

**2007 No. 908**

**REGISTRATION OF BIRTHS, DEATHS, MARRIAGES,  
ETC.**

**The Service Departments Registers (Amendment) Order 2007**

*Made* - - - - - *21st March 2007*

*Coming into force* - - - - - *1st April 2007*

At the Court at Buckingham Palace, the 21st day of March 2007

Present,

The Queen's Most Excellent Majesty in Council

Her Majesty, in exercise of the powers conferred upon Her by sections 1, 2, 3, 5 and 6 of the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957(a), is pleased, by and with the advice of Her Privy Council, to order, and it is hereby ordered, as follows:—

**Citation, commencement and interpretation**

1.—(1) This Order may be cited as the Service Departments Registers (Amendment) Order 2007 and shall come into force on 1st April 2007.

(2) In this Order “the 1959 Order” means the Service Departments Registers Order 1959(b).

**Amendment of the 1959 Order**

2. Article 3(4)(b) of the 1959 Order shall be amended as follows:—

(1) For the words “if the child is legitimate, either parent” in sub-paragraph (i) there shall be substituted “subject to article 3A of this Order, either parent of the child”; and

(2) Sub-paragraph (ii) shall be omitted.

3. After article 3 of the 1959 Order there shall be inserted the following:—

**“Registration of father where parents not married**

3A.—(1) Notwithstanding anything in the foregoing provisions of this Order and subject to article 3B of this Order, 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 a registering officer shall not enter in a register provided under this Order the name of any person as father of the child except—

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(a) 1957 c.58.

(b) S.I. 1959/406; relevant amending instruments are S.I. 1963/1624, 2005/3186.

- (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
  - (d) at the request of the mother or that person on production of—
    - (i) a copy of any agreement made between them as defined in section 4(1)(b) of the Children Act 1989(a) 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 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 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 paragraph (2) of this article 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.
- (2) The orders are—
- (a) an order under section 4 of the Family Law Reform Act 1987(b) 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(c) 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;

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(a) 1989 c.41.

(b) 1987 c.42; section 4 was repealed by the Children Act 1989 (c.41), section 108(7) and Schedule 15.

(c) 1971 c.3; the whole Act was repealed by the Children Act 1989, section 108(7) and Schedule 15.

- (d) an order under section 4 of the Affiliation Proceedings Act 1957<sup>(a)</sup> naming that person as putative father of the child.

(3) 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 a registering officer in accordance with sub-paragraph (c) to (g) of paragraph (1) of this article—

- (a) he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Order; and
- (b) the giving of information concerning the birth of the child by that person and the signing of a register provided under this Order by him in the presence of a registering officer shall act as a discharge of any duty of any other qualified informant under article 3(4) of this Order.

(4) In this article 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.

### **Registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990**

**3B.**—(1) Notwithstanding anything in the foregoing provisions of this Order, a registering officer shall not enter in a register provided under this Order as the father of a child the name of a man who is to be treated for that purpose as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990<sup>(b)</sup> (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death) unless the condition in paragraph (2) of this article is satisfied.

(2) The condition in this paragraph is satisfied if—

- (a) the mother requests the registering officer to make such entry in the register and produces the relevant documents; or
- (b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant in relation to a birth to which this Order applies.

(3) In this article “the relevant documents” means—

- (a) the consent in writing and election mentioned in section 28(5A), (5B), (5C) or (as the case may be) (5D) of the Human Fertilisation and Embryology Act 1990;
- (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
- (c) such other documentary evidence (if any) as the registering officer considers appropriate.”.

*Christine Cook*  
Deputy Clerk of the Privy Council

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<sup>(a)</sup> 1957 c.55; the whole Act was repealed by the Family Law Reform Act 1987 (c.42), sections 17 and 33(4) and Schedule 4.  
<sup>(b)</sup> 1990 c.37; section 28(5A) to (5D) was inserted by section 1(1) of the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c.24).

## **EXPLANATORY NOTE**

*(This note is not part of the Order)*

The Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (“the 1957 Act”) empowers Her Majesty, by Order in Council, to provide for the keeping of records of births and deaths occurring and marriages and civil partnerships entered into outside the United Kingdom among members of Her Majesty’s armed forces, associated civilians and their respective families. The Service Departments Registers Order 1959 (“the 1959 Order”) sets out the relevant provisions. Article 3 of the 1959 Order concerns persons who may give information to a registering officer in relation to a death, birth or marriage to which the 1959 Order applies (“qualified informants”). By this Order, article 3 of the 1959 Order has been amended so that, in relation to a birth to which the 1959 Order applies, either parent of the child may be a qualified informant subject to special provisions which apply in cases where the child’s parents were not married to each other when the child was born, or where the child was conceived after fertility treatment undertaken after the father’s death.

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