
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART XIV

PARENTS NOT MARRIED TO EACH OTHER

Parents not being married to [^{F1}, or civil partners of,] each other to have no effect in law on relationships

155.—(1) In this Order and in any statutory provision or any instrument passed or made after the commencement of this Article, references (however expressed) to any relationship between two persons shall be construed without regard to whether or not the father and mother of either of them or the father and mother of any person through whom the relationship is deduced, have or had been married to each other at any time.

(2) In this Order and in any statutory provision passed or made after the commencement of this Article—

- (a) references to a person whose father and mother were married to [^{F2}, or civil partners of,] each other at the time of his birth include, and
- (b) references to a person whose father and mother were not married to [^{F2}, or civil partners of,] each other at the time of his birth do not include,

references to any person to whom paragraph (3) applies.

(3) This paragraph applies to any person who—

- (a) is treated as legitimate by virtue of section 1 [^{F3} or 2] of the Legitimacy Act (Northern Ireland) 1961^{F4};
- (b) is a legitimated person within the meaning of Article 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989^{F5};
- [^{F6}(ba) has a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008 (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);
- (bb) has a parent by virtue of section 43 of that Act (which relates to treatment provided to woman who agrees that second woman to be parent) who—
 - (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,]
- (c) is an adopted child within the meaning of Part V of the Adoption Order; or
- (d) is otherwise treated in law as legitimate.

(4) For the purpose of construing references falling within paragraph (2), the time of a person's birth shall be taken to include any time during the period beginning with—

- (a) the insemination resulting in his birth; or

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(b) where there was no such insemination, his conception, and (in either case) ending with his birth.

^{F7}(4A)

^{F7}(4B)

^{F7}(4C)

^{F7}(4D)

[^{F8}(4E) Paragraph (4F) applies to a person—

- (a) who was born before 13th January 2020,
- (b) whose parents had formed a civil partnership before that date, and
- (c) who does not fall within paragraph (3)(ba) or (bb).

(4F) A reference falling within paragraph (2)(a) or (b) does not include or (as the case may be) exclude the person by virtue of that civil partnership.]

(5) Paragraphs (1) and (2) have effect subject to any contrary intention.

F1	Words in art. 155 heading inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 25(2) (with regs. 6-9)
F2	Words in art. 155(2) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 25(3) (with regs. 6-9)
F3	Words in art. 155(3)(a) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 25(4) (with regs. 6-9)
F4	1961 c. 5 (NI)
F5	1989 NI 4
F6	Art. 155(3)(ba)(bb) inserted (6.4.2009 for certain purposes otherwise 1.9.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68(2), Sch. 6 para. 75(2) ; S.I. 2009/479, art. 6(1)(e)(f)(2) (with transitional provisions in art.7, Sch. 1)
F7	Art. 155(4A)-(4D) omitted (13.1.2020) by virtue of The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 25(5) (with regs. 6-9)
F8	Art. 155(4E)(4F) inserted (13.1.2020) by The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019 (S.I. 2019/1514), regs. 1(2), 25(6) (with regs. 6-9)

Application of principle to certain existing statutory provisions

156. The Department of Finance and Personnel may by order make provision for the construction in accordance with Article 155 of such statutory provisions passed or made before the commencement of that Article as may be specified in the order, but an order under this Article shall so amend the statutory provisions to which it relates as to secure that (so far as practicable) they continue to have the same effect notwithstanding the making of the order.

Property rights

157. Schedule 6 (which contains provisions relating to property rights where the parents of a child were not married to [^{F9}, or civil partners of,] each other at the time of his birth) shall have effect.

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F9 Words in art. 157 inserted (13.1.2020) by [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **38(2)** (with regs. 6-9)

Repeal of Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924

158. The Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924^{F10} shall cease to have effect.

F10 [1924 c. 27 \(NI\)](#)

