

## SCHEDULES

### SCHEDULE 6

#### AMENDMENTS RELATING TO PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

##### PART 1

##### GENERAL

##### *Births and Deaths Registration Act 1953 (c. 20)*

- 7 (1) Section 10A of the Births and Deaths Registration Act 1953 (re-registration where parents not married) is amended as follows.
- (2) For the heading to the section substitute “Re-registration where parents neither married nor civil partners”.
- (3) In subsection (1)—
- (a) after “as the father of the child” insert “(or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008)”, and
  - (b) for paragraph (ff) substitute—
    - “(ff) in the case of a man who is to be treated as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied; or”.
- (4) After subsection (1A) insert—
- “(1B) Where there has been registered under this Act the birth of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply, but no person has been registered as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008 (or as the father of the child), the registrar shall re-register the birth so as to show a woman (“the woman concerned”) as a parent of the child by virtue of section 43 or 46(1) or (2) of that Act—
- (a) at the joint request of the mother and the woman concerned; 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 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
  - (c) at the request of the woman concerned on production of—

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*Status: This is the original version (as it was originally enacted).*

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- (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 an 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; or
  - (g) in the case of a woman who is to be treated as a parent of the child by virtue of section 46(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied.”
- (5) In subsection (2), for paragraphs (b) to (c) substitute—
- “(b) in the case of any of the following requests—
    - (i) a request under subsection (1)(a) or (b) or subsection (1B)(a) or (b);
    - (ii) a request under subsection (1)(d), (e), (f) or (g) or subsection (1B)(d), (e) or (f) made by the mother of the child,
 the mother shall also sign the register;
  - (bb) in a case within subsection (1)(ff) or (1B)(g), the mother or (as the case may be) the qualified informant shall also sign the register;

- (c) in the case of a request made under subsection (1)(a) or (c) or a request made under subsection (1)(d), (e), (f) or (g) by the person requesting to be registered as the father of the child, that person shall also sign the register;
- (cc) in the case of a request made under subsection (1B)(a) or (c) or a request made under subsection (1B)(d), (e) or (f) by a woman requesting to be registered as a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, that woman shall also sign the register; and”.