

SCHEDULE 1

Article 2

Consequential Amendments Relating to Parenthood

PART 1

Amendments to Primary legislation

Marriage (Scotland) Act 1977

1. In section 2 of the Marriage (Scotland) Act 1977(1) (marriage of related persons), after subsection (7) insert—

“(7A) This section and Schedule 1 to this Act have effect as if any reference in paragraphs 1 and 2 of that Schedule to a mother within any of the degrees of relationship specified in either column included a woman who is a parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (c. 22).”.

Children Act 1989

2. In section 104 of the Children Act 1989(2) (regulations and orders), in subsection (3A), after “4(1B)” insert “, 4ZA(3)”.

Human Fertilisation and Embryology Act 1990

3. In section 30 of the 1990 Act (parental orders in favour of gamete donors), as it has effect until the coming into force of its repeal by the 2008 Act, for subsection (5) substitute—

“(5) The court must be satisfied that both—

- (a) the father of the child (including a person who is the father by virtue of section 28 of this Act or section 35 or 36 of the Human Fertilisation and Embryology Act 2008), where he is not the husband, or any woman who is a parent of the child by virtue of section 42 or 43 of that Act, and
- (b) the woman who carried the child,

have freely, and with full understanding of what is involved, agreed unconditionally to the making of the order.”.

Civil Partnership Act 2004

4. In section 86 of the Civil Partnership Act 2004(3) (eligibility), after subsection (5) insert—

“(5A) This section and Schedule 10 have effect as if any reference in that Schedule to a mother within any of the degrees of relationship specified in either column included a woman who is a parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008 (c. 22).”.

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- (1) 1977 c. 15. Section 2 was amended by the Law Reform (Parent and Child) (Scotland) Act 1986 (c. 9), sections 9 and 10, Schedule 1, paragraph 17 and Schedule 2; the Marriage (Prohibited Degrees of Relationship) Act 1986 (c. 16), section 2, Schedule 2, paragraph 2; the Gender Recognition Act 2004 (c. 7), Schedule 4, paragraph 7; the Family Law (Scotland) Act 2006 (asp 2), section 1(a) and S.S.I. 2006/384, article 4.
 - (2) 1989 c. 41. Section 104(3A) was inserted by the Children and Young Persons Act 2008 (c. 23), section 39 and Schedule 3 paragraphs 1, 25(1) and (4). Section 4ZA(3) was inserted by the Human Fertilisation and Embryology Act 2008 Act (c. 22), section 56, Schedule 6, Part 1, paragraph 27.
 - (3) 2004 c. 33. Section 86 was amended by the Family Law (Scotland) Act 2006 (asp 2), Schedule 1, paragraph 2 and Schedule 3.

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PART 2

Amendments to Secondary legislation

Civil Aviation (Births Deaths and Missing Persons) Regulations 1948

5.—(1) The Civil Aviation (Births Deaths and Missing Persons) Regulations 1948(4) are amended as follows.

- (2) In regulation 2 (interpretation) after the definition of “Person in command” insert—
- ““second female parent” means the woman who is a parent of the child by virtue of—
- (a) section 42 of the Human Fertilisation and Embryology Act 2008(5) (which relates to treatment provided to a woman who is at the time of treatment a party to a civil partnership or, in certain circumstances a void civil partnership); or
 - (b) section 43 of that Act (which relates to treatment provided to a woman who agrees that second woman to be parent) where the woman—
 - (i) is the civil partner of the child’s mother at the time of the child’s birth, or
 - (ii) was the civil partner of the child’s mother at any time during the period beginning with the time mentioned in section 43(b) of that Act and ending with the child’s birth;”.
- (3) For regulation 8 (saving for father of illegitimate child) substitute—

“Saving in relation to an illegitimate child

8.—(1) In the case of the birth of an illegitimate child, the name of any person as father of that child shall not be entered in any return or record of particulars of the birth of that child unless the mother of the child and the father shall have signed a completed form of return as informants.

(2) In the case of the birth of an illegitimate child, the name of any woman (other than the mother) as a parent of that child shall not be entered in any return or record of particulars of the birth of that child unless the mother of the child and that woman shall have signed a completed form of return as informants.

(3) Paragraph (2) only applies to a woman who is a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and who does not fall within the definition of second female parent.”.

