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**B I L L**

TO

Amend the Gender Recognition Act 2004 in relation to a change of gender of someone who is married.

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

**1 Statutory declaration of informing the spouse: amendments to sections 3 to 3F**

(1) The Gender Recognition Act 2004 is amended as follows.

(2) In section 3, omit subsections (6B), (6C), (6D), (6E) and (6F) and insert—

“(6B) If the applicant is married, and the marriage is a protected marriage or the applicant is a party to a protected Scottish marriage, an application under section 1(1) must also include a statutory declaration by the applicant that the applicant’s spouse has been informed of the application for gender recognition and must contain the current postal address of the applicant’s spouse. 5

(6C) If such a statutory declaration is included, the Gender Recognition Panel must give the spouse written notice that the application has been made.” 10

(3) In section 3B, omit subsections (8) and (9) and insert—

“(8) If the applicant is married, and the marriage is a protected marriage, the application must also include a statutory declaration by the applicant that the applicant’s spouse has been informed of the application for gender recognition and must contain the current postal address of the applicant’s spouse. 15

(9) If such a statutory declaration is included, the Gender Recognition Panel must give the spouse written notice upon receipt of the application that the application has been made.” 20

- (4) In section 3D, omit subsections (8) and (9) and insert—
- “(8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include a statutory declaration by the applicant that the applicant’s spouse has been informed of the application for gender recognition and must contain the current postal address of the applicant’s spouse. 5
- (9) If such a statutory declaration is included, the Gender Recognition Panel must give the spouse written notice that the application has been made.”
- (5) In section 3F, omit subsections (8) and (9) and insert— 10
- “(8) If the applicant is married, and the marriage is a protected Scottish marriage, the application must also include a statutory declaration by the applicant that the applicant’s spouse has been informed of the application for gender recognition and must contain the current postal address of the applicant’s spouse. 15
- (9) If such a statutory declaration is included, the Gender Recognition Panel must give the spouse written notice that the application has been made.”

## 2 Penalties for false declarations

After section 3F of the Gender Recognition Act 2004 insert the following new section— 20

### “3G Penalties for providing false declaration

Any applicant providing a false declaration that their spouse has been informed, or providing a false postal address for their spouse, under section 3, 3B, 3D or 3F, is liable— 25

- (a) on summary conviction in England and Wales, to a fine;
- (b) on summary conviction in Scotland or Northern Ireland, to a fine not exceeding level 5 on the standard scale.”

## 3 Statutory declaration of informing the spouse: amendments to section 4

- (1) Section 4 of the Gender Recognition Act 2004 is amended as follows. 30
- (2) Omit subsection (2)(b) and insert—
- “(b) the applicant is a party to a protected marriage and—
- (i) the applicant has provided a statutory declaration that the applicant’s spouse has been informed of the application for gender recognition and the current postal address of their spouse, and 35
- (ii) the Gender Recognition Panel has given the applicant’s spouse written notice that the application has been made,
- or” 40
- (3) Omit subsection (3)(a) and insert—
- “(a) the applicant is a party to a protected marriage but has not provided the current postal address of their spouse,”

- (4) Omit subsection (3C)(a) and insert –
- “(a) the applicant is a party to a protected Scottish marriage and –
    - (i) the applicant has provided a statutory declaration that the applicant’s spouse has been informed of the application for gender recognition and the current postal address of their spouse, and
    - (ii) the Gender Recognition Panel has given the applicant’s spouse written notice that the application has been made,
- or”
- (5) Omit subsection (3D)(a) and insert –
- “(a) the applicant is a party to a protected Scottish marriage but has not provided the current postal address of their spouse,”

**4 Extent, commencement and short title**

- (1) This Act extends to England and Wales, Scotland and Northern Ireland.
- (2) This Act comes into force on the day on which this Act is passed.
- (3) This Act may be cited as the Gender Recognition Act 2004 (Amendment) Act 2019.

# Gender Recognition Act 2004 (Amendment) Bill

## [HL]

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# B I L L

To amend the Gender Recognition Act 2004 in relation to a change of gender of someone who is married.

*Baroness Barker*

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