



# Family Law Reform Act 1987

## CHAPTER 42

### FAMILY LAW REFORM ACT 1987

#### PART I

##### GENERAL PRINCIPLE

- 1 General principle.

#### PART II

##### RIGHTS AND DUTIES OF PARENTS ETC.

###### *Parental rights and duties: general*

- 2 Construction of enactments relating to parental rights and duties.
- 3 Agreements as to exercise of parental rights and duties.

###### *Parental rights and duties where parents not married*

- 4 Parental rights and duties of father.
- 5 Exercise of parental rights and duties.
- 6 Appointment of guardians.
- 7 Rights with respect to adoption.
- 8 Rights where child in care etc.
- 9 Consent to marriages.

...

- 10 Orders for custody on application of either parent.
- 11 Orders for custody in guardianship cases.

*Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1987. (See end of Document for details)*

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- . . .
- 12 Orders for financial relief on application of either parent.
  - 13 Orders for financial relief in guardianship cases.
  - 14 Orders for financial relief for persons over eighteen.

- . . .
- 15 Alteration during lives of parties.
  - 16 Alteration after death of one party.

*Supplemental*

- 17 Abolition of affiliation proceedings.

**PART III**

PROPERTY RIGHTS

- 18 Succession on intestacy.
- 19 Dispositions of property.
- 20 No special protection for trustees and personal representatives.
- 21 Entitlement to grant of probate etc.

**PART IV**

DETERMINATION OF RELATIONSHIPS

- 22 Declarations of parentage.
- 23 Provisions as to scientific tests.

**PART V**

REGISTRATION OF BIRTHS

- 24 Registration of father where parents not married.
- 25 Re-registration where parents not married.
- 26 Re-registration after declaration of parentage.

**PART VI**

MISCELLANEOUS AND SUPPLEMENTAL

*Miscellaneous*

- 27 Artificial insemination.
- 28 Children of void marriages.
- 29 Evidence of paternity in civil proceedings.

*Supplemental*

- 30 Orders applying section 1 to other enactments.
- 31 Interpretation.
- 32 Text of 1971 Act as amended.
- 33 Amendments, transitional provisions, savings and repeals.
- 34 Short title, commencement and extent.

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SCHEDULES  
SCHEDULE 1 — TEXT OF 1971 ACT AS AMENDED  
ARRANGEMENT OF SECTIONS

*General principles*

- 1 Principle on which questions relating to custody, upbringing etc. of...

*Appointment, removal and powers of guardians*

- 3 Rights of surviving parent as to guardianship.  
4 Power of father and mother to appoint testamentary guardians.  
5 Power of court to appoint guardian for child having no...  
6 Power of High Court to remove or replace guardian.  
7 Disputes between joint guardians.

*Orders for custody and financial relief*

- 9 Orders for custody on application of either parent.  
10 Orders for custody in guardianship cases.  
11A Further provisions relating to orders for custody.  
11B Orders for financial relief on application of either parent.  
11C Orders for financial relief in guardianship cases.  
11D Orders for financial relief for persons over eighteen.  
12 Duration of orders for periodical payments.  
12A Matters to which court is to have regard in making...  
12B Provisions relating to lump sums.  
12C Variation etc. of orders for periodical payments.  
12D Variation of orders for secured periodical payments after death of...  
13 Enforcement of orders for custody and maintenance.  
13A Restriction on removal of child from England and Wales.  
13B Direction for settlement of instrument by conveyancing counsel.

*Access to children by grandparents*

- 14A Access to children by grandparents.

*Jurisdiction and procedure*

- 15 Courts having jurisdiction under this Act.  
15A Financial provision for child resident in country outside England and...  
16 Appeals and procedure.  
17 Saving for powers of High Court and other courts.

*Supplementary*

- 20 Short title, interpretation, extent and commencement. An Act to consolidate...

*(Formal enacting words)*

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### *General principles*

- 1 Principle on which questions relating to custody, upbringing etc. of children are to be decided.

### *Appointment, removal and powers of guardians*

- 3 Rights of surviving parent as to guardianship.
- 4 Power of father and mother to appoint testamentary guardians.
- 5 Power of court to appoint guardian for child having no parent etc.
- 6 Power of High Court to remove or replace guardian.
- 7 Disputes between joint guardians.

