



# Family Law Reform Act 1987

## 1987 CHAPTER 42

### PART II

#### RIGHTS AND DUTIES OF PARENTS ETC.

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

#### **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 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

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*Status: This is the original version (as it was originally enacted).*

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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) Subsections (2) and (3) of section 8 of this Act shall apply for the purposes of subsection (2) above as they 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.”