

SCHEDULES

SCHEDULE 6

REGISTRATION OF BIRTHS

PART 1

AMENDMENTS OF BIRTHS AND DEATHS REGISTRATION ACT 1953

- 1 In this Schedule “the 1953 Act” means the [Births and Deaths Registration Act 1953](#) (c. 20).
- 2 (1) Section 1 of the 1953 Act (particulars of births required to be registered) is amended as follows.
 - (2) In subsection (2), for paragraph (a) substitute—
 - “(a) the mother of the child;
 - (aa) the father of the child where—
 - (i) the child is one whose father and mother were married to each other at the time of the child’s birth, or
 - (ii) the father is a qualified informant by virtue of subsection (2) (a) of section 10 (registration of father where parents not married or of second female parent where parents not civil partners) or by virtue of regulations under subsection (6)(b) of section 2E (scientific tests);”.
 - (3) For subsection (3) substitute—

“(3) In subsection (2)(aa)—

 - (a) the first reference to the father is, 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, to be read as a reference to the woman who is a parent by virtue of that section;
 - (b) the reference in sub-paragraph (ii) to the father being a qualified informant by virtue of section 10(2)(a) is, in the case of a child who has a parent by virtue of section 43 of that Act, to be read as a reference to that parent being a qualified informant by virtue of section 10(2A)(a).”
 - (4) After subsection (3) insert—

“(4) In this Part, references to a child whose father and mother were, or were not, married to each other at the time of the child’s birth are to be read in accordance with section 1 of the Family Law Reform Act 1987 (which extends the cases in which a person is treated as being a person whose father and mother were married to each other at the time of the person’s birth).”

Status: This is the original version (as it was originally enacted).

- 3 (1) Section 2 of the 1953 Act (information concerning birth to be given to registrar within 42 days) is amended as follows.
- (2) In subsection (1), after “every birth” insert “of a child whose father and mother were married to each other at the time of the child’s birth”.
- (3) In subsection (2), for “subsection (1)” substitute “subsection (1)(a) and (b)”.
- (4) In the title, for the words from “to be given” onwards substitute “of child whose parents are married”.
- 4 After section 2 of the 1953 Act insert—

“2A Information concerning birth of child whose parents are not married

- (1) In the case of every birth of a child whose father and mother were not married to each other at the time of the birth, it shall be the duty—
- (a) of the mother of the child, and
 - (b) in the case of the death or inability of the mother, of each qualified informant falling within section 1(2)(b) to (e),
- to give to the registrar, before the expiration of a period of 42 days from the date of the birth, information of the particulars required to be registered concerning the birth, together with any other information required by section 2B(1), and in the presence of the registrar to sign the register.
- (2) The giving of information and the signing of the register by any one qualified informant shall act as a discharge of any duty under this section of every other qualified informant, but this does not affect—
- (a) any duty of the father by virtue of regulations under section 2C (confirmation of parentage information given by mother), or
 - (b) any duty by virtue of regulations under section 2E (scientific tests).
- (3) This section ceases to apply if, before the end of the period mentioned in subsection (1) and before the birth has been registered, an inquest is held at which the child is found to have been still-born.
- (4) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, the reference in subsection (2)(a) to the father is to be read as a reference to the woman who is a parent by virtue of that section.

2B Duties of unmarried mother when acting alone

- (1) Where no request for the entry of a person’s name as the father of the child is made by virtue of any of paragraphs (a) to (g) of section 10(1) (registration of father where parents are not married) or by virtue of regulations under section 2E (scientific tests), the information to be given under section 2A(1) by the mother includes such information relating to the father as may be prescribed for the purposes of this subsection by regulations made by the Minister, which may include information that is not intended to be entered on the register.
- (2) The Registrar General may by regulations authorise or require the information relating to the father to be provided in a prescribed form or manner.