### *Orders for custody and financial relief*

- 9 Orders for custody on application of either parent.
- 10 Orders for custody in guardianship cases.
- 11A Further provisions relating to orders for custody.
- 11B Orders for financial relief on application of either parent.
- 11C Orders for financial relief in guardianship cases.
- 11D Orders for financial relief for persons over eighteen.
- 12 Duration of orders for periodical payments.
- 12A Matters to which court is to have regard in making orders for financial relief.
- 12B Provisions relating to lump sums.
- 12C Variation etc, of orders for periodical payments.
- 12D Variation of order for secured periodical payments after death of parent.
- 13 Enforcement of orders for custody and maintenance.
- 13A Restriction on removal of child from England and Wales.
- 13B Direction for settlement of instrument by conveyancing counsel.

### *Access to children by grandparents*

- 14A Access to children by grandparents.

### *Jurisdiction and Procedure*

- 15 Courts having jurisdiction under this Act.
- 15A Financial provision for child resident in country outside England and Wales.
- 17 Saving for powers of High Court and other courts.

### *Supplementary*

- 20 Short title, interpretation and extent.

## SCHEDULE 2 — MINOR AND CONSEQUENTIAL AMENDMENTS

### *The Maintenance Orders (Facilities for Enforcement) Act 1920 (c.33)*

- 1 In Section 6(2) of the Maintenance Orders (Facilities for Enforcement)...

### *The Trustee Act 1925 (c.19)*

- 2 At the end of section 33 of the Trustee Act...

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*The Administration of Estates Act 1925 (c.23)*

- 3 At the end of section 50 of the Administration of...
- 4 At the end of section 52 of that Act there...

*The National Assistance Act 1948 (c.29)*

- 5 In ... the National Assistance Act 1948 ...
- 6 In section 43 of that Act (recovery of cost of...
- 7 Section 44 of that Act (affiliation orders) shall cease to...
- 8 In section 56(1) of that Act (legal proceedings), after the...

*The Marriage Act 1949 (c.76)*

- 9 In the Marriage Act 1949 for the words “an infant”,...
- 10 In section 78 of that Act— (a) in subsection (1)...
- 11 .....

*The Maintenance Orders Act 1950 (c. 37)*

- 12 In section 16(2)(a) of the Maintenance Orders Act 1950—
- 13 In section 18 of that Act for subsection (2) there...

...

- 14 .....

*The Births and Deaths Registration Act 1953 (c. 20)*

- 15 In section 9(4) of the 1953 Act for “(b) or...
- 16 In the proviso to section 14(1) of that Act—
- 17 In section 34(2) of that Act for the words “required...

*The Maintenance Orders Act 1958 (c. 39)*

- 18 In section 3 of the Maintenance Orders Act 1958 for...

*The Domestic and Appellate Proceedings (Restriction of Publicity) Act 1968 (c. 63)*

- 19 In section 2 of the Domestic and Appellate Proceedings (Restriction...

*The Family Law Reform Act 1969 (c. 46)*

- 20 .....
- 21 In section 20(6) of that Act, for the words “blood...
- 22 In section 21 of that Act, for the words “blood...
- 23 (1) Section 22(1) of that Act shall be amended as...
- 24 In section 23 of that Act— (a) in subsection (2),...
- 25 In section 24 of that Act, for the words “blood...

*The Children and Young Persons Act 1969 (c.54)*

- 26 .....

*The Administration of Justice Act 1970 (c.31)*

- 27 In Schedule 8 to the Administration of Justice Act 1970—...

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*The Guardianship of Minors Act 1971 (c.3)*

- 28 Without prejudice to any other amendment of the 1971 Act...
- 29 In section 5(2) of that Act for the words from...
- 30 In section 11A of that Act for the words “section...
- 31 (1) Section 12 of that Act shall be amended as...
- 32 In section 12A of that Act for the words “section...
- 33 (1) Section 12B of that Act shall be amended as...
- 34 (1) Section 12C of that Act shall be amended as...
- 35 After that section there shall be inserted the following section—...
- 36 In section 13 of that Act for subsection (3) there...
- 37 In section 13A(1) of that Act, for the words “section...
- 38 After that section there shall be inserted the following section—...
- 39 Section 14 of that Act and the heading preceding that...
- 40 (1) Section 14A of that Act shall be amended as...
- 41 (1) Section 15A of that Act shall be amended as...
- 42 In section 16(8) of that Act for the words “section...
- 43 In section 20 of that Act for subsection (2) there...

*The Attachment of Earnings Act 1971 (c.32)*

- 44 In Schedule 1 to the Attachment of Earnings Act 1971—...

