

These notes refer to the Human Fertilisation and Embryology Act 2008 (c.22) which received Royal Assent on 13 November 2008

HUMAN FERTILISATION AND EMBRYOLOGY ACT 2008

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2: Parenthood in Cases Involving Assisted Reproduction

Section 56: Amendments relating to parenthood in cases involving assisted reproduction

Amendments in Part 1 of Schedule 6

Family Law Reform Act 1987

208. [Paragraph 24](#) amends section 1 of the Family Law Reform Act 1987 (general principles) (“the 1987 Act”) so that references in that Act and Acts passed subsequently to someone whose father and mother were married to each other at the time of birth are extended to include a person who was conceived through assisted conception at a time when their mother was in a civil partnership with another woman, or whose mother and second female parent were treated in a licensed clinic and had a parenthood agreement in force at the time the person’s mother was treated and who were civil partners either at the time of the child’s birth or at any time between treatment and the child’s birth. The amendments provide for civil partnerships which are void to be treated as valid for the purposes of this provision, where either or both of the parties reasonably believed that the civil partnership was valid.
209. [Paragraph 25](#) amends section 18 of the 1987 Act (succession on intestacy) so that references to “father” include a second female parent under section 43 not in a civil partnership. Section 18 sets out the presumption that a person is not survived by a unmarried father who was not married to a child’s mother at the time of birth unless the contrary is shown, in cases of intestacy.