



## 2001 CHAPTER 12

### **Acquisition of parental responsibility by father or step-parent**

1.—(1) Article 7 of the [Children \(Northern Ireland\) Order 1995 \(NI 2\)](#) (acquisition of parental responsibility) shall be amended as follows.

(2) In paragraph (1) (acquisition of parental responsibility by father who is not married to child's mother), for the words after "birth" substitute " , the father shall acquire parental responsibility for the child if—

- (a) he becomes registered as the child's father;
- (b) he and the child's mother make an agreement (a "parental responsibility agreement") providing for him to have parental responsibility for the child; or
- (c) the court, on his application, orders that he shall have parental responsibility for the child".

(3) After paragraph (1) there shall be inserted—

"(1A) A child's step-parent shall acquire parental responsibility for the child if the court, on the application of the step-parent, orders that he shall have parental responsibility for the child.

(1B) Where a person has parental responsibility for a child as a result of paragraph (1A), he shall not have the right—

- (a) to consent, or refuse to consent, to the making of an application with respect to the child under Article 17 of the Adoption Order;
- (b) to agree, or refuse to agree, to the making of an adoption order, or an order under Article 57 of the Adoption Order, with respect to the child; or
- (c) to appoint a guardian for the child.

(1C) In paragraph (1A) “step-parent” means a person who is married to a child’s parent who has parental responsibility for the child.”.

(4) In paragraph (3) (definition of “prescribed”), at the end there shall be added “and “registered” in paragraph (1)(a) means registered under—

- (a) Article 14(3)(a), (b) or (c) of the Births and Deaths Registration (Northern Ireland) Order 1976;
- (b) paragraph (a), (b) or (c) of section 10(1) or 10A(1) of the Births and Deaths Registration Act 1953; or
- (c) paragraph (a), (b)(i) or (c) of section 18(1) of the Registration of Births, Deaths and Marriages (Scotland) Act 1965.”.

(5) For paragraph (4) there shall be substituted—

“(3A) A person who has acquired parental responsibility under paragraph (1) or (1A) shall cease to have that responsibility if the court so orders.

(4) The court may make an order under paragraph (3A) on the application—

- (a) of any person who has parental responsibility for the child; or
- (b) with leave of the court, of the child himself,

subject, in the case of parental responsibility acquired by the father of the child under paragraph (1)(c), to Article 12(4) (residence orders and parental responsibility).”.

(6) The Children (Northern Ireland) Order 1995 shall be further amended as follows—

(a) in Article 3(4) (circumstances in which the court must have regard in particular to matters listed in Article 3(3)), after sub-paragraph (a) there shall be inserted—

“(aa) the court is considering whether to make an order under Article 7; or”;

(b) in Article 5(2)(b) (father who is not married to child’s mother shall not have parental responsibility for the child unless he acquires it in accordance with the provisions of the Order), for the words from “shall not” to “acquires it” substitute “shall have parental responsibility for the child if he has acquired it (and has not ceased to have it)”; and

(c) in Article 179(7) (duration of orders), after the words “Article 7(1)” there shall be inserted “or (1A)”.

(7) Sub-paragraph (a) of Article 7(1) of the Children (Northern Ireland) Order 1995, as substituted by subsection (2), does not confer parental responsibility on a man who was registered (within the meaning of that sub-paragraph) as the child’s father before the commencement of that subsection.