

STATUTORY INSTRUMENTS

2006 No. 1496

BRITISH NATIONALITY

The British Nationality (Proof of Paternity) Regulations 2006

<i>Made</i>	<i>5th June 2006</i>
<i>Laid before Parliament</i>	<i>9th June 2006</i>
<i>Coming into force</i>	<i>1st July 2006</i>

The Secretary of State, in exercise of the powers conferred by section 50(9A) and (9B) of the British Nationality Act 1981[1], makes the following Regulations:

1. These Regulations may be cited as the British Nationality (Proof of Paternity) Regulations 2006 and shall come into force on 1st July 2006.

2. The following requirements are prescribed as to proof of paternity for the purposes of section 50(9A)(c) of the British Nationality Act 1981—

(a) the person must be named as the father of the child in a birth certificate issued within one year of the date of the child's birth; or

(b) the person must satisfy the Secretary of State that he is the father of the child.

3. The Secretary of State may determine whether a person is the father of a child for the purpose of regulation 2(b), and for this purpose the Secretary of State may have regard to any evidence which he considers to be relevant, including, but not limited to—

(a) DNA test reports; and

(b) court orders.

Liam Byrne
Minister of State

Home Office
5th June 2006

EXPLANATORY NOTE

(This note is not part of the Order)

Section 50(9A) of the British Nationality Act 1981 (as substituted by section 9 of the Nationality, Immigration and Asylum Act 2002) sets out who is a child's father for the purposes of that Act, as follows: (a) the husband, at the time of the child's birth, of the woman who gives 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, or (c) where neither of those paragraphs applies, any person who satisfies prescribed requirements as to proof of paternity.

Regulation 2 prescribes requirements as to proof of paternity for these purposes. The person must either be named on a birth certificate issued within one year of the birth of the child, or he must satisfy the Secretary of State that he is the father of the child. By regulation 3, in determining whether a person is the father of a child, the Secretary of State may have regard to any relevant evidence, including but not limited to DNA test reports and court orders.

Notes:

[1] 1981 c. 61; sections 50(9A) and (9B) were substituted by section 9 of the Nationality, Immigration and Asylum Act 2002 (c. 41).

ISBN 0 11 074662 7