



# Human Fertilisation and Embryology (Deceased Fathers) Act 2003

## 2003 CHAPTER 24

### 3 Retrospective, transitional and transitory provision

- (1) This Act shall (in addition to any case where the sperm or embryo is used on or after the coming into force of section 1) apply to any case where the sperm of a man, or any embryo the creation of which was brought about with the sperm of a man, was used on or after 1st August 1991 and before the coming into force of that section.
- (2) Where the child concerned was born before the coming into force of section 1 of this Act, section 28(5A) or (as the case may be) (5B) of the Human Fertilisation and Embryology Act 1990 (c. 37) shall have effect as if for paragraph (e) there were substituted—
  - “(e) the woman has elected in writing not later than the end of the period of six months beginning with the coming into force of this subsection for the man to be treated for the purpose mentioned in subsection (5I) below as the father of the child,”.
- (3) Where the child concerned was born before the coming into force of section 1 of this Act, section 28(5C) of the Act of 1990 shall have effect as if for paragraph (f) there were substituted—
  - “(f) the woman has elected in writing not later than the end of the period of six months beginning with the coming into force of this subsection for the other party to the marriage to be treated for the purpose mentioned in subsection (5I) below as the father of the child,”.
- (4) Where the child concerned was born before the coming into force of section 1 of this Act, section 28(5D) of the Act of 1990 shall have effect as if for paragraph (f) there were substituted—
  - “(f) the woman has elected in writing not later than the end of the period of six months beginning with the coming into force of this subsection for the man to be treated for the purpose mentioned in subsection (5I) below as the father of the child,”.

---

**Changes to legislation:** There are currently no known outstanding effects for the Human Fertilisation and Embryology (Deceased Fathers) Act 2003, Section 3. (See end of Document for details)

---

- (5) Where the child concerned was born before the coming into force of section 1 of this Act, section 28 of the Act of 1990 shall have effect as if—
- (a) subsection (5E) were omitted; and
  - (b) in subsection (5F) for the words from “(which requires” to “that day)” there were substituted “ (which requires an election to be made not later than the end of a period of six months) ”.
- (6) Where the man who might be treated as the father of the child died before the passing of this Act—
- (a) subsections (5A) and (5B) of section 28 of the Act of 1990 shall have effect as if paragraph (d) of each subsection were omitted;
  - (b) subsections (5C) and (5D) of that section of that Act shall have effect as if paragraph (e) of each subsection were omitted; and
  - (c) sections 10ZA(3)(a) of the Births and Deaths Registration Act 1953 (c. 20) and 18ZA(3)(a) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49), and Article 14A(3)(a) of the Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I.14)), shall have effect as if the words “consent in writing and” were omitted.
- (7) Section 15(3)(a) of the Adoption Act 1976 (c. 36) (adoption by one person where no other parent) shall have effect as if after “1990” there were inserted “ (disregarding subsections (5A) to (5I) of that section) ”.
- (8) Subsection (7) shall cease to apply when, and to the extent that, the repeal of section 15(3)(a) of the Act of 1976 by the Adoption and Children Act 2002 (c. 38) comes into force.

---

**Commencement Information**

**II**    [S. 3](#) in force at 1.12.2003 by [S.I. 2003/3095](#), [art. 2](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Human Fertilisation and Embryology (Deceased Fathers) Act 2003, Section 3.