



# Children Act 1989

## 1989 CHAPTER 41

### PART I

#### INTRODUCTORY

#### **4 Acquisition of parental responsibility by father.**

- (1) Where a child's father and mother were not married to [<sup>F1</sup>, or civil partners of,] each other at the time of his birth [<sup>F2</sup>, the father shall acquire parental responsibility for the child if—
- (a) he becomes registered as the child's father under any of the enactments specified in subsection (1A);
  - (b) he and the child's mother make an agreement (a "parental responsibility agreement") providing for him to have parental responsibility for the child; or
  - (c) the court, on his application, orders that he shall have parental responsibility for the child.]

[<sup>F3</sup>(1A) The enactments referred to in subsection (1)(a) are—

- (a) paragraphs (a), (b) and (c) of section 10(1) and of section 10A(1) of the Births and Deaths Registration Act 1953;
- (b) paragraphs (a), (b)(i) and (c) of section 18(1), and sections 18(2)(b) and 20(1)(a) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965; and
- (c) sub-paragraphs (a), (b) and (c) of Article 14(3) of the Births and Deaths Registration (Northern Ireland) Order 1976.

(1B) The [<sup>F4</sup>Secretary of State] may by order amend subsection (1A) so as to add further enactments to the list in that subsection.]

- (2) No parental responsibility agreement shall have effect for the purposes of this Act unless—
- (a) it is made in the form prescribed by regulations made by the Lord Chancellor; and

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*Changes to legislation: Children Act 1989, Section 4 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) where regulations are made by the Lord Chancellor prescribing the manner in which such agreements must be recorded, it is recorded in the prescribed manner.

[<sup>F5</sup>(2A) A person who has acquired parental responsibility under subsection (1) shall cease to have that responsibility only if the court so orders.

- (3) The court may make an order under subsection (2A) on the application—
- (a) of any person who has parental responsibility for the child; or
  - (b) with the leave of the court, of the child himself,
- subject, in the case of parental responsibility acquired under subsection (1)(c), to section 12(4).]
- (4) The court may only grant leave under subsection (3)(b) if it is satisfied that the child has sufficient understanding to make the proposed application.

#### Textual Amendments

- F1** Words in s. 4(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **15(3)**
- F2** Words in s. 4(1) substituted (1.12.2003) by 2002 c. 38, ss. 111(2), 148 (with Sch. 4 paras. 6-8); S.I. 2003/3079, **art. 2(2)(a)**
- F3** S. 4(1A)(1B) inserted (1.12.2003) by 2002 c. 38, ss. 111(3), 148 (with Sch. 4 paras. 6-8); S.I. 2003/3079, **art. 2(2)(a)**
- F4** Words in s. 4(1B) substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 6, **Sch. para. 1**
- F5** S. 4(2A)(3) substituted (1.12.2003) for s. 4(3) by 2002 c. 38, ss. 111(4), 148 (with Sch. 4 paras. 6-8); S.I. 2003/3079, **art. 2(2)(a)**

#### Modifications etc. (not altering text)

- C1** S. 4(1B): transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), **arts. 3(a), 4**

#### Commencement Information

- I1** S. 4 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

Children Act 1989, Section 4 is up to date with all changes known to be in force on or before 18 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 4(1)(a) words inserted by [2009 c. 24 Sch. 6 para. 21\(2\)](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)