STATUTORY INSTRUMENTS

2009 No. 2026

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES

The Parental Responsibility Agreement (Amendment) Regulations 2009

Made - - - -	*21st July 2009*
Laid before Parliament	*22nd July 2009*
Coming into force - -	*1st September 2009*

The Lord Chancellor makes the following Regulations in exercise of the powers conferred by sections 4(2) and 104 of the Children Act 1989(**a**):

Citation and commencement

1. These Regulations may be cited as the Parental Responsibility Agreement (Amendment) Regulations 2009 and shall come into force on the 1st September 2009.

Amendments to the Parental Responsibility Agreement Regulations 1991

2. The Parental Responsibility Agreement Regulations 1991(**b**) are amended in accordance with regulations 3 and 4.

3. In regulation 2—

(a) at the end of paragraph (a) omit "and";

(b) for the full stop at the end of paragraph (b) substitute "; and"; and

(c) after paragraph (b) insert—

"(c) under section 4ZA(1)(b) of that Act (acquisition of parental responsibility by second female parent) shall be made in Form C(PRA3) set out in that Schedule.".

4. For the Schedule to the Parental Responsibility Agreement Regulations 1991 substitute the Schedule in the Schedule to these Regulations.

Bridget Prentice
Parliamentary Under Secretary of State
Ministry of Justice

21st July 2009

(**a**) 1989 c. 41.
(**b**) S.I. 1991/1478. Relevant amending instruments are S.I.1994/3157, 2004/3123 and 2005/2808.

SCHEDULE Regulation 4

"SCHEDULE Regulation 2

Parental Responsibility Agreement

Section 4(1)(b) Children Act 1989

Keep this form in a safe place

Date recorded at the Principal Registry of the Family Division:

Read the notes on the other side before you make this agreement.

This is a Parental Responsibility Agreement regarding

the Child *Full Name* _____

_____ _____ _____

Gender *Date of birth* *Date of 18th birthday*

Between

the Mother _____

Name

Address

and the Father _____

Name

Address

We declare that _____

we are the mother and father of the above child and we agree that the child's father shall have parental responsibility for the child (in addition to the mother having parental responsibility).

Signed **(Mother)**	Signed **(Father)**
Date	Date

Certificate of witness

The following evidence of identity was produced by the person signing above:	The following evidence of identity was produced by the person signing above:
Signed in the presence of:	Signed in the presence of:
Name of Witness	*Name of Witness*
Address	*Address*
Signature of Witness	*Signature of Witness*
[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An officer of the court authorised by the judge to administer oaths]	[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An Officer of the Court authorised by the judge to administer oaths]

C(PRA1) (09.09)

© Crown copyright 2009

Notes about the Parental Responsibility Agreement

Read these notes before you make the agreement.

About the Parental Responsibility Agreement

The making of this agreement will affect the legal position of the mother and the father. You should both seek legal advice before you make the Agreement. You can obtain the name and address of a solicitor from the Children Panel (020 7242 1222)

or from
- your local family proceedings court, or county court
- a Citizens Advice Bureau
- a Law Centre
- a local library.

You may be eligible for public funding.

When you fill in the Agreement

Please use black ink (the Agreement will be copied). Put the name of one child only. If the father is to have parental responsibility for more than one child, fill in a separate form for each child. **Do not sign the Agreement.**

When you have filled in the Agreement

Take it to a local family proceedings court, or county court, or the Principal Registry of the Family Division (the address is below).

A justice of the peace, a justices' clerk, an assistant to a justices' clerk, or a court official who is authorised by the judge to administer oaths, will witness your signature and he or she will sign the certificate of the witness. **A solicitor cannot witness your signature.**

To the mother: When you make the declaration you will have to prove that you are the child's mother so take to the court the child's full birth certificate.

You will also need evidence of your identity showing a photograph and signature (for example, a photocard, official pass or passport). **Please note that the child's birth certificate cannot be accepted as sufficient proof of your identity.**

To the father: You will need evidence of your identity showing a photograph and signature (for example, a photocard, official pass or passport).

When the Certificate has been signed and witnessed

Make 2 copies of the Agreement form. You do not need to copy these notes.

Take, or send, this form and the copies to **The Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London, WC1V 6NP**.

The Registry will record the Agreement and keep this form. The copies will be stamped and sent back to each parent at the address on the Agreement. The Agreement will not take effect until it has been received and recorded at the Principal Registry of the Family Division.

