

2015 No. 1615

BRITISH NATIONALITY

**The British Nationality (Proof of Paternity) (Amendment)
Regulations 2015**

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| <i>Made</i> | - - - - | <i>17th August 2015</i> |
| <i>Laid before Parliament</i> | | <i>20th August 2015</i> |
| <i>Coming into force</i> | - - | <i>10th September 2015</i> |

The Secretary of State, in exercise of the powers conferred by section 50(9A) and (9B) of the British Nationality Act 1981(a), makes the following Regulations.

Citation and commencement

1. These Regulations may be cited as the British Nationality (Proof of Paternity) (Amendment) Regulations 2015 and come into force on 10th September 2015.

Amendments to the British Nationality (Proof of Paternity) Regulations 2006

2. The British Nationality (Proof of Paternity) Regulations 2006(b) are amended in accordance with regulations 3 to 4.

3. For regulation 2 substitute—

“2. For the purposes of section 50(9A)(c) of the British Nationality Act 1981, the prescribed requirement as to proof of paternity is that the person must satisfy the Secretary of State that he is the natural father of the child.”.

4. In regulation 3—

(a) in the opening words—

(i) before “father”, insert “natural”;

(ii) for “regulation 2(b)” substitute “regulation 2”;

(b) in sub-paragraph (a), omit “and”;

(c) at the end of sub-paragraph (b), insert—

“; and

(c) birth certificates.”.

(a) 1981 c. 61; section 50(9A) and (9B) was substituted by section 9 of the Nationality, Immigration and Asylum Act 2002 (c. 41); subsection (9A)(b) to (c) was substituted by paragraph 22 of Schedule 6 to the Human Fertilisation and Embryology Act 2008 (c. 22).

(b) S.I. 2006/1496.

Transitional provision

5. The amendments made by these Regulations do not have effect in relation to a person who is named as the father of the child in a birth certificate issued before 10th September 2015.

Home Office
17th August 2015

James Brokenshire
Minister of State

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 50(9A) of the British Nationality Act 1981 (c. 61) establishes that, for the purposes of that Act, a child's father is (a) the husband, at the time of the child's birth, of the woman who gave birth to the child, or (b) a person who is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990 (c. 37) or section 35 or 36 of the Human Fertilisation and Embryology Act 2008 (c. 22), or (ba) a person who is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008, or (c) where none of those paragraphs applies, any person who satisfies prescribed requirements as to proof of paternity. The British Nationality (Proof of Paternity) Regulations 2006 ("the 2006 Regulations") (S.I. 2006/1496) prescribe requirements as to proof of paternity for the purposes of section 50(9A)(c) of the British Nationality Act 1981.

Regulation 3 of these Regulations amends the 2006 Regulations so that, subject to the transitional provision set out in regulation 5 of these Regulations, being named as the father on a birth certificate issued within one year of the birth of the child is no longer a prescribed requirement as to proof of paternity. Instead, in all cases relying on section 50(9A)(c) to establish fatherhood, the person must satisfy the Secretary of State that he is the natural father of the child.

The amendments made by regulation 4 of these Regulations clarify that the Secretary of State may determine whether a person is the *natural* father of a child and list birth certificates as a further example of evidence to which the Secretary of State may have regard when doing so.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.

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