*The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c.18)*

- 45 In section 8 of the Maintenance Orders (Reciprocal Enforcement) Act...
- 46 .....
- 47 In section 28 of that Act after “19(1)(ii)” there shall...
- 48 In section 28A(3) of that Act, in paragraph (e) after...
- 49 (1) Section 30 of that Act shall be amended as...
- 50 In section 33 of that Act, for subsection (3) there...
- 51 .....

*The Matrimonial Causes Act 1973 (c.18)*

- 52 In section 27 of the Matrimonial Causes Act 1973 for...

*The Guardianship Act 1973 (c.29)*

- 53 Without prejudice to any other amendment of Part I of...
- 54 (1) Section 2 of that Act shall be amended as...
- 55 In section 4 of that Act— (a) in subsection (3)...
- 56 (1) Section 5 of that Act shall be amended as...
- 57 In section 5A of that Act for subsections (1) and...
- 58 Before section 9 of that Act there shall be inserted...

*The Social Security Act 1975 (c.14)*

- 59 .....

*The Children Act 1975 (c.72)*

- 60 In section 33 of the Children Act 1975, after subsection...
- 61 (1) Section 34 of that Act shall be amended as...
- 62 In section 35 of that Act, for subsection (10) there...
- 63 In section 36 of that Act, subsection (5A) shall cease...

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- 64 In section 37(3) of that Act, for the words “section...
- 65 In section 43 of that Act, for subsection (3) there...
- 66 Section 45 of that Act (affiliation order on application of...

...

- 67 .....
- 68 .....

*The Domestic Proceedings and Magistrates’ Courts Act 1978 (c.22)*

- 69 After section 20 of the Domestic Proceedings and Magistrates’ Courts...
- 70 In section 32 of that Act, for subsection (1) there...
- 71 In section 88(1) of that Act, after the definition of...
- 72 In Schedule 1 to that Act— (a) after paragraph 3...

*The Interpretation Act 1978 (c.30)*

- 73 At the end of Schedule 1 to the Interpretation Act...
- 74 In paragraph 4 of Schedule 2 to that Act, the...

*The Child Care Act 1980 (c.5)*

- 75 In section 47 of that Act, for subsection (4) there...
- 76 Sections 49 and 50 of that Act (affiliation orders) shall...
- 77 In section 55 of that Act— (a) subsection (3) shall...
- 78 In section 86 of that Act for paragraphs (a) and...
- 79 (1) Section 87 of that Act shall be amended as...

*The Magistrates’ Courts Act 1980 (c.43)*

- 80 In section 58(2)(a) of the Magistrates’ Courts Act 1980, for...
- 81 In section 64 of that Act, for subsection (4) there...
- 82 In section 65(1) of that Act, after paragraph (1) there...
- 83 In section 80(1) of that Act, for the words “an...
- 84 In section 93(1) of that Act, for the words “an...
- 85 In section 94 of that Act, for the words “an...
- 86 In section 95 of that Act, for the words “an...
- 87 In section 100 of that Act, for paragraph (b) there...
- 88 In section 150(1) of that Act— (a) the definition of...

*The Civil Jurisdiction and Judgments Act 1982 (c.27)*

- 89 (1) Section 5 of the Civil Jurisdiction and Judgments Act...

*The Child Abduction and Custody Act 1985 (c.60)*

- 90 In Schedule 3 to the Child Abduction and Custody Act...

*The Social Security Act 1986 (c.50)*

- 91 .....
- 92 .....
- 93 .....

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*The Family Law Act 1986 (c.55)*

- 94 .....
- 95 .....
- 96 At the end of section 60(2)(c) of that Act (supplementary...

SCHEDULE 3 — Transitional Provisions and Savings

*Applications pending under amended or repealed enactments*

- 1 This Act (including the repeals and amendments made by it)...

*References to provisions of Adoption Act 1976*

- 2 In relation to any time before the coming into force...
- 3 In relation to any time before the coming into force...
- 4 In relation to any time before the coming into force...
- 5 In relation to any time before the coming into force...

*Affiliation orders*

- 6 (1) Neither section 17 of this Act nor any associated...
- 7 Where— (a) an application is made to the High Court...

*Property rights*

- 8 The repeal by this Act of section 14 of the...
- 9 The repeal by this Act of section 15 of the...
- 10 The repeal by this Act of section 17 of the...

...

- 11 .....
- 12 .....

SCHEDULE 4 — Repeals



**Changes to legislation:**

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