



Registration of Births, Deaths and Marriages (Special Provisions) Act 1957

1957 CHAPTER 58 5 and 6 Eliz 2

5 Registration of births of legitimated persons in the service departments registers.

(1) Where in the case of—

- (a) a person whose birth is recorded in the Service Departments Registers, or
- (b) a person born outside the United Kingdom whose father at the time of the birth was a member of Her Majesty's naval, military or air forces or ^[F1]a civilian subject to service discipline (within the meaning of the Armed Forces Act 2006),]

evidence is produced to the appropriate Registrar General which appears to him to be satisfactory that that person was, whether before or after the commencement of this Act, legitimated by the subsequent marriage ^[F2]or civil partnership] of his parents, the said Registrar General may authorise at any time the re-registration or, as the case may be, the registration of that person's birth, and the re-registration or registration shall be effected in such manner and at such place as may be provided by an Order in Council under this Act:

Provided that, except where—

- (i) the paternity of the legitimated person has been established by an affiliation order or otherwise by a decree of a court of competent jurisdiction, or
- (ii) a declaration of the legitimacy of the legitimated person has been made by a court of competent jurisdiction in the United Kingdom,

the said Registrar General shall not authorise re-registration or registration unless information with a view to obtaining it is furnished by both parents.

- (2) In this section “the appropriate Registrar General” means, in relation to a person whose father was at the time of the marriage ^[F3]or formation of the civil partnership] domiciled in Scotland, the Registrar General of Births, Deaths and Marriages in Scotland, in relation to a person whose father was at the time of the marriage ^[F3]or formation of the civil partnership] domiciled in Northern Ireland, the Registrar General for Northern Ireland, and in any other case the Registrar General for England and Wales.

Changes to legislation: There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957, Section 5. (See end of Document for details)

- [^{F4}(3) In relation to a person who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008—
- (a) any reference to the person's father is a reference to the woman who is a parent by virtue of that section,
 - ^{F5}(b)
 - (c) the reference in that subsection to paternity is a reference to parentage by virtue of section 43 of that Act.]

Textual Amendments

- F1** Words in s. 5(1)(b) substituted (28.3.2009 for specified purposes and 31.10.2009 in so far as not already in force) by [Armed Forces Act 2006 \(c. 52\)](#), s. 383(2), [Sch. 16 para. 42](#); S.I. 2009/812, art. 3(a)(b) (with transitional provisions in S.I. 2009/1059); S.I. 2009/1167, art. 4
- F2** Words in s. 5(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [20\(a\)](#)
- F3** Words in s. 5(2) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [20\(b\)](#)
- F4** S. 5(3) inserted (6.4.2009 for specified purposes and 1.10.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), s. 68(2), [Sch. 6 para. 12](#); S.I. 2009/479, art. 6(1)(e)(2) (with art. 7, Sch.)
- F5** S. 5(3)(b) omitted (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [20\(c\)](#)

Changes to legislation:

There are currently no known outstanding effects for the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957, Section 5.