
Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1987, Paragraph 3. (See end of Document for details)

SCHEDULES

SCHEDULE 1

TEXT OF 1971 ACT AS AMENDED

Appointment, removal and powers of guardians

Rights of surviving parent as to guardianship.

- 3 (1) On the death of the father of a child, the mother, if surviving, shall, subject to the provisions of this Act, be guardian of the child either alone or jointly with any guardian appointed by the father; and—
- (a) where no guardian has been appointed by the father; or
 - (b) in the event of the death or refusal to act of the guardian or guardians appointed by the father,
- the court may, if it thinks fit, appoint a guardian to act jointly with the mother.
- (2) On the death of the mother of a child, the father, if surviving, shall, subject to the provisions of this Act, be guardian of the child either alone or jointly with any guardian appointed by the mother; and—
- (a) where no guardian has been appointed by the mother; or
 - (b) in the event of the death or refusal to act of the guardian or guardians appointed by the mother,
- the court may, if it thinks fit, appoint a guardian to act jointly with the father.
- (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.

Changes to legislation:

There are currently no known outstanding effects for the Family Law Reform Act 1987, Paragraph 3.