



Adoption and Children Act 2002

2002 CHAPTER 38

PART 2

AMENDMENTS OF THE CHILDREN ACT 1989

111 Parental responsibility of unmarried father

- (1) Section 4 of the 1989 Act (acquisition of responsibility by the father of a child who is not married to the child's mother) is amended as follows.
- (2) In subsection (1) (cases where parental responsibility is acquired), for the words after "birth" there is substituted " , 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."
- (3) After that subsection there is inserted—
 - (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 Lord Chancellor may by order amend subsection (1A) so as to add further enactments to the list in that subsection."

Changes to legislation: *Adoption and Children Act 2002, Section 111 is up to date with all changes known to be in force on or before 17 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*

(4) For subsection (3) there is substituted—

“(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).”

(5) Accordingly, in section 2(2) of the 1989 Act (a father of a child who is not married to the child’s mother shall not have parental responsibility for the child unless he acquires it in accordance with the provisions of the Act), for the words from “shall not” to “acquires it” there is substituted “ shall have parental responsibility for the child if he has acquired it (and has not ceased to have it) ”.

(6) In section 104 of the 1989 Act (regulations and orders)—

- (a) in subsection (2), after “section” there is inserted “ 4(1B), ”, and
- (b) in subsection (3), after “section” there is inserted “ 4(1B) or ”.

(7) Paragraph (a) of section 4(1) of the 1989 Act, as substituted by subsection (2) of this section, does not confer parental responsibility on a man who was registered under an enactment referred to in paragraph (a), (b) or (c) of section 4(1A) of that Act, as inserted by subsection (3) of this section, before the commencement of subsection (3) in relation to that paragraph.

Commencement Information

II S. 111 in force at 1.12.2003 by [S.I. 2003/3079](#), [art. 2\(2\)\(a\)](#)

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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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; [S.I. 2013/2200 art. 2\(a\)](#))