



Human Fertilisation and Embryology Act 2008

2008 CHAPTER 22

PART 2

PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

Interpretation of references to father etc. where woman is other parent

53 Interpretation of references to father etc.

- (1) Subsections (2) and (3) have effect, subject to subsections (4) and (6), for the interpretation of any enactment, deed or any other instrument or document (whenever passed or made).
- (2) Any reference (however expressed) to the father of a child who has a parent by virtue of section 42 or 43 is to be read as a reference to the woman who is a parent of the child by virtue of that section.
- (3) Any reference (however expressed) to evidence of paternity is, in relation to a woman who is a parent by virtue of section 42 or 43, to be read as a reference to evidence of parentage.
- (4) This section does not affect the interpretation of the enactments specified in subsection (5) (which make express provision for the case where a child has a parent by virtue of section 42 or 43).
- (5) Those enactments are—
 - (a) the Legitimacy Act (Northern Ireland) 1928 (c. 5 (N.I.)),
 - (b) the Schedule to the Population (Statistics) Act 1938 (c. 12),
 - (c) the Births and Deaths Registration Act 1953 (c. 20),
 - (d) the Registration of Births, Deaths and Marriages (Special Provisions) Act 1957 (c. 58),

Changes to legislation: *Human Fertilisation and Embryology Act 2008, Cross Heading: Interpretation of references to father etc. where woman is other parent is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (e) Part 2 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49),
 - (f) the Congenital Disabilities (Civil Liability) Act 1976 (c. 28),
 - (g) the Legitimacy Act 1976 (c. 31),
 - (h) the Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14)),
 - (i) the British Nationality Act 1981 (c. 61),
 - (j) the Family Law Reform Act 1987 (c. 42),
 - (k) Parts 1 and 2 of the Children Act 1989 (c. 41),
 - (l) Part 1 of the Children (Scotland) Act 1995 (c. 36),
 - (m) section 1 of the Criminal Law (Consolidation) (Scotland) Act 1995 (c. 39),
and
 - (n) Parts 2, 3 and 14 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)).
- (6) This section does not affect the interpretation of references that fall to be read in accordance with section 1(2)(a) or (b) of the Family Law Reform Act 1987 or Article 155(2)(a) or (b) of the Children (Northern Ireland) Order 1995 (references to a person whose father and mother were, or were not, married to each other at the time of the person's birth).

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- [s. 55\(3\)\(e\)](#) and word inserted by [2022 c. 18 \(N.I.\) Sch. 3 para. 75\(b\)](#)