using the Overseas Track. This is because all evidence must be translated into English if it isn't already, and the medical evidence for the Standard and Alternative Tracks must come from a UK registered doctor or psychologist.

**A track almost identical to the Alternative Track but for people who aren't married or in a civil partnership used to exist. It was known as the Fast Track, but it closed in 2007. At the time the law required everyone to divorce in order to get gender recognition, so many people who were married chose not to get gender recognition. When the law changed to let people get gender recognition without ending their marriage or civil partnership, the new Alternative Track was opened. However we have been told that they were unable to open it to those who haven't been married or in a civil partnership as it was outside the scope of the marriage legislation.*



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What if you live on or were born on the Isle of Man or the Channel Islands?

While all three of the crown dependencies have gender recognition processes, none of them operate entirely independently. Those living on the islands will often have to apply for a UK gender recognition certificate before being able to receive gender recognition on their island.

Bailiwick of Jersey

Under the Gender Recognition (Jersey) Law 2010, a person who has received gender recognition in an approved jurisdiction is able to apply to the Royal Court for a Jersey Gender Recognition Certificate. The list of approved jurisdictions is very similar to the list found in the previous section "What if you already have your gender recognised in another country?"

In most cases it is easiest to apply to the UK's Gender Recognition Panel for a UK GRC. Once you have a full GRC you can then apply to the Royal Court for a Jersey GRC. You can contact the Court by calling 01534 441300 or emailing jgreffe@gov.je

If you are married then the Royal Court will issue you with an interim Jersey GRC which does not change your gender but can be used to annul your marriage in Jersey. If you are not married, or once your marriage has been annulled, you will be issued with a full Jersey GRC which changes your legal gender and if you were born in Jersey allows you to obtain a new birth certificate.

For more information and assistance contact **Trans* Jersey**² or **Liberate**³ via their website

Bailiwick of Guernsey

Although there is no specific legislation in Guernsey allowing gender recognition, case law has held that if someone has a full UK Gender Recognition Certificate then their gender should be recognised in Guernsey and if they were born in Guernsey they should be issued with a new birth certificate. It is not yet clear whether this would be possible for a married person, or if it would have an effect on a marriage if it is possible.

² Trans* Jersey's website is www.transjersey.org

³ Liberate's website is www.liberate.gg



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Once you obtain a full Gender Recognition Certificate from the UK you should contact the Registry team at the Office of Her Majesty's Greffier at 01481 725277 or ***hmgreffier@guernseyroyalcourt.gg***

For more information and assistance contact ***Liberate***³ via their website.

Isle of Man

Under the Gender Recognition Act 2009 (of Tynwald) a person who obtains a full UK Gender Recognition Certificate automatically has their gender recognised on the Isle of Man.

Once you have a full GRC then if you were born on the Isle of Man then you can apply to the General Registrar for a new birth certificate. You can contact the Civil Registry by calling 01624 687039 or emailing ***civil@registry.gov.im***

For more information and assistance contact ***Manx Rainbow Association***⁴ via their website.

⁴ Manx Rainbow Association's website is www.manxrainbow.com



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How much does it cost to apply?

There are a number of costs that might occur when applying for a Gender Recognition Certificate. While there is an application fee that you might have to pay (see below), for many people the main cost comes in gathering the evidence required to support the application.

- If you do not have a copy of your birth certificate then you will need to obtain one. This costs £9.25 if you were born in England or Wales, or £15 if you were born in Scotland or Northern Ireland. There may be additional delivery charges if you live outside of the UK. If you were born outside of the UK then the costs can vary hugely.
- If you are married or in a civil partnership and you do not have a copy of your marriage or civil partnership certificate then you will need to obtain one. UK certificates cost the same as a birth certificate above, but certificates from outside the UK can vary in cost.
- A standard track application needs two medical reports, and an alternative track application needs one. The NHS won't pay for the reports, so doctors are allowed to charge for them. Some GICs will do their report for free, while others will not. Most GPs will charge for their report. The charge for the report is up to the doctor who writes it, but isn't usually more than £50 per report.
- There will be a charge when you sign your statutory declaration. Your spouse will also be charged if they are signing a statutory declaration. The charge is usually £5 if done by a solicitor.
- If any of your evidence isn't in English then you will need to pay to have it officially translated.

Also, it is very strongly recommended that you send your application by special delivery. The cost of this varies depending on the amount of evidence you need to send, but is often about £10. If you live outside the UK then you should use a secure, registered post and this can be expensive.

If your application is successful and you receive an interim GRC then there may be costs involved in applying to the Sheriff Court for a full GRC (in Scotland) or in ending your marriage or civil partnership.



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If your application is successful, you receive a full GRC and are entitled to a new birth or adoption certificate then you will only receive a short birth certificate which is of limited use. If you want a full birth or adoption certificate then there will be additional charges.

Court Fee

When you send your application for a Gender Recognition Certificate you might have to pay a court fee. The fee is currently £140 as of November 2015 regardless of where you live. This fee has never been increased before but it could happen, so you should check the 'Payment' section of the application form for the current fee.

Some people do not have to pay a fee, and some other people can get it reduced. To get the fee reduced or removed you must qualify for a fee remission. A form called "EX160A Court and tribunal fees – do I have to pay them" is available on the **Gender Recognition Panel's website**⁵, from their admin team or from any court. This form explains the fee remission process in full, but a summary is below.

To qualify for a fee remission you must pass the disposable capital test and the gross monthly income test.

Disposable Capital Test

Your disposable capital must be less than the first amount shown in table 1 of the form (£3,000 as of November 2015) if you are less than 61 years old, or less than the amount shown in table 2 (£16,000 as of November 2015) if you are 61 or older. This includes savings accounts, ISAs, stocks, shares and second homes, but does not include the home you live in, vehicles you need, student loans and certain lump sums. A larger list of examples of what is and isn't counted is on the fee remission application form.

If any of your disposable capital is not in cash form (for example a second home) then you should take the current market value, deduct 10% and deduct any outstanding loan or mortgage that is secured on it.

As a gender recognition application is classified as a 'contrary interest', do not include the value of your partner's disposable capital, or any capital held jointly by you or your partner (for example, a joint savings account).

⁵ Form available at <http://hmctsformfinder.justice.gov.uk/courtfinder/forms/ex160a-eng.pdf>



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Once you've worked out your disposable capital you should check if it is more than the amount shown in table 1 or 2. If so then you must pay the £140 fee in full, but if not then you should move onto the gross monthly income test.

Gross Monthly Income Test

There are two ways to pass the gross monthly income test. The first way is to be receiving a qualifying benefit. These are:

- Income-based Jobseeker's Allowance (not contribution based)
- Income-related Employment and Support Allowance (not contribution based)
- Income Support
- Universal Credit with gross annual earnings of less than £6,000
- State Pension Credit - Guarantee Credit (savings credit doesn't count)

If you receive one of these five benefits then you qualify for "Remission 1". This means that you won't have to pay the fee at all.

