

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

Births and Deaths Registration Act 1953

191. Paragraphs 2 and 3 of Schedule 6 amend sections 1 and 2 of the Births and Deaths Registration Act 1953 (particulars of births to be registered and information concerning birth to be given to registrar within 42 days) (“the 1953 Act”) so that the provisions extend to include a woman who is the parent of a child by virtue of section 42 or 43 of the Act. She is to be treated as the father for the purposes of the provisions.
192. Paragraphs 4 and 5 amend sections 9 and 10 of the 1953 Act (registration of father where parents are not married) so as to make provision for registration of the birth of a child where the second female parent of the child is not the civil partner of the mother (i.e where section 43 of the Act applies).
193. Paragraph 6 substitutes section 10ZA of the 1953 Act (registration of father by virtue of certain provisions of the 1990 Act) with a new section that applies both to fathers and to women who are to be treated as a parent by virtue of section 46 of the Act.
194. Paragraph 7 amends section 10A of the 1953 Act (re-registration where parents are not married) so that it applies to re-registration where a woman is a parent of a child by virtue of section 43 or 46(1) or (2) of the Act.
195. Paragraph 8 amends section 13 of the 1953 Act (registration of name or of alteration of name) so that a woman who is a parent of a child by virtue of section 42 or 43 of the Act is treated in the same way as a father of a child.
196. Paragraph 9 amends section 14 of the 1953 Act (re-registration of births of legitimated persons) to reflect the amendments of the Legitimacy Act 1976 as outlined below so that section 14 applies in the case of a legitimated person who is the child of a person who is the parent of the child by virtue of section 43 of the Act.
197. Paragraph 10 amends section 29A of the 1953 Act (alternative procedure for certain corrections of the register) so as to provide for correction of the register where a woman is wrongly registered as a parent of a person by virtue of section 42, 43 or 46(1) or (2) of the Act.