



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—
- (a) section 42(1) of the ^{M1}National Assistance Act 1948;
 - (b) section 6 of the Family Law Reform Act ^{M2}1969;
 - (c) the Guardianship of Minors Act ^{M3}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;
 - (g) section 26(3) of the Social Security Act 1986,

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”.

Marginal Citations

- M1** 1948 c. 29.
M2 1969 c. 36.
M3 1971 c. 3.

Status: Point in time view as at 14/10/1991.

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)

F1³

Textual Amendments

F1 S. 3 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

[^{F2} Parental rights and duties where parents not married]

Textual Amendments

F2 Ss. 4–7 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch.15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F3⁴

Textual Amendments

F3 S.4 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F4⁵

Textual Amendments

F4 S. 5 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F5⁶

Textual Amendments

F5 S. 6 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

F6⁷

Textual Amendments

F6 S. 7 repealed (14.10.1991) by Children Act 1989 (c. 41, SIF 20), s. 108, **Sch. 15** (with Sch. 14 paras. 1(1), 27(4)); S.I. 1991/828, **art. 3(2)**

Status: Point in time view as at 14/10/1991.

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)

8 Rights where child in care etc.

- (1) In section 70 of the Children and Young Persons Act 1969 (interpretation), after subsection (1) there shall be inserted the following subsection—

“(1A) 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 of any court is in force giving the right to the actual custody of the child to the father, any reference in this Act to the parent of the child includes, unless the contrary intention appears, a reference to the father.

In this subsection “actual custody”, in relation to a child, means actual possession of his person.”

- (2) In section 8 of the ^{M4}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.”

Marginal Citations

M4 1980 c. 5

Status: Point in time view as at 14/10/1991.

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)

F79

Textual Amendments
F7 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)**

F8 . . .

Textual Amendments
F8 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)**

F910

Textual Amendments
F9 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)**

F1011

Textual Amendments
F10 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)**

F11 . . .

Textual Amendments
F11 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)**

F1212

Textual Amendments
F12 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)

Status: Point in time view as at 14/10/1991.

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F13 13

Textual Amendments

F13 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)

F14 14

Textual Amendments

F14 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)**

F15 . . .

Textual Amendments

F15 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)**

F16 15

Textual Amendments

F16 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)**

F17 16

Textual Amendments

F17 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)**

Supplemental

17 Abolition of affiliation proceedings.

The ^{M5}Affiliation Proceedings Act 1957 (the provisions of which are superseded by this Part) shall cease to have effect.

Status: Point in time view as at 14/10/1991.

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

M5 [1957 c. 55.](#)

Status:

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Changes to legislation:

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