Changes to legislation: *Human Fertilisation and Embryology Act 2008, Paragraph 5 is up to date with all changes known to be in force on or before 14 July 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

Births and Deaths Registration Act 1953 (c. 20)

5 (1) Section 10 of the Births and Deaths Registration Act 1953 (registration of father where parents not married) is amended as follows.

(2) For the heading to the section substitute " Registration of father where parents not married or of second female parent where parents not civil partners ".

(3) After subsection (1A) insert—

"(1B) Notwithstanding anything in the foregoing provisions of this Act and subject to section 10ZA of this Act, in the case of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply no woman shall as a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any woman as a parent of the child by virtue of that section except—

(a) at the joint request of the mother and the person stating herself to be the other parent of the child (in which case that person shall sign the register together with the mother); or

(b) at the request of the mother on production of—

(i) a declaration in the prescribed form made by the mother stating that the person to be registered ("the woman concerned") is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and

(ii) a statutory declaration made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of that Act; or

(c) at the request of the woman concerned on production of—

(i) a declaration in the prescribed form made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and

(ii) a statutory declaration made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of that Act; or

Changes to legislation: *Human Fertilisation and Embryology Act 2008, Paragraph 5 is up to date with all changes known to be in force on or before 14 July 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*

(d) at the request of the mother or the woman concerned on production of—

(i) a copy of any agreement made between them under section 4ZA(1)(b) of the Children Act 1989 in relation to the child; and

(ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with section 4ZA of that Act and has not been brought to an end by an order of a court; or

(e) at the request of the mother or the woman concerned on production of—

(i) a certified copy of an order under section 4ZA of the Children Act 1989 giving the woman concerned parental responsibility for the child; and

(ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or

(f) at the request of the mother or the woman concerned on production of—

(i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires the woman concerned to make any financial provision for the child and which is not an order falling within paragraph 4(3) of that Schedule; and

(ii) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court."

(4) After subsection (2) insert—

"(2A) Where, in the case of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply, a person stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 makes a request to the registrar in accordance with any of paragraphs (c) to (f) of subsection (1B)—

(a) she shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and

(b) the giving of information concerning the birth of the child by that person and the signing of the register by her in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 2 of this Act."

Commencement Information

I1 Sch. 6 para. 5 wholly in force at 1.9.2009; Sch. 6 para. 5 not in force at Royal Assent see s. 68; Sch. 6 para. 5 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.)

Changes to legislation:
Human Fertilisation and Embryology Act 2008, Paragraph 5 is up to date with all changes known to be in force on or before 14 July 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.
View outstanding changes

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)