

SCHEDULES

SCHEDULE 5

CHANGE OF GENDER OF MARRIED PERSONS OR CIVIL PARTNERS

PART 1

APPLICATIONS BY MARRIED PERSONS AND CIVIL PARTNERS

Change in gender of party to marriage

10 After section 11 insert—

“11A Change in gender of party to marriage

- (1) This section applies in relation to a protected marriage if (by virtue of section 4(2)(b) or 4A) a full gender recognition certificate is issued to a party to the marriage.
- (2) The continuity of the protected marriage is not affected by the relevant change in gender.
- (3) If the protected marriage is a foreign marriage—
 - (a) the continuity of the marriage continues by virtue of subsection (2) notwithstanding any impediment under the proper law of the marriage;
 - (b) the proper law of the marriage is not affected by its continuation by virtue of subsection (2).

(4) In this section—

“foreign marriage” means a marriage under the law of a country or territory outside the United Kingdom;

“impediment” means anything which affects the continuation of a marriage merely by virtue of the relevant change in gender;

“proper law”, in relation to a protected marriage, means the law of the country or territory under which the marriage was entered into;

“relevant change in gender” means the change or changes of gender occurring by virtue of the issue of the full gender recognition certificate or certificates.”.