
Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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

Births and Deaths Registration Act 1953 (c. 20)

- 2 In section 1 of the Births and Deaths Registration Act 1953 (particulars of births to be registered) after subsection (2) insert—

“(3) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the reference in subsection (2)(a) to the father of the child is to be read as a reference to the woman who is a parent by virtue of that section.”

Commencement Information

- I1** Sch. 6 para. 2 wholly in force at 1.9.2009; Sch. 6 para. 2 not in force at Royal Assent see s. 68; Sch. 6 para. 2 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.)

- 3 In section 2 of the Births and Deaths Registration Act 1953 (information concerning birth to be given to registrar within 42 days), renumber the existing provision as subsection (1) of the section and at the end insert—

“(2) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the references in subsection (1) to the father of the child are to be read as references to the woman who is a parent by virtue of that section.”

Commencement Information

- I2** Sch. 6 para. 3 wholly in force at 1.9.2009; Sch. 6 para. 3 not in force at Royal Assent see s. 68; Sch. 6 para. 3 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.)

- 4 In section 9(4) of the Births and Deaths Registration Act 1953 (giving of information to a person other than the registrar), after “that section,” insert “ or under paragraph (b), (c) or (d) of subsection (1B) of that section, ”.

Changes to legislation: *Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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*

Commencement Information

- I3** Sch. 6 para. 4 wholly in force at 1.9.2009; Sch. 6 para. 4 not in force at Royal Assent see s. 68; Sch. 6 para. 4 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.)

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

(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—

Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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

- (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

I4 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.)

6 For section 10ZA of the Births and Deaths Registration Act 1953 substitute—

“10ZA Registration of father or second female parent by virtue of certain provisions of Human Fertilisation and Embryology Act 2008

- (1) Notwithstanding anything in the foregoing provisions of this Act, the registrar shall not enter in the register—
- (a) as the father of a child, the name of a man who is to be treated for that purpose as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death); or
 - (b) as a parent of the child, the name of a woman who is to be treated for that purpose as a parent of the child by virtue of section 46(1)

Changes to legislation: *Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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*

or (2) of that Act (circumstances in which woman to be treated as parent of child for purposes of registration of birth where fertility treatment undertaken after her death),
 unless the condition in subsection (2) below is satisfied.

- (2) The condition in this subsection is satisfied if—
- (a) the mother requests the registrar to make such an entry in the register and produces the relevant documents; or
 - (b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant.
- (3) In this section “the relevant documents” means—
- (a) the consent in writing and election mentioned in section 39(1), 40(1) or (2) or 46(1) or (2) (as the case requires) of the Human Fertilisation and Embryology Act 2008;
 - (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
 - (c) such other documentary evidence (if any) as the registrar considers appropriate.”

Commencement Information

I5 Sch. 6 para. 6 wholly in force at 1.9.2009; Sch. 6 para. 6 not in force at Royal Assent see s. 68; Sch. 6 para. 6 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.)

- 7 (1) Section 10A of the Births and Deaths Registration Act 1953 (re-registration where parents not married) is amended as follows.
- (2) For the heading to the section substitute “ Re-registration where parents neither married nor civil partners ”.
- (3) In subsection (1)—
- (a) after “as the father of the child” insert “ (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008) ”, and
 - (b) for paragraph (ff) substitute—
 - “(ff) in the case of a man who is to be treated as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied; or”.
- (4) After subsection (1A) insert—
- “(1B) Where there has been registered under this Act the birth of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply, but no person has been registered as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008 (or as the father of the child), the registrar shall re-register the birth so as to show a woman (“the woman concerned”) as a parent of the child by virtue of section 43 or 46(1) or (2) of that Act—
 - (a) at the joint request of the mother and the woman concerned; or

Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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

- (b) at the request of the mother on production of—
 - (i) a declaration in the prescribed form made by the mother stating that 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
- (d) at the request of the mother or the woman concerned on production of—
 - (i) a copy of an 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; or
- (g) in the case of a woman who is to be treated as a parent of the child by virtue of section 46(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied.”

(5) In subsection (2), for paragraphs (b) to (c) substitute—

“(b) in the case of any of the following requests—

Changes to legislation: *Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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*

- (i) a request under subsection (1)(a) or (b) or subsection (1B)(a) or (b);
- (ii) a request under subsection (1)(d), (e), (f) or (g) or subsection (1B)(d), (e) or (f) made by the mother of the child,
the mother shall also sign the register;
- (bb) in a case within subsection (1)(ff) or (1B)(g), the mother or (as the case may be) the qualified informant shall also sign the register;
- (c) in the case of a request made under subsection (1)(a) or (c) or a request made under subsection (1)(d), (e), (f) or (g) by the person requesting to be registered as the father of the child, that person shall also sign the register;
- (cc) in the case of a request made under subsection (1B)(a) or (c) or a request made under subsection (1B)(d), (e) or (f) by a woman requesting to be registered as a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, that woman shall also sign the register; and”.

Commencement Information

- 16** Sch. 6 para. 7 wholly in force at 1.9.2009; Sch. 6 para. 7 not in force at Royal Assent see s. 68; Sch. 6 para. 7 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.)

- 8 In section 13 of the Births and Deaths Registration Act 1953 (registration of name of child or alteration of name) after subsection (1) insert—

“(1ZA) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the reference in subsection (1)(b) to the father of the child is to be read as a reference to the woman who is a parent of the child by virtue of that section.”

Commencement Information

- 17** Sch. 6 para. 8 wholly in force at 1.9.2009; Sch. 6 para. 8 not in force at Royal Assent see s. 68; Sch. 6 para. 8 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.)

- 9 (1) Section 14 of the Births and Deaths Registration Act 1953 (re-registration of births of legitimated persons) is amended as follows.

- (2) In subsection (1), in the proviso—

- (a) in paragraph (a), after “legitimated person” insert “, or herself to be a parent of the legitimated person by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, ”, and
- (b) in paragraph (b), after “the paternity of the legitimated person” insert “ (or, as the case may be, the parentage of the legitimated person by virtue of section 43 of that Act), ”.

- (3) In subsection (2)—

- (a) after “the marriage of his parents” insert “ or on their becoming civil partners of each other ”, and

Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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

- (b) after “the date of the marriage” insert “ or of the formation of the civil partnership ”.

Commencement Information

I8 Sch. 6 para. 9 wholly in force at 1.9.2009; Sch. 6 para. 9 not in force at Royal Assent see s. 68; Sch. 6 para. 9 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.)

- 10 (1) Section 29A of the Births and Deaths Registration Act 1953 (alternative procedure for certain corrections) is amended as follows.
- (2) In subsection (1) for the words from “the father” to the end substitute “—
- (a) the father of the person to whose birth or death the entry relates; or
- (b) a parent of that person (having been so registered on the basis of being such a parent by virtue of 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).”
- (3) In subsection (3), after “not the father” insert “ or, as the case may be, that the person shown as a parent was not such a parent by virtue of 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008 ”.

Commencement Information

I9 Sch. 6 para. 10 wholly in force at 1.9.2009; Sch. 6 para. 10 not in force at Royal Assent see s. 68; Sch. 6 para. 10 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, Cross Heading: Births and Deaths Registration Act 1953 (c. 20) is up to date with all changes known to be in force on or before 11 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.

[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\(b\)](#)