



# Births and Deaths Registration Act 1953

1953 CHAPTER 20 1 and 2 Eliz 2

## PART I

### REGISTRATION OF BIRTHS

#### [<sup>F1</sup>10A [<sup>F2</sup>Re-registration where parents neither married nor civil partners]

- (1) Where there has been registered under this Act the birth of a child whose father and mother were not married to [<sup>F3</sup>, or civil partners of,] each other at the time of the birth, but no person has been registered as the father of the child [<sup>F4</sup>(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)], the registrar shall re-register 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
  - [<sup>F5</sup>(d) at the request of the mother or that person on production of—
    - (i) a copy of [<sup>F6</sup>any agreement made between them under section 4(1)(b) of the Children Act 1989 in relation to the child]; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with section 4 of [<sup>F7</sup>that Act] and has not been brought to an end by an order of a court; or
  - (e) at the request of the mother or that person on production of—

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- (i) a certified copy of an order under section 4 of the Children Act 1989 giving that person parental responsibility for the child; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or
- (f) at the request of the mother or that person on production of—
- (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires that person to make any financial provision for the child and which is not an order falling within paragraph 4(3) of that Schedule; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court; or
- <sup>F8</sup> [ (ff) in the case of a man who is to be treated as the father of the child by virtue of section 39(1) or 40(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied; or ]
- (g) at the request of the mother or that person on production of—
- (i) a certified copy of any of the orders which are mentioned in subsection (1A) of this section which has been made in relation to the child; and
  - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end or discharged by an order of a court.]

but no birth shall be re-registered under this section except in the prescribed manner and with the authority of the Registrar General.

- <sup>F9</sup> [ The orders are—
- (1A) (a) an order under section 4 of the Family Law Reform Act 1987 that that person shall have all the parental rights and duties with respect to the child;
- (b) an order that that person shall have custody or care and control or legal custody of the child made under section 9 of the Guardianship of Minors Act 1971 at a time when such an order could only be made in favour of a parent;
- (c) an order under section 9 or 11B of that Act which requires that person to make any financial provision in relation to the child;
- (d) an order under section 4 of the Affiliation Proceedings Act 1957 naming that person as putative father of the child.]

<sup>F10</sup> [ Where there has been registered under this Act the birth of a child to whom section 1(3) of the Family Law Reform Act 1987 does not apply, but no person has been registered 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 (or as the father of the child), the registrar shall re-register the birth so as to show a woman (“the woman concerned”) as a parent of the child by virtue of section 43 or 46(1) or (2) of that Act—

- (a) at the joint request of the mother and the woman concerned; or
- (b) at the request of the mother on production of—
  - (i) a declaration in the prescribed form made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
  - (ii) a statutory declaration made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of that Act; or
- (c) at the request of the woman concerned on production of—

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- (i) a declaration in the prescribed form made by the woman concerned stating herself to be a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008; and
    - (ii) a statutory declaration made by the mother stating that the woman concerned is a parent of the child by virtue of section 43 of that Act; or
  - (d) at the request of the mother or the woman concerned on production of—
    - (i) a copy of an agreement made between them under section 4ZA(1)(b) of the Children Act 1989 in relation to the child; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the agreement was made in compliance with section 4ZA of that Act and has not been brought to an end by an order of a court; or
  - (e) at the request of the mother or the woman concerned on production of—
    - (i) a certified copy of an order under section 4ZA of the Children Act 1989 giving the woman concerned parental responsibility for the child; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been brought to an end by an order of a court; or
  - (f) at the request of the mother or the woman concerned on production of—
    - (i) a certified copy of an order under paragraph 1 of Schedule 1 to the Children Act 1989 which requires the woman concerned to make any financial provision for the child and which is not an order falling within paragraph 4(3) of that Schedule; and
    - (ii) a declaration in the prescribed form by the person making the request stating that the order has not been discharged by an order of a court; or
  - (g) in the case of a woman who is to be treated as a parent of the child by virtue of section 46(1) or (2) of the Human Fertilisation and Embryology Act 2008, if the condition in section 10ZA(2) of this Act is satisfied.]
- (2) On the re-registration of a birth under this section—
  - (a) the registrar shall sign the register;
    - [ in the case of any of the following requests—
    - <sup>F11</sup>(b)
      - (i) a request under subsection (1)(a) or (b) or subsection (1B)(a) or (b);
      - (ii) a request under subsection (1)(d), (e), (f) or (g) or subsection (1B)(d), (e) or (f) made by the mother of the child,
  - the mother shall also sign the register;
  - (bb) in a case within subsection (1)(ff) or (1B)(g), the mother or (as the case may be) the qualified informant shall also sign the register;
  - (c) in the case of a request made under subsection (1)(a) or (c) or a request made under subsection (1)(d), (e), (f) or (g) by the person requesting to be registered as the father of the child, that person shall also sign the register;
  - (cc) in the case of a request made under subsection (1B)(a) or (c) or a request made under subsection (1B)(d), (e) or (f) by a woman requesting to be registered as a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, that woman shall also sign the register; <sup>F12</sup>...]
  - <sup>F12</sup>(d) .....]