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- (3) Subsection (1) does not require the mother to provide information relating to the father if she makes in the presence of the registrar a declaration in the prescribed form stating that one or more of the following conditions is met.
- (4) Those conditions are—
 - (a) that by virtue of section 41 of the Human Fertilisation and Embryology Act 2008 the child has no father,
 - (b) that the father has died,
 - (c) that the mother does not know the father's identity,
 - (d) that the mother does not know the father's whereabouts,
 - (e) that the father lacks capacity (within the meaning of the Mental Capacity Act 2005) in relation to decisions under this Part,
 - (f) that the mother has reason to fear for her safety or that of the child if the father is contacted in relation to the registration of the birth, and
 - (g) any other conditions prescribed by regulations made by the Minister.
- (5) Subsection (1) does not apply—
 - (a) in the case of a still-birth,
 - (b) if the child has died, or
 - (c) if the mother acknowledges in accordance with regulations made by virtue of subsection (2)(b) of section 2D (declaration before registration by person claiming to be other parent) that a person who has previously given notice by virtue of subsection (2)(a) of that section is the other parent of the child.
- (6) The Minister may by regulations provide that, except in such cases as the regulations may prescribe, where the mother is required by subsection (1) to give information relating to the father—
 - (a) the mother's duty under section 2A to sign the register is to have effect as a duty to sign a declaration in such form as may be so prescribed,
 - (b) the registrar is not to register the birth of the child until such time as may be determined in accordance with the regulations, and
 - (c) the entry in the register is to be taken for the purposes of this Act to have been signed by the person who signed the declaration.
- (7) No information relating to the father is to be entered in the register merely because it is given by the mother by virtue of subsection (1).
- (8) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008—
 - (a) references in this section to the father are to be read as references to the woman who is a parent by virtue of that section,
 - (b) the reference in subsection (1) to paragraphs (a) to (g) of section 10(1) is to be read as a reference to paragraphs (a) to (f) of section 10(1B), and
 - (c) paragraphs (a) and (c) of subsection (4) do not apply.

2C Confirmation of parentage information given by mother

- (1) The Minister may by regulations provide for a procedure under which a person may be registered as the father of a child in a case where information relating to that person is given by virtue of section 2B(1) by the mother of the child and is subsequently confirmed by that person.
- (2) Regulations under this section may in particular—
 - (a) enable or require the registrar by notice to require the person in relation to whom information has been given by virtue of section 2B(1) by the mother (“the alleged father”) to state whether or not he acknowledges that he is the father of the child,
 - (b) where the alleged father acknowledges that he is the father of the child, require the alleged father to give prescribed information to the registrar,
 - (c) where the alleged father gives that information to the registrar, require the registrar to enter the alleged father’s name in the register as the father of the child or, where the birth has already been registered, to re-register the birth so as to show the alleged father as the father, and
 - (d) provide that in prescribed cases where the alleged father is not required by the regulations to sign the register, the entry in the register is to be taken for the purposes of this Act to have been signed by the alleged father.
- (3) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsection (1) or (2) to the father are to be read as references to the woman who is a parent by virtue of that section (and references to the alleged father have a corresponding meaning).
- (4) Regulations under this section may—
 - (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
 - (b) make provision as to the time within which anything is required or authorised to be done.
- (5) In this section “prescribed” means prescribed by regulations made under this section by the Minister.

2D Declaration before registration by person claiming to be other parent

- (1) The Minister may by regulations provide for a procedure under which a person may be registered as the father of a child whose father and mother were not married to each other at the time of the child’s birth, on the basis of information that is—
 - (a) given by that person (in the absence of the mother) before the birth is registered, and
 - (b) confirmed by the mother when she provides information of the particulars required to be registered concerning the birth.
- (2) Regulations under this section may in particular—

