

**Changes to legislation:** Human Fertilisation and Embryology Act 2008, Cross Heading: Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14)) 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

*Births and Deaths Registration (Northern Ireland) Order 1976 (S.I. 1976/1041 (N.I. 14))*

60 (1) Article 10 of the Births and Deaths Registration (Northern Ireland) Order 1976 (registration of births) is amended as follows.

(2) In paragraph (4) for “Article 14” substitute “ Articles 14 and 14ZA ”.

(3) After paragraph (4) insert—

“(4A) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the references in paragraphs (3)(a) and (4) to the father of the child are to be read as references to the woman who is a parent by virtue of that section.”

#### Commencement Information

II Sch. 6 para. 60 wholly in force at 1.9.2009; Sch. 6 para. 60 not in force at Royal Assent see s. 68; Sch. 6 para. 60 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.)

61 After Article 14 of the Births and Deaths Registration (Northern Ireland) Order 1976 insert—

#### Registration of second female parent where parents not civil partners

“14ZA) This Article applies, subject to Article 14A, in the case of a child who—

(a) has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; but

(b) is a person to whom Article 155(3) of the Children (Northern Ireland) Order 1995 (persons to be covered by references to a person whose mother and father were married to each other at the time of the person's birth) does not apply.

(2) The woman who is a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 shall not as such be under any duty to give any information under this Part concerning the birth of the child.

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- (3) A registrar shall not enter the name of any person as a parent of the child by virtue of that section unless—
- (a) the mother and the person stating herself to be the other parent of the child jointly request the registrar to do so and in that event the mother and that person shall sign the register in the presence of each other; or
  - (b) the mother requests the registrar to do so and produces—
    - (i) a declaration in the prescribed form made by her stating that the person to be registered (“the woman concerned”) is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of that Act; or
  - (c) the woman concerned requests the registrar to do so and produces—
    - (i) a declaration in the prescribed form made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of that Act; or
  - (d) the mother or the woman concerned requests the registrar to do so and produces—
    - (i) a copy of a parental responsibility agreement made between them in relation to the child; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with Article 7 of the Children (Northern Ireland) Order 1995 and has not been brought to an end by an order of a court; or
  - (e) the mother or the woman concerned requests the registrar to do so and produces—
    - (i) a certified copy of an order under Article 7 of the Children (Northern Ireland) Order 1995 giving the woman concerned parental responsibility for the child; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or
  - (f) the mother or the woman concerned requests the registrar to do so and produces—
    - (i) a certified copy of an order under paragraph 2 of Schedule 1 to the Children (Northern Ireland) Order 1995 which requires the woman concerned to make any financial provision for the child and which is not an order falling within paragraph 5(3) of that Schedule; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court.

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- (4) Where, in the case of a child to whom Article 155(3) of the Children (Northern Ireland) Order 1995 does not apply, a person stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 makes a request to the registrar in accordance with any of sub-paragraphs (c) to (f) of paragraph (3)—
- (a) she shall be treated as a qualified informant concerning the birth of the child for the purposes of this Part; and
  - (b) on the giving of the required information concerning the birth of the child by that person and the signing of the register by her in the presence of the registrar every other qualified informant shall cease to be under the duty imposed by Article 10(4).”

#### Commencement Information

- I2** Sch. 6 para. 60 wholly in force at 1.9.2009; Sch. 6 para. 60 not in force at Royal Assent see s. 68; Sch. 6 para. 60 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.)

- 62 For Article 14A of the Births and Deaths Registration (Northern Ireland) Order 1976 substitute—

#### Registration of father or second female parent by virtue of certain provisions of Human Fertilisation and Embryology Act 2008

“14A(1) A registrar shall not enter in the register—

- (a) as the father of a child, the name of a man who is to be treated for that purpose as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death); or
- (b) as a parent of the child, the name of a woman who is to be treated for that purpose as a parent of the child by virtue of section 46(1) or (2) of that Act (circumstances in which woman to be treated as parent of child for purposes of registration of birth where fertility treatment undertaken after her death);

unless the condition in paragraph (2) below is satisfied.

(2) The condition in this paragraph is satisfied if—

- (a) the mother requests the registrar to make such an entry in the register and produces the relevant documents; or
- (b) in the case of the death or inability of the mother, the relevant documents are produced by some other person who is a qualified informant.

