

*These notes refer to the Family Law Act (Northern Ireland)
2001 (c.12) which received Royal Assent on 17 July 2001*

Family Law Act (Northern Ireland) 2001

EXPLANATORY NOTES

OPTIONS CONSIDERED

9. The Consultation Paper put forward three options for reform in relation to the acquisition of parental responsibility by unmarried fathers, and views were invited on each, along with a number of subsidiary questions.
 - (1) The first option put forward for consideration was that all unmarried fathers should automatically have parental responsibility for their children. This would put unmarried fathers in exactly the same position as all mothers of their children and all married fathers.
 - (2) The second option discussed was that those unmarried fathers who jointly register with the mother the birth of the child should automatically acquire parental responsibility for those children. Given the figures quoted above this would establish a legal relationship between an unmarried father and his child in almost two-thirds of live births outside marriage each year in Northern Ireland. The reasons for adopting this approach are detailed below.
 - (3) The third option considered was that there should be no change to the law. It was considered whether perhaps the existing mechanisms had not yet had sufficient time to bed in, and that greater publicity about existing mechanisms through which an unmarried father could acquire parental responsibility would suffice at present.
10. The Consultation Paper also suggested that the law on the use of scientific tests to determine parentage should be updated to reflect advances in technology and that a statutory presumption of paternity should be introduced. Both of these suggestions are now incorporated in the Family Law Act (Northern Ireland) 2001. Other measures suggested in the Consultation Paper are now contained in the Child Support, Pensions and Social Security Act (Northern Ireland) 2001.