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- (a) enable a person who believes himself to be the father of a child to make a declaration to that effect to the registrar before the birth of the child is registered,
 - (b) require the mother of the child, on giving information concerning the birth of the child or in such other circumstances as may be prescribed, to state whether or not she acknowledges that the person is the father of the child,
 - (c) where the mother acknowledges that the person is the father of the child, require the registrar to enter the person's name in the register as the father of the child, and
 - (d) provide that in prescribed cases where the person is not required by the regulations to sign the register, the entry in the register is to be taken for the purposes of this Act to have been signed by the person.
- (3) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsections (1) and (2) to the father (except in the reference in subsection (1) to a child whose father and mother were not married to each other at the time of the child's birth) are to be read as references to the woman who is a parent by virtue of that section.
- (4) Regulations under this section may—
 - (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
 - (b) make provision as to the time within which anything is required or authorised to be done.
- (5) This section does not apply—
 - (a) in relation to a still-birth, or
 - (b) if the child has died.
- (6) In this section “prescribed” means prescribed by regulations made under this section by the Minister.

2E Use of scientific tests with consent of parties

- (1) The Minister may by regulations make provision enabling a report of a qualifying scientific test to be used in connection with the registration or re-registration under this Act of the birth of a child in cases where—
 - (a) the birth has not been registered under this Act, or
 - (b) the birth has been registered but no person has been registered as the father of the child (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (2) A qualifying scientific test is a scientific test that complies with prescribed requirements and is carried out by a person who is accredited by the Minister for the purposes of this section in accordance with the regulations.
- (3) The regulations may not require any person to participate in a qualifying scientific test.

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- (4) The regulations may not enable or require a report of a qualifying scientific test to be used as mentioned in subsection (1) unless, before the test is carried out, the mother and the man to whom the test relates—
 - (a) consent to the carrying out of the test, and
 - (b) agree in the prescribed manner that if the report of the test is positive the man's name will be entered in the register as the father of the child.
- (5) For the purposes of this section, the report of a qualifying scientific test is positive if the report states that the result of the test indicates to a prescribed degree of certainty that the man concerned is the father of the child.
- (6) Regulations under this section may—
 - (a) enable or require the mother or the man, if the report of the qualifying scientific test is positive, to apply for the registration (or re-registration) of the birth so as to show the man as the father,
 - (b) provide that where the regulations enable or require the man to apply for registration, the man is to be treated for the purposes of this Part as a qualified informant concerning the birth of the child,
 - (c) impose obligations on the registrar in relation to the registration (or re-registration) of the birth,
 - (d) require anything to be done in a prescribed form or manner or in the presence of the registrar,
 - (e) make provision as to the time within which anything is required or authorised to be done.
- (7) The regulations may not require the registrar to enter a man's name in the register as the father of a child if it appears to the registrar that by virtue of any provision of sections 35 to 47 of the Human Fertilisation and Embryology Act 2008 the man is not the father of the child.
- (8) This section does not apply in relation to a still-birth.
- (9) In this section "prescribed" means prescribed by regulations made under this section by the Minister."

- 5 In section 4 of the 1953 Act (registrar's power to require information concerning birth), in paragraph (a), for "three months" substitute "12 months".
- 6 In section 5 of the 1953 Act (registration of births free of charge) for "three months" substitute "12 months".
- 7 Omit section 6 of the 1953 Act (which makes special provision about registration between 3 and 12 months from the date of birth).
- 8 In section 7 of the 1953 Act (registration after twelve months from date of birth) omit subsection (3) (which excludes still-births).
- 9 In section 8 of the 1953 Act (penalty for improper registration after 3 months from date of birth)—
 - (a) for "the two last foregoing sections" substitute "section 7", and
 - (b) for "three months" (both in the section and in the title) substitute "12 months".