- (4) Appendix A shall be amended as follows—
- (a) for “father” in entries 6 and 9 substitute “father or woman who is a parent of the child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”;
 - (b) for entry 8 substitute—

“8. Date and place of marriage or civil partnership of parents”;

- (c) for note (e) substitute—
 - “(e) Christian names in full and followed by surname; surname to be written in block letters. If the child is illegitimate (see (8) above) the particulars of the father or woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 shall not be recorded in the return unless

(4) S.I. 1948/1411, relevant amending instrument is S.I. 1972/323.

(5) 2008 c. 22.

at the joint request of the mother and the father or other parent of the child, in which case, that person and the mother, shall sign a completed form of return as informant.”; and

(d) at the end for “(usually the mother or father)” substitute “(mother or father or second female parent)”.

(5) In Appendix B, in note (g) for “father” (in both places where it appears) substitute “father or woman who is a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”.

(6) In Appendix C in columns 5 and 7, after “father” insert “or woman who is a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”.

Hovercraft (Births Deaths and Missing Persons) Regulations 1972

6.—(1) The Hovercraft (Births Deaths and Missing Persons) Regulations 1972⁽⁶⁾ are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation) after the definition of “Person in command” insert—

““second female parent” means the woman who is a parent of the child by virtue of—

- (a) section 42 of the Human Fertilisation and Embryology Act 2008⁽⁷⁾ (which relates to treatment provided to a woman who is at the time of treatment a party to a civil partnership or, in certain circumstances a void civil partnership); or
- (b) section 43 of that Act (which relates to treatment provided to a woman who agrees that second woman to be parent) where the woman—
 - (i) is the civil partner of the child’s mother at the time of the child’s birth, or
 - (ii) was the civil partner of the child’s mother at any time during the period beginning with the time mentioned in section 43(b) of that Act and ending with the child’s birth.”.

(3) In paragraph (a) of regulation 6 (rules for ascertaining appropriate Registrar-General) after “father” insert “or second female parent”.

(4) For regulation 7 (saving for father of illegitimate child) substitute—

“Saving in relation to an illegitimate child

7.—(1) In the case of the birth of an illegitimate child, the name of any person as father of that child shall not be entered in any return or record of particulars of the birth of that child unless the mother of the child and the father shall have signed a completed form of return as informants.

(2) In the case of the birth of an illegitimate child, the name of any woman (other than the mother) as a parent of that child shall not be entered in any return or record of particulars of the birth of that child unless the mother of the child and that woman shall have signed a completed form of return as informants.

(3) Paragraph (2) only applies to a woman who is a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and who does not fall within the definition of second female parent.”.

(5) Appendix A shall be amended as follows—

⁽⁶⁾ S.I. 1972/1513.

⁽⁷⁾ 2008 c. 22.

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- (a) for “father” in entries 7 and 10 substitute “father or woman who is a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”;
- (b) for entry 9 substitute—

“9. Date and place of marriage or civil partnership of parents .. .”;

- (c) for note (e) substitute—

“(e) Christian names in full and followed by surname; surname to be written in block letters. If the child is illegitimate (see (9) above) the particulars of the father or woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 shall not be recorded in the return unless at the joint request of the mother and the father or other parent of the child, in which case, that person and the mother, shall sign a completed form of return as informant.”; and

- (d) at the end for “(usually the mother or father)” substitute “(mother or father or second female parent)”.

(6) In Appendix B, in note (g) for “father” (in both places where it appears) substitute “father or woman who is a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”.

(7) In Appendix C in columns 6 and 8, after “father” insert “or woman who is a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”.

Registration (Births, Still-Births and Deaths) Regulations (Northern Ireland) 1973

7.—(1) The Registration (Birth, Still-Births and Deaths) Regulations (Northern Ireland) 1973⁽⁸⁾ are amended as follows.

- (2) In paragraph (1) of regulation 2 (interpretation) after the definition of “occupation” insert—

““second female parent” means a woman who is a parent of a child by virtue of section 42 or 43 or, where appropriate, section 46(1) or (2) of the Human Fertilisation and Embryology Act 2008⁽⁹⁾.”.