Ending the Agreement

Once a parental responsibility agreement has been made it can only end
- by an order of the court made on the application of any person who has parental responsibility for the child
- by an order of the court made on the application of the child with permission of the court
- When the child reaches the age of 18.

Step-Parent Parental Responsibility Agreement

Section 4A(1)(a) Children Act 1989

Keep this form in a safe place
Date recorded at the Principal Registry of the Family Division:

Read the notes on the other side before you make this agreement.

This is a Step-Parent Parental Responsibility Agreement regarding

the Child — *Full Name* _____

Gender _____ *Date of birth* _____ *Date of 18th birthday* _____

Between
Parent A — *Name* _____ *Address* _____

and
*the other parent (with parental responsibility) — *Name* _____ *Address* _____

and
the step-parent — *Name* _____ *Address* _____

We declare that we are the parents and step-parent of the above child and we agree that the above mentioned step-parent shall have parental responsibility for the child (in addition to those already having parental responsibility).

	Signed **(Parent A)**	*Signed **(Other Parent)**	Signed **(Step-Parent)**
	Date	Date	Date
Certificate of witness	The following evidence of identity was produced by the person signing above:	The following evidence of identity was produced by the person signing above:	The following evidence of identity was produced by the person signing above:
	Signed in the presence of: *Name of Witness*	Signed in the presence of: *Name of Witness*	Signed in the presence of: *Name of Witness*
	Address	*Address*	*Address*
	Signature of Witness	*Signature of Witness*	*Signature of Witness*
	[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An Officer of the Court authorised by the judge to administer oaths]	[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An Officer of the Court authorised by the judge to administer oaths]	[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An Officer of the Court authorised by the judge to administer oaths]

*If there is only one parent with parental responsibility, please delete this section.

© Crown copyright 2009

Notes about the Step-Parent Parental Responsibility Form

Read these notes before you make the Agreement

About the Step-Parent Parental Responsibility Agreement

The making of this agreement will affect the legal position of the parent(s) and the step-parent. You should seek legal advice before you make the Agreement. You can obtain the name and address of a solicitor from the Children Panel (020 7242 1222) or from:

- your local family proceedings court, or county court,
- a Citizens Advice Bureau,
- a Law Centre,
- a local library.

You may be eligible for public funding.

When you fill in the Agreement

Please use black ink (the Agreement will be copied). Put the name of one child only. If the step-parent is to have parental responsibility for more than one child, fill in a separate form for each child. **Do not sign the Agreement.**

When you have filled in the Agreement

Take it to a local family proceedings court, or county court, or the Principal Registry of the Family Division (the address is below).

A justice of the peace, a justices' clerk, an assistant to a justices' clerk, or a court official who is authorised by the judge to administer oaths, will witness your signature and he or she will sign the certificate of the witness. **A solicitor cannot witness your signature.**

To Parent A and the Other Parent with parental responsibility:

When you make the declaration you will have to prove that you have parental responsibility for the child. You should therefore take with you to the court one of the following documents:

- the child's full birth certificate and a marriage certificate or civil partnership certificate to show that the parents were married to each other or were in a civil partnership with each other at the time of birth or subsequently,
- a court order granting parental responsibility,
- a registered Parental Responsibility Agreement Form between the child's mother and father or other parent
- if the birth was registered after the 1 December 2003, the child's full birth certificate showing that the parents jointly registered the child's birth.

You will also require evidence of your (both parents') identity showing a photograph and signature (for example, a photocard, official pass or passport) **(Please note that the child's birth certificate cannot be accepted as sufficient proof of your identity.)**

To the step-parent: When you make the declaration you will have to prove that you are married to, or the civil partner of, a parent of the child so take to the court your marriage certificate or certificate of civil partnership.

You will also need evidence of your identity showing a photograph and signature (for example, a photocard, official pass or passport).

When the Certificate has been signed and witnessed

Make sufficient copies of the Agreement Form for each person who has signed the form. You do not need to copy these notes.

Take, or send, the original form and the copies to: **The Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London, WC1V 6NP.**

The Registry will record the Agreement and retain the original form. The copies will be stamped with the seal of the court and sent back to every person with parental responsibility who has signed the Agreement Form and to the step-parent. The Agreement will not take effect until it has been received and recorded at the Principal Registry of the Family Division.

Ending the Agreement

Once a step-parent parental responsibility agreement has been made it can only end:

- by an order of the court made on the application of any person who has parental responsibility for the child,
- by an order of the court made on the application of the child with permission of the court,
- when the child reaches the age of 18.

