

REGISTRATION OF MARRIAGES AND CIVIL PARTNERSHIPS FOLLOWING GENDER RECOGNITION GUIDANCE FOR APPLICANTS

Introduction

1. This guidance has been produced by the Scottish Government and National Records of Scotland (NRS) to advise you on your options on the registration of your marriage or civil partnership, following the issue of the full Gender Recognition Certificate(s). In this guidance note, the full Gender Recognition Certificate is referred to as a “full GRC”.
2. This guidance only covers marriages and civil partnerships registered in Scotland, including marriages and civil partnerships registered through the UK consular service and UK armed forces overseas where the couple elected Scotland as the relevant part of the UK and NRS hold details of the marriage or civil partnership. If your marriage or civil partnership was registered elsewhere in the UK, or by an overseas country, you will need to approach the registration authorities in the relevant country about updating your marriage or civil partnership certificate to reflect gender recognition.
3. This guidance only covers the registration of marriages or civil partnerships following gender recognition. If the person(s) who has obtained a full GRC was born in Scotland, NRS will provide you separately with information on birth registration following gender recognition.

Marriage and civil partnership registers in Scotland

4. NRS and local authority registrars keep marriage and civil partnership registers. These are generally open to public inspection. All marriages and civil partnerships which take place in Scotland are recorded in these registers. An extract from the relevant entry in the marriage or civil partnership register forms what is commonly known as the marriage or civil partnership certificate.
5. Where the marriage or civil partnership took place overseas through the UK consular service or through the UK armed forces, the marriage or civil partnership is not registered in the main marriage or civil partnership registers for Scotland but, instead, is held separately by NRS.

Options available to you to register your marriage or civil partnership following gender recognition

6. There are a number of options available to you.
7. First of all, you may choose not to register your marriage or civil partnership following gender recognition. This means that the original entry in the register will remain as it is and will remain open to public inspection.
8. Secondly, the Government is intending to make further legislation so that married people who have obtained a full GRC and parties to a civil partnership

where both parties have obtained a full GRC will be able, if they wish, to have a renewed marriage or civil partnership ceremony. This legislation is not yet in place: we hope it will be by the end of 2016. The intention is that the ceremony could be civil or religious or belief, although in relation to same sex marriage and civil partnership some religious and belief bodies have decided not to take part. The further intention is that a marriage or civil partnership certificate reflecting the acquired gender(s) will be available after the ceremony has taken place.

9. Thirdly, you can ask for your marriage or civil partnership to be registered through an administrative route. Generally, the registration entry will reflect your details as they were when you originally married or entered the civil partnership, with changes made to reflect the acquired gender(s) and any changes in your forename(s) and surname(s).

10. The Scottish Government and NRS recognise that one particular difficulty with this option in some cases is that the new entry in the marriage register may show the couple to be in a same sex marriage at a time when this was not legally possible in Scotland. This could mean that your new marriage entry might “out” you as trans, because only trans people can be shown as being in a same sex marriage which began before that time.

11. Therefore, a further option if you choose in these cases is for the marriage to be registered following gender recognition showing your details as they are now. In these cases:

- The entry will reflect current information, rather than information as at the time you married.
- The details for witnesses will remain blank.
- The date shown as the date of the marriage will be the date the new entry is created following gender recognition, rather than the original date of the marriage.

12. Changes may also have to be made if:

- you are now in a same sex marriage; and
- at the date shown on the new marriage entry, the religious or belief celebrant who originally solemnised the marriage was not authorised to solemnise same sex marriage.

13. In these cases, the marriage will be shown as having been solemnised by a civil registrar instead of by the original religious or belief celebrant. This reflects that some religious or belief bodies and celebrants have decided not to solemnise same sex marriages.

14. Additional changes may also be needed where the marriage took place overseas through the UK consular service and UK armed forces overseas.

15. If you wish to take this option, please complete the application form at Annex A of this guidance note (for marriages) and Annex B (for civil partnerships).

Original entry in the marriage or civil partnership register not to be open to public

16. Where you choose to register your marriage or civil partnership following gender recognition, there will be two entries in the register: the original one and the new one. To provide more privacy, the Scottish Government has made legislation so that the original entry is not open to public inspection or search. As a result, only the parties to the marriage or the civil partnership can obtain copies of the original entry from NRS (unless a court order is obtained requiring NRS to disclose information). The public will be able to see the new entry and obtain a copy as the new entry will be open to public inspection and search.

Procedure and fees

17. If you wish to register your marriage or civil partnership following gender recognition, NRS will, after you submit your application form, provide you with a draft of the new entry in the marriage or civil partnership register. NRS will also discuss with you whether there is any need for notes at the bottom of the entry, to reflect that this is a new registration of an existing marriage or civil partnership. Once you have agreed the draft entry with NRS, NRS will then ask the relevant local authority, where the marriage or civil partnership took place, to register the marriage or civil partnership. Where the marriage or civil partnership took place outwith the United Kingdom, it will be registered in Edinburgh registration district.

18. There will be no fee for registering the marriage or civil partnership following gender recognition. There will be a fee for any extracts (certificates) from the register.

Queries

19. NRS are happy to deal with any queries you may have on the registration of marriages or civil partnerships following gender recognition. Please contact National Records of Scotland, General Registration Unit at grusupport@nrscotland.gov.uk.