



Births and Deaths Registration Act 1953

1953 CHAPTER 20 1 and 2 Eliz 2

PART I

REGISTRATION OF BIRTHS

[^{F1}10 [^{F2}Registration of father ^{F3}... or of second female parent where parents not [^{F4}married or] civil partners]

(1) Notwithstanding anything in the foregoing provisions of this Act [^{F5}and subject to section 10ZA of this Act], in the case of a child whose father and mother were not married to [^{F6}, or civil partners of,] each other at the time of his birth, no person shall as father of the child be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except—

- (a) at the joint request of the mother and the person stating himself to be the father 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 that person is the father of the child; and
 - (ii) a statutory declaration made by that person stating himself to be the father of the child; or
- (c) at the request of that person on production of—
 - (i) a declaration in the prescribed form by that person stating himself to be the father of the child; and
 - (ii) a statutory declaration made by the mother stating that that person is the father of the child; or

- [^{F7}(d) at the request of the mother or that person on production of—
 - (i) a copy of [^{F8}any agreement made between them under section 4(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 4 of

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[^{F9}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 that person on production of—
 - (i) a certified copy of an order under section 4 of the Children Act 1989 giving that person 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 that person on production of—
 - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires that person 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) at the request of the mother or that person on production of—
 - (i) a certified copy of any of the orders which are mentioned in subsection (1A) of this section which has been made in relation to 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 or discharged by an order of a court.]

[The orders are—

- ^{F10}(1A) (a) an order under section 4 of the Family Law Reform Act 1987 that that person shall have all the parental rights and duties with respect to the child;
- (b) an order that that person shall have custody or care and control or legal custody of the child made under section 9 of the Guardianship of Minors Act 1971 at a time when such an order could only be made in favour of a parent;
- (c) an order under section 9 or 11B of that Act which requires that person to make any financial provision in relation to the child;
- (d) an order under section 4 of the Affiliation Proceedings Act 1957 naming that person as putative father of the child.]

[Notwithstanding anything in the foregoing provisions of this Act and subject to ^{F11}(1B) 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

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- (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—
 - (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.]
- (2) Where, in the case of a child whose father and mother were not married to ^{F12}, or civil partners of,] each other at the time of his birth, a person stating himself to be the father of the child makes a request to the registrar in accordance with paragraph (c) ^{F13} to (g) of subsection (1) of this section—
- (a) he 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 him 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.
- ^{F14} [Where, in the case of a child to whom section 1(3) of the Family Law Reform Act (2A) 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.]
- (3) In this section and section 10A of this Act references to a child whose father and mother were not married to ^{F15}, or civil partners of,] each other at the time of his birth

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shall be construed in accordance with section 1 of the Family Law Reform Act 1987
F16]

Textual Amendments

- F1** S. 10 substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **s. 24**
- F2** S. 10 heading substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 5(2)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F3** Words in s. 10 heading omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **17(2)(a)**
- F4** Words in s. 10 heading inserted (13.3.2014) by [The Marriage \(Same Sex Couples\) Act 2013 \(Consequential and Contrary Provisions and Scotland\) Order 2014 \(S.I. 2014/560\)](#), art. 1(2), **Sch. 1 para. 7**
- F5** Words in s. 10(1) inserted (1.12.2003) by [Human Fertilisation and Embryology \(Deceased Fathers\) Act 2003 \(c. 24\)](#), s. 4(2), **Sch. para. 2**; S.I. 2003/3095, art. 2
- F6** Words in s. 10(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **17(2)(b)**
- F7** S. 10(1)(d)–(g) substituted (14.10.1991) for s. 10(1)(d) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(2)**; S.I. 1991/828, **art. 3(2)**
- F8** Words in s. 10(1)(d)(i) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 6(a)** (with Sch. 4 paras. 6-8); S.I. 2003/3079, art. 2(2)(b)
- F9** Words in s. 10(1)(d)(ii) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), **Sch. 3 para. 6(b)** (with Sch. 4 paras. 6-8); S.I. 2003/3079, art. 2(2)(b)
- F10** S. 10(1A) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(3)**; S.I. 1991/828, **art. 3(2)**
- F11** S. 10(1B) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 5(3)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F12** Words in s. 10(2) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **17(2)(c)**
- F13** Words in s. 10(2) substituted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108(4), **Sch. 12 para. 6(4)**; S.I. 1991/828, **art. 3(2)**
- F14** S. 10(2A) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), **Sch. 6 para. 5(4)**; S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F15** Words in s. 10(3) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **17(2)(d)**
- F16** Words in s. 10(3) repealed (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), s. 148(1), Sch. 3 para. 6(c), **Sch. 5** (with Sch. 4 paras. 2, 6-8); S.I. 2003/3079, art. 2(2)(b)

Modifications etc. (not altering text)

- C1** S. 10 modified by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), **s. 33(2)**, Sch. 3 para. 11

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