

**Changes to legislation:** Human Fertilisation and Embryology Act 2008, Paragraph 75 is up to date with all changes known to be in force on or before 19 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

## SCHEDULES

### SCHEDULE 6

#### AMENDMENTS RELATING TO PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

#### PART 3

##### ENACTMENTS RELATING ONLY TO NORTHERN IRELAND

##### *Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2))*

- 75 (1) Article 155 of the Children (Northern Ireland) Order 1995 (parents not being married to each other to have no effect in law on relationships) is amended as follows.
- (2) In paragraph (3), after sub-paragraph (b) insert—
- “(ba) has a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008 (which relates to treatment provided to a woman who is at the time of treatment a party to a civil partnership or, in certain circumstances, a void civil partnership);
  - (bb) has a parent by virtue of section 43 of that Act (which relates to treatment provided to woman who agrees that second woman to be parent) who—
    - (i) is the civil partner of the child's mother at the time of the child's birth, or
    - (ii) was the civil partner of the child's mother at any time during the period beginning with the time mentioned in section 43(b) of that Act and ending with the child's birth;”.
- (3) After paragraph (4) insert—
- “(4A) A child whose parents are parties to a void civil partnership shall, subject to paragraph (4B), be treated as falling within paragraph (3)(bb) if at the time when the parties registered as civil partners of each other both or either of the parties reasonably believed that the civil partnership was valid.
  - (4B) Paragraph (4A) applies only where the woman who is a parent by virtue of section 43 was domiciled in Northern Ireland at the time of the birth or, if she died before the birth, was so domiciled immediately before her death.
  - (4C) Paragraph (4A) applies even though the belief that the civil partnership was valid was due to a mistake as to law.
  - (4D) It shall be presumed for the purposes of paragraph (4A), unless the contrary is shown, that one of the parties to a void civil partnership reasonably believed at the time of the formation of the civil partnership that the civil partnership was valid.”

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#### Commencement Information

- II** Sch. 6 para. 75 wholly in force at 1.9.2009; Sch. 6 para. 75 not in force at Royal Assent see s. 68; Sch. 6 para. 75 in force for certain purposes at 6.4.2009 and at 1.9.2009 otherwise by S.I. 2009/479, art. 6(1)(e){(2)} (with Sch.)

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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\(b\)](#)