- (3) In regulation 11 (particulars to be registered)—

- (a) for paragraph (6), substitute—

“(6) If the father or second female parent has acquired a surname different from that borne at the date of the birth, the name and surname as at the date of birth shall be entered, followed by the surname subsequently acquired.”;

- (b) for paragraph (7) substitute—

“(7) If the father or second female parent is deceased, the word “deceased” shall be entered following the surname.”; and

- (c) for paragraph (8) substitute—

“(8) If the parents of the child were not married to each other or in a civil partnership with each other at the time of the birth, details of the father’s or second female parent’s occupation shall not be entered unless the name has been entered as the father or second female parent in accordance with Articles 14(3), 14ZA or 14A of the 1976 Order.”.

(4) In regulation 16 (registration of birth requiring declaration and statutory declaration under section 23(2)(b) of the Act)—

⁽⁸⁾ S.R. 1973 No. 373 as amended by the Registration (Births, Still Births and Deaths) (Amendment) Regulations (N.I.) S.R. 1996 No. 500.

⁽⁹⁾ 2008 c. 22.

- (a) for paragraphs (1), (1A), and (1B) substitute—
 - “(1) The form of a declaration made by the mother of the child for the purposes of Article 14(3)(b)(i) or 14ZA(3)(b)(i) of the 1976 Order shall be form 4.
 - (1A) The form of a declaration made by the father or second female parent of the child for the purposes of Article 14(3)(c)(i) or 14ZA(3)(c)(i) of the 1976 Order shall be form 4A.
 - (1B) The form of a declaration made by the mother or the father or the second female parent of the child for the purposes of paragraph (3)(d)(ii), (3)(e)(ii), (3)(f)(ii) and (3)(g)(ii) of Article 14 or (3)(d)(ii), (3)(e)(ii) and (3)(f)(ii) of Article 14ZA of the 1976 Order shall be form 4B.”;
 - (b) in paragraph (2), for “A statutory declaration for the purpose of section 23(2)(b)(ii) of the Act shall be made before” substitute “A statutory declaration for the purpose of article 14(3) of the Order shall be made before”; and
 - (c) accordingly for the heading to regulation 16 substitute “Registration of birth requiring declaration and statutory declaration under article 14(3)(b) of the Order”.
- (5) In regulation 26 (particulars to be registered) for paragraph (4) substitute—
- “(4) With respect to space 8 (Occupation)—
 - (a) if the deceased was a child under the age of 16, the words “son of” or “daughter of” shall be entered followed by the name, surname and occupation of the father or second female parent or, if such information is not given, by the name, surname and occupation of the mother; and
 - (b) if the deceased was a married woman, a civil partner or widow, her occupation, if any, shall be entered followed by the words “wife of”, “partner of” or “widow of” and the name, surname and occupation of her husband, partner, deceased husband or deceased partner.”.
- (6) In regulation 40 (application for short birth certificate), for paragraph (a)(iii) substitute—
- “(iii) the name and surname of the father or second female parent; and”.
- (7) In the Schedule—
- (a) in Form 1 (particulars for registration of a birth)—
 - (i) at row 7 column 1 for “Father” substitute “Father/Second Female Parent”, and
 - (ii) at row 13 column 2 for “Surname at marriage” substitute “Surname at marriage or civil partnership”;
 - (b) in Form 2 (particulars for registration of a still-birth)—
 - (i) at row 6 column 1 for “Father” substitute “Father/Second Female Parent”, and
 - (ii) at row 12 column 2 for “Surname at marriage” substitute “Surname at marriage or civil partnership”;
 - (c) in Form 3 (particulars for registration of a death)—
 - (i) for the heading substitute “Births and Deaths Registration (Northern Ireland) Order 1976 Article 21(1)”, and
 - (ii) at line 9 for “Maiden surname (of woman who had married)” substitute “Maiden surname (of woman who had married or had a civil partnership)”;
 - (d) in Form 4 (declaration by mother of a child for the registration/re-registration of a birth)—
 - (i) in the heading, after “**Article 14(3)(b)(i)**” add “or **14ZA(3)(b)(i)**”,
 - (ii) for “For use where the child’s parents are not married to each other and the mother produces a statutory declaration of paternity made by the father”, substitute—

