



# Children Act 1989

## 1989 CHAPTER 41

### PART I

#### INTRODUCTORY

## 2 Parental responsibility for children.

- (1) Where a child's father and mother were married to [<sup>F1</sup>, or civil partners of,] each other at the time of his birth, they shall each have parental responsibility for the child.

[<sup>F2</sup>(1A) Where a child—

- (a) has a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008; or
- (b) has a parent by virtue of section 43 of that Act and is a person to whom section 1(3) of the Family Law Reform Act 1987 applies,

the child's mother and the other parent shall each have parental responsibility for the child.

- (2) Where a child's father and mother were not married to [<sup>F3</sup>, or civil partners of,] each other at the time of his birth—

- (a) the mother shall have parental responsibility for the child;
- (b) the father [<sup>F4</sup>shall have parental responsibility for the child if he has acquired it (and has not ceased to have it)] in accordance with the provisions of this Act.]

[<sup>F5</sup>(2A) Where a child has a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 and is not a person to whom section 1(3) of the Family Law Reform Act 1987 applies—

- (a) the mother shall have parental responsibility for the child;
- (b) the other parent shall have parental responsibility for the child if she has acquired it (and has not ceased to have it) in accordance with the provisions of this Act.]

- (3) References in this Act to a child whose father and mother were, or (as the case may be) were not, married to [<sup>F6</sup>, or civil partners of,] each other at the time of his birth

*Changes to legislation: Children Act 1989, Section 2 is up to date with all changes known to be in force on or before 20 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

must be read with section 1 of the <sup>M1</sup>Family Law Reform Act 1987 (which extends their meaning).

- (4) The rule of law that a father is the natural guardian of his legitimate child is abolished.
- (5) More than one person may have parental responsibility for the same child at the same time.
- (6) A person who has parental responsibility for a child at any time shall not cease to have that responsibility solely because some other person subsequently acquires parental responsibility for the child.
- (7) Where more than one person has parental responsibility for a child, each of them may act alone and without the other (or others) in meeting that responsibility; but nothing in this Part shall be taken to affect the operation of any enactment which requires the consent of more than one person in a matter affecting the child.
- (8) The fact that a person has parental responsibility for a child shall not entitle him to act in any way which would be incompatible with any order made with respect to the child under this Act.
- (9) A person who has parental responsibility for a child may not surrender or transfer any part of that responsibility to another but may arrange for some or all of it to be met by one or more persons acting on his behalf.
- (10) The person with whom any such arrangement is made may himself be a person who already has parental responsibility for the child concerned.
- (11) The making of any such arrangement shall not affect any liability of the person making it which may arise from any failure to meet any part of his parental responsibility for the child concerned.

#### Textual Amendments

- F1** Words in s. 2(1) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **15(2)**
- F2** S. 2(1A) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68, **Sch. 6 para. 26(2)**; [S.I. 2009/479](#), **art. 6(1)(e)**
- F3** Words in s. 2(2) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **15(2)**
- F4** Words in s. 2(2) substituted (1.12.2003) by 2002 c. 38, ss. 111(5), 148 (with [Sch. 4 paras. 6-8](#)); [S.I. 2003/3079](#), **art. 2(2)(a)**
- F5** S. 2(2A) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\)](#), ss. 56, 68, **Sch. 6 para. 26(3)**; [S.I. 2009/479](#), **art. 6(1)(e)**
- F6** Words in s. 2(3) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), **15(2)**

#### Commencement Information

- I1** S. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

#### Marginal Citations

- M1** [1987 c. 42](#).

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)