- 10 (1) Section 9 of the 1953 Act (giving of information to a person other than the registrar) is amended as follows.
- (2) After subsection (3) insert—
- “(3A) Anything that section 2B (duties of unmarried mother when acting alone) requires to be done in the presence of, or in relation to, the registrar may, in prescribed cases, be done in the presence of, or in relation to, such officer as may be prescribed.”
- (3) After subsection (5) insert—
- “(6) Regulations under section 2C, 2D, 2E, 10B or 10C may enable anything that would otherwise be required or authorised to be done under the regulations in the presence of, or in relation to, the registrar to be done instead in the presence of, or in relation to, such officer as may be prescribed by the regulations.”
- 11 (1) Section 10 of the 1953 Act (registration of father where parents not married or of second female parent where parents not civil partners) is amended as follows.
- (2) In subsection (1)—
- (a) for the words from the beginning to “the registrar” substitute “In the case of a child whose father and mother were not married to each other at the time of the child’s birth, no person shall as father of the child be required to give information concerning the birth of the child except by virtue of regulations under section 2C or 2E, and the registrar”,
- (b) in paragraph (b) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by that person, states himself to be the father of the child, and is countersigned by a prescribed person; or”,
- (c) in paragraph (c) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the mother, states that that person is the father of the child, and is countersigned by a prescribed person; or”, and
- (d) at the end of paragraph (g) insert “or
- (h) in accordance with regulations made under section 2C (confirmation of parentage information given by mother), section 2D (declaration before registration by person claiming to be other parent) or section 2E (scientific tests)”.
- (3) In subsection (1B)—
- (a) for the words from the beginning to “that section” substitute “In the case of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply, no woman shall as parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 be required to give information concerning the birth of the child except by virtue of regulations under section 2C, and the registrar shall not enter the name of any woman as a parent of the child by virtue of that section”,
- (b) in paragraph (b) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the woman concerned, states herself to be a

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- parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”,
- (c) in paragraph (c) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the mother, states that the woman concerned is a parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”, and
- (d) at the end of paragraph (f) insert “or
- (g) in accordance with regulations made under section 2C (confirmation of parentage information given by mother) or section 2D (declaration before registration by person claiming to be other parent)”.
- (4) After subsection (1B) insert—
- “(1C) Subsections (1) and (1B) have effect subject to section 10ZA.”
- (5) In subsections (2)(b) and (2A)(b), for “section 2” substitute “section 2A”.
- (6) Omit subsection (3).
- 12 (1) Section 10A of the 1953 Act (Re-registration where parents neither married nor civil partners) is amended as follows.
- (2) In subsection (1)—
- (a) in paragraph (b) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by that person, states himself to be the father of the child, and is countersigned by a prescribed person; or”,
- (b) in paragraph (c) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the mother, states that that person is the father of the child, and is countersigned by a prescribed person; or”.
- (3) In subsection (1B)—
- (a) in paragraph (b) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the woman concerned, states herself to be a parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”,
- (b) in paragraph (c) for sub-paragraph (ii) substitute—
- “(ii) a declaration in the prescribed form which is made by the mother, states that the woman concerned is a parent of the child by virtue of section 43 of that Act, and is countersigned by a prescribed person; or”.

- (4) In subsection (2), omit paragraph (d) (requirement for signature by superintendent registrar where re-registration takes place more than 3 months after the birth) and the word “and” immediately before it.

13 After section 10A of the 1953 Act insert—

“10B Re-registration after sole registration: information provided by other parent and confirmed by mother

- (1) The Minister may by regulations make provision for the re-registration of a birth to show a person as the father of a relevant child, on the basis of information given by that person after the birth is registered and confirmed by the mother.
- (2) In this section a “relevant child” means a child—
- (a) whose father and mother were not married to each other at the time of the child’s birth, and
 - (b) whose birth has been registered before or after the commencement of this section without any person being registered as the father of the child (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (3) Regulations under subsection (1) may—
- (a) enable a person who believes himself to be the father of a relevant child to make a declaration to that effect to the registrar,
 - (b) enable or require the registrar by notice to require the mother to state whether or not she acknowledges that the person is the father of the child, and
 - (c) where the mother acknowledges that the person is the father, require the registrar to re-register the birth so as to show the person as the father.
- (4) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsections (1) and (3) to the father are to be read as references to the woman who is a parent by virtue of that section.
- (5) Regulations under this section may—
- (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
 - (b) make provision as to the time within which anything is required or authorised to be done.
- (6) Regulations under this section may not provide for any birth to be re-registered except with the authority of the Registrar General.
- (7) In this section “prescribed” means prescribed by regulations made under this section by the Minister.

