
Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: Legitimacy Act 1976 (c. 31) is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

SCHEDULES

SCHEDULE 6

AMENDMENTS RELATING TO PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

PART 1

GENERAL

Legitimacy Act 1976 (c. 31)

- 16 After section 2 of the Legitimacy Act 1976 (legitimation by subsequent marriage of parents) insert—

“2A Legitimation by subsequent civil partnership of parents

Subject to the following provisions of this Act, where—

- (a) a person (“the child”) has a parent (“the female parent”) by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (treatment provided to woman who agrees that second woman to be parent),
- (b) at the time of the child's birth, the female parent and the child's mother are not civil partners of each other,
- (c) the female parent and the child's mother subsequently enter into a civil partnership, and
- (d) the female parent is at the date of the formation of the civil partnership domiciled in England and Wales,

the civil partnership shall render the child, if living, legitimate from the date of the formation of the civil partnership.”

Commencement Information

- II** Sch. 6 para. 16 wholly in force at 1.9.2009; Sch. 6 para. 16 not in force at Royal Assent see s. 68; Sch. 6 para. 16 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.)

- 17 In section 3 of the Legitimacy Act 1976 (legitimation by extraneous law), renumber the existing provision as subsection (1) of the section and at the end insert—

“(2) Subject to the following provisions of this Act, where—

- (a) a person (“the child”) has a parent (“the female parent”) by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (treatment provided to woman who agrees that second woman to be parent),

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- (b) at the time of the child's birth, the female parent and the child's mother are not civil partners of each other,
- (c) the female parent and the child's mother subsequently enter into a civil partnership, and
- (d) the female parent is not at the time of the formation of the civil partnership domiciled in England and Wales but is domiciled in a country by the law of which the child became legitimated by virtue of the civil partnership,

the child, if living, shall in England and Wales be recognised as having been so legitimated from the date of the formation of the civil partnership notwithstanding that, at the time of the child's birth, the female parent was domiciled in a country the law of which did not permit legitimation by subsequent civil partnership.”

Commencement Information

- I2** Sch. 6 para. 17 wholly in force at 1.9.2009; Sch. 6 para. 17 not in force at Royal Assent see s. 68; Sch. 6 para. 17 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.)

- 18 In section 9 of the Legitimacy Act 1976 (re-registration of birth of legitimated persons)—
- (a) in subsection (1), after “marriage” insert “ or of the formation of the civil partnership ”, and
 - (b) in subsection (3), after “marriage” insert “ or civil partnership ”.

Commencement Information

- I3** Sch. 6 para. 18 wholly in force at 1.9.2009; Sch. 6 para. 18 not in force at Royal Assent see s. 68; Sch. 6 para. 18 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.)

- 19 In section 10 of the Legitimacy Act 1976 (interpretation), in the definition of “legitimated person”, in paragraph (a), after “section 2” insert “ , 2A ”.

Commencement Information

- I4** Sch. 6 para. 19 wholly in force at 1.9.2009; Sch. 6 para. 19 not in force at Royal Assent see s. 68; Sch. 6 para. 19 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.)

Changes to legislation:

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

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

- s. 55(3)(e) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)