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- “For use where the child’s parents are not married to each other or in a civil partnership with each other and the mother produces a statutory declaration of parentage made by the father or second female parent”,
- (iii) for “is the father of *MALE/FEMALE child named ...”, substitute “is the father/second female parent of *MALE/FEMALE child named ...”, and
- (iv) for “and I request that his name be recorded as such in the entry of birth of the said child”, substitute “and I request that the father’s/second female parent’s name be recorded as such in the entry of birth of the said child.”;
- (e) in Form 4A (declaration by father of a child for the registration/re-registration of a birth)—
- (i) for the heading, substitute “**Declaration by father or second female parent of a child for the Registration/Re-registration of a Birth Births and Deaths Registration (Northern Ireland) Order 1976 Article 14(3)(c)(i)**” add “**or 14ZA(3)(c)(i)**”,
- (ii) for “For use where the child’s parents are not married to each other and the father produces a statutory declaration of paternity made by the mother”, substitute—
“For use where the child’s parents are not married to each other or in a civil partnership with each other and the father or second female parent produces a statutory declaration of parentage made by the mother”, and
- (iii) for “do hereby solemnly and sincerely declare that I am the father of the *MALE/FEMALE child named ”, substitute—
do hereby solemnly and sincerely declare that I am the father/second female parent of the *MALE/FEMALE child named
- (f) in Form 4B (declaration by parent on request for the registration/re-registration of a birth)
—
- (i) in the heading after “Births and Deaths Registration (Northern Ireland) Order 1976 Article 14(3)(d)-(g)” insert “or 14ZA(3)(d)-(f)”.
- (ii) in the sub-heading after “Article 14(3)” insert “or 14ZA(3)”, and
- (iii) in the third entry for “am the mother/father of (child’s full name and surname)”, substitute “am the mother/father/second female parent of (child’s full name and surname)”;
- (g) in Form 6 (coroner’s certificate after inquest (still-birth))—
- (i) in the table of the particulars required to be registered concerning the still-birth—
- (aa) at row 6, column 1, for “Father” substitute “Father/Second Female Parent”, and
- (bb) at row 12, column 2, for “Surname at marriage” substitute “Surname at marriage or civil partnership”, and
- (ii) after “**CONFIDENTIAL**”, for “*In all cases*” to the end, substitute—

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In all cases: - Mother's date and place of birth:

Where parents are married to each other or in a civil partnership:-

Father's or second female parent's date and place of birth:

Date and place of marriage or civil partnership:

Has the mother been married more than once or had a civil partnership more than once?

How many children has the mother previously had by her present husband or civil partner and by any former husband or civil partner?

(excluding births or births now being registered):

Live born Still-born

If multiple birth – state number of live births and still – births at this confinement

(including this still – birth)

Live born Still – born

- (h) in Form 17 (application for recording of change of name or surname (child aged over 2 years and under 18 years))—
 - (i) for the heading, substitute “**Birth and Deaths Registration (Northern Ireland) Order 1976, Article 37(3)**”, and
 - (ii) for “**5. Father’s name and surname ...**”, substitute “**5. Father’s/Second Female Parent’s name and surname ...**”; and
- (i) in Form 18 (application for recording of change of name or surname (person aged 18 years or over))—
 - (i) for the heading, substitute “**Birth and Deaths Registration (Northern Ireland) Order 1976, Article 37(4)**”, and
 - (ii) for “**5. Father’s name and surname**”, substitute “**5. Father’s/Second Female Parent’s name and surname**”.

(8) In Schedule 2—

- (a) for the heading “**Births and Deaths Registration Act (Northern Ireland) 1967, Section 16(4)(b)(ii)**”, substitute—

“Birth and Deaths Registration (Northern Ireland) Order 1976, Article 10(4)(b)(ii)”; and

- (b) For “*In all cases*” to the end, substitute—

“but, if the child is illegitimate, no particulars of the father or woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 shall be given except at the joint request of the mother and the person acknowledging himself as the father or herself as the parent, given to the informant in writing and signed by both the mother and that person.”.

Registration of Overseas Births and Deaths Regulations 1982

9.—(1) The Registration of Overseas Births and Deaths Regulations 1982(12) are amended as follows.

(2) In paragraph (3) of regulation 5 (births which may be registered), for “the person has been legitimated by the subsequent marriage of his parents” substitute “the person has been legitimated by the subsequent marriage or civil partnership of his or her parents”.

(3) In paragraph (2) of regulation 7 (entries of births) for “Concerning the father” substitute “Concerning the father or woman who is a parent of a child by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008(13)”.

British Protectorates, Protected States and Protected Persons Order 1982

10.—(1) The British Protectorates, Protected States and Protected Persons Order 1982(14) is amended as follows.