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Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- art. 45(2)(e) words repealed by 2022 c. 18 (N.I.) Sch. 5
- art. 7(2A)(ba) substituted for word by 2009 c. 24 Sch. 6 para. 26(2)
- art. 7(2B)(ba) substituted for word by 2009 c. 24 Sch. 6 para. 26(3)
- art. 8(4)(ha) applied by 2022 c. 18 (N.I.) s. 116
- art. 10(5A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 26(b)
- art. 10(7A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 26(c)
- art. 14A?-14F and cross-heading inserted by 2022 c. 18 (N.I.) s. 119(1)
- art. 14A(7) applied (with modifications) for specified purposes by 2022 c. 18 (N.I.) s. 26(6)
- art. 14C(1)(b) applied (with modifications) for specified purposes by 2022 c. 18 (N.I.) s. 26(7)(a)
- art. 14C(3)(4) excluded by 2022 c. 18 (N.I.) s. 26(7)(b)
- art. 18(4A) inserted by 2022 c. 18 (N.I.) s. 120(1)
- art. 18(6)-(6C) substituted for art. 18(6) by 2022 c. 18 (N.I.) s. 121(1)
- art. 22(3)(aa) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 29
- art. 26(1A) inserted by 2022 c. 18 (N.I.) s. 122(1)
- art. 26A inserted by 2022 c. 18 (N.I.) s. 123
- art. 27(7A) inserted by 2022 c. 18 (N.I.) s. 125(3)
- art. 27(8)(c) and word added by 2022 c. 18 (N.I.) s. 122(2)(b)
- art. 27(9A)-(9D) inserted by 2022 c. 18 (N.I.) s. 124
- art. 28(4) inserted by 2022 c. 18 (N.I.) s. 125(4)
- art. 28A inserted by 2022 c. 18 (N.I.) s. 126
- art. 28B inserted by 2022 c. 18 (N.I.) s. 127
- art. 33(9) added by 2022 c. 18 (N.I.) Sch. 3 para. 31(c)
- art. 34E(1)(d) and word inserted by 2022 c. 18 (N.I.) Sch. 3 para. 32(a)(iii)
- art. 34E(3)(4) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 32(b)
- art. 34F(1)(aa) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 33(a)(i)
- art. 34F(1A)-(1D) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 33(b)
- art. 34G inserted by 2022 c. 18 (N.I.) s. 129
- art. 34AA inserted by 2022 c. 18 (N.I.) s. 128(1)
- art. 34DA inserted by 2022 c. 18 (N.I.) s. 128(2)
- art. 34DB34DC inserted by 2022 c. 18 (N.I.) s. 128(3)
- art. 35(1)-(1B) substituted for art. 35(1) by 2022 c. 18 (N.I.) Sch. 3 para. 34(a)
- art. 35(5)(za) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 34(c)
- art. 35D(1)(aa)(ab) inserted by 2022 c. 18 (N.I.) s. 128(4)
- art. 35D(1A) inserted by 2022 c. 18 (N.I.) s. 130(1)
- art. 45(2)(e)(i)(ii) inserted by 2022 c. 18 (N.I.) s. 131(a)
- art. 45(2)(f)(i)-(iii) inserted by 2022 c. 18 (N.I.) s. 131(b)
- art. 45(3A)-(3C) inserted by 2022 c. 18 (N.I.) s. 130(4)
- art. 45(4A) inserted by 2022 c. 18 (N.I.) s. 130(6)
- art. 45(5A) inserted by 2022 c. 18 (N.I.) s. 130(7)
- art. 45A?? inserted by 2022 c. 18 (N.I.) s. 132
- art. 50A?? inserted by 2022 c. 18 (N.I.) s. 134(1)
- art. 53(1)(ba) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 38(b)
- art. 53(6A) inserted by 2022 c. 18 (N.I.) s. 135(3)
- art. 53(8)(za) inserted by 2022 c. 18 (N.I.) s. 135(4)
- art. 57(3A) inserted by 2022 c. 18 (N.I.) s. 119(3)

- art. 60(6)(ha) inserted by 2022 c. 18 (N.I.) s. 138
- art. 66(5A) inserted by 2022 c. 18 (N.I.) s. 120(3)
- art. 107(7)(c) added by 2022 c. 18 (N.I.) s. 139(4)
- art. 108(2A) inserted by 2022 c. 18 (N.I.) s. 140(3)
- art. 108(3)(c) and word added by 2022 c. 18 (N.I.) s. 140(4)(c)
- art. 112A inserted by 2022 c. 18 (N.I.) s. 141
- art. 159(1)(c) and word added by 2022 c. 18 (N.I.) s. 119(4)(b)
- art. 165(2)(k) inserted by 2011 c. 24 (N.I.) s. 95(3)
- art. 170(2)-(9A) modified by 2022 c. 18 (N.I.) s. 105(3)
- art. 170(9A) inserted by 2022 c. 18 (N.I.) s. 142
- art. 179(5A) inserted by 2022 c. 18 (N.I.) Sch. 3 para. 42
- art. 181(1) art. 181 renumbered as art. 181 (1) by 2022 c. 18 (N.I.) s, 143(3)
- art. 181(1) words substituted by 2022 c. 18 (N.I.) s. 143(4)
- art. 181(2) added by 2022 c. 18 (N.I.) s. 143(5)
- art. 183(2A) inserted by 2022 c. 18 (N.I.) s. 130(8)