Changes to Legislation: as of 17 September 2026, this Act is up to date with all changes known to be in force.

Number 9 *of* 2015

CHILDREN AND FAMILY RELATIONSHIPS ACT 2015

REVISED

Updated to 20 April 2026

This Revised Act is an administrative consolidation of the *Children and Family Relationships Act 2015*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *International Protection Act 2026* (9/2026), enacted 22 April 2026 and all statutory instruments up to and including the *Health (Assisted Human Reproduction) Act 2024 (Commencement) Order 2026* (S.I. No. 160 of 2026), made 13 April 2026 were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 9 *of* 2015

CHILDREN AND FAMILY RELATIONSHIPS ACT 2015

REVISED

Updated to 20 April 2026

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Number 9 *of* 2015

CHILDREN AND FAMILY RELATIONSHIPS ACT 2015

REVISED

Updated to 20 April 2026

An Act to provide for certain matters relating to donor-assisted human reproduction and the parentage of children born as a result of donor-assisted human reproduction procedures; to provide for the establishment and maintenance of a register to be known as the National Donor-Conceived Person Register; to amend and extend the law relating to the guardianship and custody of, and access to, children and for those purposes to amend the Guardianship of Infants Act 1964; to extend the category of persons who may be liable for the maintenance of children and for that purpose to amend the Family Law (Maintenance of Spouses and Children) Act 1976, and for that and other purposes to amend the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; to provide for the use in certain circumstances of DNA testing to determine parentage and for that and other purposes to amend the Status of Children Act 1987; to amend the Family Law Act 1995; to amend the category of persons who may adopt children and for that and other purposes to amend the Adoption Act 2010; to make consequential amendments to the Succession Act 1965, the Civil Registration Act 2004 and other enactments; and to provide for related matters.

[6 *th April*, 2015]

Be it enacted by the Oireachtas as follows:

Annotations

Editorial Notes:

E1 Act included in definition of "family law proceedings" (1.01.2018) by *Mediation Act 2017* (27/2017), s. 2(1), S.I. No. 591 of 2017.

E2 Collectively cited *Child Care Acts* excluded from application of *Mediation Act 2017* (1.01.2018) by *Mediation Act 2017* (27/2017), s. 3(1)(i),S.I. No. 591 of 2017.

PART 1

PRELIMINARY AND GENERAL

Short title, collective citations and commencement

1. (1) This Act may be cited as the Children and Family Relationships Act 2015.

(2) *Part 9* and the Civil Registration Acts 2004 to 2014 may be cited together as the Civil Registration Acts 2004 to 2015.

(3) *Part 11* and the Adoption Acts 2010 to 2013 may be cited together as the Adoption Acts 2010 to 2015.

(4) *Section 175* and the Child Care Acts 1991 to 2013 may be cited together as the Child Care Acts 1991 to 2015.

(5) This Act, subject to *subsections (6)* to *(9)*, shall come into operation on the day or days that the Minister may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(6) *Parts 2* and *3* shall come into operation on the day or days that the Minister for Health may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

F1**[**(7) *Part 9* shall come into operation 54 months from enactment or on such earlier day or days as the Minister may, after consulting with the Minister for Employment Affairs and Social Protection, appoint by order or orders either generally or with reference to any particular purpose or provision of that Part and different days may be so appointed for different purposes or different provisions.**]**

(8) *Part 10* shall come into operation on the day or days that the Minister for Foreign Affairs and Trade may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

(9) *Part 11* shall come into operation on the day or days that the Minister for Children and Youth Affairs may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Amendments:

F1 Substituted (23.05.2019) by *Civil Registration Act 2019* (13/2019), s. 12, commenced on enactment.

Editorial Notes:

E3 A table of provisions and commencement dates is available at http://www.irishstatute-book.ie/eli/isbc/2015_9.html#commencement.

E4 Power pursuant to subs. (5) exercised (4.05.2020) by *Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2019* (S.I. No. 624 of 2019), art. 2.

> 2. The 4th day of May 2020 is appointed as the day on which the following provisions of the Children and Family Relationships Act 2015 (No. 9 of 2015) shall come into operation:
>
> (a) Part 4, insofar as it is not already in operation;
>
> (b) Part 5, insofar as it is not already in operation;
>
> (c) Part 6, insofar as it is not already in operation;
>
> (d) Part 7, insofar as it is not already in operation;
>
> (e) Part 12, insofar as it is not already in operation;
>
> (f) section 176.

E5 Power pursuant to subs. (6) exercised (4.05.2020) by *Children and Family Relationships Act 2015 (Parts 2 and 3) (Commencement) Order 2019* (S.I. No. 541 of 2019), art. 2.

> 2. The 4th day of May 2020 is appointed as the day on which Parts 2 and 3 of the Children and Family Relationships Act 2015(No. 9 of 2015) shall come into operation.

E6 Power pursuant to subs. (5) exercised (31.07.2017) by *Children and Family Relationships Act 2015 (Commencement) Order 2017* (S.I. No. 355 of 2017).

> 3. The 31st day of July 2017 is appointed as the day on which paragraph (c) of section 47 of the Act of 2015, other than insofar as section 6(4) of the Act of 1964, amended by that paragraph, relates to section 6(1A) of the Act of 1964, shall come into operation.

E7 Power pursuant to subs. (5) exercised (18.01.2016) by *Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2016* (S.I. No. 12 of 2016).

2. In this Order—

"Act of 1964" means the Guardianship of Infants Act 1964 (No. 7 of 1964);

"Act of 1987" means the Status of Children Act 1987 (No. 26 of 1987);

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 (No. 24 of 2010).

3. The 18th day of January 2016 is appointed as the day on which the following provisions of the Children and Family Relationships Act 2015 (No. 9 of 2015) shall come into operation:

(a) Part 1;

(b) Part 4, other than—

(i) section 43(a)(iii),

(ii) section 43(a)(iv), insofar as that section inserts the following definitions in section 2 of the Act of 1964—

(I) "Act of 2015", and

(II) "donor-conceived child",

(iii) section 47,

(iv) section 49, insofar as—

(I) that section inserts section 6B in the Act of 1964, and

(II) section 6F of the Act of 1964, inserted by that section, relates to section 6B(3) of the Act of 1964, and

(v) section 51, insofar as section 8 of the Act of 1964, amended by that section, relates to section 6B of the Act of 1964;

(c) sections 68 and 70;

(d) Part 6, other than—

(i) section 72(a),

(ii) section 75, and

(iii) section 77;

(e) Part 7, other than—

(i) section 79, insofar as that section inserts the following definitions in section 33 of the Act of 1987—

(I) "Act of 2015",

(II) "donor-conceived child",

(III) "parent", and

(IV) "second parent",

(ii) section 80, insofar as the following provisions of section 35 of the Act of 1987, amended by that section, relate to a "second parent"—

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(II) subsections (1A) and (1B), and

(III) subsection (8), and

(iii) section 81, insofar as that section inserts the following definitions in section 37 of the Act of 1987—

(I) "Act of 2015",

(II) "DAHR procedure",

(III) "donor-conceived child", and

(IV) "parent";

(f) Part 8;

(g) section 135, other than insofar as paragraph (a) of the definition of "dependent child of the civil partners" inserted by that section in section 2 of the Act of 2010 relates to a dependent child of both civil partners or adopted by both civil partners under the Adoption Act 2010;

(h) sections 136 to 150;

(i) sections 152 to 172;

(j) Part 13, other than sections 176 and 177.

E8 Power pursuant to subs. (8) exercised (1.07.2015) by *Children and Family Relationships Act 2015 (Part 10) (Commencement) Order 2015* (S.I. No. 263 of 2015).

2. The 1st day of July 2015 is appointed as the day on which Part 10 of the Children and Family Relationships Act 2015 (No. 9 of 2015) shall come into operation.

Interpretation

2. In this Act—

"Act of 1964" means the Guardianship of Infants Act 1964;

"Act of 1965" means the Succession Act 1965;

"Act of 1976" means the Family Law (Maintenance of Spouses and Children) Act 1976;

"Act of 1987" means the Status of Children Act 1987;

"Act of 1995" means the Family Law Act 1995;

"Act of 2004" means the Civil Registration Act 2004;

"Act of 2010" means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"Minister", other than in *Parts 2* and *3*, means the Minister for Justice and Equality.

Expenses

3. The expenses incurred by the Minister or any other Minister of the Government in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Parentage in Cases of Donor-Assisted Human Reproduction

Interpretation (*Parts 2* and *3*)

4. In this Part and *Part 3* —

"birth certificate" means a document issued under section 13(4) of the Act of 2004 in respect of an entry in the register of births;

"civil partner" shall be construed in accordance with section 3 of the Act of 2010;

"cohabitant" shall be construed in accordance with section 172(1) of the Act of 2010;

"DAHR facility" means a place at which a DAHR procedure is performed;

"DAHR procedure" means a donor-assisted human reproduction procedure, being any procedure performed in the State with the objective of it resulting in the implantation of an embryo in the womb of the woman on whose request the procedure is performed, where—

(a) one of the gametes from which the embryo has been or will be formed has been provided by a donor,

(b) each gamete from which the embryo has been or will be formed has been provided by a donor, or

(c) the embryo has been provided by a donor;

"donation facility" means a place at which a person provides and donates his or her gamete, and includes a DAHR facility;

"donor"—

(a) in relation to a gamete, means—

(i) a person who has consented, under *section 6* or in the manner referred to in *section 26(1)(b)(ii)*, to the use in a DAHR procedure of a gamete provided by him or her, or

(ii) the donor of a gamete to which F2**[***section 26(5)***]** applies,

and includes a donor of a gamete that is used in the formation of an embryo that is used in a further DAHR procedure, and

(b) in relation to an embryo, means—

(i) a person who has consented under *section 14* or *16* or in the manner referred to in *section 26(2)(b)(ii)*, to the use of the embryo in a DAHR procedure or a further DAHR procedure, or

(ii) the donor of an embryo to which *section 26(6)* applies;

"donor-conceived child" means—

(a) a child born in the State, after the commencement of this section, as a result of a DAHR procedure, or

(b) other than in *sections 33* to *39*, a child in respect of whom a person has been declared under *section 21* or *22* to be his or her parent;

"embryo" means a human embryo formed by the fertilisation of a human egg by a human sperm;

"enactment" means a statute or an instrument made under a power conferred by statute;

"further DAHR procedure" has the meaning it has in *section 16*;

"gamete" means—

(a) a human sperm, which is formed in the body of and provided by a man, or

(b) a human egg, which is formed in the body of and provided by a woman;

"intending mother" means, in relation to a DAHR procedure, a woman who requests the performance of the procedure for the purpose of her becoming the mother of a child born as a result of the procedure;

"intending parent" means, in relation to a DAHR procedure, a person who intends to be the parent, under *section 5*, of a child born as a result of the procedure, and includes an intending mother;

"Minister" means the Minister for Health;

"mother" means, in relation to a child, the woman who gives birth to the child;

"operator" means, in relation to a DAHR facility, the person who owns or manages the facility or is otherwise responsible for the running of the facility;

"prescribed" means prescribed by regulations under *section 41*;

"Register" means the register established under *section 33*;

"registered medical practitioner" means a person who is a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007;

F3**[**"registered midwife" means a person whose name is entered for the time being in the midwives division of the register of nurses and midwives established under section 46 of the Nurses and Midwives Act 2011;**]**

"registered nurse" means a person whose name is entered for the time being in the nurses division of the register of nurses and midwives established under section 46 of the Nurses and Midwives Act 2011;

"relevant donor" means, in relation to a donor-conceived child—

(a) subject to *paragraph (b)*, the donor of a gamete that was used in the DAHR procedure that resulted in the birth of the donor-conceived child, and

(b) in the case of a donor-conceived child who is born as a result of a DAHR procedure or a further DAHR procedure in which a donated embryo was used—

(i) a donor of the embryo who provided a gamete that was used in the formation of the embryo, and

(ii) where applicable, the donor of a gamete that was used in the formation of the embryo.