Parental Responsibility Agreement

Section 4ZA Children Act 1989 (Acquisition of parental responsibility by second female parent)

Keep this form in a safe place
Date recorded at the Principal Registry of the Family Division:

Read the notes on the other side before you make this agreement.

This is a Parental Responsibility Agreement regarding

the Child *Full Name* _____

_____ _____ _____
Gender *Date of birth* *Date of 18th birthday*

Between
the Mother *Name* _____

Address

and other parent *Name* _____
(Second female parent)
Address

We declare that that we are the parents of the above child and we agree that the above mentioned parent shall have parental responsibility for the child (in addition to the mother having parental responsibility for the child).

Signed **(Mother)**	Signed **(Other parent)**
Date	Date

Certificate of witness

The following evidence of identity was produced by the person signing above:	The following evidence of identity was produced by the person signing above:
Signed in the presence of:	Signed in the presence of:
Name of Witness	*Name of Witness*
Address	*Address*
Signature of Witness	*Signature of Witness*
[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An officer of the court authorised by the judge to administer oaths]	[A Justice of the Peace] [Justices' Clerk] [An assistant to a justices' clerk] [An Officer of the Court authorised by the judge to administer oaths]

© Crown copyright 2009

Notes about the Parental Responsibility Agreement

Read these notes before you make the agreement.

This form is for use by **a mother** and **a woman** who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008 (the 'other parent').

About the Parental Responsibility Agreement

The making of this agreement will affect the legal position of the mother and other parent. You should both seek legal advice before you make the Agreement. You can obtain the name and address of a solicitor from the Children Panel (020 7242 1222)

or from
- your local family proceedings court, or county court
- a Citizens Advice Bureau
- a Law Centre
- a local library.

You may be eligible for public funding.

When you fill in the Agreement

Please use black ink (the Agreement will be copied). Put the name of one child only. If the other parent is to have parental responsibility for more than one child, fill in a separate form for each child. **Do not sign the Agreement.**

When you have filled in the Agreement

Take it to a local family proceedings court, or county court, or the Principal Registry of the Family Division (the address is below).

A justice of the peace, a justices' clerk, an assistant to a justices' clerk, or a court official who is authorised by the judge to administer oaths, will witness your signature and he or she will sign the certificate of the witness. **A solicitor cannot witness your signature.**

To the mother: When you make the declaration you will have to prove that you are the child's mother so take to the court the child's full birth certificate.

You will also need evidence of your identity showing a photograph and signature (for example, a photocard, official pass or passport). **Please note that the child's birth certificate cannot be accepted as sufficient proof of your identity.**

To the other parent: You will need evidence of your identity showing a photograph and signature (for example, a photocard, official pass or passport).

When the Certificate has been signed and witnessed

Make 2 copies of the Agreement form. You do not need to copy these notes, please send a copy of the child's full birth certificate with the two copies of the Agreement.

Take, or send, this form and the copies to **The Principal Registry of the Family Division, First Avenue House, 42-49 High Holborn, London, WC1V 6NP**.

The Registry will record the Agreement and keep this form. The copies will be stamped and sent back to each parent at the address on the Agreement. The Agreement will not take effect until it has been received and recorded at the Principal Registry of the Family Division.

Ending the Agreement

Once a parental responsibility agreement has been made it can only end
- by an order of the court made on the application of any person who has parental responsibility for the child
- by an order of the court made on the application of the child with permission of the court
- When the child reaches the age of 18.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Parental Responsibility Agreement Regulations 1991. They prescribe a form, C(PRA3), to record an agreement under section 4ZA of the Children Act 1989 (c.41) for the acquisition of parental responsibility by a second female parent. Section 4ZA is inserted into the Children Act 1989 by the Human Fertilisation and Embryology Act 2008 (c.22) and provides for circumstances in which a woman, who is treated as a parent of a child by virtue of section 43 of the 2008 Act, may acquire parental responsibility for that child.

The notes to form C(PRA2) (Step-Parent Parental Responsibility Agreement) are amended to allow for the fact that parental responsibility might be held by persons who were previously in a civil partnership as well as those who were previously married or that a parental responsibility agreement might have been entered into previously by the child's mother and a second female parent.

The amended forms C(PRA2) and C(PRA3) both now ask for the 'gender' of the child and for the sake of consistency form C(PRA1) has been similarly amended.

© Crown copyright 2009

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

£5.50

E4695 7/2009 194695T 19585