



Family Law Reform Act 1987

1987 CHAPTER 42

PART II

RIGHTS AND DUTIES OF PARENTS ETC.

Parental rights and duties where parents not married

9 Consents to marriages

In Schedule 2 to the Marriage Act 1949 (consents required to marriages of persons under eighteen), for Part II there shall be substituted the following provisions—

“II. WHERE THE PARENTS OF THE CHILD WERE NOT MARRIED TO EACH OTHER AT THE TIME OF HIS BIRTH

| <i>Circumstances</i> | <i>Person or persons whose consent is required</i> |
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| 1. Where both parents are alive: | |
| (a) if the father has been given by an order of any court the right to the actual custody of the child or the right to consent to the marriage of the child, or both those rights; | The mother and the father. |
| (b) if the father has not been given either of those rights. | The mother. |
| 2. Where the mother is dead: | |
| (a) if the father is a guardian under the Guardianship of Minors Act 1971 and there is no other guardian; | The father. |

Status: This is the original version (as it was originally enacted).

| <i>Circumstances</i> | <i>Person or persons whose consent is required</i> |
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| (b) if the father is a guardian as mentioned in paragraph (a) above and another guardian has been appointed by the mother or by the court under the Guardianship of Minors Act 1971; | The father and the guardian if acting jointly, or the father or the guardian if the father or guardian is the sole guardian of the child. |
| (c) if the father is not a guardian and a guardian has been appointed by the mother or by the court under the Guardianship of Minors Act 1971. | The guardian. |
| 3. Where the father is dead: | |
| (a) if there is no other guardian; | The mother. |
| (b) if a guardian has been appointed by the father or by the court under the Guardianship of Minors Act 1971. | The mother and the guardian if acting jointly, or the mother or the guardian if the mother or guardian is the sole guardian of the child. |
| 4. Where both parents are dead. | The guardian or guardians appointed by the mother or father or by the court under the Guardianship of Minors Act 1971. |

In this Part of this Schedule 'actual custody', in relation to a child, means actual possession of his person."