Annotations

Amendments:

F2 Substituted (4.05.2020) by *Children and Family Relationships (Amendment) Act 2018* (20/2018), s. 2, S.I. No. 542 of 2019.

F3 Inserted (24.03.2021) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020* (16/2020), s. 188(a), S.I. No. 120 of 2021.

Parentage of child born as a result of DAHR procedure

5. (1) The parents of a donor-conceived child who is born as a result of a DAHR procedure to which *subsection (8)* applies are—

(a) the mother, and

(b) the F4**[**spouse**]**, civil partner or cohabitant, as the case may be, of the mother.

(2) Where a donor-conceived child is born as a result of a DAHR procedure, other than a DAHR procedure to which *subsection (8)* applies, the mother alone shall be the parent of that child.

(3) Where a person is, under *subsection (1)* or *(2)*, the parent of a child, he or she shall have all parental rights and duties in respect of the child.

(4) In deducing any relationship for the purposes of any enactment, the relationship between every donor-conceived child and his or her parent or parents shall be determined in accordance with this section and all other relationships shall be determined accordingly.

(5) A donor of a gamete that is used in a DAHR procedure—

(a) is not the parent of a child born as a result of that procedure, and

(b) has no parental rights or duties in respect of the child.

(6) A donor of an embryo that is used in a DAHR procedure—

(a) is not the parent of a child born as a result of that procedure, and

(b) has no parental rights or duties in respect of the child.

(7) On and after the coming into operation of this section, a reference in any enactment to—

(a) a mother or parent of a child shall be construed as not including a woman who is the donor of a gamete or embryo that was used in a DAHR procedure that resulted in the birth of the child, and

(b) a father or parent of a child shall be construed as not including a man who is the donor of a gamete or embryo that was used in a DAHR procedure that resulted in the birth of the child.

(8) This subsection applies to a DAHR procedure in relation to which—

(a) the intending mother has consented under *section 9* to the parentage under *subsection (1)* of the child born as a result of the procedure, where her declaration under *section 9(1)(c)* includes a statement referred to in *section 9(3)(d)* in respect of her F4**[**spouse**]**, civil partner or cohabitant, as the case may be, and

(b) the F4**[**spouse**]**, civil partner or cohabitant of the intending mother referred to in *paragraph (a)* has consented under *section 11* to the parentage under *subsection (1)* of the child referred to in that paragraph.

Annotations

Amendments:

F4 Substituted (16.11.2015) by *Marriage Act 2015* (35/2015), s. 23(a), S.I. No. 504 of 2015.

Consent to use of gamete in DAHR procedure

6. (1) A person consents under this section to the use in a DAHR procedure of a gamete provided by him or her where he or she—

(a) has attained the age of 18 years,

(b) has received the information referred to in *section 7*, and

(c) makes a declaration in accordance with *subsections (2)* and *(3)*.

(2) A declaration under *subsection (1)(c)* shall be made before the donation is made, and shall be in writing, dated, and signed by the person in the presence of a person authorised in that behalf by the operator of the donation facility where the gamete is provided.

(3) A declaration under *subsection (1)(c)* shall be in such form as may be prescribed and shall include the following statements:

(a) that the person has received the information referred to in *section 7*;

(b) subject to *subsection (4)*, that the person consents to the use in a DAHR procedure of the gamete provided by him or her;

(c) that, in the event that the gamete is used in a procedure referred to in *paragraph (b)*, the person consents to the provision to the Minister of the information referred to in *section 28(3)(a)* in respect of him or her;

(d) that the person is aware that he or she shall not be the parent of any child born as a result of a procedure referred to in *paragraph (b)*;

(e) that, in the event that a child is born as a result of a procedure referred to in *paragraph (b)*, the person—

(i) consents to the recording on the Register of the information specified in *section 33(3)(d)* in respect of the person, and

(ii) understands that the child may, in accordance with *section 35*, access the information referred to in sub *paragraph (i)* and seek to contact him or her.

(4) In making a statement referred to in *subsection (3)(b)*, a person may state that his or her consent is restricted to the use of the gamete in a DAHR procedure performed on the request of—

(a) the intending mother specified in the statement, where the DAHR procedure concerned is one to which *section 25(3)(b)(i)* applies, or

(b) the intending parents specified in the statement, where the DAHR procedure concerned is one to which *section 25(3)(b)(ii)* applies.

(5) A person's consent under this section to the use of his or her gamete in a DAHR procedure may not be restricted other than as provided for in *subsection (4)*.

Information to be provided for purposes of *section 6*

7. The operator of a donation facility shall, before a person makes a declaration under *section 6(1)(c)*, inform him or her—

(a) that, in the event that he or she consents under *section 6* to the use in a DAHR procedure of a gamete provided by him or her—

(i) he or she is entitled to seek the information referred to in *section 34(2)*, and

(ii) where such a DAHR procedure is performed, he or she consents to the provision to the Minister of the information referred to in *section 28(3)(a)* in respect of him or her,

(b) that, in the event that a child is born as a result of the procedure referred to in *paragraph (a)*—

(i) he or she shall not be the parent of that child,

(ii) the information specified in *section 33(3)(d)* in relation to him or her shall be recorded on the Register,

(iii) the child may, in accordance with *section 35*, access the information referred to in *subparagraph (ii)* and seek to contact him or her,

(iv) the person's entitlement to obtain information recorded on the Register is subject to *section 36* and is otherwise restricted to the information referred to in *section 34(2)*, and

(v) having regard to the child's right to his or her identity, it is desirable that he or she keep updated, in accordance with *section 38(1)*, the information in relation to him or her that is recorded on the Register,

and

(c) of his or her right under *section 8*, in the event that he or she consents under *section 6* to the use of his or her gamete in a DAHR procedure, to revoke that consent.

Revocation of consent given under *section 6*

8. (1) Subject to this section, a donor of a gamete may, by notice in writing to the operator of the donation facility to which his or her declaration under *section 6(1)(c)* was made, revoke his or her consent under that section.

(2) A revocation of consent under *subsection (1)* shall have no effect in respect of a gamete to which the consent relates that has been used at a DAHR facility in the formation of

an embryo before the date on which the notice under that subsection is received by the operator of the DAHR facility concerned.

Consent of intending mother

9. (1) An intending mother consents under this section to the parentage, under *subsection (1)* or *(2)*, as the case may be, of *section 5* of a child born to her as a result of a DAHR procedure where, before that procedure is performed, she—

(a) has attained the age of 21 years,

(b) has received the information referred to in *section 13*, and

(c) makes a declaration in accordance with *subsections (2)* and *(3)*.

(2) A declaration under *subsection (1)(c)* shall be made before the DAHR procedure is performed and shall be in writing, dated, and signed by the intending mother in the presence of a person authorised in that behalf by the operator of the DAHR facility where the DAHR procedure is to be performed.

(3) A declaration under *subsection (1)(c)* shall be in such form as may be prescribed and shall include the following statements:

(a) that the intending mother has received the information referred to in *section 13*;

(b) that, in the event that a DAHR procedure is performed, the intending mother—

(i) consents to the provision to the Minister of the information referred to in *section 28(3)(b)* in respect of her, and

(ii) agrees to comply with her obligations under *section 27*;

(c) that the intending mother is aware that—

(i) the donor of a gamete or embryo used in the DAHR procedure shall not be the parent of any child born as a result of that procedure, and

(ii) she shall be the mother of such a child;

(d) where applicable, that the intending mother consents to her F5**[**spouse**]**, civil partner or cohabitant, as the case may be, being the parent under *section 5(1)(b)* of any child born as a result of the DAHR procedure;

(e) that, in the event that a child is born as a result of the DAHR procedure, the intending mother—

(i) consents to the recording on the Register of the information specified in *section 33(3)(c)* in respect of her,

(ii) consents to the recording on the Register of the information specified in *paragraphs (a)* and *(b)* of *section 33(3)* in respect of the child, and

(iii) understands that the child may, in accordance with *section 35*, access the information specified in *section 33(3)(d)* in respect of a person who is, in relation to the child, a relevant donor and seek to contact him or her.

Annotations

Amendments:

F5 Substituted (16.11.2015) by *Marriage Act 2015* (35/2015), s. 23(b), S.I. No. 504 of 2015.

Revocation of consent given under *section 9*

10. (1) Subject to this section, an intending mother may, by notice in writing to the operator of the DAHR facility to which her declaration under *section 9(1)(c)* was made, revoke her consent under that section.

(2) A revocation of consent under *subsection (1)* shall have no effect in respect of a DAHR procedure to which the consent relates that has been performed before the notice under that subsection is received by the operator of the DAHR facility at which the procedure was performed.

Consent of husband, civil partner or cohabitant of intending mother

11. (1) A person, being the F6**[**spouse**]**, civil partner or cohabitant of the intending mother concerned, consents under this section to be the parent, under *section 5(1)(b)*, of a child born as a result of a DAHR procedure where, before that procedure is performed—

(a) the person has attained the age of 21 years,

(b) the intending mother has consented under *section 9* to a DAHR procedure, and her declaration under *section 9(1)(c)* includes a statement referred to in *section 9(3)(d)* in respect of the person,

(c) the person has received the information referred to in *section 13*, and

(d) the person makes a declaration in accordance with *subsections (2)* and *(3)*.

(2) A declaration under *subsection (1)(d)* shall be made before the DAHR procedure is performed and shall be in writing, dated, and signed by the person in the presence of a person authorised in that behalf by the operator of the DAHR facility where the DAHR procedure is to be performed.

(3) A declaration under *subsection (1)(d)* shall be in such form as may be prescribed and shall include the following statements:

(a) that the person is the F6**[**spouse**]**, civil partner or cohabitant, as the case may be, of the intending mother;

(b) that the person has received the information referred to in *section 13*;

(c) that, in the event that a DAHR procedure is performed, the person—

(i) consents to the provision to the Minister of the information referred to in *section 28(3)(b)* in respect of him or her, and

(ii) agrees to comply with his or her obligations under *section 27*;

(d) that the person is aware that—

(i) the donor of a gamete or embryo used in the DAHR procedure shall not be the parent of any child born as a result of that procedure, and

(ii) by consenting in accordance with this section, he or she shall, under this Act, together with the mother of the child, be the parent of such a child;

(e) that, in the event that a child is born as a result of the DAHR procedure, the person—

(i) consents to the recording on the Register of the information specified in *section 33(3)(c)* in respect of him or her,

(ii) consents to the recording on the Register of the information specified in *paragraphs (a)* and *(b)* of *section 33(3)* in respect of the child, and

(iii) understands that the child may, in accordance with *section 35*, access the information specified in *section 33(3)(d)* in respect of a person who is, in relation to the child, a relevant donor and seek to contact him or her.