10C Re-registration after sole registration: information provided by mother and confirmed by other parent

- (1) The Minister may by regulations make provision for the re-registration of a birth to show a person as the father of a relevant child, on the basis of information given by the mother after the birth is registered and confirmed by that person.
- (2) In this section a “relevant child” means a child—
 - (a) whose father and mother were not married to each other at the time of the child’s birth, and
 - (b) whose birth has been registered before or after the commencement of this section without any person being registered as the father of the child (or as a parent of the child by virtue of section 42, 43 or 46(1) or (2) of the Human Fertilisation and Embryology Act 2008).
- (3) Regulations under subsection (1) may—
 - (a) enable the mother of a relevant child to make a declaration to the registrar stating that a specified person (“the alleged father”) is the father of the child,
 - (b) enable or require the registrar by notice to require the alleged father to state whether or not he acknowledges that he is the father of the child,
 - (c) where the alleged father acknowledges that he is the father of the child, require the alleged father to give prescribed information to the registrar, and
 - (d) where the alleged father gives that information to the registrar, require the registrar to re-register the birth so as to show the alleged father as the father.
- (4) In the case of a child who has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, references in subsections (1) and (3) to the father are to be read as references to the woman who is a parent by virtue of that section (and references to the alleged father have a corresponding meaning).
- (5) Regulations under this section may—
 - (a) require anything to be done in a prescribed form or manner or in the presence of the registrar,
 - (b) make provision as to the time within which anything is required or authorised to be done.
- (6) Regulations under this section may not provide for any birth to be re-registered except with the authority of the Registrar General.
- (7) In this section “prescribed” means prescribed by regulations made under this section by the Minister.”

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In section 34 of the 1953 Act (entry in register as evidence of birth or death), in subsection (3), for paragraph (a) substitute—

“(a) if it appears that not more than 12 months have so intervened—

- (i) the original entry was made after the commencement of paragraph 7 of Schedule 6 to the Welfare Reform Act 2009, or
 - (ii) the entry purports either to be signed by the superintendent registrar as well as by the registrar or to have been made with the authority of the Registrar General;”.
- 15 In section 36 of the 1953 Act (penalties for failure to give information) after paragraph (a) insert—
 - “(aa) if, being required by regulations under section 2C, 2D, 2E, 10B or 10C to do anything within a particular time, he refuses or fails without reasonable excuse to do so;”.
- 16 In section 39 of the 1953 Act (regulations), in paragraph (a), for “this Act” substitute “any provision of this Act other than sections 2B(1), (4) and (6), 2C, 2D, 2E, 10B and 10C”.
- 17 After section 39 of the 1953 Act insert—

“39A Regulations made by the Minister: further provisions

- (1) Regulations made by the Minister under the relevant provisions may—
 - (a) make different provision for different cases or areas,
 - (b) provide for exemptions from any of the provisions of the regulations, and
 - (c) contain such incidental, supplemental and transitional provision as the Minister considers appropriate.
- (2) Before making regulations under the relevant provisions, the Minister must consult the Registrar General.
- (3) Any power of the Minister to make regulations under the relevant provisions is exercisable by statutory instrument.
- (4) A statutory instrument containing regulations made by the Minister under the relevant provisions is subject to annulment in pursuance of a resolution of either House of Parliament.
- (5) In this section “the relevant provisions” means sections 2B(1), (4) and (6), 2C, 2D, 2E, 10B and 10C.”
- 18 In section 41 of the 1953 Act (interpretation), in the definition of “prescribed”, after ““prescribed””, insert “(except in sections 2B(1), (4) and (6), 2C, 2D, 2E, 10B and 10C)”.