(2) For article 3 (legitimated children) substitute—

“Legitimated children

3.—(1) A person legitimated by the subsequent marriage or civil partnership of his parents shall, as from the date of the marriage or civil partnership, be treated, for the purpose of determining whether he is a British protected person under this Order, as if he had been born legitimate.

(2) A person shall be deemed for the purposes of this Article to have been legitimated by the subsequent marriage or civil partnership of his parents if, by the law of the place in which the father or second female parent was domiciled at the time of the marriage or civil partnership, the marriage or civil partnership operated immediately or subsequently to legitimise them, and not otherwise.

(3) In paragraph (2) “second female parent” means the woman who is a parent of the child by virtue of—

- (a) section 42 of the Human Fertilisation and Embryology Act 2008(15) (which relates to treatment provided to a woman who is at the time of treatment a party to a civil partnership or, in certain circumstances a void civil partnership); or
- (b) section 43 of that Act (which relates to treatment provided to a woman who agrees that second woman to be parent) where the woman—
 - (i) is the civil partner of the child’s mother at the time of the child’s birth, or
 - (ii) was the civil partner of the child’s mother at any time during the period beginning with the time mentioned in section 43(b) of that Act and ending with the child’s birth.”.

(12) S.I. 1982/1123 as amended by the British Overseas Territories Act 2002 (c. 8) and S.I. 1982/1647 and 1997/1466.

(13) 2008 c. 22.

(14) S.I. 1982/1070 as amended by the British Overseas Territories Act 2002 (c. 8).

(15) 2008 c. 22.

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(3) In article 4 (posthumous children) for “father or mother” in the first two places that those words occur substitute “father, mother or parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008.”.

(4) In article 7 (provisions)—

(a) in paragraph (1), for “either his father or his mother” substitute “his father, his mother or a woman who is his parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”; and

(b) in paragraph (2)(b), for “either his father or mother” substitute “his father, his mother or a woman who is his parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008”.

Magistrates’ Courts (Children and Young Persons) Rules 1992

11. In rule 14(3) of the Magistrates’ Courts (Children and Young Persons) Rules 1992(**16**) (notice by person proposing to bring proceedings) for paragraph (c) substitute—

“(c) in a case where—

(i) the relevant minor has a father, and

(ii) the father and mother of the relevant minor were not married to each other at the time of the relevant minor’s birth,

any person who is known to the applicant to have made an application for an order under section 4 of the Act of 1989(**17**) (acquisition of parental responsibility by father) which has not yet been determined; and

(d) in a case where—

(i) the relevant minor has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008(**18**), and

(ii) the relevant minor is not a person to whom section 1(3) of the Family Law Reform Act 1987(**19**) applies,

any person who is known to the applicant to have made an application for an order under section 4ZA of the Act of 1989(**20**) (acquisition of parental responsibility by second female parent) which has not yet been determined.”.

The Children (Parental Responsibility Agreement) Regulations (Northern Ireland) 1996

12.—(1) The Children (Parental Responsibility Agreement) Regulations (Northern Ireland) 1996(**21**) shall be amended as follows.

(2) For regulation 2 (form of parental responsibility agreement), substitute—

“Form of parental responsibility agreement

2. A parental responsibility agreement under—

(16) [S.I. 1992/2071](#); relevant amending instruments are [S.I. 2001/615](#) and [2005/617](#).

(17) Section 4 was amended by the Adoption and Children Act 2002 ([c. 38](#)) section 111(1) to (4) and [S.I. 2003/3191](#), articles 3(a) and 6 and Schedule, paragraph 1.

(18) [2008 c. 22](#).

(19) [1987 \(c. 42\)](#). Paragraph (c) section 1(3) was substituted by the Adoption and Children Act 2002, section 139(1), Schedule 3, paragraphs 50 and 51. Paragraphs (ba), (bb) were inserted into sub-section (3) by the Human Fertilisation and Embryology Act 2008, section 56, Schedule 6, Part I, paragraphs 24(1) and (2)

(20) Section 4ZA was inserted by the Human Fertilisation and Embryology Act [2008 \(c. 22\)](#) section 56, Schedule 6, Part 1, paragraph 27.

(21) [S.R. 1996/455](#).

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- (a) Article 7(1)(b) of the Children (Northern Ireland) Order 1995 (acquisition of parental responsibility by unmarried father), shall be in the form set out in Part 1 of the Schedule; and
- (b) Article 7(1ZA)(b) of the Children (Northern Ireland) Order 1995 (acquisition of parental responsibility by second female parent), shall be in the form set out in Part 2 of the Schedule.”.