Annotations

Amendments:

F6 Substituted (16.11.2015) by *Marriage Act 2015* (35/2015), s. 23(c), S.I. No. 504 of 2015.

Revocation of consent given under *section 11*

12. (1) Subject to this section, a person may, by notice in writing to the operator of the DAHR facility to which his or her declaration under *section 11(1)(d)* was made, revoke his or her consent under that section.

(2) A revocation of consent under *subsection (1)* shall have no effect in respect of a DAHR procedure to which the consent relates that has been performed before the notice under that subsection is received by the operator of the DAHR facility at which the procedure was performed.

Information to be provided for purposes of *sections 9* and *11*

13. The operator of a DAHR facility shall, before a person makes a declaration under *section 9(1)(c)* or *section 11(1)(d)*, inform him or her—

(a) that, in the event that a DAHR procedure is performed, the information referred to in *section 28(3)(b)* in respect of him or her shall be provided to the Minister,

(b) that, in the event that he or she consents in accordance with *section 9* or *11*, as the case may be, and a child is born as a result of the DAHR procedure—

(i) he or she shall be the parent of the child,

(ii) the donor of a gamete or embryo used in the DAHR procedure shall not be the parent of the child,

(iii) the information specified in *section 33(3)* in respect of the intending parent or parents, the child and a person who is, in relation to the child, a relevant donor, shall be recorded on the Register,

(iv) the child may, in accordance with *section 35*, access the information specified in *section 33(3)(d)* in respect of the donor referred to in subparagraph (iii) and seek to contact him or her, and

(v) his or her entitlement to obtain information from the Register shall be restricted to the information referred to in *section 34(1)*,

(c) of his or her obligation under *section 27* to provide the information specified in that section to the DAHR facility concerned, and

(d) of his or her right under *section 10* or *12*, as the case may be, in the event that he or she consents under *section 9* or *11*, to revoke that consent.

Consent to use of embryo in DAHR procedure

14. (1) Where—

(a) an embryo is formed for the purposes of an assisted human reproduction procedure, and

(b) the woman and man on whose request the assisted human reproduction procedure is to be performed do not wish for the embryo to be used in such a procedure,

the woman and man may consent, under this section, to the use of the embryo in a DAHR procedure.

(2) Subject to *subsection (3)*, the woman and man referred to in *subsection (1)* may consent under this section to the use of the embryo in a DAHR procedure in respect of which neither of them is an intending parent.

(3) An embryo referred to in *subsection (2)* may be used in a DAHR procedure to which that subsection applies only where both the woman and the man concerned have consented under that subsection.

(4) A man to whom *subsection (1)* applies may consent under this section to the use of the embryo in a DAHR procedure in respect of which—

(a) the woman to whom *subsection (1)* applies is the intending mother, and

(b) he is not an intending parent.

(5) A person consents under this section to the use of an embryo in a DAHR procedure where he or she—

(a) receives the information referred to in *section 15*, and

(b) makes a declaration in accordance with *subsections (6)* and *(7)*.

(6) A declaration under *subsection (5)(b)* shall be made before the donation is made and shall be in writing, dated, and signed by the person in the presence of a person authorised in that behalf by the operator of a DAHR facility.

(7) A declaration under *subsection (5)(b)* F7**[**shall be in such form as may be prescribed and**]** shall include the following statements:

(a) that the person has received the information referred to in *section 15*;

(b) subject to *subsection (8)*, that the person consents to the use in a DAHR procedure of the embryo;

(c) that the person is aware that he or she shall not be the parent of any child born as a result of the DAHR procedure;

(d) that, in the event that the embryo is used in a DAHR procedure, the person consents to the provision to the Minister of the information referred to in *section 28(3)(a)* in respect of him or her;

(e) that, in the event that a child is born as a result of a DAHR procedure, the person—

(i) consents to the recording in the Register of the information specified in *section 33(3)(d)* in respect of him or her, and

(ii) understands that the child may, in accordance with *section 35*, access the information referred to in sub *paragraph (i)*, and seek to contact him or her.

(8) In making a statement referred to in *subsection (7)(b)*, a person may state that his or her consent is restricted to the use of the embryo in a DAHR procedure performed on the request of—

(a) an intending mother specified in the statement, where the DAHR procedure concerned is one to which *section 25(3)(b)(i)* applies, or

(b) the intending parents specified in the statement, where the DAHR procedure concerned is one to which *section 25(3)(b)(ii)* applies.

(9) A person's consent under this section to the use of an embryo in a DAHR procedure may not be restricted other than as provided for in *subsection (8)*.

(10) In this section, "assisted human reproduction procedure" means a procedure performed with the objective of it resulting in the implantation of an embryo in the womb of the woman on whose request the procedure is performed, where—

(a) the embryo has been or will be formed from a gamete provided by the woman and a gamete provided by a man, and

(b) the procedure is performed for the purpose of the woman and the man becoming the parents of a child born as a result of the procedure.

Annotations

Amendments:

F7 Inserted (4.05.2020) by *Children and Family Relationships (Amendment) Act 2018* (20/2018), s. 3, S.I. No. 542 of 2019.

Information to be provided for purposes of *section 14*

15. The operator of a DAHR facility shall, before a person makes a declaration under *section 14(5)(b)*, inform him or her—

(a) that, in the event that he or she consents under *section 14* to the use of the embryo in a DAHR procedure—

(i) he or she is entitled to seek the information referred to in *section 34(2)*, and

(ii) where such a DAHR procedure is performed, he or she consents to the provision to the Minister of the information referred to in *section 28(3)(a)* in respect of him or her,

(b) that, in the event that a child is born as a result of the DAHR procedure referred to in *paragraph (a)* —

(i) he or she shall not be the parent of that child,

(ii) the information specified in *section 33(3)(d)* in relation to him or her shall be recorded on the Register,

(iii) the child may, in accordance with *section 35*, access the information specified in *section 33(3)(d)* in respect of him or her and seek to contact him or her,

(iv) the person's entitlement to obtain information recorded on the Register is subject to *section 36* and is otherwise restricted to the information referred to in *section 34(2)*, and

(v) having regard to the child's right to his or her identity, it is desirable that he or she keep updated, in accordance with *section 38(1)*, the information in relation to him or her that is recorded on the Register,

and

(c) of his or her right under *section 18*, in the event that he or she consents under *section 14* to the use of the embryo in a DAHR procedure, to revoke that consent.

Consent to use of embryo in further DAHR procedure

16. (1) Where—

(a) an embryo is formed for the purposes of a DAHR procedure, and

(b) (i) in the case of a DAHR procedure to which *section 25(3)(b)(ii)* applies, the intending parents do not wish for the embryo to be used in a DAHR procedure in respect of which they are the intending parents, or

(ii) in the case of a DAHR procedure to which *section 25(3)(b)(i)* applies, the intending mother does not wish for the embryo to be used in a DAHR procedure in respect of which she is the intending mother,

a person referred to in *paragraph (b)* may consent, under this section, to the use of the embryo in a further DAHR procedure.

(2) Subject to *subsection (3)*, each intending parent referred to in *subsection (1)(b)(i)* may consent under this section to the use of the embryo in a DAHR procedure in respect of which neither of them is an intending parent.

(3) An embryo referred to in *subsection (2)* may be used in a further DAHR procedure to which that subsection applies only where each intending parent has consented under that subsection.

(4) An intending parent to whom *subsection (1)(b)(i)* applies, who is not the intending mother, may consent under this section to the use of the embryo in a DAHR procedure in respect of which—

(a) the intending mother is the intending mother, and

(b) he or she is not an intending parent.

(5) A person consents under this section to the use of an embryo in a further DAHR procedure where he or she—

(a) receives the information referred to in *section 17*, and

(b) makes a declaration in accordance with *subsections (6)* and *(7)*.

(6) A declaration under *subsection (5)(b)* shall be made before the donation is made and shall be in writing, dated, and signed by the person in the presence of a person authorised in that behalf by the operator of a DAHR facility.

(7) A declaration under *subsection (5)(b)* F8[shall be in such form as may be prescribed and] shall include the following statements:

(a) that the person has received the information referred to in *section 17*;

(b) subject to *subsection (8)*, that the person consents to the use in a further DAHR procedure of the embryo;

(c) that the person is aware that he or she shall not be the parent of any child born as a result of a further DAHR procedure;

(d) where the embryo was formed from a gamete provided by the person—

(i) that, in the event that the embryo is used in a further DAHR procedure, the person consents to the provision to the Minister of the information referred to in *section 28(3)(a)* in respect of him or her, and

(ii) that, in the event that a child is born as a result of a further DAHR procedure, the person—

(I) consents to the recording in the Register of the information specified in *section 33(3)(d)* in respect of him or her, and

(II) understands that the child may, in accordance with *section 35*, access the information referred to in clause (I), and seek to contact him or her.

(8) In making a statement referred to in *subsection (7)(b)*, a person may state that his or her consent is restricted to the use of the embryo in a further DAHR procedure performed on the request of—

(a) an intending mother specified in the statement, where the further DAHR procedure concerned is one to which *section 25(3)(b)(i)* applies, or

(b) the intending parents specified in the statement, where the further DAHR procedure concerned is one to which *section 25(3)(b)(ii)* applies.

(9) A person's consent under this section to the use of an embryo in a further DAHR procedure may not be restricted other than as provided for in *subsection (8)*.

(10) In this section "further DAHR procedure", means a DAHR procedure to which *subsection (2)* or *(4)* applies.

Annotations

Amendments:

F8 Inserted (4.05.2020) by *Children and Family Relationships (Amendment) Act 2018* (20/2018), s. 4, S.I. No. 542 of 2019.

Information to be provided for purposes of *section 16*

17. (1) The operator of a DAHR facility shall, before a person makes a declaration under *section 16(5)(b)*, inform him or her—

(a) that, in the event that he or she consents under *section 16* to the use of the embryo in a further DAHR procedure, and a child is born as a result of that procedure, he or she shall not be the parent of the child,

(b) of his or her right under *section 18*, in the event that he or she consents under *section 16* to the use of the embryo in a further DAHR procedure, to revoke that consent, and

(c) where *subsection (2)* applies, of the matters specified in that subsection.

(2) Where a person referred to in *subsection (1)* has provided a gamete that was used in the formation of the embryo concerned, the facility referred to in that subsection shall, in addition, inform the person that—

(a) in the event that he or she consents under *section 16* to the use of the embryo in a further DAHR procedure—

(i) he or she is entitled to seek the information referred to in *section 34(2)*, and

(ii) where such a further DAHR procedure is performed, he or she consents to the provision to the Minister of the information referred to in *section 28(3)(a)* in respect of him or her,

and

(b) in the event that a child is born as a result of the further DAHR procedure—

(i) the information specified in *section 33(3)(d)* in relation to him or her shall be recorded on the Register,

(ii) the child may, in accordance with *section 35*, access the information specified in *section 33(3)(d)* in respect of him or her and seek to contact him or her,

(iii) the person's entitlement to obtain information recorded on the Register is subject to *section 36* and is otherwise restricted to the information referred to in *section 34(2)*, and

(iv) having regard to the child's right to his or her identity it is desirable that he or she keep updated, in accordance with *section 38(1)*, the information in relation to him or her that is recorded on the Register.

