

**Changes to legislation:** Human Fertilisation and Embryology Act 2008, Paragraph 27 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

## SCHEDULES

### SCHEDULE 6

#### AMENDMENTS RELATING TO PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

##### PART 1

##### GENERAL

##### *Children Act 1989 (c. 41)*

27 After section 4 of the Children Act 1989 insert—

#### **“4ZA Acquisition of parental responsibility by second female parent**

- (1) Where a child has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and is not a person to whom section 1(3) of the Family Law Reform Act 1987 applies, that parent shall acquire parental responsibility for the child if—
  - (a) she becomes registered as a parent of the child under any of the enactments specified in subsection (2);
  - (b) she and the child's mother make an agreement providing for her to have parental responsibility for the child; or
  - (c) the court, on her application, orders that she shall have parental responsibility for the child.
- (2) The enactments referred to in subsection (1)(a) are—
  - (a) paragraphs (a), (b) and (c) of section 10(1B) and of section 10A(1B) of the Births and Deaths Registration Act 1953;
  - (b) paragraphs (a), (b) and (d) of section 18B(1) and sections 18B(3)(a) and 20(1)(a) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965; and
  - (c) sub-paragraphs (a), (b) and (c) of Article 14ZA(3) of the Births and Deaths Registration (Northern Ireland) Order 1976.
- (3) The Secretary of State may by order amend subsection (2) so as to add further enactments to the list in that subsection.
- (4) An agreement under subsection (1)(b) is also a “parental responsibility agreement”, and section 4(2) applies in relation to such an agreement as it applies in relation to parental responsibility agreements under section 4.
- (5) A person who has acquired parental responsibility under subsection (1) shall cease to have that responsibility only if the court so orders.
- (6) The court may make an order under subsection (5) on the application—

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- (a) of any person who has parental responsibility for the child; or
  - (b) with the leave of the court, of the child himself,
- subject, in the case of parental responsibility acquired under subsection (1) (c), to section 12(4).

(7) The court may only grant leave under subsection (6)(b) if it is satisfied that the child has sufficient understanding to make the proposed application.”

#### Commencement Information

- II** Sch. 6 para. 27 wholly in force at 1.9.2009; Sch. 6 para. 27 not in force at Royal Assent see s. 68; Sch. 6 para. 27 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 55\(3\)\(e\)](#) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)