

Excerpts from Children Act 1989

(emphasis in **bold** added)

1 Welfare of the child

(1) When a court determines any question with respect to

(a) the upbringing of a child; or

(b) the administration of a child's property or the application of any income arising from it,

the **child's welfare shall be the court's paramount consideration.**

(2) (...)

(3) In the circumstances mentioned in subsection (4), a court shall have regard in particular to—

(a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);

(b) his physical, emotional and educational needs;

(c) the likely effect on him of any change in his circumstances;

(d) his age, sex, background and any characteristics of his which the court considers relevant;

(e) any harm which he has suffered or is at risk of suffering;

(f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;

(g) the range of powers available to the court under this Act in the proceedings in question.

(4) (...)

(5) Where a court is considering whether or not to make one or more orders under this Act with respect to a child, it shall not make the order or any of the orders unless it considers that doing so would be better for the child than making no order at all.

2 Parental responsibility for children

(1) Where a child's father and mother were **married to each other** at the time of his birth, they shall each have parental responsibility for the child.

(1A) Where a child

(a) has a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008; or

(b) has a parent by virtue of section 43 of that Act and is a person to whom section 1(3) of the Family Law Reform Act 1987 applies,

the child's mother and the other parent shall each have parental responsibility for the child.

(2) Where a child's father and mother **were not married to each other** at the time of his birth

(a) the mother shall have parental responsibility for the child;

(b) the father [shall have parental responsibility for the child if he has acquired it (and has not ceased to have it)] in accordance with the provisions of this Act.

(2A) Where a child has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and is not a person to whom section 1(3) of the Family Law Reform Act 1987 applies

(a) the mother shall have parental responsibility for the child;

(b) the other parent shall have parental responsibility for the child if she has acquired it (and has not ceased to have it) in accordance with the provisions of this Act.

(3)-4 (...)

(5) **More than one person may have parental responsibility** for the same child at the same time.

(6) A person who has parental responsibility for a child at any time **shall not cease to have that responsibility solely because some other person subsequently acquires parental responsibility for the child.**

(7) Where more than one person has parental responsibility for a child, **each of them may act alone and without the other (or others) in meeting that responsibility;** but nothing in this Part shall be taken to affect the **operation of any enactment which requires the consent** of more than one person in a matter affecting the child.

(8) The fact that a person has parental responsibility for a child **shall not entitle him to act in any way which would be incompatible with any order** made with respect to the child under this Act.

(9)-(11) (...)

3 Meaning of 'parental responsibility'

(1) In this Act 'parental responsibility' means **all the rights, duties, powers, responsibilities and authority** which by law a parent of a child has in relation to the child and his property.

(2)-(4) (...)

(5) A person who

(a) does not have parental responsibility for a particular child; but

(b) has care of the child,

may (subject to the provisions of this Act) **do what is reasonable** in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.

4 Acquisition of parental responsibility by father

(1) Where a child's father and mother were **not married to each other at the time of his birth**, 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.

(1A) (...) (*lists the enactments dealing with birth registration*)

(1B)-(2) (...)

(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.

4ZA Acquisition of parental responsibility by second female parent

(...) (*essentially the same as section 4, just for the second female parent*)

4A Acquisition of parental responsibility by step-parent

(1) Where a child's parent ('parent A') who has parental responsibility for the child is **married to, or a civil partner of, a person who is not the child's parent ('the step-parent')**

(a) parent A or, if the other parent of the child also has parental responsibility for the child, **both parents may by agreement** with the step-parent provide for the step-parent to have parental responsibility for the child; or

(b) the **court** may, on the application of the step-parent, order that the step-parent shall have parental responsibility for the child.

(2) (...)

(3) A parental responsibility agreement under subsection (1)(a), or an order under subsection (1)(b), **may only be brought to an end by an order of the court** made 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.

(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.

(...)