Revocation of consent given under *section 14* or *16*

18. (1) Subject to *subsection (2)*, a donor under *section 14* or *16* of an embryo may, by notice in writing to the operator of the DAHR facility to which his or her declaration under *section 14(5)(b)* or *section 16(5)(b)*, as the case may be, was made, revoke his or her consent under the relevant section.

(2) A revocation of consent under *subsection (1)* shall have no effect in respect of a DAHR procedure or, as the case may be, a further DAHR procedure to which the consent relates that has been performed before the notice under that subsection is received by the operator of the DAHR facility at which the procedure is performed.

Payment of reasonable expenses

19. (1) The consent of a donor under *section 6* shall not be valid where it is given in exchange for financial compensation in excess of the reasonable expenses associated with the provision of the gamete concerned or the giving of consent under that section.

(2) The consent of a donor under *section 14* or *16* shall not be valid where it is given in exchange for financial compensation in excess of the reasonable expenses specified in *subsection (3)(a)* or *(c)* associated with the giving of consent under that section.

(3) In this section, "reasonable expenses" means, in relation to a donor, the donor's—

(a) travel costs,

(b) medical expenses, and

(c) any legal or counselling costs,

incurred by him or her in relation to the provision of the gamete or, as the case may be, the giving of consent under this Part.

Annotations

Amendments:

F9 Substituted and inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(a), not commenced as of date of revision.

Modifications (not altering text):

C1 Prospective affecting provision: subs. (3)(b), (c) substituted, (d) inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(a); not commenced as of date of revision.

19.— ...

(3) In this section, "reasonable expenses" means, in relation to a donor, the donor's—

(a) travel costs,

F9**[**(b) medical expenses,

(c) any legal or counselling costs, and

(d) any net loss of income,**]**

incurred by him or her in relation to the provision of the gamete or, as the case may be, the giving of consent under this Part.

Child to whom this section applies

20. (1) This section applies to a child where—

(a) the child was born in the State,

F10**[**(b) the child was born as a result of a DAHR procedure that was performed before the date on which this section came into operation that—

(i) was performed in the State, or

(ii) both—

(I) was performed outside the State, and

(II) where it was performed in a DAHR facility outside the State, was performed by a person authorised to do so under the law of the place where the procedure was performed,**]**

(c) at the time when the DAHR procedure referred to in *paragraph (b)* was performed, a person was an intending parent of the child and was the only intending parent of the child,

F10**[**(d) subject to *paragraph (g)*, at the time referred to in *paragraph (c)*, the donor who provided a gamete that was used in the DAHR procedure—

(i) was unknown to the mother of the child and the person referred to in *paragraph (c)*, and

(ii) was not an intending parent of the child,**]**

(e) at the time of an application under *section 21* or *22*, as the case may be, the person referred to in *paragraph (d)* remains unknown to the mother of the child and the person referred to in F10**[***paragraph (c)*,**]**

(f) the mother of the child is recorded as the mother of the child in a register of births and no person, or no person other than the person referred to in *paragraph (c)*, is recorded in that register as the child's father or F10**[**parent,**]**

F11**[**(g) subject to *paragraphs (h)* and *(i)*, where the donor who provided a gamete that was used in the DAHR procedure was known to the mother of the child and the person referred to in *paragraph (c)*, the donor consents to the making of the declaration concerned under *section 21* or *22* and, by virtue of giving such consent, confirms that he or she understands that, under the law of the State, he or she—

(i) is not a parent of the child, and

(ii) has no parental rights or duties in respect of the child,

(h) a consent referred to in *paragraph (g)* given by the donor is given—

(i) voluntarily, and

(ii) subject to provisions of the Assisted Decision-Making (Capacity) Act 2015, when he or she had the capacity (within the meaning of that Act) to do so, and

(i) the District Court or Circuit Court, as appropriate, may waive the requirement under *paragraph (g)* of consent from the donor referred to in that paragraph if he or she—

(i) is deceased, or

(ii) cannot be located after reasonable efforts have been made to find him or her.**]**

(2) In this section and *sections 21* to *23* —

F10**[**"DAHR procedure" includes a DAHR procedure performed—

(a) other than in a DAHR facility,

(b) outside the State, or

(c) other than in a DAHR facility and outside the State;

"donor means a person who provided a gamete for a DAHR procedure, other than the mother or intending parent of the child born as a result of such procedure;**]**

"intending parent" means, in relation to a child who is born as a result of a DAHR procedure, a person, other than the intending mother of the child who, at the time the DAHR procedure is performed, was aware of the performance of the procedure and undertook to care for, and exercise responsibilities towards, any child born as a result of the procedure, as if he or she were the parent of the child;

"register of births", means a register of births maintained by An tArd-Chláraitheoir under section 13(1)(a) of the Civil Registration Act 2004, as amended, or under the repealed enactments (within the meaning of that Act).

Annotations

Amendments:

F10 Substituted (20.04.2026) by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(b)(i)(I)-(IV), (ii), S.I. No. 160 of 2026.

F11 Inserted (20.04.2026) by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(b)(i)(V), S.I. No. 160 of 2026.

F12 Substituted by *Family Courts Act 2024* (48/2024), s. 89(a), not commenced as of date of revision.

Modifications (not altering text):

C2 Prospective affecting provision: subs. (1)(i) amended by *Family Courts Act 2024* (48/2024), s. 89(a), not commenced as of date of revision.

20.— ...

(i) the F12**[**Family District Court or Family Circuit Court**]**, as appropriate, may waive the requirement under *paragraph (g)* of consent from the donor referred to in that paragraph if he or she—

...

Declaration by District Court of parentage of child to whom *section 20* applies

21. (1) The persons specified in *subsection (2)* may jointly apply to the District Court in such manner as may be prescribed by rules of court for a declaration under this section that the person referred to in *subsection (2)(b)* is the parent of a child to whom *section 20* applies.

(2) An application for a declaration under this section may be made, in relation to a child to whom *section 20* applies, by—

(a) the mother of the child, and

(b) the person, referred to in *section 20(1)(c)*, who was an intending parent of the child.

(3) The child to whom an application for a declaration under this section relates shall be joined as a party to the proceedings.

(4) An application under this section shall be grounded on an affidavit sworn by each applicant, stating that—

(a) the child to whom the application relates is a child to whom *section 20* applies,

(b) the applicant referred to in *subsection (2)(b)* was, at the time referred to in *section 20(1)(c)*, the intending parent of the child, and

(c) he or she consents to the making of a declaration under this section.

F13**[**(4A) Where *section 20(1)(g)* applies, an application under this section shall include an affidavit sworn by the donor stating that he or she—

(a) consents to the making of a declaration under this section, and

(b) understands that, under the law of the State, he or she is not a parent of the child and has no parental rights or duties in respect of the child.**]**

(5) On an application under this section the Court may, at any stage of the proceedings, of its own motion or on the application of any party to the proceedings, direct that all necessary papers in the matter be sent to the Attorney General.

(6) Where on an application under this section the Attorney General requests to be made a party to the proceedings, the Court shall order that he or she shall be added as a party, and, whether or not he or she so requests, the Attorney General may argue before the Court any question in relation to the application which the Court considers necessary to have fully argued and take such other steps in relation thereto as he or she thinks necessary or expedient.

(7) The Court may direct that notice of any application under this section shall be given to such other persons as the Court thinks fit and where notice is so given to any person the Court may, either of its own motion or on the application of that person or any party to the proceedings, order that that person shall be added as a party to those proceedings.

(8) In deciding whether or not to make a declaration under this section the Court shall, to the extent possible given his or her age or understanding, give the child the opportunity to make his or her views on the matter known, and shall have regard to those views.

(9) Where on an application under this section, the Court is satisfied that—

(a) the child is a child to whom *section 20* applies, and

(b) where the child has not attained the age of 18 years, it is in the best interests of the child to make the declaration,

it shall make a declaration that the applicant referred to in *subsection (2)(b)* is a parent of the child.

(10) Any declaration made under this section shall be binding on the parties to the proceedings and any person claiming through a party to the proceedings, and where the Attorney General is made a party to the proceedings the declaration shall also be binding on the State.

Annotations

Amendments:

F13 Inserted (20.04.2026) by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(c), S.I. No. 160 of 2026.

F14 Substituted by *Family Courts Act 2024* (48/2024), s. 89(b), not commenced as of date of revision.

Modifications (not altering text):

C3 Prospective affecting provision: subss. (1), (6), (7) amended by *Family Courts Act 2024* (48/2024), s. 89(b), not commenced as of date of revision. Note that words to be substituted in subss. (6), (7) do not exist, amendment cannot be made.

> **21.** (1) The persons specified in *subsection (2)* may jointly apply to the F14**[**Family District Court**]** in such manner as may be prescribed by rules of court for a declaration under this section that the person referred to in *subsection (2)(b)* is the parent of a child to whom *section 20* applies.

Editorial Notes:

E9 Power pursuant to section exercised (22.10.2020) by *District Court (Donor-Assisted Human Reproduction) Rules 2020* (S.I. No. 434 of 2020), in operation as per rule 1(1).

E10 Power pursuant to section exercised (18.01.2016) by *District Court (Children and Family Relationships Act 2015) Rules 2016* (S.I. No. 17 of 2016), in operation as per rule 1(1).

Declaration by Circuit Court of parentage of child to whom *section 20* applies

22. (1) The persons specified in *subsection (2)* may apply to the Circuit Court for a declaration under this section that a person named in the application (in this section referred to as a "relevant person") is the parent of a child to whom *section 20* applies.

(2) An application for a declaration under this section may be made, in relation to a child to whom *section 20* applies, by—

(a) the child,

(b) the mother of the child, or

(c) the relevant person.

(3) The child to whom an application for a declaration under this section relates shall be joined as a party to the proceedings.

(4) *Subsections (5)* to *(8)* of *section 21* apply, with all necessary modifications, to an application under this section as they apply to an application under that section.

(5) An application under this section shall be accompanied by evidence that—

(a) the child concerned is a child to whom *section 20* applies, and

(b) the relevant person was, at the time referred to in *section 20(1)(c)*, an intending parent of the child concerned.

F15**[**(5A) Where *section 20(1)(g)* applies, an application under this section shall include an affidavit sworn by the donor stating that he or she—

(a) consents to the making of a declaration under this section, and

(b) understands that, under the law of the State, he or she is not a parent of the child and has no parental rights or duties in respect of the child.**]**

(6) Subject to *subsection (7)*, where on an application under this section it is proved on the balance of probabilities that—

(a) the child concerned is a child to whom *section 20* applies, and

(b) the relevant person was, at the time referred to in *section 20(1)(c)*, an intending parent of the child concerned,

the Circuit Court shall make a declaration that the relevant person is a parent of the child.

(7) The Circuit Court shall not make a declaration under *subsection (6)* where it is satisfied that to do so—

(a) would not be in the best interests of the child concerned, where the child has not attained the age of 18 years, or

(b) would be contrary to the interests of justice.

(8) Any declaration made under this section shall be binding on the parties to the proceedings and any person claiming through a party to the proceedings, and where the Attorney General is made a party to the proceedings the declaration shall also be binding on the State.

Annotations

Amendments:

F15 Inserted (20.04.2026) by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(c), S.I. No. 160 of 2026.

F16 Substituted by *Family Courts Act 2024* (48/2024), ss. 89(c)(i)-(iii); not commenced as of date of revision.

