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**Changes to legislation:** Human Fertilisation and Embryology Act 2008, Cross Heading: Legitimacy Act (Northern Ireland) 1928 (c. 5 (N.I.)) 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

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## SCHEDULES

### SCHEDULE 6

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

#### PART 3

##### ENACTMENTS RELATING ONLY TO NORTHERN IRELAND

##### *Legitimacy Act (Northern Ireland) 1928 (c. 5 (N.I.))*

- 57 (1) Section 1 of the Legitimacy Act (Northern Ireland) 1928 (legitimation by subsequent marriage of parents) is amended as follows.
- (2) In the heading, after “marriage” insert “ or civil partnership ”.
- (3) After subsection (1) insert—
- “(1A) Subject to subsection (3), where—
- (a) a person (“the child”) has a parent (“the female parent”) by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (treatment provided to woman who agrees that second woman to be parent);
- (b) at the time of the child's birth, the female parent and the child's mother are not civil partners of each other;
- (c) the female parent and the child's mother subsequently enter into a civil partnership; and
- (d) the female parent is at the date of the formation of the civil partnership domiciled in Northern Ireland,
- the civil partnership shall render the child, if living, legitimate from the date of the formation of the civil partnership.”
- 58 (1) Section 8 of the Legitimacy Act (Northern Ireland) 1928 (provisions as to persons legitimated by extraneous law) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) Where—
- (a) a person (“the child”) has a parent (“the female parent”) by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (treatment provided to woman who agrees that second woman to be parent);
- (b) at the time of the child's birth, the female parent and the child's mother are not civil partners of each other;
- (c) the female parent and the child's mother subsequently enter into a civil partnership; and

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- (d) the female parent is at the time of the formation of the civil partnership domiciled in a country, other than Northern Ireland, by the law of which the child became legitimated by virtue of the civil partnership;

the child, if living, shall in Northern Ireland be recognised as having been so legitimated from the date of the formation of the civil partnership notwithstanding that, at the time of the child's birth, the female parent was not domiciled in a country the law of which permitted legitimation by subsequent civil partnership.”

- 59 In section 11 of the Legitimacy Act (Northern Ireland) 1928 (interpretation), in the definition of “date of legitimation”, after “date of the marriage” insert “ or of the formation of the civil partnership ”.

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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\(b\)](#)