

2003 No. 3048

**REGISTRATION OF BIRTHS, DEATHS,
MARRIAGES, ETC., ENGLAND AND WALES**

**The Registration of Births and Deaths (Amendment)
Regulations 2003**

Made - - - - - *27th November 2003*

Coming into force - - - - - *1st December 2003*

The Registrar General, in exercise of the powers conferred on him by sections 1(1), 9(2) and (5), 10A(1), 39 and 41 of the Births and Deaths Registration Act 1953(a) as extended by section 26(3) of the Welsh Language Act 1993(b) and of all other powers enabling him in that behalf, with the approval of the Chancellor of the Exchequer(c), hereby makes the following Regulations—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Registration of Births and Deaths (Amendment) Regulations 2003 and shall come into force on 1st December 2003.

(2) In these Regulations—

“the principal Regulations” means the Registration of Births and Deaths Regulations 1987(d);

“the Act” means the Births and Deaths Registration Act 1953;

“the Welsh Language Regulations” means the Registration of Births and Deaths (Welsh Language) Regulations 1987(e).

Amendment of regulation 9 of the principal Regulations

2. After regulation 9(4)(b) of the principal Regulations (entry of particulars on registration within three months from date of birth) there shall be inserted the following—

“(c) in the case of a request under section 10ZA of the Act (registration of father by virtue of certain provisions of the Human Fertilisation and Embryology Act 1990), the registrar shall enter in space 4, the name and surname as at the date of his death of the man who is to be treated for the purpose of section 28(5I) of the Human Fertilisation and Embryology Act 1990 as the father of the child.”.

(a) 1953 c. 20. See definitions of “the Ministers” and “prescribed” in section 41; section 1 was amended by the Children Act 1975 (c. 72) Schedule 3, paragraph 13(1); section 9 was amended by the Children Act 1975 section 93(3), by the Family Law Reform Act 1987 (c. 42) section 33(1), Schedule 2 paragraph 15, and Schedule 3 paragraph 1, by the Deregulation (Still-Birth and Death Registration) Order 1996 (S.I. 1996/2395) and by section 2(1) and paragraph 1 of the Schedule to the Human Fertilisation and Embryology (Deceased Fathers) Act 2003 (c. 24).

(b) 1993 c. 38.

(c) The approval of “the Minister” is required by section 39 of the Births and Deaths Registration Act 1953. The function of approving regulations was transferred to the Chancellor of the Exchequer by article 3(1) and paragraph 8(b) of Schedule 1 to the Transfer of Functions (Registration and Statistics) Order 1996 (S.I. 1996/273).

(d) S.I. 1987/2088, amended by S.I. 1988/638, S.I. 1989/497, S.I. 1991/2275, S.I. 1992/2753, S.I. 1994/1948, S.I. 1997/844 and 1997/1533.

(e) S.I. 1987/2089, amended by S.I. 1988/687, S.I. 1989/511, S.I. 1992/1504 and S.I. 1995/818.

Amendment of regulation 10 of the principal Regulations

3. After regulation 10(1)(b) of the principal Regulations (completion of registration), there shall be inserted the following—

- “(c) where an entry has been made under section 10ZA of the Act, the person making the request, in which case the registrar shall add after his signature the words “Pursuant to section 10ZA of the Births and Deaths Registration Act 1953.””.

Amendment of regulation 13 of the principal Regulations

4. After regulation 13(4)(b)(ii) of the principal Regulations (declaration and registration under section 9 of the Act), there shall be inserted the following—

- “(iii) if, pursuant to section 9(4)(A) of the Act, a request made under section 10ZA of the Act was included in the declaration, he shall after the words “by declaration dated . . .” add “Pursuant to section 10ZA of the Births and Deaths Registration Act 1953.””.

Amendment of regulation 17 of the principal Regulations

5.—(1) After regulation 17(2)(b)(v) of the principal Regulations (re-registration of birth), there shall be inserted the following—

- “(va) in a section 10A(1)(ff) case, add the words “Pursuant to section 10A(1)(ff) of the Births and Deaths Registration Act 1953;””.

(2) In regulation 17(4)(b)(ii) of the principal Regulations, after “(f)” insert “(ff)”, and after “(v)” insert “(va)”.

(3) After regulation 17(5)(c) of the principal Regulations, there shall be inserted the following—

- “(ca) in a section 10A(1)(ff) case, the mother,”.

(4) After regulation 17(5) of the principal Regulations, there shall be inserted the following—

- “(6) In a section 10A(1)(ff) case, any references in regulations 17(2), 17(3) and 17(4) to the “parent” shall be read as a reference to some other person who is a qualified informant in the case of the death or inability of the mother.”.

Amendment of regulation 34A of the principal Regulations

6. After regulation 34A(4)(c)(ii) of the principal Regulations (declaration and registration of a still-birth under section 9 of the Act), there shall be inserted the following—

- “(iii) if, pursuant to section 9(4A) of the Act, a request made under section 10ZA of the Act was included in the declaration, he shall after the words required by head (i) make the same addition as, on completion of registration under regulation 10, would be required under paragraph (1)(c) of regulation 10;”.

Amendment of Schedule 3 to the Registration of Births and Deaths (Welsh Language) Regulations 1987

7.—(1) Schedule 3 (prescribed words) of the Welsh Language Regulations shall be amended in accordance with the following provisions of this regulation.

(2) After the entries relating to “Reg 10(1)(b)(vii)”, there shall be inserted the following entries in columns 1, 2 and 3 respectively—

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>Form of words required</i>	<i>(3)</i> <i>Welsh version</i>
“Reg 10(1)(c)	Pursuant to section 10ZA of the Births and Deaths Registration Act 1953	Yn unol ag adran 10ZA Births and Deaths Registration Act 1953”

(3) After the entries relating to “Reg 13(4)(b)(ii)”, there shall be inserted the following entries in columns 1, 2 and 3 respectively—

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>Form of words required</i>	<i>(3)</i> <i>Welsh version</i>
“Reg 13(4)(b)(iii)	Pursuant to section 10ZA of the Births and Deaths Registration Act 1953	Yn unol ag adran 10ZA Births and Deaths Registration Act 1953”

(4) After the entries relating to “Reg 17(2)(b)(v)”, there shall be inserted the following entries in columns 1, 2 and 3 respectively—

<i>(1)</i> <i>Regulations</i>	<i>(2)</i> <i>Form of words required</i>	<i>(3)</i> <i>Welsh version</i>
“Reg 17(2)(b)(va)	Pursuant to section 10A(1)(ff) of the Births and Deaths Registration Act 1953	Yn unol ag adran 10A(1)(ff) Births and Deaths Registration Act 1953”

Given under my hand on 26th November 2003

Leonard Cook
Registrar General

I approve,

Signed by authority of the Chancellor of the Exchequer

27th November 2003

Ruth Kelly
Financial Secretary to the Treasury

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Registration of Births and Deaths Regulations 1987 and the Registration of Births and Deaths (Welsh Language) Regulations 1987 following the implementation of the Human Fertilisation and Embryology (Deceased Fathers) Act 2003, which allows a man to be registered as the father of a child conceived after his death using his sperm or an embryo created using his sperm either before or after his death. That Act also enables a man to be registered as the father of a child conceived after his death using an embryo created using donor sperm before his death. These provisions do not however allow the man to be treated in law as the father for any other purpose and the registration will not confer on the child any legal status or rights e.g. inheritance, nationality etc.

These Regulations impose no costs on business.

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