If you don't qualify for "Remission 1" then you need to add up the gross income you received in the month before the date of your application. For example, if you apply on 18th April you should add up all of the income (before tax and deductions) you received in March. This needs to be everything including wages, most benefits, money you receive from rental properties, relatives and selling goods publicly or privately, including over the internet such as on eBay. The only income of yours that doesn't need to be included is certain benefits, mostly disability related ones such as PIP and DLA - there is a full list in the application form. Also, you do not need to include your partner's income as a gender recognition application is a 'contrary interest'.

Once you have worked out your gross monthly income compare it to table 3 on page 14 of the application form. You should look at the 'single' column even if you have a partner, because the application is a 'contrary interest'. If your gross monthly income is less than the amount shown on the table then you qualify under "Remission 2" for a full exemption, meaning you don't have to pay a fee at all.

If your gross monthly income is over the amount shown in the table by less than £280 then you qualify under "Remission 2" to have your fee reduced. For every full £10 you are over, you must pay £5. For instance, if the table says £1085 but your gross monthly income was £1120 then you are £35 over so must pay a fee of £15.



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How to complete the form

You should read the guidance notes that come with the form as they explain how to complete it.

If you want somebody to help complete the forms then your local Citizen's Advice Bureau (CAB) should be able to help you complete it without needing to know what it is for. They will need to know how much the fee is and if you have a partner they will need to know that it is a "contrary interest". If you don't want them to know what it is for then ask them to leave the "title or number of the form" blank and fill that in later.

Some things to note when completing the form:

- In section 1, in the box asking for the title or number of the form, write T450 for a Standard Track Application, T464 for an Alternative Track Application or T453 for an Overseas Track Application.
- In section 1, leave the name of respondent/defendant blank.
- In section 2, if you are living with a partner (or usually do but one of you is serving in the Armed Forces, in prison or in a care home) then tick 'Part of a couple – but applying for proceedings with a contrary interest' and write 'Gender Recognition' in the next box. Otherwise tick 'single person'.
- Leave section 3 blank.
- If you need to fill in section 6, leave your partner's income blank even if you have one. This is because the application is a "contrary interest".

You must send certain evidence with your application:

- If you have financially-dependent children then you must give evidence of those children. This could be a Child Benefit Award Notice (or bank statement showing the payments), a Universal Credit award notification that shows the amount of Child or Childcare Element you get and how many dependent children you have, or a bank statement or other evidence of child maintenance payments and how many dependent children you have.
- If you are getting Remission 1 then you must provide an official letter from within the last three months giving proof of your JSA, ESA, Income Support or Universal Credit. If you get State Pension Guarantee Credit then you must provide an official letter that covers the current financial year.



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- If you are getting Remission 2 then you must provide the last three months of bank statements and all of the other evidence asked for on pages 15 to 18

You should send the fee remission form and all of the evidence in the same envelope as your gender recognition application.



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How do I apply?

There are a number of forms that you will need to apply for a Gender Recognition Certificate. You can obtain these from the **Gender Recognition Panel's website**⁶ or if you call the Panel they will post a paper copy of the forms to you. The forms and evidence requirements differ depending on which track you are using. See the earlier section 'Who is eligible to apply?' for information on choosing a track.

There are a number of guidance documents which are useful to read regardless of which track you are using. In particular you should read **T455: A general guide for all users: Gender Recognition Act 2004** and the *Benefits and Pensions note*.

Forms Required

If you are using the **Standard Track** then you will need:

- **T450:** Application for a Gender Recognition Certificate
- **T451:** Guidance on completing the application form for a Gender Recognition Certificate
- Two copies of **T452:** Guidelines for registered medical practitioners and registered psychologists to facilitate completion of the Medical Report Proforma for Gender Recognition

If you are using the **Alternative Track** then you will need:

- **T464:** Alternative application for a Gender Recognition Certificate
- **T465:** Guidance on Completing the Alternative Application Form for a Gender Recognition Certificate
- **T452:** Guidelines for registered medical practitioners and registered psychologists to facilitate completion of the Medical Report Proforma for Gender Recognition

If you are using the **Overseas Track** then you will need:

- **T453:** Application for a Gender Recognition Certificate (Overseas Track)
- **T454:** Guidance on completing the application form for a Gender Recognition Certificate (Overseas Track)

⁶ Forms are available from

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForms.do?court_forms_category=gender



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Medical Evidence (Standard and Alternative Tracks Only)

If you are using the **Standard Track** then you will need two medical reports completed on the **T452** forms. The first of the medical reports will need to be done by your gender specialist (who must be either a doctor or a psychologist) and must give details of your diagnosis. Most gender specialists in the UK will be used to completing these reports and will have their own copies of the forms, so you shouldn't need to explain how to complete it or give them a blank form. If the gender specialist who originally made your diagnosis has retired then another gender specialist can complete the report if they have access to the original specialist's notes.

The second medical report for the **Standard Track** needs to be completed by a doctor, but it doesn't need to be a gender specialist. Most people choose their GP. They will need to give details of any treatment that you have received and any further treatment you plan to have, including medication and surgical procedures. It must be specific – listing medication and doses rather than just stating 'hormone therapy', or stating specific procedures rather than just stating 'gender reassignment surgery'. If you haven't had any surgery then the report must explain the reason why. This could be because you are on a waiting list, because you aren't medically able, because you are waiting for improvements in surgical techniques, because you don't feel the need for surgery or for any other reasons, but an explanation must be given.

If you are using the **Alternative Track** then you will only need one medical report. There are two options. The first option is that you can get a report from a gender specialist giving details of your diagnosis. This report is exactly the same as the first Standard Track report described above.

The other option for the **Alternative Track** is to get a report from a doctor (who doesn't need to be a gender specialist, but could be) or a psychologist (who must be a gender specialist) that gives details of what surgical treatment you have undergone and any further treatment you plan to have. It must be specific, stating exact procedures rather than just stating 'gender reassignment surgery'. If you haven't had any relevant surgery then you cannot choose this option, but see page 14 for forthcoming changes in Scotland. The surgery does not have to be genital surgery and could be, for example, chest reconstruction.

Any doctor who provides a medical report for your application will need to be registered with the General Medical Council (GMC) and hold a licence to practise in the UK. Any psychologist must be registered with the Health and Care Professions Council. This means that it is unlikely that a doctor outside of the UK will be able to



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complete your report. If your diagnosis and treatment has been done by doctors outside the UK and there is nobody who can do your report, then you will need to be reassessed by a UK registered doctor. This is usually done in person by arranging private medical appointment(s) while visiting UK. However there is no requirement for you to have actually met the doctor who writes the report, so sometimes it is possible to post or email a copy of your medical records to a UK doctor and have that doctor and your non-UK doctors liaise so that the UK doctor can write your medical report without seeing you in person.

