STATUTORY INSTRUMENTS

2015 No. 50

REGISTRATION OF BIRTHS, DEATHS, AND MARRIAGES, ETC., ENGLAND AND WALES

The Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015

Made - - - -	*22nd January 2015*
Coming into force - -	*6th February 2015*

The Registrar General, in exercise of the powers conferred by paragraph 11A(1) and (2) of Schedule 3 to the Gender Recognition Act 2004(**1**), makes the following Regulations:

PART 1

Introductory

Citation and commencement

1. These Regulations may be cited as the Gender Recognition Register (Marriage and Civil Partnership) Regulations 2015 and come into force on 6th February 2015.

Interpretation

2. In these Regulations—

"2004 Act" means the Gender Recognition Act 2004;

"2013 Act" means the Marriage (Same Sex Couples) Act 2013(**2**);

"approved premises" means premises approved for the solemnization of marriages under section 46A of the Marriage Act 1949(**3**);

"civil partnership register entry" in relation to one or both parties to a qualifying civil partnership(**4**), means, as applicable—

(**1**) 2004 c. 7; paragraph 11A of Schedule 3 was inserted by paragraph 9(2) of Schedule 5 to the 2013 Act.
(**2**) 2013 c. 30.
(**3**) 1949 c. 76. Section 46A was inserted by the Marriage Act 1994 (c. 34). There are amendments to the section, not relevant here.
(**4**) "Qualifying civil partnership" is defined in paragraph 11A(3) of Schedule 3 to the 2004 Act, inserted by paragraph 9(2) of Schedule 5 to the 2013 Act, and means a civil partnership under the law of England and Wales in a case where a full gender recognition certificate has been issued to each of the civil partners.

(i) an entry of which a certified, or other copy is kept by the Registrar General;

(ii) an entry in a register so kept;

containing a record of the parties' civil partnership or, if there is more than one civil partnership, the most recent, but does not include any entry in the Gender Recognition Civil Partnership Register;

"conversion of a civil partnership" means the conversion of a civil partnership into a marriage under section 9 of the 2013 Act and regulations made under that section;

"marriage register entry" in relation to one or both parties to a qualifying marriage(**5**), means, as applicable—

(i) an entry of which a certified, or other copy is kept by the Registrar General; or

(ii) an entry in a register so kept;

containing a record of the parties' marriage, whether resulting from the conversion of a civil partnership or not (or, if there is more than one marriage, the most recent), but does not include any entry in the Gender Recognition Marriage Register;

"qualifying marriage" includes a marriage resulting from the conversion of a civil partnership;

"religious premises" means premises which—

(i) are used solely or mainly for religious purposes; or

(ii) have been so used and have not subsequently been used solely or mainly for other purposes;

"register office" has the same meaning as in section 10 of the Registration Service Act 1953(**6**);

"superintendent registrar" has the same meaning as in section 6 of the Registration Service Act 1953(**7**);

"Gender Recognition Marriage Register" means the register maintained under regulation 3(1)(a);

"Gender Recognition Civil Partnership Register" means the register maintained under regulation 3(1)(b);

"GR registers" means the two registers maintained under regulation 3(1).

The Gender Recognition Marriage and Civil Partnership Registers

3.—(1) The Registrar General must maintain, in the General Register Office—

(a) a register to be called the Gender Recognition Marriage Register, and

(b) a register to be called the Gender Recognition Civil Partnership Register.

(2) The form in which the GR registers are maintained is to be determined by the Registrar General.

(3) The GR registers are not to be open to public inspection or search.

(**5**) "Qualifying marriage" is defined in paragraph 11A(3) of Schedule 3 to the 2004 Act, inserted by paragraph 9(2) of Schedule 5 to the 2013 Act, and means a marriage under the law of England and Wales in a case where a full gender recognition certificate has been issued to one, or each, of the spouses.

(**6**) 1953 c. 37. There are amendments to the section, not relevant here.

