Children Act 1975

1975 CHAPTER 72

PART IV

FURTHER AMENDMENTS OF LAW OF ENGLAND AND WALES

Registration of births

92   **Registration of births of abandoned children**

The following section is inserted after section 3 of the Births and Deaths Registration Act 1953—

"3A Registration of births of abandoned children.

(1) Where the place and date of birth of a child who was abandoned are unknown to, and cannot be ascertained by, the person who has charge of the child, that person may apply to the Registrar General for the child's birth to be registered under this section.

(2) On an application under this section the Registrar General shall enter in a register maintained at the General Register Office—

   (a)   as the child's place of birth, if the child was found by the applicant or by any person from whom (directly or indirectly) the applicant took charge of the child, the registration district mid sub-district where the child was found, or, in any other case, where the child was abandoned ;

   (b)   as the child's date of birth, the date which, having regard to such evidence as is produced to him, appears to him to be the most likely date of birth of the child, and

   (c)   such other particulars as may be prescribed.

(3) The Registrar General shall not register a child's birth under this section if—

   (a)   he is satisfied that the child was not born in England or Wales ; or

  (b) the child has been adopted in pursuance of a court order made in the United Kingdom, the Isle of Man or the Channel Islands ; or

  (c) subject to subsection (5) below, the child's birth is known to have been previously registered under this Act.

(4) If no entry can be traced in any register of births relating to a person who has attained the age of 18 and has not been adopted as aforesaid, that person may apply to the Registrar General for his birth to be registered under this section.

(5) On the application of—

  (a) a person having the charge of a child whose birth had been registered under this Act by virtue of the proviso to section 1 of this Act (as originally enacted), or

  (b) any such child who has attained the age of 18 years,

the Registrar General shall re-register the birth of the child under this section, and shall direct the officer having custody of the register of births in which the entry relating to the child was previously made to enter in the margin of the register a reference to the re-registration of the birth."

93 Registration of father of illegitimate child

(1) At the end of paragraph (b) of section 10 of the Births and Deaths Registration Act of 1953 (which makes provision for the registration of fathers of illegitimate children) there is added "or

  (c) at the request of the mother (which shall be made in writing) on production of—

    (i) a certified copy of an order made under section 4 of the Affiliation Proceedings Act 1957 naming that person as the putative father of the child, and

    (ii) if the child has attained the age of 16 years, the written consent of the child to the registration of that person as his father."

(2) After the said section 10 there is inserted the following section—

"10A Re-registration of births of illegitimate children.

(1) Where the birth of an illegitimate child has been registered under this Act but no person has been registered as the child's father, the registrar shall re-register the birth so as to show a person as the father—

  (a) at the joint request of the mother and of that person; 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 acknowledging himself to be the father of the child ; or

  (c) at the request of the mother (which shall be made in writing) on production of—

    (i) a certified copy of an order made under section 4 of the Affiliation Proceedings Act 1957 naming that person as the putative father of that child, and

(ii) if the child has attained the age of 16 years, the written consent of the child to the registration of that person as his father;

but no birth shall be re-registered under this section except in the prescribed manner and with the authority of the Registrar General.

(2) On the re-registration of a birth under this section—
   (a) the registrar and the mother shall sign the register;
   (b) in the case of a request under paragraph (a) of subsection (1) of this section, the other person making the request shall also sign the register; and
   (c) if the re-registration takes place more than three months after the birth, the superintendent registrar shall also sign the register.".

(3) In section 9 of the said Act of 1953 (which enables information required to be given to the registrar to be given to other persons) after subsection (3) there are added the following subsections—

"(4) A request made under section 10 of this Act may be included in a declaration under subsection (1) of this section, and, if the request is made under paragraph (b) or (c) of that section, the documents required by that paragraph to be produced shall be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar.

(5) A request made under section 10A of this Act instead of being made to the registrar may be made by making and signing in the presence of and delivering to a prescribed officer a statement in the prescribed form and producing to the officer any documents required to be produced by that section, and—
   (a) the officer shall send the request together with those documents, if any, to the registrar who shall with the authority of the Registrar General re-register the birth as if the request had been made to him; and
   (b) the person or persons who sign the statement shall be deemed to have signed the register as required by subsection (2) of that section.".