Evidence of Living in 'Acquired Gender' (Standard and Alternative Tracks Only)

You must send evidence that you have been living as either a man or a woman at least two years for the Standard Track, or since before 10th December 2008 (or 16th December 2008 if you married or entered into your civil partnership in Scotland) for the Alternative Track.

This evidence might come in a variety of forms, but it must be dated and include your name. Common examples of items you can include are:

- Passport;
- Driving licence (both paper and photocard parts);
- Payslips or other payroll documents from an employer such as a P45 or P60;
- Bank statements;
- Utility Bills;
- Letters from employers, colleges, universities, doctors or other organisations
- Student loan documents
- Exam results

The panel advises that you should send in about 5 or 6 items for a Standard Track application, or more for Alternative Track applications, however you can send as many items as you feel are necessary. There must be a variety of items, and they must span the entire time period. Make sure it includes at least one item that is very early, and one that is very recent, and a mixture from in between.

For a Standard Track application, you must not sign the Statutory Declaration or application form until after you have the two years of required evidence. If you sign or date it even a day early your statutory declaration will be returned and you will have to sign a new one.



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Evidence of Overseas Gender Recognition (Overseas Track Only)

You must send evidence that your gender has been recognised in another country or territory. If you have been given a new birth certificate then you should send this along with your original birth certificate. You should also send any other evidence such as an amended birth certificate, a court order, a record of gender recognition or a certified copy of an entry in a register.

Statutory Declarations (All Tracks)

Regardless of which track you are using, you will also need to complete one of the three statutory declarations:

- **T466:** Statutory Declaration for Applicants who are married
- **T467:** Statutory Declaration for single Applicants
- **T468:** Statutory Declaration for Applicants in a Civil Partnership

You will need to complete the Statutory Declaration carefully following the guidance notes precisely, but do not sign it. Then you must take it to a person who is authorised to administer oaths. Most solicitors are able to do this, or a list of alternatives can be found on the statutory declaration form.

If you are married (except if you married in Northern Ireland) and your spouse consents to the marriage continuing after you receive your GRC then they must also complete a statutory declaration. The form required is **T469: Statutory Declaration for the Spouse of an Applicant for Gender Recognition**. See the later section on 'Applying while married or in a civil partnership' for more details.

Other Evidence (All Tracks)

In addition you must send:

- Your full birth or adoption certificate
- Your marriage or civil partnership certificate (if you have one)
- Proof of all name changes between birth and your current name. If you don't have proof, you should write a short letter explaining how you changed your name and why you don't have proof.
- If you were previously married or in a civil partnership then you must send proof that it has ended. This is either:
 - a copy of the decree bringing your marriage to an end;
 - evidence that your civil partnership has been dissolved; or



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- a copy of their death certificate, if your partner died.

If any of your evidence is not in English you must have it officially translated. You should include both the original and the certified translation with your application.

Sending Your Application

Once you have completed your application form and gathered all of your evidence you should check it all carefully and put it in a large envelope.

If you are claiming a fee remission then you must send the **EX160A** form and any evidence required for the fee remission along with your application (see previous section on 'How much does it cost to apply?'). If you are not claiming a fee remission (or only get a partial remission) and you want to pay your fee by cheque or postal order then you should send it in the same envelope as your application.

If you are in the UK then you should send your application by Special Delivery. If you are outside of the UK then you should send it by secure, registered post.



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Applying while married or in a civil partnership

It is now possible for people who married in England, Wales, Scotland or outside the UK to obtain gender recognition without having to end their marriage, although in some cases it will require the consent of the other spouse. However, this does not apply to people who married in Northern Ireland even if they live elsewhere.

Those who entered into a civil partnership in England, Wales and Scotland can now convert their civil partnership into a marriage and then obtain gender recognition without ending their marriage. Alternatively it is possible for both civil partners to obtain gender recognition at the same time without ending their civil partnership. However, neither of these options are open to those who entered into a civil partnership in Northern Ireland or outside of the UK. It is possible for couples in a Northern Ireland or overseas civil partnership to marry in Scotland (even if they are not resident there) and then to obtain gender recognition. However, the marriage and the subsequent gender recognition may not be recognised in Northern Ireland, and specialist advice is recommended.

If it is not possible for you to get gender recognition while remaining married or in a civil partnership then you will be able to apply for an interim Gender Recognition Certificate. This does not change your legal gender, but instead allows you to easily end your marriage or civil partnership and then get a full Gender Recognition Certificate.

The rules are quite complicated and vary depending on a number of things. To start, find the box below that matches where you got married or where you entered into your civil partnership. It doesn't matter if you don't live there – so if you live in Scotland but married in Northern Ireland you should find the box for people who married in Northern Ireland.

If you married or entered into a civil partnership abroad but under UK law (such as at consular premises or an armed forces base) then it will have been performed either under the law of Scotland, the law of England and Wales or the law of Northern Ireland. You should check the section that corresponds to this.



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If you are married:

Where did you get married?	Will your partner consent to the marriage continuing?	
	Yes	No
England or Wales	Turn to page 30	Turn to page 34
Scotland	Turn to page 40	Turn to page 41
Northern Ireland	Turn to page 47	
Outside of the UK	Turn to page 48	Turn to page 49

If you are in a civil partnership (or similar non-UK union):

Where did you enter into the civil partnership?	Is your partner applying for gender recognition at the same time?	If not, will you both agree to convert the civil partnership into a marriage?	
		Yes	No
England or Wales	Turn to page 35	Turn to page 36	Turn to page 39
Scotland	Turn to page 43	Turn to page 44	Turn to page 46
Northern Ireland	Turn to page 47		
Outside of the UK	Turn to page 50		



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Applying for gender recognition while in an English or Welsh marriage, with a declaration of consent from your spouse

If your spouse is available and willing to sign a statutory declaration consenting to the marriage continuing then you won't have to end your marriage. To obtain gender recognition you will need to apply to the gender recognition panel using the new application form and the statutory declarations for married people.

If your application is successful the gender recognition panel will inform the Registrar General for England and Wales that gender recognition has been granted. Shortly after receiving your Gender Recognition Certificate, the Registrar General will contact you with information about obtaining a new marriage certificate. You can only get a new marriage certificate if both you and your spouse agree to it, but obtaining a new certificate has no effect on your marriage. Whether you choose to get a new certificate or not your marriage will be treated as having continued from the date you originally got married, and your original marriage certificate will still be available.

If you and your spouse choose to obtain a new certificate then you will have to complete a form detailing which information you would like it to show. Depending on the details of your original marriage you may have some difficult decisions to make, and it is possible that you will not be happy with all of the changes. We will discuss these in turn:

Marriages that used to be Civil Partnerships

If your marriage used to be a civil partnership then the details used on your new marriage certificate will be the details from the civil partnership certificate, subject to the changes below. Your new marriage certificate will not mention that the marriage used to be a civil partnership.

