

SCHEDULES

SCHEDULE 9

AMENDMENTS

The Births and Deaths Registration (Northern Ireland) Order 1976 (NI 14)

83. In Article 2 (interpretation)—

(a) in paragraph (2), after the definition of “occupier” insert—

““parental responsibility” and “parental responsibility agreement” have the same meanings as in the Children (Northern Ireland) Order 1995.”;

(b) after that paragraph insert the following paragraph—

“(2A) Any reference in this Order to a child whose father and mother were or were not married to each other at the time of his birth shall be construed in accordance with Article 155 of the Children (Northern Ireland) Order 1995.”.

84. For Article 14 substitute the following Article—

“Registration of father where parents not married

14.—(1) This Article applies in the case of a child whose father and mother were not married to each other at the time of his birth.

(2) The father of the child shall not as such be under any duty to give any information under this Part concerning the birth of the child.

(3) A registrar shall not enter the name of any person as the father of the child in such a case unless—

(a) the mother and the person stating himself to be the father of the child jointly request him to do so and in that event the mother and that person shall sign the register in the presence of each other; or

(b) the mother requests him to do so and produces—

(i) a declaration in the prescribed form made by her 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) that person requests him to do so and produces—

(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) the mother or that person requests him to do so and produces—

(i) a copy of a parental responsibility agreement made between them in relation to the child; and

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- (ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with Article 7 of the Children (Northern Ireland) Order 1995 and has not been brought to an end by an order of a court; or
- (e) the mother or that person requests him to do so and produces—
 - (i) a certified copy of an order under Article 7 of the Children (Northern Ireland) Order 1995 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) the mother or that person requests him to do so and produces—
 - (i) a certified copy of an order under paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995 which requires that person to make any financial provision for the child and which is not an order falling within paragraph 5(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) the mother or that person requests him to do so and produces—
 - (i) a certified copy of any of the orders which are mentioned in paragraph (4) 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.
- (4) The orders are—
 - (a) an order under section 5A of the Guardianship of Infants Act 1886 giving that person custody of the child;
 - (b) an order under the Illegitimate Children (Affiliation Orders) Act (Northern Ireland) 1924 adjudging that person to be the putative father of the child.
- (5) Where a person stating himself to be the father of the child makes a request to the registrar in accordance with any of sub-paragraphs (c) to (g) of paragraph (3)—
 - (a) that person shall be treated as a qualified informant concerning the birth of the child for the purposes of this Part; and
 - (b) on the giving of the required information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar every other qualified informant shall cease to be under the duty imposed by Article 10(4).”.

85. In Article 18 (re-registration of births)—

- (a) in paragraph (1), for the words from “(b)” to “Article 14(3)” substitute the following sub-paragraph—
 - “(b) in the case of a child whose parents were not married to each other at the time of his birth—
 - (i) the birth was registered as if they were so married; or
 - (ii) no particulars relating to his father have been entered in the register.”;
- (b) after paragraph (1) insert the following paragraph—

“(1A) Re-registration under sub-paragraph (b)(ii) shall not be authorised otherwise than in accordance with Article 14(3).”

86. In Article 19(3)(c) (re-registration of births of legitimated persons), after “1868” insert “or Article 32 of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989”.

87. After Article 19 insert the following Article—

“Re-registration after declaration of parentage

19A.—(1) Where, in the case of a person whose birth has been registered under this Order (or any earlier statutory provision referred to in Article 19(1))—

(a) the Registrar General receives, by virtue of Article 32(4) of the Matrimonial and Family Proceedings (Northern Ireland) Order 1989, a notification of the making of a declaration of parentage in respect of that person; and

(b) it appears to him that the birth of that person should be re-registered, he shall give his written authority for the re-registration of the birth of that person.

(2) Any re-registration under paragraph (1) shall be effected in the prescribed manner and at such place as may be prescribed.

(3) This Article shall apply with such modifications as the Department may, by regulations made subject to affirmative resolution, prescribe in relation to births at sea of which the Registrar General receives a return under any statutory provision.”

88. In Article 37(7) (qualified applicant for registration or alteration of child’s name), for sub-paragraphs (a) to (d) substitute the following sub-paragraphs—

“(a) the father and mother of the child if—

(i) they were married to each other at the time of his birth; or

(ii) they were not married to each other at the time of his birth but the father has parental responsibility for the child;

(b) the mother of the child if his parents were not married to each other at the time of his birth and the father does not have parental responsibility for the child;

(c) the surviving parent if either of the parents of the child is deceased and the surviving parent has parental responsibility for the child;

(d) the guardian of the child or any other person who has parental responsibility for him if—

(i) both his parents are deceased; or

(ii) either of his parents is deceased and the surviving parent does not have parental responsibility for him;”