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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 50(9A) of the British Nationality Act 1981 (c. 61) establishes that, for the purposes of that Act, a child's father is (a) the husband, at the time of the child's birth, of the woman who gave birth to the child, or (b) a person who is treated as the father of the child under section 28 of the Human Fertilisation and Embryology Act 1990 (c. 37) or section 35 or 36 of the Human Fertilisation and Embryology Act 2008 (c. 22), or (ba) a person who is treated as a parent of the child under section 42 or 43 of the Human Fertilisation and Embryology Act 2008, or (c) where none of those paragraphs applies, any person who satisfies prescribed requirements as to proof of paternity. The British Nationality (Proof of Paternity) Regulations 2006 ("the 2006 Regulations") (S.I. 2006/1496) prescribe requirements as to proof of paternity for the purposes of section 50(9A)(c) of the British Nationality Act 1981.

Regulation 3 of these Regulations amends the 2006 Regulations so that, subject to the transitional provision set out in regulation 5 of these Regulations, being named as the father on a birth certificate issued within one year of the birth of the child is no longer a prescribed requirement as to proof of paternity. Instead, in all cases relying on section 50(9A)(c) to establish fatherhood, the person must satisfy the Secretary of State that he is the natural father of the child.

The amendments made by regulation 4 of these Regulations clarify that the Secretary of State may determine whether a person is the *natural* father of a child and list birth certificates as a further example of evidence to which the Secretary of State may have regard when doing so.

An impact assessment has not been produced for this instrument as no impact on the private or voluntary sector is foreseen.