Name and gender

The new marriage certificate will record your name as it appears on your GRC. Gender isn't written explicitly on the marriage certificate, but any words that were used on your original certificate will be changed to one more appropriate for your new legal gender. For example, widow would change to widower, spinster to bachelor and waitress to waiter. If there are any other details that would reveal your previous legal gender then you can also request that these be changed.



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Religious Details

Due to the various legal exemptions that religious bodies have been given in relation to marriage, it is not possible for your new marriage certificate to indicate that the marriage was solemnized according to religious rites or usages, or on religious premises. This applies even if you are now legally an opposite sex couple.

If you had a religious marriage then your new certificate will indicate that you married in a register office in the presence of the superintendant that was in charge there at that time. They will usually use the register office that was nearest the place you actually got married, but you may be able to request a different register office if that is preferred.

Date of Marriage

If you married on or after 29th March 2014 then the date on your new marriage certificate will be the same date that you originally married (or if your marriage has been converted from a civil partnership, it will be the same date that you originally entered into the civil partnership).

If you married before 29th March 2014 then you will be given a choice. If you want to then you can keep the date of the original marriage on your new certificate, however unless you both obtained GRCs at the same time the new marriage certificate will reveal the one person has changed their legal gender. This is because at the time of your marriage it was not possible for a legally same sex couple to marry in England or Wales.

The other option is to choose a date in the future. You can pick any date, but you will not get a new marriage certificate until after this date has passed. This option allows you to keep the anniversary date of your original marriage, but alter the year so that the marriage certificate won't out you. You don't have to pick your anniversary date though, you can pick any date you like as long as it is in the future.

Even if you change the date on your marriage certificate, the law will still consider you to have been married since the original date. However, if you ever need to prove this (usually for pension reasons) then you will have to provide them with your original marriage certificate. You will still be able to buy copies of your original marriage certificate if you lose it.

So for example, if you were originally married on 16th August 1960, and obtained a full GRC on 20th February 2015, then you could:



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- Get a new certificate saying you married on 16th August 1960;
- Get a new certificate saying you married on 16th August 2015; or
- Get a new certificate with a completely different date, such as 24th May 2015.

Whichever option you pick, the law will still class you as being married since 16th August 1960 and your original marriage certificate will still be available.

If you pick a new date then there will be a few other changes:

- All information such as occupations, addresses and names will be updated to be current.
- If you had a non-religious marriage and the place where you got married isn't currently licensed to perform marriages of legally same sex couples (or no longer exists) then the venue will be changed to indicate that you married in a register office in the presence of the superintendent that was in charge there at that time. They will usually use the register office that was nearest the place you actually got married, but you may be able to request a different register office if that is preferred.
- The words 'bachelor' and 'spinster' aren't used on modern marriage certificates, so if these words appear on your old marriage certificate they will be changed to 'single';
- If one or both of the original witnesses would no longer be able to witness the marriage (for example, if they have passed away) then you will be able to pick new witnesses. However, the new witnesses must have been present at the original wedding.

Welsh Marriages

If you married in Wales then you can choose whether the new marriage certificate is in English or in English and Welsh.

English and Welsh Marriages Entered into Abroad

If you entered into an English or Welsh marriage abroad (such as through an armed forces or consular wedding) then you may not be able to keep the venue. It will depend on whether the UK government had permission to conduct marriages in that country on the date that is shown on your new certificate. If you are now legally a same sex couple, that permission must have explicitly been for legally same sex couples to be married.



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If the UK government did have permission on that date then you will be able to keep your venue. If not then your new marriage certificate will indicate that you married in the UK in a register office in the presence of the superintendant that was in charge there at that time. You should be able to choose which register office is shown.

If you live in Northern Ireland

Marriage of couples who are legally the same sex is not legal in Northern Ireland and so if you follow the procedure set out above to become a legally same sex couple then your marriage will be treated in Northern Ireland as a civil partnership and not a marriage. The duration of your legal relationship will usually still be taken to have existed from the date of your original marriage, but this is less clear if the marriage was formed before 5th December 2005. If this applies to you then you should obtain specialist advice.



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Applying for gender recognition while in an English or Welsh marriage without a declaration of consent from your spouse

If your spouse is not available and willing sign a statutory declaration consenting to the marriage continuing then you will have to end the marriage before you can obtain gender recognition. To obtain gender recognition you will need to apply to the GRP using the new application form for married people, completing a declaration stating that you do not have your spouse's consent. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

The interim GRC can be used to end your marriage, and once it has ended you will be issued with a full GRC. See the section on 'Ending your marriage or civil partnership' for more details.



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Applying for gender recognition while in a English or Welsh Civil Partnership, if both of you want to apply for gender recognition at the same time

If you and your civil partner both want to get gender recognition, you can keep your civil partnership so long as you both apply to the GRP for gender recognition at the same time. To obtain gender recognition you will need to apply to the GRP using the new application form for civil partners, completing a declaration stating that you are both applying at the same time. If both of your applications are successful then the GRP will provide you both with full gender recognition certificates. However, if one of you are unsuccessful then the person who is successful will only get an interim gender recognition certificate.

If both of your applications are successful the gender recognition panel will inform the Registrar General for England and Wales that gender recognition has been granted. Shortly after receiving your Gender Recognition Certificates, the Registrar General will contact you with information about obtaining a new civil partnership certificate. You can only get a new certificate if both you and your partner agree to it, but obtaining a new certificate has no effect on your civil partnership. Whether you choose to get a new certificate or not your civil partnership will be treated as having continued from the date you originally entered into it, and your original civil partnership certificate will still be available.

If you and your partner choose to obtain a new certificate then you will have to complete a form detailing which information you would like it to show. The new civil partnership certificate will record your names as they appear on your GRCs. Most of the information will be the same as your original certificate but your gender will be updated, and any words that were used on your original certificate will be changed to one more appropriate for your new legal gender. For example, widow would change to widower and waitress to waiter. If there are any other details that would reveal your previous legal gender then you can also request that these be changed. If you entered into the Civil Partnership in Wales then you can choose whether your new certificate is in English or in English and Welsh.



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Applying for gender recognition while in a English or Welsh Civil Partnership, if you and your spouse agree to convert it into a marriage

As mixed sex civil partnership have not yet been introduced, you will have to convert your civil partnership to a marriage in order for one of you to get gender recognition. The only exception is if you both apply for gender recognition at the same time, in which case see the previous section. The GRP recommend you convert your civil partnership to a marriage before you submit your gender recognition application, but you can do it the other way around.

If you live in Scotland or Northern Ireland

The simplest method for a civil partnership conversion is to make an appointment with a registrar in England or Wales and return to that country for the conversion to take place. However it is also possible to change an English or Welsh civil partnership to a marriage in Scotland, by marrying in the usual way.

