
STATUTORY INSTRUMENTS

2019 No. 1514

**The Marriage (Same-sex Couples) and Civil Partnership
(Opposite-sex Couples) (Northern Ireland) Regulations 2019**

PART 4

Amendments: Children and Families

Parental status in cases of assisted reproduction

- 26.**—(1) The Human Fertilisation and Embryology Act 2008⁽¹⁾ is amended as follows.
- (2) In section 35⁽²⁾ (meaning of “father” in cases where woman married at time of treatment) —
- (a) in the heading, after “Woman married” insert “to, or civil partner of, a man”, and
 - (b) in subsection (1)—
 - (i) in paragraph (a), after “marriage” insert “with a man or a civil partnership with a man”, and
 - (ii) in paragraph (b), and in the words after that paragraph, after “marriage” insert “or civil partnership”.
- (3) In section 38(2) (saving for presumptions about legitimacy)—
- (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976”⁽³⁾,
 - (b) before “, that” insert “or section 2(1)(a) of the Family Law Act (Northern Ireland) 2001”⁽⁴⁾, and
 - (c) after “marriage” insert “or civil partnership”.
- (4) In section 40⁽⁵⁾ (embryo transferred after death of husband etc)—
- (a) in the heading, for “husband etc” substitute “male spouse, civil partner or intended parent”, and
 - (b) in subsection (1)—
 - (i) in paragraph (b), after “marriage” insert “with a man or a civil partnership with a man”, and
 - (ii) in paragraphs (c), (d) and (e), after “marriage” insert “or civil partnership”.
- (5) In section 42⁽⁶⁾ (woman in civil partnership at time of treatment)—
- (a) in the heading, after “civil partnership” insert “or marriage to a woman”, and

(1) 2008 c.22.

(2) Section 35 was amended (for England and Wales) by paragraph 38 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(2) of Schedule 5 to [S.I. 2014/3229](#).

(3) 1976 c.31; section A1 is inserted by [S.I. 2019/1458](#).

(4) 2001 c.12 (N.I.); section 2(1)(a) is amended by these Regulations.

(5) Section 40(1)(b) was amended (for England and Wales) by paragraph 39 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(3) of Schedule 5 to [S.I. 2014/3229](#).

(6) Section 41 was amended (for England and Wales) by paragraph 40 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(4) of Schedule 5 to [S.I. 2014/3229](#).

- (b) in subsection (1)—
 - (i) after “W was a party to a civil partnership” insert “with another woman or a marriage with another woman”, and
 - (ii) after “the other party to the civil partnership” insert “or marriage”.
- (6) In section 45(2) (saving for presumptions about legitimacy)—
 - (a) after “common law” insert “or section A1(2) of the Legitimacy Act 1976”,
 - (b) before “, that” insert “or section 2(1)(a) of the Family Law Act (Northern Ireland) 2001”, and
 - (c) after “marriage” insert “or civil partnership”.
- (7) In section 46(7) (embryo transferred after death of civil partner etc)—
 - (a) in the heading, for “civil partner or intended female parent” substitute “female spouse, civil partner or intended parent”, and
 - (b) in subsection (1)—
 - (i) in paragraph (b), after “to a civil partnership” insert “with a woman or a marriage with a woman”, and
 - (ii) in paragraphs (c), (d) and (e), and in the words following paragraph (f), after “civil partnership” insert “or marriage”.
- (8) In section 48(6)(b) (legitimacy), after “party to a” insert “marriage or”.
- (9) In section 50 (meaning of “parties to a civil partnership”), omit subsection (2) (when “civil partnership” includes one that is void).
- (10) The repeal of that subsection does not affect the status of any person born before 13th January 2020 who was treated as legitimate by virtue of that subsection (but is not so treated by virtue of section 2 of the Legitimacy Act (Northern Ireland) 1961 as amended by these Regulations).

Commencement Information

II Reg. 26 in force at 13.1.2020, see [reg. 1\(2\)](#)

(7) Section 46 was amended (for England and Wales) by paragraph 41 of Schedule 7 to the Marriage (Same Sex Couples) Act 2013 and (for Scotland) by paragraph 18(5) of Schedule 5 to [S.I. 2014/3229](#).

Changes to legislation:

There are currently no known outstanding effects for the The Marriage (Same-sex Couples) and Civil Partnership (Opposite-sex Couples) (Northern Ireland) Regulations 2019, Section 26.