Modifications (not altering text):

C4 Prospective affecting provision: substituted by *Family Courts Act 2024* (48/2024), ss. 89(c)(i)-(iii); not commenced as of date of revision.

22. (1) The persons specified in *subsection (2)* may apply to the F16**[**Family Circuit Court**]** for a declaration under this section that a person named in the application (in this section referred to as a "relevant person") is the parent of a child to whom *section 20* applies.

...

(6) Subject to *subsection (7)*, where on an application under this section it is proved on the balance of probabilities that—

(a) the child concerned is a child to whom *section 20* applies, and

(b) the relevant person was, at the time referred to in *section 20(1)(c)*, an intending parent of the child concerned,

the F16**[**Family Circuit Court**]** shall make a declaration that the relevant person is a parent of the child.

(7) The F16**[**Family Circuit Court**]** shall not make a declaration under *subsection (6)* where it is satisfied that to do so—

...

Effect of declaration under *section 21* or *22*

23. Where a person is declared under *section 21* or *22* to be a parent of a child, from the date on which the declaration is made—

(a) the person shall be deemed to be the parent, under *section 5(1)(b)*, of the child,

(b) the person, referred to in *section 20(1)(d)*, who provided a gamete that was used in the DAHR procedure that resulted in the birth of the child—

(i) is not the parent of the child, and

(ii) has no parental rights or duties in respect of the child,

and

(c) a reference in any enactment to a mother, father or parent of a child shall be construed as not including, in relation to the child to whom the declaration relates, the person referred to in *paragraph (b)*.

PART 3

Donor-Assisted Human Reproduction

Acquisition by operator of DAHR facility of gamete or embryo

24. (1) The operator of a DAHR facility shall not acquire for use in a DAHR procedure a gamete provided by a donor unless, at the time of such acquisition, he or she also acquires the information specified in *subsection (3)* in respect of the donor.

(2) The operator of a DAHR facility shall not acquire an embryo for use in a DAHR procedure or a further DAHR procedure unless, at the time of such acquisition, he or she also acquires the information specified in *subsection (3)* in respect of—

(a) the donor or, as the case may be, each donor of the embryo who provided a gamete that was used in the formation of the embryo, and

(b) where applicable, the donor of a gamete that was used in the formation of the embryo.

(3) The information referred to in *subsections (1)* and *(2)*, in relation to the donor concerned, is:

(a) his or her name;

(b) his or her date and place of birth;

(c) his or her nationality;

(d) the date on which, and the place at which, he or she provided the gamete;

(e) his or her contact details.

Performance of DAHR procedure

25. (1) A person shall not perform a DAHR procedure unless the person is—

(a) a registered medical practitioner, or

(b) a registered nurse F17**[**or registered midwife**]**.

(2) A person shall not perform a DAHR procedure other than on the request of an intending parent.

(3) A person shall not perform a DAHR procedure on the request of an intending parent unless—

(a) he or she has first obtained the following information in respect of that intending parent—

(i) his or her name,

(ii) his or her date of birth, and

(iii) his or her address and contact details,

and

(b) the following applies:

(i) where the intending mother is the only intending parent, she has consented under *section 9* to the parentage under *section 5* of a child born to her as a result of the procedure;

(ii) where the intending parents are the intending mother and her F18**[**spouse**]**, civil partner or cohabitant—

(I) the intending mother has consented under *section 9* to the parentage under *section 5* of a child born as a result of the procedure, and her declaration under *section 9(1)(c)* includes a statement referred to in *section 9(3)(d)* in respect of the husband, civil partner or cohabitant concerned, and

(II) the husband, civil partner or cohabitant concerned has consented under *section 11* to being the parent, under *section 5*, of a child born as a result of the procedure.

Annotations

Amendments:

F17 Inserted (24.03.2021) by *Regulated Professions (Health and Social Care) (Amendment) Act 2020* (16/2020), s. 188(b), S.I. No. 120 of 2021.

F18 Substituted (16.11.2015) by *Marriage Act 2015* (35/2015), s. 23(d), S.I. No. 504 of 2015.

Use of gamete or embryo in DAHR procedure

26. (1) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete provided by a donor unless—

(a) the gamete has been acquired in accordance with *section 24(1)*, and

(b) the donor of that gamete—

(i) has consented under *section 6* to the use of the gamete in a DAHR procedure, or

(ii) where the gamete is acquired from outside the State, has consented to the use of the gamete in a DAHR procedure, where that consent is substantially the same as that provided for in *section 6*.

(2) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure or a further DAHR procedure an embryo unless—

(a) it has acquired the embryo in accordance with *section 24(2)*, and

(b) the donor, or as the case may be, each donor of the embryo—

(i) has consented under *section 14* or *16*, to the use of the embryo in a DAHR procedure or, as the case may be, a further DAHR procedure, or

(ii) where the embryo is acquired from outside the State, has consented to the use of the embryo in a DAHR procedure or a further DAHR procedure, where that consent is substantially the same as that provided for in *section 14* or, as the case may be, *section 16*.

(3) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure a gamete provided by a donor, where he or she has become aware that—

(a) the consent of the donor under *section 6* has been revoked under *section 8*, or

(b) in the case of a gamete to which *subsection (1)(b)(ii)* or *(5)* applies, the consent of the donor referred to in that subsection has been revoked.

(4) The operator of a DAHR facility shall not use or permit to be used in a DAHR procedure or a further DAHR procedure an embryo where he or she has become aware that—

(a) the consent of the donor under *section 14* or, as the case may be, *section 16*, has been revoked under *section 18*, or

(b) in the case of an embryo to which *subsection (2)(b)(ii)* or *(6)* applies, the consent of the donor referred to in that subsection has been revoked.

(5) Notwithstanding *subsection (1)*, for a period of 3 years from the date on which that subsection comes into operation, a gamete to which *paragraph (a)* of that subsection does not apply may be used in a DAHR procedure where—

(a) the gamete concerned has been acquired before that date by the DAHR facility concerned,

(b) the donor of the gamete has consented to the use of the gamete in a DAHR procedure, and

(c) the intending parent is the parent of a child born as a result of a DAHR procedure performed before that date, where the gamete used in that procedure was provided by the same donor.

(6) *Subsection (2)(a)* shall not apply to an embryo where—

(a) the embryo was formed before the date on which the subsection comes into operation,

(b) the embryo was acquired by the DAHR facility before that date, and

(c) the donor or, as the case may be, each donor of the embryo has consented to the use of the embryo in a DAHR procedure or a further DAHR procedure.

(7) Where an embryo to which *subsection (6)* applies is used in a DAHR procedure or a further DAHR procedure, nothing in this section shall operate to prevent the recording on the Register of the information specified in *section 33(3)(d)* in respect of the donor from whose gamete the embryo was formed.

(8) The operator of a DAHR facility may use or permit to be used in a DAHR procedure an embryo that was formed before the date on which this subsection comes into operation, where—

(a) the embryo has been formed for the purposes of the DAHR procedure,

(b) the donor of the gamete that was used in the formation of the embryo has consented to the use of the gamete in a DAHR procedure, and

(c) each person who, at the time of the formation of the embryo, was an intending parent, has consented under *section 9*, or as the case may be, *section 11*, to the parentage under *section 5* of a child born as a result of the procedure.

Annotations

Amendments:

F19 Substituted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(e)(i), (ii), not commenced as of date of revision.

Modifications (not altering text):

C5 Prospective affecting provision: subss. (5)(a), (6)(b) amended by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(e)(i), (ii); not commenced as of date of revision.

(a) the gamete concerned has been acquired before that date by F19**[**a DAHR facility**]**,

...

(6) *Subsection (2)(a)* shall not apply to an embryo where— ...

(b) the embryo was acquired by F19**[**a DAHR facility**]** before that date, and

...

Intending parent to provide information to DAHR facility following DAHR procedure

27. (1) Where a DAHR procedure is performed, the intending parent concerned shall, as soon as practicable after becoming aware of the fact, inform the operator of the DAHR facility concerned of the following:

(a) whether the procedure has led to the pregnancy of the intending mother;

(b) where the procedure has led to the pregnancy of the intending mother, the date on which the intending mother is expected to give birth.

(2) Where *subsection (1)(b)* applies, the intending parent concerned shall, as soon as practicable after the pregnancy of the intending mother has come to an end, inform the DAHR facility concerned of—

(a) whether the pregnancy resulted in the birth of a live child, and

(b) where the pregnancy resulted in the birth of a live child, the name, date and place of birth, sex and address of the child.

(3) Where an intending parent does not comply with *subsection (1)* or *(2)*, the operator of the DAHR facility concerned shall contact the intending parent concerned in order to obtain the information referred to in the subsection concerned.

(4) Where an intending parent provides an operator of a DAHR facility with the information referred to in *subsection (2)(b)*, the operator shall furnish the intending parent with a certificate under *subsection (5)*.

(5) A certificate under this subsection shall be in such form as may be prescribed and shall state—

(a) that a DAHR procedure was performed at the DAHR facility on the request of the intending parent or parents, and the date on which procedure was performed,

(b) in relation to the procedure referred to in *paragraph (a)*, whether—

(i) one gamete provided by a donor was used in the procedure and, if so, whether that gamete was a human egg or a human sperm,

(ii) each gamete used in the procedure was provided by a donor, or

(iii) an embryo provided by a donor was used in the procedure,

(c) whether—

F20**[**(i) the gamete referred to in *paragraph (b)* was one to which *subsection (1)*, *(5)* or, as the case may be, *(8)(b)* (other than a gamete to which *subsection (1)* or *(5)* also applies) of *section 26* applied, or**]**

(ii) where applicable, the embryo referred to in *paragraph (b)(iii)* was one to which *subsection (2)* or *(6)* of *section 26* applied,

(d) that the intending mother concerned consented, under *section 9*, to the parentage under *section 5* of a child born as a result of the procedure, and

(e) where applicable, that the F21**[**spouse**]**, civil partner or cohabitant of the intending mother consented under *section 11* to being the parent of a child born as a result of the procedure.

Annotations

Amendments:

F20 Substituted (4.05.2020) by *Civil Registration Act 2019* (13/2019), s. 13, S.I. No. 543 of 2019.

F21 Substituted (16.11.2015) by *Marriage Act 2015* (35/2015), s. 23(e), S.I. No. 504 of 2015.

DAHR facility to retain and provide certain information

28. (1) An operator of a donation facility shall retain—

(a) a written consent of a person made under *section 6*, and

(b) a record of the revocation, under *section 8*, by a person referred to in paragraph (a) of his or her consent.

(2) An operator of a DAHR facility shall retain—

(a) a written consent of a person made under *section 9*, *11*, *14* or *16*, and

(b) a record of the revocation, under *section 10*, *12* or *18*, as the case may be, by a person referred to in *paragraph (a)* of his or her consent.

(3) Where a DAHR procedure is performed at a DAHR facility, the operator of the facility shall retain a record of—

(a) all information acquired under *section 24* in respect of the donor concerned, and

(b) all information obtained under *section 25(3)(a)* in respect of the intending parent concerned.