If you live outside the UK

It is possible to convert your civil partnership into a marriage in some British consulates around the world if you both live in that country. This is not available in all countries as the consulate will need permission from that countries government before proceeding. Contact the relevant consulate directly to find out if this will be possible.

If this is not possible then you will need to make an appointment with a registrar in England or Wales and return to the country to perform the conversion.



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There are two ways to convert your civil partnership into a marriage. These are known as the standard conversion process and the two-stage conversion process. You will need to decide in advance which one you want to use.

Converting your civil partnership with the standard conversion process

If you do not want a ceremony then you can convert using the standard conversion process. You will need to make an appointment at your local register office which both you and your partner must attend together. You will each have to take documents with you to prove your name and date of birth (such as birth certificate, passport or driving licence with photocard) and your address (such as a utility bill or bank statement). You will also need to take your civil partnership certificate. If your name is different to the one on your civil partnership certificate then you should also take proof of your name change if possible.

Your appointment will be with the Superintendent Registrar and together you will complete a declaration with details of you, your partner and your civil partnership. From this information the Superintendent Registrar will draw up a legal declaration. You will then be allowed to read the declaration to each other, but you do not have to do this. The declaration will then be signed by you, your partner and the Superintendent Registrar. You will then be given a marriage certificate which will cost £4. Although it is optional to get a marriage certificate, you will need one for your gender recognition application.

Usually there will be a £45 fee for the conversion (plus £4 for the marriage certificate). However if you registered your civil partnership before 29 March 2014 and you convert it to a marriage before 9 December 2015, there will be no fee for the conversion.

Converting your civil partnership via the two stage conversion process

If you want a ceremony then you will need to use the two-stage process. The first stage is to make an appointment with the local register office and follow the instructions above for the standard conversion process. The only difference is that you will not sign the legal declaration.

The second stage can be completed immediately afterwards in the same register office, or it can take place within 12 months at any venue where legally same sex couples are able to marry. You will meet with the Superintendent Registrar at the venue to sign the declaration, and will then be able to have a ceremony. Your marriage certificate will cost £4 and will be posted to you.



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The cost of the 2-stage process is higher as the procedure will take longer and the registrar will have to travel to the venue. Amounts vary around the country, but if you registered your civil partnership before 29 March 2014 and you convert it to a marriage before 9 December 2015 you will be entitled to a £45 fee reduction.

Applying for gender recognition

Once you have converted your civil partnership to a marriage you can then apply to the GRP using the procedure described in the earlier sections for those who married in England or Wales.

Further information

Stonewall have produced further guidance on converting civil partnerships into marriages. This is available on the **Stonewall**⁷ website for England and the **Stonewall Cymru**⁸ website for Wales.

⁷ Available at: http://www.stonewall.org.uk/at_home/marriage_guide/10169.asp

⁸ Available at:

http://www.stonewall.org.uk/cymru/english/at_home/marriage_and_civil_partnerships/10181.asp



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Applying for gender recognition while in an English or Welsh Civil Partnership, if you do not convert it into a marriage

If you and your spouse are not able and willing to convert the civil partnership into a marriage then you will have to end the civil partnership before you can obtain gender recognition, unless you are both applying for gender recognition at the same time. You will apply to the GRP using the new application form for people in a civil partnership. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

The interim GRC can be used to end your civil partnership, and once it has ended you will be issued with a full GRC. See the section on 'Ending your marriage or civil partnership' for more details.



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Applying for gender recognition while in a Scottish marriage, with a declaration of consent from your spouse

If your spouse is available and willing to sign a statutory declaration consenting to the marriage continuing then you will not have to end your marriage. To obtain gender recognition you will need to apply to the gender recognition panel (GRP) using the new application form and statutory declarations for married people.

If your application is successful the gender recognition panel will inform the Registrar General for Scotland that gender recognition has been granted. You can continue using your original marriage certificate.

Soon you will be able to reregister your marriage by either having a renewed marriage ceremony or using an administrative process. This will allow you to get a new marriage certificate with updated name and gender details. Unfortunately when this guide was published (November 2015) that option was not yet available, and the details of how it will work have not been finalized. We will update this guide once it is available. Email info@uktrans.info if you would like to be notified when this happens.

You will also still have the option of simply continuing to use your original marriage certificate without changes if you wish. Whichever route you choose your marriage will be treated as having continued from the date you originally got married.

If you live in Northern Ireland

Marriage of couples who are legally the same sex is not legal in Northern Ireland and so if you follow the procedure set out above to renew or re-register your marriage as a legally same sex couple it will be treated in Northern Ireland as a civil partnership and not a marriage. The duration of your legal relationship will usually still be taken to have existed from the date of your original marriage, but this is less clear if the marriage was formed before 5th December 2005. If this applies to you then you should obtain specialist advice.



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Applying for gender recognition while in a Scottish marriage, without a declaration of consent from your spouse

If your spouse is not available and willing to sign a statutory declaration consenting to the marriage continuing, then the process for obtaining gender recognition will be more involved.

In this case you will apply to the GRP using the new application form for married people, completing a declaration stating that you do not have your spouse's consent. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

If you live in Scotland

You can use the interim certificate to apply to the Sheriff Court for full gender recognition within 6 months from the date it is issued to you. The Sheriff will grant you full gender recognition if you were married in Scotland and you have applied within the time limit.

Although obtaining gender recognition in this way has the same effect as if it was granted by the gender recognition panel you will not be able to renew or re-register your marriage to obtain a new marriage certificate, without your partner's consent. Your marriage will however continue in full legal effect, unless you or your spouse applies for divorce.

Alternatively you can use the interim certificate to obtain a divorce. Once the marriage has ended you will be issued with a full GRC. See the later section on "Ending your marriage or civil partnership" for more details.



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If you live outside of Scotland

As you don't live in Scotland you will not be able to use the Sheriff Court procedure to obtain full gender recognition, and will instead have to use the interim GRC to end your marriage. Once the marriage has ended you will be issued with a full GRC. See the later section on "Ending your marriage or civil partnership" for more details.



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Applying for gender recognition while in a Scottish Civil Partnership, if both of you want to apply for gender recognition at the same time

If you and your civil partner both want to get gender recognition, you can keep your civil partnership so long as you both apply to the GRP for gender recognition at the same time. You will need to both apply to the GRP using the new application form for civil partners, completing a declaration stating that you are both applying at the same time. If both of your applications are successful then the GRP will provide you both with full gender recognition certificates. However, if one of you is unsuccessful then the person who is successful will only get an interim gender recognition certificate.

If your applications are both successful the Gender Recognition Panel will inform the Registrar General for Scotland that gender recognition has been granted. You can continue using your original civil partnership certificate.

Soon you will be able to reregister your civil partnership by either having a renewed civil partnership ceremony or using an administrative process. This will allow you to get a new civil partnership certificate with updated name and gender details. Unfortunately when this guide was published (November 2015) that option was not yet available, the details of how it will work have not been finalized. We will update this guide once it is available. Email info@uktrans.info if you would like to be notified when this happens.

