



Family Law Reform Act 1987

1987 CHAPTER 42

PART V

REGISTRATION OF BIRTHS

24 Registration of father where parents not married

For section 10 of the Births and Deaths Registration Act 1953 (in this Act referred to as "the 1953 Act") there shall be substituted the following section—

“10 Registration of father where parents not married.

- (1) Notwithstanding anything in the foregoing provisions of this Act, in the case of a child whose father and mother were not married to each other at the time of his birth, no person shall as father of the child be required to give information concerning the birth of the child, and the registrar shall not enter in the register the name of any person as father of the child except—
- (a) at the joint request of the mother and the person stating himself to be the father of the child (in which case that person shall sign the register together with the mother); or
 - (b) at the request of the mother on production of—
 - (i) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and
 - (ii) a statutory declaration made by that person stating himself to be the father of the child; or
 - (c) at the request of that person on production of—
 - (i) a declaration in the prescribed form by that person stating himself to be the father of the child; and
 - (ii) a statutory declaration made by the mother stating that that person is the father of the child; or
 - (d) at the request of the mother or that person (which shall in either case be made in writing) on production of—

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- (i) a certified copy of a relevant order; and
 - (ii) if the child has attained the age of sixteen, the written consent of the child to the registration of that person as his father.
- (2) Where, in the case of a child whose father and mother were not married to each other at the time of his birth, a person stating himself to be the father of the child makes a request to the registrar in accordance with paragraph (c) or (d) of subsection (1) of this section—
- (a) he shall be treated as a qualified informant concerning the birth of the child for the purposes of this Act; and
 - (b) the giving of information concerning the birth of the child by that person and the signing of the register by him in the presence of the registrar shall act as a discharge of any duty of any other qualified informant under section 2 of this Act.
- (3) In this section and section 10A of this Act references to a child whose father and mother were not married to each other at the time of his birth shall be construed in accordance with section 1 of the Family Law Reform Act 1987 and 'relevant order', in relation to a request under subsection (1)(d) that the name of any person be entered in the register as father of a child, means any of the following orders, namely—
- (a) an order under section 4 of the said Act of 1987 which gives that person all the parental rights and duties with respect to the child;
 - (b) an order under section 9 of the Guardianship of Minors Act 1971 which gives that person any parental right with respect to the child; and
 - (c) an order under section 11B of that Act which requires that person to make any financial provision for the child.”

25 Re-registration where parents not married

For section 10A of the 1953 Act there shall be substituted the following section—

“10A Re-registration where parents not married.

- (1) Where there has been registered under this Act the birth of a child whose father and mother were not married to each other at the time of the birth, but no person has been registered as the father of the child, the registrar shall reregister the birth so as to show a person as the father—
- (a) at the joint request of the mother and that person; or
 - (b) at the request of the mother on production of—
 - (i) a declaration in the prescribed form made by the mother stating that that person is the father of the child; and
 - (ii) a statutory declaration made by that person stating himself to be the father of the child; or
 - (c) at the request of that person on production of—
 - (i) a declaration in the prescribed form by that person stating himself to be the father of the child; and
 - (ii) a statutory declaration made by the mother stating that that person is the father of the child; or
 - (d) at the request of the mother or that person (which shall in either case be made in writing) on production of—

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

- (i) a certified copy of a relevant order; and
 - (ii) if the child has attained the age of sixteen, the written consent of the child to the registration of that person as his father;
- but no birth shall be re-registered under this section except in the prescribed manner and with the authority of the Registrar General.

- (2) On the re-registration of a birth under this section—
- (a) the registrar shall sign the register;
 - (b) in the case of a request under paragraph (a) or (b) of subsection (1) of this section, or a request under paragraph (d) of that subsection made by the mother of the child, the mother shall also sign the register;
 - (c) in the case of a request under paragraph (a) or (c) of that subsection, or a request made under paragraph (d) of that subsection by the person requesting to be registered as the father of the child, that person shall also sign the register; and
 - (d) if the re-registration takes place more than three months after the birth, the superintendent registrar shall also sign the register.”

26 Re-registration after declaration of parentage

After section 14 of the 1953 Act there shall be inserted the following section—

“14A Re-registration after declaration of parentage.

- (1) Where, in the case of a person whose birth has been registered in England and Wales—
- (a) the Registrar General receives, by virtue of section 56(4) of the Family Law Act 1986, a notification of the making of a declaration of parentage in respect of that person; and
 - (b) it appears to him that the birth of that person should be re-registered, he shall authorise the re-registration of that person's birth, and the re-registration shall be effected in such manner and at such place as may be prescribed.
- (2) This section shall apply with the prescribed modifications in relation to births at sea of which a return is sent to the Registrar General.”