



# Family Law Reform Act 1987

## 1987 CHAPTER 42

### PART II

#### RIGHTS AND DUTIES OF PARENTS ETC.

##### *Parental rights and duties where parents not married*

#### **6 Appointment of guardians**

(1) At the end of section 3 of the 1971 Act (rights of surviving parent as to guardianship) there shall be added the following subsections—

“(3) Where the father and mother of a child were not married to each other at the time of his birth, this section does not apply unless the father satisfies the requirements of subsection (4) of this section.

(4) The father of a child satisfies the requirements of this subsection if—

- (a) an order is in force under section 4 of the Family Law Reform Act 1987 giving him all the parental rights and duties with respect to the child; or
- (b) he has a right to custody, legal or actual custody or care and control of the child by virtue of an order made under any other enactment.”

(2) At the end of section 4 of that Act (power of father and mother to appoint testamentary guardians) there shall be added the following subsection—

“(7) Where the father and mother of a child were not married to each other at the time of his birth—

- (a) subsection (1) of this section does not apply, and subsection (3) of this section does not apply in relation to a guardian appointed by the mother, unless the father satisfies the requirements of section 3(4) of this Act; and

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*Status: This is the original version (as it was originally enacted).*

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- (b) any appointment under subsection (1) of this section shall be of no effect unless the father satisfies those requirements immediately before his death.”
- (3) At the end of section 5 of that Act (power of court to appoint guardian for child having no parent etc.) there shall be added the following subsection—
  - “(3) Where the father and mother of a child were not married to each other at the time of his birth, subsection (1) of this section shall have effect as if for the words 'no parent' there were substituted the words 'no mother, no father satisfying the requirements of section 3(4) of this Act.’”