(4) The operator of a DAHR facility referred to in *subsection (3)* shall provide the Minister, for the purpose of the performance by the Minister of his or her functions under *section 33*, with the following information:

(a) that a DAHR procedure has been performed at the DAHR facility at the request of the intending parents;

(b) the information referred to in *subsection (3)* in respect of the donor and the intending parent;

(c) where known to the operator—

(i) whether the procedure has led to the pregnancy of the intending mother, and

(ii) where the procedure has resulted in the pregnancy of the intending mother, the date on which the intending mother is expected to give birth or, where applicable, the information specified in *subsection (5)* .

(5) Where the pregnancy of the intending mother referred to in *subsection (4)(c)(i)* has come to an end, the information to be provided under that subsection is the following:

(a) whether the pregnancy resulted in the birth of a live child;

(b) where the pregnancy resulted in the birth of a live child, the name, date and place of birth, sex and address of the child.

(6) Subject to *subsection (7)*, the information referred to in *subsection (4)* shall be provided to the Minister, in relation to each DAHR procedure performed at the DAHR facility, on each of the following dates—

(a) on a date that is no later than 6 months after the performance of the procedure concerned, and

(b) on a date that is no earlier than 12 months and no later than 13 months after the performance of the procedure concerned.

(7) Where the operator of a DAHR facility becomes aware of an error in information provided by it under *subsection (4)*, he or she shall without delay inform the Minister of the error and provide the Minister with corrected information.

Minister may require information on compliance by DAHR facility with *section 28*

29. The Minister may require the operator of a DAHR facility to provide him or her with any information that he or she needs to determine whether the operator is in compliance with his or her obligations under *section 28*.

Authorised persons

30. (1) The Minister may appoint such and so many persons as he or she considers appropriate to be an authorised person or authorised persons for the purposes of ensuring compliance by the operator of a DAHR facility with his or her obligations under *section 28*.

(2) A person appointed to be an authorised person under this section shall on his or her appointment be furnished by the Minister with a warrant of his or her appointment, and when exercising a power conferred by this Act shall, if requested by any person thereby affected, produce such warrant to that person for inspection.

Powers of authorised persons

31. (1) For the purposes of this Act, an authorised person may—

(a) subject to *subsection (3)*, enter and inspect at all reasonable times any premises—

(i) which he or she has reasonable grounds for believing are being used as a DAHR facility, or

(ii) at which he or she has reasonable grounds for believing records or documents relating to a DAHR facility are being kept,

(b) at such premises inspect and take copies of, any books, records or other documents (including books, records or documents stored in non-legible form), or extracts therefrom, that he or she finds in the course of his or her inspection,

(c) remove any such books, documents or records from such premises and detain them for such period as he or she reasonably considers to be necessary for the purposes of his or her functions under this Act,

(d) require—

(i) the operator of the DAHR facility, or

(ii) any person at the premises concerned, including the owner or person in charge of that place or premises,

to give the authorised person such information and assistance as the authorised person may reasonably require for the purposes of his or her functions under this Act,

(e) require—

(i) the operator of the DAHR facility, or

(ii) any persons at the premises concerned, including the owner or person in charge of that place or premises,

to produce to the authorised person such books, documents or other records (and in the case of documents or records stored in non-legible form, produce to him or her a legible reproduction thereof) that are in that person's possession or procurement, or under that person's control, as he or she may reasonably require for the purposes of his or her functions under this Act, and

(f) examine with regard to any matter under this Act any person whom the authorised person has reasonable grounds for believing to be—

(i) the operator of a DAHR facility, or

(ii) to be employed at a DAHR facility,

and require the person to answer such questions as the authorised person may ask relative to those matters and to make a declaration of the truth of the answers to those questions.

(2) When performing a function under this Act, an authorised person may, subject to any warrant under *subsection (4)*, be accompanied by such number of other authorised persons or members of the Garda Síochána as he or she considers appropriate.

(3) An authorised person shall not enter a dwelling, other than—

(a) with the consent of the occupier, or

(b) pursuant to a warrant under *subsection (4)*.

(4) Upon the sworn information of an authorised person, a judge of the District Court may—

(a) for the purposes of enabling an authorised person to carry out an inspection of premises that the authorised person has reasonable grounds for believing are being used as a DAHR facility, or

(b) if satisfied that there are reasonable grounds for believing that information, books, documents or other records (including information, books, documents or records stored in non-legible form) required by an authorised person under this section is or are held in any place or premises,

issue a warrant authorising a named authorised person accompanied by such other authorised persons or members of the Garda Síochána as may be necessary, at any time or times, before the expiration of one month from the date of issue of the warrant, to enter the dwelling and perform the functions of an authorised person under *subsection (1)*.

(5) A person commits an offence if he or she—

(a) obstructs or interferes with an authorised person or a member of the Garda Síochána in the course of exercising a power conferred on him or her by this Act or a warrant under *subsection (4)* or impedes the exercise by the person or member, as the case may be, of such power, or

(b) fails or refuses to comply with a request or requirement of, or to answer a question asked by, the person or member pursuant to this section, or in purported compliance with such request or requirement or in answer to such question gives information to the person or member that he or she knows to be false or misleading in any material respect.

(6) Where an authorised person believes, upon reasonable grounds, that a person has committed an offence under this Act, he or she may require that person to provide him or her with his or her name and the address at which he or she ordinarily resides.

(7) A statement or admission made by a person pursuant to a requirement under *subsection (1)(d)* or *(f)* shall not be admissible as evidence in proceedings brought against the person for an offence (other than an offence under *subsection (5)*).

(8) A person who commits an offence under this section is liable—

(a) on summary conviction to a class A fine or imprisonment for a term not exceeding 12 months or both, and

(b) on conviction on indictment to a fine not exceeding €70,000 or imprisonment for a term not exceeding 2 years or both.

Enforcement of obligations of DAHR facility under *section 28*

32. (1) Where the Minister is satisfied that the operator of a DAHR facility is not in compliance with his or her obligations under *section 28*, the Minister may—

(a) issue to the operator a direction requiring him or her to comply with such of the obligations as are specified in the direction, or

(b) apply to the Circuit Court for an order under *subsection (3)*.

(2) Where the Minister is satisfied that the operator of DAHR facility to which he or she has issued a direction under *subsection (1)(a)* is not in compliance with that direction, the Minister may apply to the Circuit Court for an order under *subsection (3)*.

(3) The Circuit Court, on an application under *subsection (1)(b)* or *(2)*, as the case may be, where satisfied that the operator of the DAHR facility concerned is not in compliance

with his or her obligations under *section 28*, may make an order directing the operator to comply with those obligations.

(4) Where the Minister is satisfied that the operator of a DAHR facility who is the subject of an order under *subsection (3)* is not in compliance with the order, the Minister may apply to the Circuit Court for an order under *subsection (5)*.

(5) The Circuit Court, on an application under *subsection (4)*, where satisfied that the operator of the DAHR facility is not in compliance with an order under *subsection (3)*, may make an order prohibiting or restricting the performance at the DAHR facility of DAHR procedures until such time as the operator of the DAHR facility satisfies the Court of his or her ability to comply with his or her obligations under *section 28*.

(6) The operator of a DAHR facility may, within 21 days from the date of the order, appeal an order of the Circuit Court under *subsection (5)* to the High Court on a point of law and the determination of the High Court on such an appeal in respect of the point of law shall be final and conclusive.

National Donor-Conceived Person Register

33. (1) The Minister shall cause to be established and maintained a register to be known as the National Donor-Conceived Person Register.

(2) The Minister shall make an entry in the Register in respect of each child born in the State as the result of a DAHR procedure.

(3) An entry under *subsection (2)* shall contain the following particulars:

(a) the name, date and place of birth and sex of the child;

(b) the address of the child;

(c) the information in respect of the parent of the child, as provided to the Minister under *section 28*;

(d) the information in respect of the donor concerned, as provided to the Minister under *section 28*;

(e) the date on which the DAHR procedure that resulted in the birth of the child was performed;

(f) the name and address of the DAHR facility at which the DAHR procedure referred to in *paragraph (e)* was performed.

(4) The Minister may prescribe the manner in which the information specified in *subsection (3)* is to be recorded on the Register.

Access to certain information from Register

34. (1) A donor-conceived child who has attained the age of 18 years, or the parent of a donor-conceived child who has not attained the age of 18 years, may request the Minister to provide him or her with the following information from the Register:

(a) information other than the relevant donor's name, date of birth and contact details, that is recorded on the Register in respect of the relevant donor;

(b) the number of persons who have been born as a result of the use in a DAHR procedure of a gamete donated by the relevant donor, and the sex and year of birth of each of them.

(2) A donor may request the Minister to provide him or her with information from the Register on the number of persons who have been born as a result of the use in a DAHR procedure of a gamete donated by the donor, and the sex and year of birth of each of them.

(3) The Minister shall comply with a request made in accordance with *subsection (1)* or *(2)*.

Annotations

Amendments:

F22 Substituted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(f)(i), (ii), not commenced as of date of revision.

Modifications (not altering text):

C6 Prospective affecting provision: subs. (1) amended by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(f)(i), (ii), not commenced as of date of revision.

34. (1) F22**[**Subject to *section 42A*, a donor-conceived child who has attained the age of 16 years**]**, or the parent of a donor-conceived child who has not attained the age of F22**[**16 years, may**]** request the Minister to provide him or her with the following information from the Register:

Information in respect of relevant donor to be provided to donor-conceived child

35. (1) A donor-conceived child who has attained the age of 18 years may request from the Minister the name, date of birth and contacts details of a relevant donor, as recorded in the Register.

(2) Where the Minister receives a request under *subsection (1)*, he or she shall send to the relevant donor a notice informing him or her that—

(a) a request under *subsection (1)* has been made by the donor-conceived child, and

(b) the Minister shall, 12 weeks from the date on which the notice is sent, release to the donor-conceived child the information requested, unless the relevant donor makes representations to the Minister setting out why the safety of the relevant donor or the donor-conceived child, or both, requires that the information not be released.

(3) Where a relevant donor to whom *subsection (2)* applies makes representations to the Minister in accordance with that subsection, the Minister shall consider those representations, having regard to the right of the donor-conceived child to his or her identity, and—

(a) if satisfied that sufficient reasons exist to withhold the information concerned from the donor-conceived child, shall refuse the request under *subsection (1)* and notify the donor-conceived child of the refusal and, in doing so, may inform him or her of the content of the representations of the relevant donor under *subsection (2)*, or

(b) if not so satisfied, shall release the information to the donor-conceived child concerned.

(4) Where a relevant donor to whom *subsection (2)* applies does not make representations in accordance with that subsection, the Minister shall release the information to the donor-conceived child concerned.

(5) A donor-conceived child may, within 21 days of receipt of the notification under *subsection (3)(a)*, appeal to the Circuit Court against the Minister's refusal of his or her request under *subsection (1)*.

(6) An appeal under *subsection (5)* shall—

(a) be on notice to the Minister, and

(b) be heard otherwise than in public.

Annotations

Amendments:

F23 Substituted by *Family Courts Act 2024* (48/2024), s. 89(d), not commenced as of date of revision.

F24 Substituted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(g)(i), not commenced as of date of revision.

F25 Inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(g)(ii), not commenced as of date of revision.

F26 Deleted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(g)(iii), not commenced as of date of revision.

Modifications (not altering text):

C7 Prospective affecting provision: subs. (5) amended by *Family Courts Act 2024* (48/2024), s. 89(d), not commenced as of date of revision.

35.—...