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### Textual Amendments

- F1** S. 10A substituted by [Family Law Reform Act 1987 \(c. 42, SIF 49:7\)](#), [s. 25](#)
- F2** S. 10A heading substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [s. 68\(2\)](#), [Sch. 6 para. 7\(2\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))
- F3** Words in s. 10A(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), [regs. 1\(2\)](#), [17\(3\)](#)
- F4** Words in s. 10A(1) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [s. 68\(2\)](#), [Sch. 6 para. 7\(3\)\(a\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))
- F5** S. 10A(1)(d)–(g) substituted (14.10.1991) for s. 10A(1)(d) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108\(4\)](#), [Sch. 12 para. 6\(2\)](#); S.I. 1991/828, [art. 3\(2\)](#)
- F6** Words in s. 10A(1)(d)(i) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), [s. 148\(1\)](#), [Sch. 3 para. 7\(a\)](#) (with [Sch. 4 paras. 6–8](#); S.I. 2003/3079, [art. 2\(2\)\(b\)](#))
- F7** Words in s. 10A(1)(d)(ii) substituted (1.12.2003) by [Adoption and Children Act 2002 \(c. 38\)](#), [s. 148\(1\)](#), [Sch. 3 para. 7\(b\)](#) (with [Sch. 4 paras. 6–8](#); S.I. 2003/3079, [art. 2\(2\)\(b\)](#))
- F8** S. 10A(1)(ff) substituted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [s. 68\(2\)](#), [Sch. 6 para. 7\(3\)\(b\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))
- F9** S. 10A(1A) inserted (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), [s. 108\(4\)](#), [Sch. 12 para. 6\(3\)](#); S.I. 1991/828, [art. 3\(2\)](#)
- F10** S. 10A(1B) inserted (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [s. 68\(2\)](#), [Sch. 6 para. 7\(4\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))
- F11** Ss. 10A(2)(b)–(cc) substituted for s. 10A(2)(b)(bb)(c) (6.4.2009 for specified purposes, 1.9.2009 in so far as not already in force) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), [s. 68\(2\)](#), [Sch. 6 para. 7\(5\)](#); S.I. 2009/479, [art. 6\(1\)\(e\)\(2\)](#) (with [art. 7](#), [Sch.](#))
- F12** S. 10A(2)(d) and word repealed (28.5.2012) by [Welfare Reform Act 2009 \(c. 24\)](#), [s. 61\(3\)](#), [Sch. 6 para. 12\(4\)](#), [Sch. 7 Pt. 5](#); S.I. 2012/1256, [art. 2\(2\)\(b\)](#)

### Modifications etc. (not altering text)

- C1** S. 10A applied (with modifications) (4.4.2005) by [Gender Recognition Act 2004 \(c. 7\)](#), [s. 26](#), [Sch. 3 para. 7\(1\)\(2\)](#); S.I. 2005/54, [art. 2](#)

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 10A(1)(b)(ii) substituted by 2009 c. 24 Sch. 6 para. 12(2)(a)
- s. 10A(1)(c)(ii) substituted by 2009 c. 24 Sch. 6 para. 12(2)(b)
- s. 10A(1B)(b)(ii) substituted by 2009 c. 24 Sch. 6 para. 12(3)(a)
- s. 10A(1B)(c)(ii) substituted by 2009 c. 24 Sch. 6 para. 12(3)(b)

**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. 1(2)(a)(aa) substituted for s. 1(2)(a) by 2009 c. 24 Sch. 6 para. 2(2) (This S.I. is amended by S.I. 2014/560, Sch. 1 para. 34 and S.I. 2019/1458, reg. 19(2)(a))
- s. 1(4) inserted by 2009 c. 24 Sch. 6 para. 2(4) (This S.I. is amended by S.I. 2019/1458, reg. 19(2)(b))
- s. 2A-2E inserted by 2009 c. 24 Sch. 6 para. 4 (This S.I. is amended by S.I. 2019/1458, reg. 19(4))
- s. 9(3A) inserted by 2009 c. 24 Sch. 6 para. 10(2) (This S.I. is amended by S.I. 2019/1458, reg. 19(5))
- s. 9(6) inserted by 2009 c. 24 Sch. 6 para. 10(3)
- s. 10(1)(h) and word inserted by 2009 c. 24 Sch. 6 para. 11(2)(d)
- s. 10(1B)(g) and word inserted by 2009 c. 24 Sch. 6 para. 11(3)(d)
- s. 10(1C) inserted by 2009 c. 24 Sch. 6 para. 11(4)
- s. 10(1C)s. 10(2)(b) words substituted by 2009 c. 24 Sch. 6 para. 11(5)
- s. 10(1C)s. 10(2A)(b) words substituted by 2009 c. 24 Sch. 6 para. 11(5)
- s. 10B10C inserted by 2009 c. 24 Sch. 6 para. 13 (This S.I. is amended by S.I. 2019/1458, reg. 19(7))
- s. 16(2)(ba) inserted by 2009 c. 25 Sch. 21 para. 8(2)(c)
- s. 16(4) inserted by 2009 c. 25 Sch. 21 para. 8(5)
- s. 17(2)(aa) inserted by 2009 c. 25 Sch. 21 para. 9(2)(b)
- s. 17(4) inserted by 2009 c. 25 Sch. 21 para. 9(4)
- s. 18(1) s. 18 renumbered as s. 18(1) by 2009 c. 25 Sch. 21 para. 10(5)
- s. 18(2) amendment to earlier affecting provision 2009 c. 25, Sch. 21 para. 10(5) by 2022 c. 35 s. 39(6)(a) (This amendment not applied to legislation.gov.uk. The insertion of s. 18(2) by 2009 c. 25, Sch. 21 para. 10(5) remains prospective.)
- s. 18(2) inserted by 2009 c. 25 Sch. 21 para. 10(5)
- s. 23(4) inserted by 2022 c. 35 s. 44
- s. 33A(1) words substituted by 2016 c. 19 Sch. 15 para. 27(a)
- s. 33A(3) omitted by 2016 c. 19 Sch. 15 para. 27(b)
- s. 36(aa) inserted by 2009 c. 24 Sch. 6 para. 15