

Status: Point in time view as at 01/12/2003.

Changes to legislation: There are currently no known outstanding effects for the Human Fertilisation and Embryology (Deceased Fathers) Act 2003, Schedule. (See end of Document for details)

SCHEDULE

Section 2(1)

CONSEQUENTIAL AMENDMENTS

Births and Deaths Registration Act 1953 (c. 20)

1 After section 9(4) of the Births and Deaths Registration Act 1953 (giving of information to a person other than the registrar) there shall be inserted—

“(4A) A request made under section 10ZA of this Act may be included in a declaration under subsection (1) of this section and the documents required by that section to be produced shall be produced to the officer in whose presence the declaration is made and sent by him with the declaration to the registrar.”

Commencement Information

I1 Sch. para. 1 in force at 1.12.2003 by S.I. 2003/3095, art. 2

2 In section 10(1) of that Act (registration of father where parents not married at time of birth) after “Act”, where it first appears, there shall be inserted “ and subject to section 10ZA of this Act ”.

Commencement Information

I2 Sch. para. 2 in force at 1.12.2003 by S.I. 2003/3095, art. 2

3 After section 10 of that Act there shall be inserted—

“10ZA Registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990

(1) Notwithstanding anything in the foregoing provisions of this Act, the registrar shall not enter in the register 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 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death) unless the condition in subsection (2) below is satisfied.

(2) The condition in this subsection 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 section “the relevant documents” means—

- (a) the consent in writing and election mentioned in section 28(5A), (5B), (5C) or (as the case may be) (5D) of the Act of 1990;

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- (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
- (c) such other documentary evidence (if any) as the registrar considers appropriate.”

Commencement Information

I3 Sch. para. 3 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 4 After “or” at the end of section 10A(1)(f) of that Act (re-registration where parents not married) there shall be inserted—
- “(ff) in a case of a man who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990, if the condition in section 10ZA(2) of this Act is satisfied; or”.

Commencement Information

I4 Sch. para. 4 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 5 After section 10A(2)(b) of that Act (persons to sign register on re-registration), there shall be inserted—
- “(bb) in a case within paragraph (ff) of that subsection, the mother or (as the case may be) the qualified informant shall also sign the register;”.

Commencement Information

I5 Sch. para. 5 in force at 1.12.2003 by S.I. 2003/3095, art. 2

Registration of Births, Deaths and Marriages (Scotland) Act 1965 (c. 49)

- 6 In section 18 of the Registration of Births, Deaths and Marriages (Scotland) Act 1965 (births of children born out of wedlock) in subsection (1) at the beginning there shall be inserted “ Subject to section 18ZA of this Act ”.

Commencement Information

I6 Sch. para. 6 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 7 After section 18 of that Act there shall be inserted—

“18ZA Registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990

- (1) The registrar shall not enter in the register 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 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment

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undertaken after his death) unless the condition in subsection (2) below is satisfied.

- (2) The condition in this subsection 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 section “the relevant documents” means—
- (a) the consent in writing and election mentioned in section 28(5A), (5B), (5C) or (as the case may be) (5D) of the Act of 1990;
 - (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
 - (c) such other documentary evidence (if any) as the registrar considers appropriate.”

Commencement Information

I7 Sch. para. 7 in force at 1.12.2003 by S.I. 2003/3095, art. 2

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

- 8 In Article 14(1) of the Births and Deaths Registration (Northern Ireland) Order 1976 (registration of father where parents not married) at the end there shall be inserted “and subject to Article 14A”.

Commencement Information

I8 Sch. para. 8 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 9 After Article 14 of that Order there shall be inserted—

Registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990

“14A(1) A registrar shall not enter as the father of a child the name of any person who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990 (circumstances in which man to be treated as father of child for purposes of registration of birth where fertility treatment undertaken after his death) unless the condition in paragraph (2) 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—

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- (a) the consent in writing and election mentioned in section 28(5A), (5B), (5C) or (as the case may be) (5D) of the Act of 1990;
- (b) a certificate of a registered medical practitioner as to the medical facts concerned; and
- (c) such other documentary evidence (if any) as the registrar considers appropriate.”

Commencement Information

I9 Sch. para. 9 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 10 In Article 18 of that Order (re-registration of births) at the end of paragraph (1) there shall be inserted—

“(c) in the case of a person who is to be treated as the father of the child by virtue of section 28(5A), (5B), (5C) or (5D) of the Human Fertilisation and Embryology Act 1990, if the condition in Article 14A(2) is satisfied.”

Commencement Information

I10 Sch. para. 10 in force at 1.12.2003 by S.I. 2003/3095, art. 2

Adoption (Scotland) Act 1978 (c. 28)

- 11 In section 15(3)(a) of the Adoption (Scotland) Act 1978 (adoption by one person where no other parent) after “1990” there shall be inserted “ (disregarding subsections (5A) to (5I) of that section) ”.

Commencement Information

I11 Sch. para. 11 in force at 1.12.2003 by S.I. 2003/3095, art. 2

Adoption (Northern Ireland) Order 1987 (S.I. 1987/2203 (N.I.22))

- 12 In Article 15(3)(a) of the Adoption (Northern Ireland) Order 1987 (adoption by one person where no other parent) after “1990” there shall be inserted “ (disregarding subsections (5A) to (5I) of that section) ”.

Commencement Information

I12 Sch. para. 12 in force at 1.12.2003 by S.I. 2003/3095, art. 2

Human Fertilisation and Embryology Act 1990 (c. 37)

- 13 In section 28 of the Human Fertilisation and Embryology Act 1990, in subsection (1) (children to whom section 28 applies), at the beginning, there shall be inserted “ Subject to subsections (5A) to (5I) below, ”.

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Commencement Information

I13 Sch. para. 13 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 14 In section 28(6) of that Act (man whose sperm was used after his death not to be treated as father of child) after “not” there shall be inserted “, subject to subsections (5A) and (5B) above,”.

Commencement Information

I14 Sch. para. 14 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 15 In section 28(7) of that Act (meaning of references to the parties to a marriage) after “subsection (2) above” there shall be inserted “ and subsections (5A) to (5D) above”.

Commencement Information

I15 Sch. para. 15 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 16 In section 29(4) of that Act (succession to dignities etc.) after “(4)” there shall be inserted “ or (5A) to (5I) ”.

Commencement Information

I16 Sch. para. 16 in force at 1.12.2003 by S.I. 2003/3095, art. 2

- 17 In section 30(9)(b) of that Act (power to make regulations about references to adoption etc.) the reference to any enactment shall be read as including a reference to any enactment contained in section 28(5A) to (5I) of that Act.

Commencement Information

I17 Sch. para. 17 in force at 1.12.2003 by S.I. 2003/3095, art. 2

Adoption and Children Act 2002 (c. 38)

- 18 In section 51(4)(b) of the Adoption and Children Act 2002 (adoption by one person where no other parent) after “1990 (c. 37)” there shall be inserted “ (disregarding subsections (5A) to (5I) of that section) ”.

Commencement Information

I18 Sch. para. 18 in force at 1.12.2003 by S.I. 2003/3095, art. 2

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