You will also still have the option of simply continuing to use your original civil partnership certificate without changes if you wish. Whichever route you choose your civil partnership will be treated as having continued from the date you originally entered into it.



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Applying for gender recognition while in a Scottish Civil Partnership, if you and your spouse agree to convert it into a marriage

As mixed sex civil partnership has not been introduced, you will have to convert your civil partnership to a marriage in order for one of you to get gender recognition. The only exception is if you both apply for gender recognition at the same time, in which case see the earlier section. The GRP recommend you convert your civil partnership to a marriage before you submit your gender recognition application, but you can do it the other way round. (It will be possible to apply for gender recognition before converting your civil partnership to a marriage, and have the conversion happen at the same time as your gender recognition, but this more streamlined procedure has not yet been introduced.)

If you live outside of Scotland

Unfortunately civil partnership conversions must be done in person in Scotland, so if you live outside of Scotland then you will have to make an appointment with a registrar in Scotland and return to the country for the conversion to take place.

Converting via the administrative route

You can convert your civil partnership to a marriage by making an appointment with your local registrar. You will each have to take photo ID with you, such as a driver's licence or passport, and your civil partnership certificate. The registrar will register your marriage there and then provide you with a marriage certificate. If you registered your civil partnership before 16th December 2014 and you convert it to a marriage before 16th December 2015, there will be no fee for the conversion, but there will be a £10 fee for the marriage certificate. From 16th December 2015 there will also be a £30 fee for the conversion.



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Converting via a ceremony

If you want to have a ceremony to mark the conversion of your civil partnership to a marriage you can do so by marrying in the usual way and can have a civil, religious or humanist ceremony. Because at this point you will still legally be a same sex couple you will only be able to have your wedding solemnised by a celebrant who is authorised to conduct weddings of couples who are legally the same sex. The fee for this will depend on the celebrant and the ceremony – the minimum fee for a civil marriage is £125. Unfortunately the ceremony must take place in Scotland, even if you live elsewhere.

Applying for gender recognition

Once you have converted your civil partnership to a marriage you can apply to the GRP using the procedure for married people described above, please see section above on “Applying for gender recognition whilst married.”

If your application is successful the gender recognition panel will inform the Registrar General for Scotland that gender recognition has been granted. You will then be informed that if you want you can have your marriage re-registered either by having a renewed marriage ceremony or through a simple administrative process. As you will now be a legally mixed sex couple, you will be able to have your renewed wedding ceremony solemnised by a celebrant authorised to conduct mixed-sex weddings. Whether or not you choose to do so, your marriage will be treated as having existed from the date of your civil partnership, not the date of the conversion to a marriage.

If it is important to you that your wedding certificate does not out you as trans you will want to have your marriage re-registered because the wedding certificate you will be given when you convert from civil partnership to marriage will refer back to the civil partnership. As mixed sex civil partnership is not available this would show that you used to be a legally same sex couple. If you had not changed your name at the time you converted your civil partnership you might also want to re-register your marriage so you have a marriage certificate with your new name on.

Further Information

The Equality Network have produced further guidance on converting civil partnerships into marriages. This is available **on their website**⁹.

⁹ Available at: <http://www.equality-network.org/converting-a-civil-partnership-to-a-marriage/>



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Applying for gender recognition while in a Scottish Civil Partnership, if you do not convert it into a marriage

If you and your spouse are not able and willing to convert the civil partnership into a marriage then you will have to end the civil partnership before you can obtain gender recognition, unless you are both applying for gender recognition at the same time. To obtain gender recognition you will need to apply to the GRP using the new application form for people in a civil partnership. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

The interim GRC can be used to end your civil partnership, and once it has ended you will be issued with a full GRC. See the section on 'Ending your marriage or civil partnership' for more details.



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Applying for gender recognition while in an Northern Irish marriage or civil partnership

Unfortunately marriage of legally same sex couples has not been introduced in Northern Ireland so people who married or entered into a civil partnership in Northern Ireland are still required to end their marriage or civil partnership in order to obtain gender recognition. This is the case even if you live outside Northern Ireland. You will apply to the GRP using the new application form for people who are married or in a civil partnership as applicable. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

The interim GRC can be used to end your marriage or civil partnership, and once it has ended you will be issued with a full GRC. See the section on 'Ending your marriage or civil partnership' for more details.

Couples in a Northern Irish civil partnership can change that to a marriage in Scotland. It is not necessary to live in Scotland to do this, but the marriage must take place in Scotland. It would then be possible to apply for gender recognition under the arrangements for people who married in Scotland. However, your marriage and your gender recognition might not be recognised in Northern Ireland, and obtaining specialist advice is recommended.



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Applying for gender recognition while in a non-UK marriage, with a declaration of consent from your spouse

If your spouse is available and willing to sign a statutory declaration consenting to the marriage continuing then you will not need to end your marriage. To obtain gender recognition you will need to apply to the gender recognition panel using the new application form and statutory declarations for married people. If your application is successful then you will be issued with a full Gender Recognition Certificate, however you will not receive a new marriage certificate.

Obtaining a full GRC will change your legal gender in the UK but your legal gender in the country you married in will usually be unchanged. This means that your marriage could be legally considered a same sex marriage in the UK but an opposite sex marriage abroad, or vice versa.

Some countries may automatically recognize your GRC and in some cases this could cause your marriage to become automatically void in that country. If this happens automatically then your marriage will still be legal and valid in the UK, but not outside of it.

You may wish to seek specialist advice to see how a GRC will affect your marriage, especially if you married in a country that does not recognize marriages of legally same sex couples, and/or if you are currently living outside of the UK.

If you live in Northern Ireland

Marriage of couples who are legally the same sex is not legal in Northern Ireland and so if you follow the procedure set out above to become a legally same sex couple then your marriage will be treated in Northern Ireland as a civil partnership and not a marriage. The duration of your legal relationship will usually still be taken to have existed from the date of your original marriage, but this is less clear if the marriage was formed before 5th December 2005. If this applies to you then you should obtain specialist advice.



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Applying for gender recognition while in a non-UK marriage without a declaration of consent from your spouse

If your spouse is not available and willing sign a statutory declaration consenting to the marriage continuing then you will have to end the marriage before you can obtain gender recognition. You will apply to the GRP using the new application form for married people, completing a declaration stating that you do not have your spouse's consent. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

The interim GRC can be used to end your marriage, and once it has ended you will be issued with a full GRC. See the section on 'Ending your marriage or civil partnership' for more details.



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Applying for gender recognition while in a non-UK civil partnership (or similar)

If you are in a non-UK civil partnership (including any other legal union other than marriage such as 'civil union' or 'reciprocal beneficiary relationship') then the situation depends on whether your civil partnership is recognized or not.