8 Child arrangements orders and other orders with respect to children.

(1) In this Act

“**child arrangements order**” means an order regulating arrangements relating to any of the following

(a) with whom a child is to live, spend time or otherwise have contact, and

(b) when a child is to live, spend time or otherwise have contact with any person;

“a **prohibited steps order**” means an order that no step which could be taken by a parent in meeting his parental responsibility for a child, and which is of a kind specified in the order, shall be taken by any person without the consent of the court;

“a **specific issue order**” means an order giving directions for the purpose of determining a specific question which has arisen, or which may arise, in connection with any aspect of parental responsibility for a child.

(2) In this Act “a section 8 order” means any of the orders mentioned in subsection (1) and any order varying or discharging such an order.

(...)

12 Child arrangements orders and parental responsibility.

(1) Where

(a) the court makes a **child arrangements order** with respect to a child,

(b) the **father** of the child, or a **woman who is a parent** of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, is **named in the order as a person with whom the child is to live**, and

(c) the father, or the woman, **would not otherwise have parental responsibility** for the child, the court **must also make an order** under section 4 giving the father, or under section 4ZA giving the woman, that responsibility.

(1A) Where

(a) the court makes a **child arrangements order** with respect to a child,

(b) the **father** of the child, or a **woman who is a parent** of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, is **named in the order as a person with whom the child is to spend time or otherwise have contact** but is not named in the order as a person with whom the child is to live, and

(c) the father, or the woman, **would not otherwise have parental responsibility** for the child, the court **must decide whether it would be appropriate**, in view of the provision made in the order with respect to the father or the woman, for him or her to have parental responsibility for the child and, if it decides that it would be appropriate for the father or the woman to have that responsibility, must also make an order under section 4 giving him, or under section 4ZA giving her, that responsibility.

(2) Where the court makes a **child arrangements order** and a **person who is not a parent or guardian of the child concerned is named in the order as a person with whom the child is to live**, that person shall have **parental responsibility for the child while the order remains in force** so far as providing for the child to live with that person.

(2A) Where the court makes a **child arrangements order** and

(a) a person who is not the parent or guardian of the child concerned is named in the order as a person with whom the **child is to spend time or otherwise have contact**, but

(b) the person is not named in the order as a person with whom the child is to live,

the court may provide in the order for the person to have parental responsibility for the child while paragraphs (a) and (b) continue to be met in the person's case.

13 Change of child's name or removal from jurisdiction.

(1) Where a **child arrangements order to which subsection (4) applies** is in force with respect to a child, no person may

- (a) **cause the child to be known by a new surname;** or
- (b) **remove him from the United Kingdom;**

without either the written consent of every person who has parental responsibility for the child or the leave of the court.

(2) Subsection (1)(b) does not prevent the removal of a child, for a **period of less than one month**, by a person named in the child arrangements order as a person with whom the child is to live .

(3) In making a child arrangements order to which subsection (4) applies, the court may grant the leave required by subsection (1)(b), either generally or for specified purposes.

(4) This subsection applies to a child arrangements order if the arrangements regulated by the order consist of, or include, arrangements which relate to either or both of the following

- (a) **with whom the child concerned is to live,** and
- (b) when the child is to live with any person.

Excerpt from the Child Abduction Act 1984

(emphasis in bold added)

1 Offence of abduction of child by parent, etc.

(1) Subject to subsections (5) and (8) below, a person connected with a child under the age of sixteen commits an offence if he takes or sends the child out of the United Kingdom **without the appropriate consent**.

(2) A person is **connected** with a child for the purposes of this section if

- (a) he is a parent of the child; or
- (b) in the case of a child whose parents were not married to each other at the time of his birth, there are reasonable grounds for believing that he is the father of the child; or
- (c) he is a guardian of the child; or
- (ca) he is a special guardian of the child; or
- (d) he is a person named in a child arrangements order as a person with whom the child is to live; or
- (e) he has custody of the child.

(3) In this section 'the **appropriate consent**', in relation to a child, means

- (a) the consent of each of the following—
 - (i) The child's **mother**;
 - (ii) the child's **father, if he has parental responsibility** for him;
 - (iii) any guardian of the child;
 - (iiia) any special guardian of the child;
 - (iv) any person named in a child arrangements order as a person with whom the child is to live;
 - (v) any person who has custody of the child; or (...)