(**7**) There are amendments to the section, not relevant here.

PART 2

The Gender Recognition Marriage Register

Application for registration

4.—(1) The parties to a qualifying marriage may apply to the Registrar General, on a form supplied by the Registrar General for that purpose, for the registration of their marriage in the Gender Recognition Marriage Register.

(2) An application under paragraph (1) must be made jointly by both parties.

(3) In an application under paragraph (1), the parties must provide—

(a) the date on, and place at which, either—

(i) their marriage was solemnized; or

(ii) if their marriage results from the conversion of a civil partnership, the date on, and place at which—

(aa) the civil partnership was formed; and

(bb) the civil partnership was converted into a marriage; and

(b) such other information as the Registrar General indicates is required by these Regulations to be registered in the Gender Recognition Marriage Register.

(4) If, on receipt of a completed application under paragraph (1), the Registrar General requires further information to enable the registration of the qualifying marriage in the Gender Recognition Marriage Register, the Registrar General may request it from the parties.

Entries in Gender Recognition Marriage Register and marking of existing marriage entries

5.—(1) On receipt of a duly completed application under regulation 4(1), and any additional information requested in accordance with regulation 4(4), the Registrar General must—

(a) make an entry in the Gender Recognition Marriage Register containing the particulars referred to in regulation 6;

(b) secure that any marriage register entry relating to the qualifying marriage in the custody of the Registrar General is marked with the words "Re-registered by the Registrar General"; and

(c) make traceable the connection between the entry in the Gender Recognition Marriage Register and the parties' marriage register entry.

(2) No certified copy of the parties' marriage register entry is to include anything marked by virtue of paragraph (1)(b).

(3) Information kept by the Registrar General for the purposes of paragraph (1)(c) is not to be open to public inspection or search.

Particulars to be entered in Gender Recognition Marriage Register

6.—(1) Except as provided in paragraph (2) and regulations 7 to 11, the particulars to be registered in the parties' entry in the Gender Recognition Marriage Register are the same particulars as were required by law to be registered in the parties' marriage register entry.

(2) Any entry in the Gender Recognition Marriage Register must reflect the name and gender referred to on the full gender recognition certificate, or certificates, granted to one or both parties.

(3) There is no requirement for an entry in the Gender Recognition Marriage Register to be signed by any person, but (except as provided in regulations 7 to 11) the Registrar General must register

the name of any person who signed the parties' marriage register entry (or, in the case of a marriage resulting from the conversion of a civil partnership, their civil partnership register entry) as if they had signed the entry in the Gender Recognition Marriage Register.

(4) Where a marriage is registered in the Gender Recognition Marriage Register as having been solemnized in Wales, the particulars to be contained in the Gender Recognition Marriage Register must be recorded in English, and must also be recorded in Welsh if the parties to the marriage so elect, and provide the required particulars in both languages.

(5) In regulations 7 to 10—

(a) references to a register office mean the register office that is agreed between the Registrar General and the parties to the qualifying marriage;

(b) references to a superintendent registrar mean the superintendent registrar in post on the applicable date for the registration district(**8**) in which the register office or approved premises (as the case may be) is situated;

(c) "applicable date" means the date on which the qualifying marriage is registered in the Gender Recognition Marriage Register as having been solemnized.

Qualifying marriages resulting from conversion of civil partnership

7.—(1) Where the qualifying marriage to be registered in the Gender Recognition Marriage Register results from the conversion of a civil partnership, the marriage is to be registered in the form prescribed on the applicable date under section 55(1) of the Marriage Act 1949(**9**), as if it had been solemnized in the presence of a superintendent registrar—

(a) in a register office; or

(b) if the civil partnership was formed on approved premises that are not religious premises, on those approved premises;

on the date on which the civil partnership was formed.

(2) Where paragraph (1) applies—

(a) the particulars to be registered in the Gender Recognition Marriage Register are those applicable on the date on which the civil partnership was formed (but see regulation 6(2)); and

(b) the witnesses to the parties' civil partnership are to be registered in the Gender Recognition Marriage Register as witnesses to the qualifying marriage.