To be recognized the civil partnership must be similar to a civil partnership. This means it must be a lifelong commitment (unless ended by divorce or similar) between two people who are legally the same sex. It must be something that can't be entered into if you are already in a civil partnership or married, and it must cause the two people to be treated as a couple and/or as if they were married.

Importantly, it means that if you were legally of the opposite sex at the time that you entered into the civil partnership then it will not be recognised in this country and you should fill out the forms as if you are single, saying that you are not in a civil partnership. If your application is successful then you will be issued with a full GRC. After the GRC is issued it is possible that your civil partnership will then be recognised in the UK, but you should obtain specialist advice to clarify this.

If at the time of your civil partnership you and/or your partner had already received gender recognition in that country (but not the UK) the situation is less clear. Your civil partnership may or may not be recognized. You should contact the Gender Recognition Panel for advice on how to proceed.

If your civil partnership is recognized in this country then you will not be able to obtain a full gender recognition certificate without first ending the civil partnership (but see below). To obtain gender recognition you will need to apply to the GRP using the new application form for people who are in a civil partnership. If your application is successful the GRP will provide you with an interim gender recognition certificate instead of a full certificate.

The interim GRC can then be used to end your civil partnership, and once it has ended you will be issued with a full GRC. If you live in or are domiciled in the UK then you can use UK procedures to end the civil partnership, even though it was entered into abroad. See the section on 'Ending your marriage or civil partnership' for more details.

Alternatively, if your non-UK civil partnership is recognised in the UK, you can change it to a marriage by marrying in Scotland. You do not need to live in Scotland to do



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this, but the marriage must take place in Scotland. You can then obtain gender recognition under the arrangements for people who married in Scotland. If you intend to live in a country outside Scotland, obtaining specialist advice about the recognition in that country of your marriage and your gender recognition is recommended.



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Ending Your Marriage or Civil Partnership

If the law requires you (or you want) to end your marriage or civil partnership as part of the gender recognition process then the easiest way to do so is usually to apply for an interim Gender Recognition Certificate. You will then be able to end your marriage through the courts. The process is similar to a normal divorce, except that it cannot be contested. This means that the judge will want to make sure provisions have been made for finances and especially children.

The way to end your marriage or civil partnership depends on where you live, not where you entered into the marriage or civil partnership.

If you live in England or Wales

You can use the interim GRC to apply to the court to annul your marriage or civil partnership, which will bring it to an end. The application for an annulment, called a nullity petition, must be made within six months of the issue of the interim certificate. When an annulment is granted the court will issue a full gender recognition certificate.

If you live in Scotland

You can use the interim GRC to apply to a Sheriff court for a divorce if you are married or a dissolution if you are in a civil partnership. The application for a divorce or dissolution must be made within six months of the issue of the interim certificate. When the divorce or dissolution is granted the court will issue a full gender recognition certificate.



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If you live in Northern Ireland

You can use the interim GRC to apply to the court to annul your marriage or civil partnership, which will bring it to an end. The application for an annulment, called a nullity petition, must be made within six months of the issue of the interim certificate. When an annulment is granted the court will issue a full gender recognition certificate.

If your marriage is legally a same sex marriage then Northern Ireland will treat it as a civil partnership and you will have to apply to have your “civil partnership” annulled. Even though the annulment paperwork will refer to a civil partnership rather than a marriage, your marriage will still have ended when the annulment is finalised and a full gender recognition certificate will be issued by the court.

If you live in the Isle of Man

You can use the interim GRC to apply to the court to annul your marriage or civil partnership, which will bring it to an end. The application for an annulment, called a nullity petition, must be made within six months of the issue of the interim certificate. When an annulment is granted you must send evidence of it to the Gender Recognition Panel and they will issue a full gender recognition certificate.



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If you live outside the UK and the Isle of Man

If you are domiciled in England, Wales, Scotland, Northern Ireland or the Isle of Man (meaning you have a strong connection to that country and consider it your permanent home even though you do not currently live there) then you should use the procedures above as if you were living there.

If you are not domiciled in the UK or Isle of Man then you will usually need to end your marriage or civil partnership using the laws of the country you are living in. Proceedings must be started within six months of the issue of the interim GRC. Once it has ended you must send evidence to the Gender Recognition Panel and they will issue you with a full GRC.

If you are not domiciled in the UK or Isle of Man and are legally in a same sex marriage, but the country you live in does not recognise same sex marriages and will not allow you to divorce in their courts, then you need to use the procedures above for the country that you married in as if you were living there. If the marriage is not a UK one then you should seek specialist legal advice.

If you are not domiciled in the UK or Isle of Man and are legally in a civil partnership, but the country you live in does not recognise civil partnerships and will not allow you to end it in their courts, then you need to use the procedures above for the country that you married in as if you were living there. If the civil partnership is not a UK one then you should seek specialist legal advice.



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How the Gender Recognition Panel processes applications

When the Gender Recognition Panel first receives your application they will send you an acknowledgement letter just to let you know they have received it. If you are married and your spouse has provided a declaration of consent then they will be sent a letter telling them that you have made an application. These letters will usually be sent within a day or two of them receiving your application.

Before the panel can do anything with your application they need to process your fee. If you have sent a fee remission application, cheque or postal order then they will process it and let you know if there are any problems. If you have chosen to pay by debit or credit card then you will need to call the panel within ten days of receiving your acknowledgement letter to make the payment over the phone.

Once your payment has cleared the administration team will begin to process your application. They will first check for the most common errors – such as a question that hasn't been answered, a missing signature, a missing medical report and other similar things. If they find one of these problems then they will write to you with instructions. The documentary evidence you supplied to support your application will be returned to you once it has been checked.

If there are no problems (or once you have fixed the problems) the administration team will set a date for your application to be heard by the Panel. You (and your spouse if they signed a declaration of consent) will receive a letter informing you of the date. The panel date will normally be within 12 weeks of them receiving your application.

If you are making an application under the Standard or Alternative Track then the panel will be made up of two members. One of them will be legally trained and the other will be medically trained. If you are making an application under the Overseas Track then the panel will be made up of just one member who will be legally trained. The panel will consider your application and all of the evidence you have provided. You (and your spouse if they signed a declaration of consent) will be informed of the outcome by letter within two weeks. If you haven't heard anything in that time you should give them a call to find out what has happened.

Sometimes the panel will decide that they need more evidence before they can make a decision. If this happens then the letter will tell you what to do. It will tell you



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what date you need to provide the information by, but if you need more time you should ring the panel and they will usually give you it. Once you have provided the information a new panel date will be set.

Once the Gender Recognition Panel have made their decision, they will inform you by letter within two weeks.



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What happens if my application for gender recognition is unsuccessful?

If your application is unsuccessful then within two weeks you will receive a letter with their decision. It should fully explain its reasons for declining the application, and it may include advice on what you can do to be successful at a later date. Any fee you have paid will not be refunded.

