



Human Fertilisation and Embryology Act 2008

2008 CHAPTER 22

PART 2 **U.K.**

PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION

References to parties to marriage or civil partnership

49 **Meaning of references to parties to a marriage** **U.K.**

- (1) The references in sections 35 to 47 to the parties to a marriage at any time there referred to—
 - (a) are to the parties to a marriage subsisting at that time, unless a judicial separation was then in force, but
 - (b) include the parties to a void marriage if either or both of them reasonably believed at that time that the marriage was valid; and for the purposes of those sections it is to be presumed, unless the contrary is shown, that one of them reasonably believed at that time that the marriage was valid.
- (2) In subsection (1)(a) “judicial separation” includes a legal separation obtained in a country outside the British Islands and recognised in the United Kingdom.

50 **Meaning of references to parties to a civil partnership** **U.K.**

- (1) The references in sections 35 to 47 to the parties to a civil partnership at any time there referred to—
 - (a) are to the parties to a civil partnership subsisting at that time, unless a separation order was then in force, but
 - (b) include the parties to a void civil partnership if either or both of them reasonably believed at that time that the civil partnership was valid; and for the purposes of those sections it is to be presumed, unless the contrary is shown,

Changes to legislation: Human Fertilisation and Embryology Act 2008, Cross Heading: References to parties to marriage or civil partnership is up to date with all changes known to be in force on or before 20 September 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

that one of them reasonably believed at that time that the civil partnership was valid.

- (2) [^{F1}The reference in section 48(6)(b) to a civil partnership includes a reference to a void civil partnership if either or both of the parties reasonably believed at the time when they registered as civil partners of each other that the civil partnership was valid; and for this purpose it is to be presumed, unless the contrary is shown, that one of them reasonably believed at that time that the civil partnership was valid.]
- (3) In subsection (1)(a), “separation order” means—
- (a) a separation order under section 37(1)(d) or 161(1)(d) of the Civil Partnership Act 2004 (c. 33),
 - (b) a decree of separation under section 120(2) of that Act, or
 - (c) a legal separation obtained in a country outside the United Kingdom and recognised in the United Kingdom.

Textual Amendments

- F1** S. 50(2) omitted (E.W.) (2.12.2019) by virtue of [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **14(1)** (with reg. 14(2)); and s. 50(2) also omitted (N.I.) (13.1.2020) by virtue of [The Marriage \(Same-sex Couples\) and Civil Partnership \(Opposite-sex Couples\) \(Northern Ireland\) Regulations 2019 \(S.I. 2019/1514\)](#), regs. 1(2), **26(9)** (with regs. 6-9, 26(10))

Changes to legislation:

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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\(b\)](#)