

**Status of Children (Assisted Reproduction Technology) Act  
(CHAPTER 317A)**

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**STATUS OF CHILDREN (ASSISTED REPRODUCTION TECHNOLOGY)  
ACT**

**(CHAPTER 317A)**

(Original Enactment: Act 16 of 2013)

REVISED EDITION 2015

(31st May 2015)

An Act relating to the legal status of children conceived and born through assisted reproduction technology and for matters connected therewith.

[1st October 2014]

**PART 1**

**PRELIMINARY**

**Short title**

**1.** This Act may be cited as the Status of Children (Assisted Reproduction Technology) Act.

**Interpretation**

**2.—(1)** In this Act, unless the context otherwise requires —

“court” means the High Court or a Family Court;

“de facto partner”, in relation to a gestational mother (whether married or not) at a given point in time, means the man, if any, with whom the gestational mother is living in a relationship as if he were her spouse at that point in time;

“egg” means a live human egg and includes the cells of the female germ line at any stage of maturity but, except in the definition of “embryo”, shall not include an egg that is in the process of fertilisation or undergoing any other process capable of resulting in an embryo;

“embryo” means a live human embryo and includes an egg that is in the process of fertilisation or undergoing any other process capable of resulting in an embryo;

“fertilisation procedure” means —

- (a) the placing of an embryo or of sperm and eggs in a woman;
- (b) the artificial insemination of a woman; or
- (c) any other prescribed procedure for the assisted conception of children;

“gestational mother” means the woman who is treated as the mother of a child under section 6;

“sperm” means live human sperm and includes the cells of the male germ line at any stage of maturity.

[27/2014]

(2) Any reference in this Act to a marriage includes a reference to a void marriage if, at the time of such void marriage, both or either of the parties to the marriage reasonably believed that the marriage was valid.

### **Application and effect of this Act**

3.—(1) This Act shall apply only to a child born on or after 1 October 2014 as a result of a fertilisation procedure (whether done before, on or after 1 October 2014) and where —

- (a) the child is born in Singapore; or
- (b) any of the following persons is domiciled in Singapore on the date of the birth of the child:
  - (i) the gestational mother of the child;

- (ii) the husband, if any, of the gestational mother at the time of the fertilisation procedure as a result of which she carried the child;
- (iii) the de facto partner, if any, of the gestational mother at the time of the fertilisation procedure as a result of which she carried the child;
- (iv) the person whose sperm or egg the child was brought about with;
- (v) the person who consented to the fertilisation procedure.

(2) For the purposes of this Act, a citizen of Singapore shall be presumed to be domiciled in Singapore, unless the contrary is proved.

(3) Where a person is to be treated as the mother or the father of a child, as the case may be, by virtue of this Act, then, from the time that person is to be treated as the mother or the father of the child, as the case may be —

- (a) that person is to be treated in law as the mother or the father of the child, as the case may be, for all purposes;
- (b) no other person is to be treated in law as the mother or the father of the child, as the case may be, for any purpose;
- (c) any reference to any relationship between 2 persons in any law or document (whether enacted or made before, on or after 1 October 2014) shall be construed accordingly; and
- (d) without prejudice to the generality of paragraph (c) and unless the context otherwise requires, a reference in any written law to “natural parent” or “natural father” in relation to a child to whom this Act applies shall be construed as a reference to the parent or the father of the child, as the case may be, as determined under this Act, and a reference in any written law to “natural child” or “child” shall be construed accordingly.

(4) This Act shall not apply to a child to the extent that the child is treated by virtue of adoption as not being the child of any person other than the adopter or adopters.

(5) The application of this Act shall not by itself affect the citizenship of a child.

(6) To avoid doubt, nothing in this Act shall affect any right or remedy that a person may have against any other person in relation to a fertilisation procedure which resulted in the birth of a child.

## PART 2

### PARENTHOOD IN CASES INVOLVING ASSISTED REPRODUCTION TECHNOLOGY

#### **Consent to fertilisation procedure**

4. For the purposes of this Act —

- (a) a person shall be deemed not to have validly given or withdrawn his consent to a fertilisation procedure, whether done in Singapore or elsewhere, unless he gives or withdraws his consent, as the case may be, in writing; and
- (b) unless the contrary is proved, a person shall be presumed to have validly given or withdrawn his consent to a fertilisation procedure done in Singapore if he gives or withdraws his consent, as the case may be, to the fertilisation procedure —
  - (i) in writing; and
  - (ii) in accordance with any law or any condition imposed pursuant to any law, or any requirement or procedure imposed by the responsible authority, in respect of that fertilisation procedure.

#### **Person who provided egg or sperm not to be treated as parent**

5. Except as determined under this Act, where a child is brought about as a result of a fertilisation procedure —

- (a) the woman whose egg the child was brought about with shall not be treated as the mother of the child; and
- (b) the man whose sperm the child was brought about with shall not be treated as the father of the child.

#### **Gestational mother treated as mother**

6. Subject to section 9, where a woman has carried a child as a result of a fertilisation procedure, the woman shall be treated as the mother of the child from the date of the birth of the child, whether she was in Singapore or elsewhere at the time she underwent the fertilisation procedure.

#### **Husband treated as father**

7.—(1) Subject to subsection (7), where —