(5) A donor-conceived child may, within 21 days of receipt of the notification under *subsection (3)(a)*, appeal to the F23**[**Family Circuit Court**]** against the Minister's refusal of his or her request under *subsection (1)*.

C8 Prospective affecting provision: subs. (1) amended, subs. (1A) inserted, subss. (2)-(6) deleted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(g)(i), (ii), not commenced as of date of revision.

35. (1) F24**[**Subject to *section 42A*, a donor conceived child who has attained the age of 16 years**]** may request from the Minister the name, date of birth and contacts details of a relevant donor, as recorded in the Register.

F25**[**(1A) The Minister shall, as soon as is practicable after receiving a request under *subsection (1)*, comply with the request.**]**

(2) F26**[**...**]**

(3) F26**[**...**]**

(4) F26**[**...**]**

(5) F26**[**...**]**

(6) F26**[**...**]**.

Information in respect of donor-conceived child to be provided to relevant donor

36. (1) A donor-conceived child who has attained the age of 18 years may request the Minister to record on the Register a statement of his or her name, date of birth and contact details and confirming that he or she consents, on the making by the relevant donor of a request under *subsection (2)*, to the release, in accordance with this section, to the relevant donor of that information.

(2) A donor may request from the Minister the name, date of birth and contact details of a donor-conceived child who has attained the age of 18 years and in relation to whom he or she is a relevant donor.

(3) Where the Minister receives a request under *subsection (2)*, and a statement under *subsection (1)* by the donor-conceived child is recorded on the Register, the Minister shall send the donor-conceived child a notice informing him or her that—

(a) a request under *subsection (2)* has been made by the relevant donor, and

(b) unless he or she informs the Minister, within 12 weeks from the date on which the notice is sent, that he or she objects to the release to the relevant donor of the information contained in the statement under *subsection (1)*, the Minister shall release that information to the relevant donor.

(4) Where a donor-conceived child to whom a notice under *subsection (3)* has been sent does not, in accordance with that subsection, object to the release of the information concerned, the Minister shall release that information to the relevant donor concerned.

Annotations

Amendments:

F27 Substituted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(h)(i), (ii), not commenced as of date of revision.

Modifications (not altering text):

C9 Prospective affecting provision: subss. (1), (2) amended by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(h)(i), (ii)(I), (II), not commenced as of date of revision.

> **36.** (1) F27**[**Subject to *section 42A*, a donor-conceived child who has attained the age of 16 years**]** may request the Minister to record on the Register a statement of his or her name, date of birth and contact details and confirming that he or she consents, on the making by the relevant donor of a request under *subsection (2)*, to the release, in accordance with this section, to the relevant donor of that information.
>
> (2) F27**[**Subject to *section 42A*, a donor**]** may request from the Minister the name, date of birth and contact details of a donor-conceived child who has attained the age of F27**[**16 years**]** and in relation to whom he or she is a relevant donor.

Information in respect of other persons to be provided to donor-conceived child

37. (1) A donor-conceived child who has attained the age of 18 years may request the Minister to record on the Register a statement of his or her name, date of birth and contact details and confirming that he or she consents, on the making by a person of a request under *subsection (2)* , to the release, in accordance with this section, to that person of that information.

(2) A donor-conceived child who has attained the age of 18 years (in this section referred to as a "requesting person") may request from the Minister the name, date of birth and contact details of a relevant person.

(3) Where the Minister receives a request under *subsection (2)*, and the donor-conceived child to whom the requested information relates has made a statement under *subsection (1)* that is recorded on the Register, the Minister shall send the donor- conceived child a notice informing him or her that—

(a) a request under *subsection (2)* has been made by the requesting person, and

(b) unless the donor-conceived child informs the Minister, within 12 weeks of the date of the sending of the notice, that he or she objects to the release to the requesting person of the information contained in the statement under *subsection (1)*, the Minister shall release that information to the requesting person.

(4) Where a donor-conceived child to whom a notice under *subsection (3)* has been sent does not, in accordance with that subsection, object to the release of the information concerned, the Minister shall release that information to the requesting person.

(5) In this section, "relevant person" means, in relation to a requesting person, a donor-conceived child in relation to whom a relevant donor is also a relevant donor in relation to the requesting person.

Annotations

Amendments:

F28 Substituted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(i)(i), (ii), not commenced as of date of revision.

Modifications (not altering text):

C10 Prospective affecting provision: subss. (1), (2) amended by *Health (Assisted Human Reproduction) Act 2024* (18/2024), ss. 232(i)(i), (ii), not commenced as of date of revision.

> **37.** (1) F28**[**Subject to *section 42A*, a donor conceived child who has attained the age of 16 years**]** may request the Minister to record on the Register a statement of his or her name,

date of birth and contact details and confirming that he or she consents, on the making by a person of a request under *subsection (2)* , to the release, in accordance with this section, to that person of that information.

(2) F28**[**Subject to *section 42A*, a donor conceived child who has attained the age of 16 years**]** (in this section referred to as a "requesting person") may request from the Minister the name, date of birth and contact details of a relevant person.

Additional provision in relation to *sections 33* to *37*

38. (1) Where information relating to a person is, in accordance with *sections 33* to *37*, recorded on the Register, that person (or, in the case of a person who has not attained the age of 18 years, his or her parent or guardian) may request the Minister to update the information concerned.

(2) The Minister shall not—

(a) record on the Register a statement made by a person under *section 36(1)* or *37(1)*, or

(b) release information to a person in response to a request under *section 35*, *36*, or *37*,

unless the Minister is satisfied that the person has received counselling on the implications of his or her recording such a statement or, as the case may be, receiving such information.

Annotations

Amendments:

F29 Substituted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(j)(i), not commenced as of date of revision.

F30 Deleted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(j)(ii), not commenced as of date of revision.

Modifications (not altering text):

C11 Prospective affecting provision: subs. (1) amended by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 232(j)(i); not commenced as of date of revision.

38. (1) Where information relating to a person is, in accordance with *sections 33* to *37*, recorded on the Register, that person F29**[**(or, subject to *section 42A*, in the case of a person who has not attained the age of 16 years, his or her parent or guardian)**]** may request the Minister to update the information concerned.

(2) F30**[**...**]**

Interaction of Register and register of births

39. (1) Where the Minister makes an entry under *section 33(2)*, he or she shall notify an tArd-Chláraitheoir that the Minister holds a record in the Register in respect of the child concerned.

(2) Where an tArd-Chláraitheoir receives a notification under *subsection (1)*, he or she shall note in the entry in the register of births in respect of the child that the child is a donor-conceived child and that additional information is available from the Register in relation to the child.

(3) A note referred to in *subsection (2)* shall be released only to the child concerned, when he or she has attained the age of 18 years.

(4) Where a person who has attained the age of 18 years applies for a copy of his or her birth certificate, and the register of births contains a note referred to in *subsection (2)*, an tArd-Chláraitheoir shall, when issuing a copy of the birth certificate requested, inform the person that further information relating to him or her is available from the Register.

Jurisdiction (*Parts 2* and *3*)

40. (1) The jurisdiction conferred on the District Court by *section 21* shall be exercised by—

(a) a judge of the District Court who is assigned to the district court district in which an applicant under that section ordinarily resides or carries on any profession, business or occupation, or

(b) where no applicant under that section ordinarily resides or carries on any profession, business or occupation in the State, a judge who is assigned to the Dublin Metropolitan District.

(2) The jurisdiction conferred on the Circuit Court by *sections 22* and *35* shall be exercised by—

(a) the judge of the circuit in which an applicant under the section concerned ordinarily resides or carries on any profession, business or occupation, or

(b) where no applicant under the section concerned ordinarily resides or carries on any profession, business or occupation in the State, by a judge of the court for the time being assigned to the Dublin Circuit.

(3) The jurisdiction conferred on the Circuit Court by *section 32* shall be exercised by the judge of the circuit in which the DAHR facility concerned is located.

Annotations

Amendments:

F31 Substituted by *Family Courts Act 2024* (48/2024), ss. 89(e)(i)(I), (II), (ii)(I),(II), not commenced as of date of revision.

Modifications (not altering text):

C12 Prospective affecting provision: subs. (1), (1)(a), (2), (2)(a) amended by *Family Courts Act 2024* (48/2024), ss. 89(e)(i)(I), (II), (ii)(I),(II), not commenced as of date of revision.

> **40.** (1) The jurisdiction F31**[**conferred on the Family District Court**]** by *section 21* shall be exercised by—
>
> (a) F31**[**judge of the Family District Court who is assigned to the Family District Court district**]** in which an applicant under that section ordinarily resides or carries on any profession, business or occupation, or
>
> ...
>
> (2) The jurisdiction F31**[**conferred on the Family Circuit Court**]** by *sections 22* and *35* shall be exercised by—
>
> (a) the F31**[**judge of the Family Circuit Court circuit**]** in which an applicant under the section concerned ordinarily resides or carries on any profession, business or occupation, or
>
> ...

Regulations (*Parts 2* and *3*)

41. (1) The Minister may make regulations prescribing any matter or thing which is referred to in *Part 2* or this Part as prescribed or to be prescribed.

(2) Regulations under *Part 2* or this Part may contain such incidental, supplementary and consequential provisions as the Minister considers necessary or expedient for the purposes of the regulations.

(3) Regulations made under *Part 2* or this Part shall be laid before each House of the Oireachtas as soon as may be after they are made and, if a resolution annulling those regulations is passed by either such House within the next 21 days on which that House has sat after the regulations are laid before it, the regulations shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

Annotations

Editorial Notes:

E11 Power pursuant to section exercised (5.05.2020) by *Children and Family Relationships Act 2015 (Certification) Regulations 2019* (S.I. No. 546 of 2019), in operation as per reg. 1(2).

E12 Power pursuant to section exercised (5.05.2020) by *Children and Family Relationships Act 2015 (Consent to Parentage Declaration) Regulations 2019* (S.I. No. 545 of 2019), in operation as per reg. 1(2).

E13 Power pursuant to section exercised (5.05.2020) by *Children and Family Relationships Act 2015 (Consent to Use Declaration) Regulations 2019* (S.I. No. 544 of 2019), in operation as per reg. 1(2).

F32**[Delegation by Minister to AHRRA**

41A. ...**]**

Annotations

Amendments:

F32 Inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 233, not commenced as of date of revision.

Modifications (not altering text):

C13 Prospective affecting provision: section inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 233, not commenced as of date of revision.

F32**[41A.** (1) The Minister may delegate to the AHRRA any of his or her functions (including maintaining the National Donor-Conceived Person Register) under *Part 2* or this Part (except the Minister's power to make regulations under *section 41*) which he or she considers can effectively be performed by the AHRRA and the Minister shall be responsible for monitoring, approving or reviewing the performance of such delegated functions by the AHRRA.

(2) Where a function of the Minister is delegated to the AHRRA under *subsection (1)*, the delegation shall remain in force until the Minister revokes it.

(3) In this section, "AHRRA" has the meaning it has in section 122 of the Health (Assisted Human Reproduction) Act 2024.**]**

Editorial Notes:

E14 The section heading is taken from the amending section in the absence of one included in the amendment.

Service of documents (*Parts 2* and *3*)

42. (1) A notice or other document that is required to be served on or given to a person under *Part 2* or this Part shall be addressed to the person concerned by name, and may be so served on or given to the person in one of the following ways:

(a) by delivering it to the person;

(b) by leaving it at the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, at that address; or

(c) by sending it by post in a prepaid registered letter to the address at which the person ordinarily resides or, in a case in which an address for service has been furnished, to that address.