(3) In this Article “the relevant documents” means—

- (a) the consent in writing and election mentioned in section 39(1), 40(1) or (2) or 46(1) or (2) (as the case requires) of the Human Fertilisation and Embryology Act 2008;
- (b) a certificate of a registered medical practitioner as to the medical facts concerned; and

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- (c) such other documentary evidence (if any) as the registrar considers appropriate.”

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**I3** Sch. 6 para. 62 wholly in force at 1.9.2009; Sch. 6 para. 62 not in force at Royal Assent see s. 68; Sch. 6 para. 62 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.)

- 63 (1) Article 18 of the Births and Deaths Registration (Northern Ireland) Order 1976 (re-registration of births) is amended as follows.

(2) In paragraph (1)—

- (a) in sub-paragraph (b), after “child” insert “ who has a father and ”,  
 (b) after sub-paragraph (b) insert—

“(ba) in the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and to whom Article 155(3) of the Children (Northern Ireland) Order 1995 does not apply—

- (i) the birth was registered as if Article 155(3) of that Order did apply to the child; or  
 (ii) no particulars relating to a parent of the child by virtue of section 42, 43 or 46(1) or (2) of that Act have been entered in the register; or”, and

(c) for sub-paragraph (c) substitute—

“(c) in the case of a person who is to be treated—

- (i) as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008; or  
 (ii) as a parent of the child by virtue of section 46(1) or (2) of that Act;

the condition in Article 14A(2) is satisfied.”

- (3) At the end of paragraph (1A) insert “ and re-registration under sub-paragraph (ba)(ii) shall not be authorised otherwise than in accordance with Article 14ZA(3) ”.

**Commencement Information**

**I4** Sch. 6 para. 63 wholly in force at 1.9.2009; Sch. 6 para. 63 not in force at Royal Assent see s. 68; Sch. 6 para. 63 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.)

- 64 (1) Article 19 of the Births and Deaths Registration (Northern Ireland) Order 1976 (re-registration of births of legitimated persons) is amended as follows.

(2) In paragraph (3)—

(a) after sub-paragraph (a) insert—

“(aa) the name of a person acknowledging herself to be a parent of the legitimated person by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 has been entered in

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the register in pursuance of Article 14ZA or 18 of this Order; or”, and

(b) after sub-paragraph (b) insert—

“(ba) the parentage by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 of the legitimated person has been established by a decree of a court of competent jurisdiction; or”.

(3) In paragraph (4), after “marriage” insert “ or the formation of the civil partnership ”.

(4) In paragraph (5)—

(a) after “marriage” insert “ or civil partnership ”, and

(b) after “date of the marriage” insert “ or the formation of the civil partnership ”.

#### Commencement Information

**I5** Sch. 6 para. 64 wholly in force at 1.9.2009; Sch. 6 para. 64 not in force at Royal Assent see s. 68; Sch. 6 para. 64 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.)

65 In Article 20 of the Births and Deaths Registration (Northern Ireland) Order 1976 (registration of births of legitimated person), in paragraph (2), for “sub-paragraph (a)” substitute “ sub-paragraphs (a) and (aa) ”.

#### Commencement Information

**I6** Sch. 6 para. 65 wholly in force at 1.9.2009; Sch. 6 para. 65 not in force at Royal Assent see s. 68; Sch. 6 para. 65 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.)

66 In Article 37 of the Births and Deaths Registration (Northern Ireland) Order 1976 (registration or alteration of child's name), in paragraph (7)—

(a) after sub-paragraph (a) insert—

“(aa) in the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, the mother and other parent of the child if Article 155(3) of the Children (Northern Ireland) Order 1995 applies to the child or if it does not apply but the other parent has parental responsibility for the child;”, and

(b) for sub-paragraph (b) substitute—

“(b) the mother of the child if—

(i) in the case of a child who has a father, the child's parents were not married to each other at the time of the birth and the father does not have parental responsibility for the child; and

(ii) in the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, Article 155(3) of the Children (Northern Ireland) Order 1995 does not apply to the child and the parent by virtue of

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that section of that Act does not have parental responsibility for the child;”.

**Commencement Information**

- I7** Sch. 6 para. 66 wholly in force at 1.9.2009; Sch. 6 para. 66 not in force at Royal Assent see s. 68; Sch. 6 para. 66 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\(b\)](#)