(3) In regulation 3(2) (recording of parental responsibility agreement), after “father” insert “or second female parent (as the case may be)”.

(4) The Schedule shall become Part 1 of the Schedule.

(5) After Part 1 of the Schedule insert Part 2 set out in Schedule 2 to this Order.

The Adoption Agencies Regulations 2005

13. In regulation 14(4) of the Adoption Agencies Regulations 2005(22) (requirement to provide counselling etc) in sub-paragraph (b)(i) insert after “father”—

“, or paragraph 4ZA of the 1989 Act(23) (acquisition of parental responsibility by second female parent)”.

The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

14. In regulation 2 of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005(24) (interpretation), in the definition of “relative” after “marriage” add “or by virtue of sections 27 to 29 of the Human Fertilisation and Embryology Act 1990(25) or sections 33 to 47 of the Human Fertilisation and Embryology Act 2008(26)”.

The Gender Recognition Register Regulations 2005

15.—(1) The Gender Recognition Register Regulations 2005(27) are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation) after the definition of “the 2004 Act” insert—

““the 2008 Act” means the Human Fertilisation and Embryology Act 2008(28);”.

(3) In Part 2 of Schedule 1 (additional particulars etc)—

(a) for “Father” substitute “Father (if applicable)”; and

(b) before “Mother” insert—

Parent (being a woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act) (if applicable)

Name

Occupation

Place of birth

(4) In Part 3 of Schedule 2 (Her Majesty’s Forces Records), for “Father” substitute “Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act”.

(22) S.I. 2005/389; relevant amending instrument is S.I. 2005/3482.

(23) Section 4ZA was inserted by the Human Fertilisation and Embryology Act 2008 (c. 22) section 56, Schedule 6, Part 1, paragraph 27.

(24) S.I. 2005/888; there are no relevant amending instruments.

(25) 1990 c. 37.

(26) 2008 c. 22.

(27) S.I. 2005/912.

(28) 2008 c. 22.

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(5) In Schedule 3 (Consular or High Commission records), for “Father” substitute “Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act”.

(6) In Schedule 6 (Air Register Book), for “Father” substitute “Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act”.

(7) In Part 3 of Schedule 8 (Marine Register), for “Father” substitute “Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act”.

(8) In Schedule 9 (Hovercraft Records), for “Father” substitute “Father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act”.

The Adoption Agencies (Wales) Regulations 2005

16.—(1) The Adoption Agencies (Wales) Regulations 2005⁽²⁹⁾ are amended as follows.

(2) In paragraph (1) of regulation 2 (interpretation) after the definition of “the 1989 Act” insert—
““the 2008 Act” means the Human Fertilisation and Embryology Act 2008⁽³⁰⁾”.

(3) In regulation 3(7)(b) and (c) (establishment of adoption panel), for “mother, father,” substitute “parent”.

(4) In regulation 14 (requirement to provide counselling etc)—

(a) for paragraph (2) substitute—

“(2) This paragraph applies where the father of the child or the woman who is a parent of the child by virtue of section 43 of the 2008 Act does not have parental responsibility for the child and that person’s identity is known to the adoption agency.”; and

(b) in paragraph (3)—

(i) after “father” wherever the term appears, insert “or woman who is a parent by virtue of section 43 of the 2008 Act”, and

(ii) in sub-paragraph (b)(i), for “section 4” substitute “section 4 or 4ZA”.

(5) In regulation 17(1)(d), (e) and (g) (requirement to prepare written report), after “father” insert “or woman who is a parent of the child by virtue of section 43 of the 2008 Act”.

(6) In regulation 19(3)(c) (adoption agency decision and notification), after “father” insert “or woman who is a parent of the child by virtue of section 43 of the 2008 Act”.

(7) In regulation 34(4)(b) (adoption agency’s decision in relation to the proposed placement), after “father of the child,” insert “or woman who is a parent of the child by virtue of section 43 of the 2008 Act”.

(8) In regulation 39(2)(b) (withdrawal of consent), after “father” insert “or woman who is a parent of the child by virtue of section 43 of the 2008 Act”.

(9) In paragraphs 13(a)(i) and 14 of Part 1 of Schedule 1 (information about the child) after “father” insert “or woman who is a parent of the child by virtue of section 43 of the 2008 Act”.