(3) This regulation is subject to regulation 8(1).

Qualifying marriages of same sex couples

8.—(1) Unless the parties to the qualifying marriage specifically request the Registrar General to do so, the Registrar General must not register in the Gender Recognition Marriage Register any of the particulars required by regulations 6(1) or 7 if to do so would indicate that a marriage of a same sex couple was entered into before the date on which the marriage could have been entered into under the 2013 Act.

(2) If, by virtue of the prohibition in paragraph (1), the Registrar General is unable to register the date on which the qualifying marriage took place, the marriage is to be registered as if it had been entered into on the date on which it is registered in the Gender Recognition Marriage Register, and, except as mentioned in paragraphs (3) and (4), the particulars to be recorded (including particulars relating to the superintendent registrar and registrar) must be those applicable on that date.

(**8**) Registration district is defined in section 5 of the Registration Service Act 1953 (c. 37).
(**9**) 1949 c. 76. There are amendments to the section, not relevant here.

(3) Where paragraph (2) applies—

(a) the condition(**10**) of each of the parties is to be registered in the Gender Recognition Marriage Register as it was before they married (or, in the case of a marriage resulting from the conversion of a civil partnership, before they formed the civil partnership), using the forms of words prescribed under section 55(1) of the Marriage Act 1949 on the applicable date (but see regulation 6(2));

(b) the witnesses to the marriage are to be recorded in the Gender Recognition Marriage Register as they were in the parties' marriage register entry (or, in the case of a marriage resulting from the conversion of a civil partnership, in their civil partnership register entry); and

(c) subject to paragraph (4) and regulations 9 and 10, the place at which the qualifying marriage was entered into is to be registered in the Gender Recognition Marriage Register as it was in the parties' marriage register entry (or, in the case of a marriage resulting from the conversion of a civil partnership, in their civil partnership register entry).

(4) If the place required to be registered under paragraph (3)(c) is a place at which, on the date of registration in the Gender Recognition Marriage Register, the parties' marriage could not be solemnized under the law of England and Wales, the marriage is to be registered as if it had been solemnized in the presence of a superintendent registrar in a register office in the form prescribed on the applicable date under section 55(1) of the Marriage Act 1949.

(5) Nothing in this regulation affects the continuity of any qualifying marriage.

Qualifying marriages solemnized according to religious rites

9.—(1) The Registrar General must not register in the Gender Recognition Marriage Register any particulars that would indicate that a qualifying marriage was solemnized according to religious rites or usages, or on religious premises.

(2) Where paragraph (1) applies, the marriage is to be registered in the Gender Recognition Marriage Register as if it had been solemnized in the presence of a superintendent registrar in a register office in the form prescribed on the applicable date under section 55(1) of the Marriage Act 1949.

Qualifying marriages solemnized outside the United Kingdom

10.—(1) Unless paragraph (2) applies, the Registrar General must not register in the Gender Recognition Marriage Register any particulars that would indicate that a qualifying marriage of a same sex couple, or between a man and a woman (as the case may be) was solemnized outside the United Kingdom according to the law of England and Wales.

(2) Paragraph (1) does not apply if, on the applicable date, the authorities in the country or territory in which the marriage was solemnized had notified the Secretary of State in writing that there is no objection to marriages of same sex couples, or between a man and a woman (as the case may be) taking place in that country or territory, and had not revoked that consent.

(3) Where paragraph (1) applies, the marriage is to be registered in the Gender Recognition Marriage Register as if it had been solemnized in the presence of a superintendent registrar in a register office in the form prescribed on the applicable date under section 55(1) of the Marriage Act 1949.

(**10**) "Condition" means marital or civil partnership status prior to the marriage (or civil partnership), and is registered using forms of words prescribed under section 55(1) of the Marriage Act 1949.