



# Births and Deaths Registration Act 1953

1953 CHAPTER 20 1 and 2 Eliz 2

## PART I

### REGISTRATION OF BIRTHS

#### [<sup>F1</sup>10 Registration of father where parents not married.

(1) Notwithstanding anything in the foregoing provisions of this Act, in the case of a child whose father and mother were not married to each other at the time of his birth, no person shall as father of the child be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except—

- (a) at the joint request of the mother and the person stating himself to be the father of the child (in which case that person shall sign the register together with the mother); or
- (b) at the request of the mother on production of—
  - (i) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and
  - (ii) a statutory declaration made by that person stating himself to be the father of the child; or
- (c) at the request of that person on production of—
  - (i) a declaration in the prescribed form by that person stating himself to be the father of the child; and
  - (ii) a statutory declaration made by the mother stating that that person is the father of the child; or
- [<sup>F2</sup>(d) at the request of the mother or that person on production of—
  - (i) a copy of a parental responsibility agreement made between them 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 4 of the Children Act 1989 and has not been brought to an end by an order of a court; or

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*Status: Point in time view as at 14/10/1991. This version of this provision has been superseded.*

*Changes to legislation: Births and Deaths Registration Act 1953, Section 10 is up to date with all changes known to be in force on or before 11 June 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)*

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- (e) at the request of the mother or that person on production of—
  - (i) a certified copy of an order under section 4 of the Children Act 1989 giving that person 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 that person on production of—
  - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires that person 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) at the request of the mother or that person on production of—
  - (i) a certified copy of any of the orders which are mentioned in subsection (1A) of this section which has been made in relation to 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 or discharged by an order of a court.]

[ The orders are—

- <sup>F3</sup>(1A) (a) an order under section 4 of the Family Law Reform Act 1987 that that person shall have all the parental rights and duties with respect to the child;
  - (b) an order that that person shall have custody or care and control or legal custody of the child made under section 9 of the Guardianship of Minors Act 1971 at a time when such an order could only be made in favour of a parent;
  - (c) an order under section 9 or 11B of that Act which requires that person to make any financial provision in relation to the child;
  - (d) an order under section 4 of the Affiliation Proceedings Act 1957 naming that person as putative father of the child.]
- (2) Where, in the case of a child whose father and mother were not married to each other at the time of his birth, a person stating himself to be the father of the child makes a request to the registrar in accordance with paragraph (c) [<sup>F4</sup>to (g)] of subsection (1) of this section—
- (a) he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and
  - (b) the giving of information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 2 of this Act.
- (3) In this section and section 10A of this Act references to a child whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the Family Law Reform Act 1987 and
- [<sup>F5</sup> “ parental responsibility agreement” has the same meaning as in the Children Act 1989]]

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#### Textual Amendments

- F1** S. 10 substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 24
- F2** S. 10(1)(d)–(g) substituted (14.10.1991) for s. 10(1)(d) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 6(2); S.I. 1991/828, art. 3(2)
- F3** S. 10(1A) inserted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 6(3); S.I. 1991/828, art. 3(2)
- F4** Words in s. 10(2) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 6(4); S.I. 1991/828, art. 3(2)
- F5** Words in s. 10(3) substituted (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108(4), Sch. 12 para. 6(5); S.I. 1991/828, art. 3(2)

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#### Modifications etc. (not altering text)

- C1** S. 10 modified by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(2), Sch. 3 para. 11

**Status:**

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