(10) In Part 3 of Schedule 1 (information about the child’s family and others)—

(a) in the heading before paragraph 1, after “father” insert “or woman who is a parent by virtue of section 43 of the 2008 Act”;

(b) for paragraph 16 substitute—

“**16.** Where the child’s parents are not married or parties to a civil partnership, whether the father or woman who is a parent of the child by virtue of section 43 of the 2008 Act has parental responsibility for the child and if so, how it was acquired.”;

⁽²⁹⁾ S.I. 2005/1313 (W 95); there are no relevant amending instruments.

⁽³⁰⁾ 2008 c. 22.

(c) for paragraph 17 substitute—

“17. If the identity or whereabouts of the child’s father or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act are not known, the information about him or her that has been ascertained and from whom, and the steps that have been taken to establish parentage.”; and

(d) in the heading before paragraph 24, after “father” insert “or woman who is a parent of the child by virtue of section 43 of the 2008 Act”; and

(e) in paragraph 27 after “father” insert “or woman who is a parent of the child by virtue of section 42 or 43 of the 2008 Act”.

The Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005

17. In regulation 2 of the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005(31) (interpretation), in the definition of “birth relative” after “marriage” add “or by virtue of sections 27 to 29 of the Human Fertilisation and Embryology Act 1990(32) or sections 33 to 47 of the Human Fertilisation and Embryology Act 2008(33)”.

Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006

18.—(1) The Immigration (Certificate of Entitlement to Right of Abode in the United Kingdom) Regulations 2006(34) are amended as follows.

(2) In regulation 2 after the definition of “the 2002 Act” insert—

““the 2008 Act” means the Human Fertilisation and Embryology Act 2008(35)

(3) In the Schedule (additional documents which must accompany an application for a certificate of entitlement)—

(a) In the second column of the sixth entry for paragraph (iii) substitute—

“(iii) Parents’ marriage or civil partnership certificate (if claiming through father or if claiming through woman who is a parent of the applicant by virtue of section 42 or 43 of the 2008 Act (36))”.

(b) In the second column of the seventh entry for paragraph (ii) substitute—

“(ii) Parents’ marriage or civil partnership certificate (if claiming through father or if claiming through woman who is a parent of the applicant by virtue of section 42 or 43 of the 2008 Act);”;

(c) In the second column of the eighth entry for paragraph (ii) substitute—

“(ii) Parents’ marriage or civil partnership certificate (if claiming through father or if claiming through woman who is a parent of the applicant by virtue of section 42 or 43 of the 2008 Act);”;

(d) In the second column of the eleventh entry for paragraph (ii) substitute—

“(ii) Parents’ marriage or civil partnership certificate (if claiming through father or if claiming through woman who is a parent of the applicant by virtue of section 42 or 43 of the 2008 Act);”;

(31) S.I. 2005/2689 (W 89); there are no relevant amending instruments.

(32) 1990 c. 37.

(33) 2008 c. 22.

(34) S.I. 2006/3145.

(35) 2008 c. 22.

(36) 2008 c. 22.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (e) In the second column of the twelfth entry for paragraph (i) substitute—
 - “(i) Parents’ marriage or civil partnership certificate (if claiming through father or if claiming through woman who is a parent of the applicant by virtue of section 42 or 43 of the 2008 Act);”.

The Local Authority Adoption Service (Wales) Regulations 2007

19.—(1) The Local Authority Adoption Service (Wales) Regulations 2007⁽³⁷⁾ are amended as follows.

- (2) Regulation 7 (natural parents) is amended as follows—
 - (a) for paragraph (3) substitute—
 - “(3) This paragraph applies where the father of the child or woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008⁽³⁸⁾ does not have parental responsibility for the child and that person’s identity is known to the local authority.”; and
 - (b) in paragraph (4)—
 - (i) after “father” insert “or woman who is a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008”, and
 - (ii) in sub-paragraph (i), for “section 4” substitute “section 4 or 4ZA”.
- (3) In regulation 9(1)(d) (adoption panels), for paragraph (vii) substitute—
 - “(vii) an assessment of the parenting capacity of the child’s parent or guardian, and if a father of a child or woman who is a parent of a child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 does not have parental responsibility for the child and that person’s identity is known, the parenting capacity of that person;”.

⁽³⁷⁾ S.I. 2007/1357 (W 128); there are no relevant amending instruments.

⁽³⁸⁾ 2008 c. 22.