If you believe that the panel has acted unlawfully then you can appeal the decision to the High Court (or the Court of Session if you live in Scotland), and information on how to do this will be included in the letter. There will be court costs involved with this and you should obtain specialist advice from a solicitor.

If you want to make another application then you will be able to do so, but not until six months after the first decision was made. Unfortunately you will need to pay the fee in full again, unless you are exempt.



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What happens if my application for gender recognition is successful?

If your application is successful then you will receive your Gender Recognition Certificate along with your decision letter within two weeks of the panel date.

It will be a full GRC if:

- You are not married and not in a civil partnership;
- You married anywhere other than Northern Ireland and your spouse signed a statutory declaration of consent; or
- You are in an English, Scottish or Welsh civil partnership and your partner made a successful application for a GRC at the same time as you.

In all other situations it will be an interim GRC. The interim GRC does not change your legal gender and it expires after six months. In that time it can be used in various ways to enable you to get a full GRC:

- If you were married in Scotland and live in Scotland then you can apply to the Sheriff Court for a full GRC.
- If you are in a UK marriage or civil partnership then you (or your spouse) can use the interim GRC to end your marriage or civil partnership. Once it has ended the court will issue you with a full GRC. It doesn't matter if this takes longer than six months as long as you start proceedings within six months.
- If you are in a marriage (except a Northern Irish marriage) and your spouse agrees to sign a statutory declaration of consent to your marriage continuing after the issuing of a full GRC, then you can send the statutory declaration, your interim GRC and a letter to the Gender Recognition Panel and they will issue you with a full GRC.
- If you are in an English, Welsh or Scottish civil partnership and you convert it into a marriage and your spouse agrees to sign a statutory declaration of consent to your marriage continuing after the issuing of a full GRC, then you can send the statutory declaration, your new marriage certificate, your interim GRC and a letter to the Gender Recognition Panel and they will issue you with a full GRC.
- If your spouse dies before you have done any of these things then you can send a copy of their death certificate, your interim GRC and a letter to the Gender Recognition Panel and they will issue you with a full GRC.



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If you are issued with a full GRC then this means that your legal gender has been changed. You are now fully recognized in law as the gender on your GRC, not the gender on your old birth certificate. See the previous section on “What are the legal effects of gender recognition?” for more details of the effect that this will have.

Birth, Marriage and Civil Partnership Certificates

If you have a UK birth or adoption certificate then you will be able to get a new one showing the name and gender that is on your full GRC. If you have been adopted then the information from your most recent adoption certificate will be used, if not then the details from your birth certificate will be used. The General Registrar’s Office (or in Scotland, National Records of Scotland) will send you a draft copy of the new birth or adoption certificate and ask you to confirm that it is correct. You will be entitled to one free short birth certificate, but this cannot be used for most purposes. You can purchase long birth certificates, and details of how to do this will be included with the draft copy.

If you are in an English, Welsh or Scottish marriage or civil partnership when you obtain your full GRC then, if your spouse agrees, you can obtain a new marriage or civil partnership certificate. See the previous section on “Applying while married or in a civil partnership” for more details.

Tax, National Insurance, Benefits and Pensions

If you have lived or paid tax in the UK then you must, by law, inform HM Revenue & Customs (HMRC). On the GRC application form there is an option to allow the Gender Recognition Panel to inform HMRC for you. If you didn’t do so then you must tell them yourself by writing to them. The letter must include your national insurance number and you must enclose your original GRC. Send it all to:

HMRC
Special Section D
Room BP9207
Benton Park View
Newcastle upon Tyne
NE98 1ZZ

HMRC will also inform the Department of Works and Pensions (DWP) and the Department for Social Development in Northern Ireland (DSDNI) when necessary. You should check the list of government agencies that came with your GRC to see if there are any other agencies you must inform.



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Your HMRC and DWP or DSDNI records will be restricted once you obtain a full GRC, unless they were already restricted. These restrictions mean that only specialist staff can access them which helps to maintain privacy, however it also can cause problems and delays with benefit claims as jobcentre staff will not be able to access them easily. The restrictions also mean that if you or your spouse make a pension claim it will be handled by the DWP/DSDNI Gender Recognition team who will understand the special rules that may apply. If you do not want your records restricted then you can write to the above address and request that they be unrestricted.

Credit File

Once you have a full Gender Recognition Certificate you can also ask the Credit Reference Agencies to help you update your credit file and protect your confidentiality. To begin this process you should request an advice pack from Experian either from their website (www.experian.co.uk/gra/) or by calling 0870 366 1660. Experian will work together with the other agencies to ensure all of your records are protected.



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Sources of further information

UK Trans Info

www.uktrans.info

UK Trans Info, PO Box 871,
109 Vernon House, Friar Lane,
Nottingham, NG1 6DQ

Email: ***info@uktrans.info***

Facebook Group: ***<https://www.facebook.com/groups/uktransinfo/>***

Twitter: ***[@UKTransInfo](https://twitter.com/UKTransInfo)***

UK Trans Info are a national organisation focused on improving the lives of trans and non-binary people in the UK and are also the authors of this guide. We can provide advice on gender recognition applications, as well as a variety of other practical topics such as legal rights and healthcare.

Scottish Transgender Alliance

www.scottishtrans.org

Equality Network
30 Bernard Street
Edinburgh, EH6 6PR

Tel: 0131 467 6039

Email: ***info@scottishtrans.org***

Facebook: ***www.facebook.com/scottishtrans.org***

Twitter: ***[@ScottishTrans](https://twitter.com/ScottishTrans)***

Funded by the Scottish Government and based within the Equality Network, the Scottish Transgender Alliance provides employers and service providers in Scotland with training and good practice guidance on trans equality issues. Also works to increase the representation of trans equality issues within the work of LGBT, gender and cross-strand equality organisations and to build the equality engagement capacity of trans groups and individuals.



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Tranzwiki

www.tranzwiki.net

TranzWiki attempts to be a comprehensive directory of the groups campaigning for, supporting or assisting transgender people and their families across the UK. It has been developed by GRES to support the trans community but its content is determined by a broad range of stakeholders.

Gender Recognition Panel

www.justice.gov.uk/tribunals/gender-recognition-panel

Gender Recognition Panel, PO Box 9300, Leicester, LE1 8DJ

Tel: 0300 1234 503

Email: ***grpenquiries@hmcts.gsi.gov.uk***

The Gender Recognition Panel are the government body who process applications for gender recognition, and they are able to provide advice about how to make an application.



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UK Trans Info
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Email: info@uktrans.info

Website: www.uktrans.info

Facebook: www.facebook.com/UKTransInfo

Twitter: www.twitter.com/UKTransInfo

Tumblr: tumblr.uktrans.info

Ello: www.ello.co/UKTransInfo

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www.scottishtrans.org