

**CHILDREN AND YOUNG PERSONS (AMENDMENT)  
BILL 2012**

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**Explanatory Memorandum**

1. This Bill is promoted by Mr Juan Turner.
2. Clauses 1 and 2 make provision about the resulting Act's short title and for commencement of the substantive provisions by appointed day order.
3. Clause 3 provides for the resulting Act to expire (as it is amending legislation) on the day after its promulgation or, if all its provisions are not in operation on its promulgation, on the day after the last provision is brought into operation. The expiry will not affect the continuing operation of the amendments made by sections 4 and 5.
4. Clause 4 amends the Children and Young Persons Act 2001 (the "2001 Act"). The substance of the Bill is in clause 4(1)(c), which inserts 2 new subsections (subsections (2A) and (2B)) in section 3 of the 2001 Act. The effect of the new section 3(2A) is that the father of a non-marital child has parental responsibility for the child if he is registered as the child's father under section 12(1) of the Civil Registration Act 1984. However, this is only the case if the man is registered as the child's father under the aforementioned provision after the new section 3(2A) has come into operation (see new section 3(2B)). The rest of clause 4 contains minor amendments to refine the wording in sections 3 and 4 of the 2001 Act as a consequence of the earlier amendments. Clause 5 similarly refines the wording in section 12(5) of the Civil Evidence Act 1973 and sections 12 and 13 of the Civil Registration Act 1984.
5. In the opinion of the member moving the Bill its provisions are compatible with the Convention rights within the meaning of the Human Rights Act 2001.





*Ellan Vannin*

## CHILDREN AND YOUNG PERSONS (AMENDMENT) BILL 2012

**A BILL** to make further provision about parental responsibility for children; and for connected purposes.

**BE IT ENACTED** by the Queen's Most Excellent Majesty, by and with the advice and consent of the Council and Keys in Tynwald assembled, and by the authority of the same, as follows:—

### **1 Short title**

The short title of this Act is the Children and Young Persons (Amendment) Act 2012.

### **2 Commencement**

(1) Sections 4 and 5 come into operation on such day as the Department of Social Care by order appoints and different days may be appointed for different provisions and for different purposes.

(2) An order under subsection (1) may make such transitional and saving provisions as the Department of Social Care considers necessary or expedient.

### **3 Expiry**

(1) This Act expires —

(a) on the day after its promulgation if all its provisions are in operation on its promulgation; or

(b) otherwise, on the day after the last provision is brought into operation.

(2) But the expiry does not affect the continuing operation of the amendments made by sections 4 and 5.

### **4 Amendments of Children and Young Persons Act 2001**

(1) Section 3 of the *Children and Young Persons Act 2001* (parental responsibility for children) is amended as follows —

- 1 (a) in subsection (1) omit “child who is a”;
- 2 (b) in subsection (2) for “child who is not a marital” substitute “non-
- 3 marital”; and
- 4 (c) after subsection (2) insert —
- 5 “(2A) The father of a non-marital child has parental responsibility for
- 6 the child if he is registered as the child’s father under section 12(1)
- 7 of the *Civil Registration Act 1984* (registration of father of non-
- 8 marital child).
- 9 (2B) But subsection (2A) does not confer parental responsibility on a
- 10 man who, before that subsection comes into operation, was
- 11 registered as the child’s father under section 12(1) of the *Civil*
- 12 *Registration Act 1984*.”
- 13 (2) In section 4(1) and (2) of the *Children and Young Persons Act 2001*
- 14 (acquisition of parental responsibility by natural father) for “child who is
- 15 not a marital” substitute “non-marital”.

16 **5 Consequential amendments of other enactments**

- 17 (1) The section has effect to amend enactments in consequence of section 4.
- 18 (2) In paragraph (a) of the definition of “affiliation proceedings” in section
- 19 12(5) of the *Civil Evidence Act 1973* for “child who is not a marital”
- 20 substitute “non-marital”.
- 21 (3) In sections 12 and 13 of the *Civil Registration Act 1984* for “child who is
- 22 not a marital”, wherever occurring, substitute “non-marital”.
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IN THE COUNCIL

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Leave to introduce given by the Council on 1 November 2011.

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MR TURNER

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JUNE 2012