



Family Law Reform Act 1987

1987 CHAPTER 42

PART II

RIGHTS AND DUTIES OF PARENTS ETC.

Parental rights and duties: general

2 Construction of enactments relating to parental rights and duties.

(1) In the following enactments, namely—

- ^{F1}(a)
- (b) section 6 of the Family Law Reform Act ^{M1}1969;
- (c) the Guardianship of Minors Act ^{M2}1971 (in this Act referred to as “the 1971 Act”);
- (d) Part I of the Guardianship Act 1973 (in this Act referred to as “the 1973 Act”);
- (e) Part II of the Children Act 1975;
- (f) the Child Care Act 1980 except Part I and sections 13, 24, 64 and 65;
- ^{F2}(g)

references (however expressed) to any relationship between two persons shall be construed in accordance with section 1 above.

(2) In subsection (7) of section 1 of the 1973 Act (equality of parental rights) for the words from “or be taken” to the end there shall be substituted the words “ and nothing in subsection (1) above shall be taken as applying in relation to a child whose father and mother were not married to each other at the time of his birth ”.

Textual Amendments

- F1** S. 2(1)(a) repealed (6.4.2009 except in relation to local authorities in W. except in relation to local authorities in W., 6.4.2009 for W.) by [Health and Social Care Act 2008 \(c. 14\)](#), s. 170(3)(4), [Sch. 15 Pt. 5](#) (with [Sch. 13](#)); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c); S.I. 2009/462, art. 4(c); S.I. 2009/631, art. 2(c)

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

- F2** S. 2(1)(g) repealed (01.07.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 3, 7(2), [Sch. 1](#) (subject as mentioned (06.03.1992) in [Local Government Finance Act 1992 \(c. 14\)](#), [s. 118\(5\)\(7\)](#) (with [s. 118\(1\)\(2\)\(4\)](#))).

Marginal Citations

- M1** 1969 c. 36.
M2 1971 c. 3.

F3

Textual Amendments

- F3** S. 3 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

[^{F4} Parental rights and duties where parents not married]

Textual Amendments

- F4** Ss. 4–7 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

F5

Textual Amendments

- F5** S. 4 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

F6

Textual Amendments

- F6** S. 5 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

F7

Textual Amendments

- F7** S. 6 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with [Sch. 14 paras. 1\(1\), 27\(4\)](#)); [S.I. 1991/828](#), [art. 3\(2\)](#)

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

F87

Textual Amendments

F8 S. 7 repealed (14.10.1991) by [Children Act 1989](#) (c. 41, SIF 20), s. 108, [Sch. 15](#) (with [Sch. 14](#) paras. 1(1), 27(4)); [S.I. 1991/828](#), [art. 3\(2\)](#)

8 Rights where child in care etc.

F9(1)

(2) In section 8 of the ^{M3}Child Care Act 1980 (application of Part I to children subject to orders of court), for subsection (2) there shall be substituted the following subsections—

“(2) Subject to subsection (3) below, where an order of any court is in force giving the right to the actual custody of a child to any person, the provisions of this Part of this Act shall have effect in relation to the child as if for references to the parents or guardians of the child or to a parent or guardian of his there were substituted references to that person.

(3) Where, in the case of a child whose father and mother were not married to each other at the time of his birth, an order is in force under section 4 of the Family Law Reform Act 1987 by virtue of which actual custody is shared between the mother and the father, both the mother and the father shall be treated as parents of the child for the purposes of the provisions of this Part.

(4) In this section “actual custody”, in relation to a child, means actual possession of his person.”

(3) In section 13 of that Act (penalty for assisting children in care to run away etc.), for subsection (4) there shall be substituted the following subsection—

“(4) Subsections (2) and (3) of section 8 of this Act shall apply for the purposes of this section as they apply for the purposes of the provisions of Part I of this Act.”

(4) In section 24 of that Act (emigration of children), after subsection (4) there shall be inserted the following subsection—

“(4A) Subsection (2) and (3) of section 8 of this Act shall apply for the purposes of the provisions of Part I of this Act.”

(5) At the end of section 64 of that Act (transfer of parental rights and duties to voluntary organisations) there shall be added the following subsection—

“(8) Subsections (2) and (3) of section 8 of this Act shall apply for the purposes of this section and section 65 of this Act as they apply for the purposes of the provisions of Part I of this Act.”

Textual Amendments

F9 S. 8(1) repealed (30.9.1998) by [1998 c. 37](#), s. 120(2), [Sch. 10](#); [S.I. 1998/2327](#), [art. 2\(1\)\(aa\)\(3\)\(q\)](#)

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

Marginal Citations

M3 1980 c. 5

F10⁹

Textual Amendments

F10 S. 9 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F11 . . .

Textual Amendments

F11 Ss. 10-11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F12¹⁰

Textual Amendments

F12 S. 10 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), S. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F13¹¹

Textual Amendments

F13 S. 11 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F14 . . .

Textual Amendments

F14 S. 12-14 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F15¹²

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

Textual Amendments

- F15** S. 12 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#) s. 108 Sch.15 (with Sch. 14 paras. 1(1), 27(4)); S.I 1991/828, art. 3(2)

F16 **13**

Textual Amendments

- F16** S. 13 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch.15](#) (with Sch. 14 paras. 1(1), 27(4)); S.I 1991/828, art. 3(2)

F17 **14**

Textual Amendments

- F17** S. 14 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch. 15](#) (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, [art. 3\(2\)](#)

F18 ...

Textual Amendments

- F18** S. 15-16 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch.15](#) (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, [art. 3\(2\)](#)

F19 **15**

Textual Amendments

- F19** S. 15 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch.15](#) (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, [art. 3\(2\)](#)

F20 **16**

Textual Amendments

- F20** S. 16 repealed (14.10.1991) by [Children Act 1989 \(c. 41, SIF 20\)](#), s. 108, [Sch.15](#) (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, [art. 3\(2\)](#)

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

Supplemental

17 Abolition of affiliation proceedings.

The ^{M4}Affiliation Proceedings Act 1957 (the provisions of which are superseded by this Part) shall cease to have effect.

Marginal Citations

M4 1957 c. 55.

Changes to legislation:

There are currently no known outstanding effects for the Family Law Reform Act 1987, Part II.