

*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

COMMENTARY ON SECTIONS

Section 1: Acquisition of parental responsibility by father or step-parent

This section amends the Children (Northern Ireland) Order 1995 and provides that an unmarried father who jointly registers the birth of his child with the child's mother shall have parental responsibility for that child. It also provides that a step-parent may apply to a court for an order conferring parental responsibility on the step-parent in relation to a child of his or her spouse. In both cases that parental responsibility may be terminated only by court order.

Subsection (2) amends the Children (Northern Ireland) Order 1995 to provide a positive statement that the unmarried father of a child acquires parental responsibility if he meets any of the three requirements listed and has not ceased to have it.

Subsection (3) makes provision for a step-parent acquiring parental responsibility. It also states that a step-parent who acquires parental responsibility as a result of a court order does not give that person the right to give consent (or agree) or refuse consent (or refuse to agree) to the making of an application or the making of certain orders under the Adoption (Northern Ireland) Order 1987; or to appoint a guardian for the child.

Subsection (4) lists the various statutory provisions under which registration of a child's birth in the United Kingdom will be recognized as conferring parental responsibility on an unmarried father.

Subsection (6) provides that a court considering an application for a parental responsibility order by either an unmarried father or a step-parent must have regard to the matters (welfare checklist) listed in Article 3(3) of the Children (Northern Ireland) Order 1995