(2) For the purpose of this section, a company within the meaning of the Companies Acts shall be deemed to be ordinarily resident at its registered office, and every other body corporate and every unincorporated body of persons shall be deemed to be ordinarily resident at its principal office or place of business.

F33[**Savings - *sections 34* to *38***

42A. ...]

Annotations

Amendments:

F33 Section inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 234, not commenced as of date of revision.

Modifications (not altering text):

C14 Prospective affecting provision: section inserted by *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 234, not commenced as of date of revision.

F33[**42A.** (1) (a) *Section 34* as amended by section 232 (f) of the Act of 2024 shall not apply in the case of information from the Register which was recorded in the Register before the commencement of such section 232 (f).

(b) *Section 34* as in force immediately before the commencement referred to in *paragraph (a)* shall, on and after that commencement, continue to apply to information referred to in that paragraph.

(2) (a) *Section 35* as amended by section 232 (g) of the Act of 2024 shall not apply in the case of information which was recorded in the Register before the commencement of such section 232 (g).

(b) *Section 35* as in force immediately before the commencement referred to in *paragraph (a)* shall, on and after that commencement, continue to apply to information referred to in that paragraph.

(3) In this section, "Act of 2024" means the Health (Assisted Human Reproduction) Act 2024.**]**

Editorial Notes:

E15 The section heading is taken from the amending section in the absence of one included in the amendment.

PART 4

AMENDMENTS TO GUARDIANSHIP OF INFANTS ACT 1964

Amendment of section 2 of Act of 1964

43. Section 2 of the Act of 1964 is amended—

(a) in subsection (1) by—

(i) the substitution of the following definition for the definition of "adoption order":

" 'adoption order' has the same meaning as it has in the Adoption Act 2010;",

(ii) the substitution of the following definition for the definition of "father":

" 'father' includes a male adopter under an adoption order but subject to section 11(4), does not include the father of a child who has not married that child's mother unless—

(a) an order under section 6A is in force in respect of that child,

(b) the circumstances set out in subsection (3) of this section apply,

(c) the circumstances set out in subsection (4) of this section apply,

(d) the circumstances set out in subsection (4A) of this section apply, or

(e) the father is a guardian of the child by virtue of section 6D;",

(iii) the substitution of the following definition for the definition of "parent":

" 'parent' means—

(a) subject to paragraph (b), a father or mother as defined by this subsection, and

(b) in relation to a donor-conceived child, the parent or parents of that child under *section 5* of the *Act of 2015*;",

and

(iv) the insertion of the following definitions:

" 'Act of 2010' means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

'Act of 2015' means the *Children and Family Relationships Act 2015*;

'civil partner' shall be construed in accordance with section 3 of the Act of 2010;

'cohabitant' shall be construed in accordance with section 172(1) of the Act of 2010;

'donor-conceived child' has the meaning it has in *Part 2* of the *Act of 2015*;

'enactment' means a statute or an instrument made under a power conferred by statute;

'enforcement order' shall be construed in accordance with section 18A(1);

'qualifying guardian', in relation to a child, means a person who is a guardian of that child and who—

(a) is the parent of the child and has custody of him or her, or

(b) not being a parent of the child has custody of him or her to the exclusion of any living parent of the child;

'Minister' means the Minister for Justice and Equality;

'relative', in relation to a child, means a grandparent, brother, sister, uncle or aunt of the child;",

(b) in subsection (4) —

(i) in paragraph (c), by the deletion of "child," and substitution of "child, and", and

(ii) by the deletion of paragraph (d),

and

(c) by the insertion after subsection (4) of the following:

"(4A) The circumstances referred to in paragraph (d) of the definition of 'father' in subsection (1) are that the father and mother of the child concerned—

(a) have not married each other, and

(b) have been cohabitants for not less than 12 consecutive months occurring after the date on which this subsection comes into operation, which shall include a period, occurring at any time after the birth of the child, of not less than three consecutive months during which both the mother and father have lived with the child.".

References in enactments to guardians appointed under section 6C or 6E

44. The Act of 1964 is amended by the insertion of the following section after section 2:

"**References in enactments to guardians appointed under section 6C or 6E**

2A. (1) Subject to subsection (2), a reference in a provision of an enactment specified in section 6C(12) to a person who is a guardian of a child pursuant to this Act shall include a reference to a person who is appointed as guardian of the child under that section if the court so appointing the person orders that he or she is to enjoy the rights and responsibilities of a guardian under the provision concerned.

(2) Subsection (1) shall apply subject to such limitations (if any) as may be specified under section 6C(9) in the order of the court under that section appointing the person concerned as guardian of the child concerned.

(3) A reference in a provision of an enactment to a person who is a guardian of a child pursuant to this Act shall, in the case of a temporary guardian appointed under section 6E, be construed subject to such limitations (if any) as are imposed under subsection (6) or (11) of that section on the exercise by him or her of the rights and responsibilities of a guardian under the provision.".

Best interests of child to be paramount

45. The Act of 1964 is amended by the substitution of the following section for section 3:

"**3.** (1) Where, in any proceedings before any court, the—

(a) guardianship, custody or upbringing of, or access to, a child, or

(b) administration of any property belonging to or held on trust for a child or the application of the income thereof,

is in question, the court, in deciding that question, shall regard the best interests of the child as the paramount consideration.

(2) In proceedings to which subsection (1) applies, the court shall determine the best interests of the child concerned in accordance with Part V.".

Amendment of section 5(2) of Act of 1964

46. Section 5(2) of the Act of 1964 is amended by the substitution of "at a rate greater than €150 per week towards the maintenance of a child or a lump sum order greater than €15,000 for the benefit of a child", for "at a rate greater than €150 per week towards the maintenance of a child".

Amendment of section 6 of Act of 1964

47. Section 6 of the Act of 1964 is amended—

(a) by the insertion of the following subsection after subsection (1):

"(1A) Where civil partners or a cohabiting couple have jointly adopted a child under an adoption order the civil partners or cohabiting couple, as the case may be, shall be guardians of the child jointly.",

(b) by the insertion of the following subsection after subsection (3):

"(3A) (a) On the death of a civil partner who has jointly adopted a child with their civil partner, the other civil partner, if surviving, shall be guardian of the child, either alone or jointly with any guardian appointed by the deceased civil partner or by the court.

(b) On the death of one cohabitant of a cohabiting couple who have jointly adopted a child, the other cohabitant, if surviving, shall be guardian of the child, either alone or jointly with any guardian appointed by the deceased cohabitant or by the court.",

(c) by the substitution of the following subsection for subsection (4):

"(4) Subject to subsection (1A), where the mother of a child has not married the child's father, and no other person is, under this Act, the guardian of the child, she, while living, shall alone be the guardian of the child.",

and

(d) by the insertion of the following subsection after subsection (4):

"(5) In this section, 'cohabiting couple' has the same meaning as it has in the Adoption Act 2010.".

Amendment of section 6A of Act of 1964

48. The Act of 1964 is amended by the substitution of the following section for section 6A:

"**Power of court to appoint parent as guardian**

6A. (1) The court may, on an application to it by a person who, being a parent of the child, is not a guardian of the child, make an order appointing the person as guardian of the child.

(2) Without prejudice to other provisions of this Act, the appointment under this section of a guardian shall not, unless the court otherwise orders, affect the prior appointment (whether under this or any other enactment) of any other person as guardian of the child.".

Insertion in Act of 1964 of sections 6B to 6E

49. The Act of 1964 is amended by the insertion of the following sections after section 6A:

"Rights of certain parents to guardianship

6B. (1) A man who—

(a) is, under *section 5(1)(b)* of the *Act of 2015*, the parent of the child, and

(b) has married the mother of the child,

shall be a guardian of the child.

(2) A person, other than a person to whom subsection (1) applies, who, along with the mother of the child is, under *section 5* of the *Act of 2015*, the parent of a child shall be a guardian of the child where—

(a) the person has entered into a civil partnership with the mother,

(b) the circumstances in subsection (3) apply, or

(c) the circumstances in subsection (4) apply.

(3) The circumstances referred to in subsection (2)(b) are that the person and the mother of the child concerned have been cohabitants for not less than 12 consecutive months occurring after the date on which this subsection comes into operation, which shall include a period, occurring at any time after the birth of the child, of not less than three consecutive months during which both the mother and the person have lived with the child.

(4) The circumstances referred to in subsection (2)(c) are that the person and the mother of the child concerned—

(a) declare that they are the parents, under *section 5* of the *Act of 2015*, of the child concerned,

(b) declare that they agree to the appointment of the person as a guardian of the child, and

(c) have made a statutory declaration to that effect in a form prescribed by the Minister.

Power of court to appoint person other than parent as guardian

6C. (1) The court may, on an application to it by a person who, not being a parent of the child, is eligible under subsection (2) to make such application, make an order appointing the person as guardian of a child.

(2) A person is eligible to make an application referred to in subsection (1) where he or she is over the age of 18 years and—

(a) on the date of the application, he or she—

(i) is married to or is in a civil partnership with, or has been for over 3 years a cohabitant of, a parent of the child, and

(ii) has shared with that parent responsibility for the child's day-to-day care for a period of more than 2 years,

or

(b) on the date of the application—

(i) he or she has provided for the child's day-to-day care for a continuous period of more than 12 months, and

(ii) the child has no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child.

(3) An application under subsection (1) shall be on notice to each person who is a parent or guardian of the child concerned.

(4) Where a person to whom subsection (2)(b) applies makes an application under subsection (1), the court shall direct that the Child and Family Agency be put on notice of the application, and have regard to the views (if any) of the Agency in deciding whether or not to make an order under subsection (1).

(5) Without prejudice to other provisions of this Act, the appointment under this section of a guardian shall not, unless the court otherwise orders, affect the prior appointment (whether under this or any other enactment) of any other person as guardian of the child.

(6) Subject to subsection (7), an order under subsection (1) shall not be made under this section without the consent of—

(a) each guardian of the child, and

(b) the applicant concerned.

(7) The court may make an order dispensing, for the purposes of this section, with the consent of a guardian of the child, if it is satisfied that the consent is unreasonably withheld and that it is in the best interests of the child to make such an order.

(8) In deciding whether or not to make an order under this section, the court shall—

(a) ensure that the child concerned, to the extent possible given his or her age and understanding, has the opportunity to make his or her views on the matter known, and have regard to those views, and

(b) have regard to the number of persons who are guardians of the child concerned, and the degree to which those persons are involved in the upbringing of the child.

(9) Where the court appoints under this section a person as guardian of a child, and one or both of the parents of that child are still living, the person so appointed shall enjoy the rights and responsibilities of a guardian specified in subsection (11) only—

(a) where the court expressly so orders, and

(b) to the extent specified in the order and in the case of the rights and responsibilities specified in any of paragraphs (a) to (e) of that subsection, subject to such limitations as are specified in the order.

(10) In deciding whether to exercise its power under subsection (9), the court shall have regard to—

(a) the relationship between the child concerned and the person appointed as guardian of the child, and

(b) the best interests of the child.

(11) The rights and responsibilities referred to in subsection (9) are the rights and responsibilities of a guardian:

(a) to decide on the child's place of residence;

(b) to make decisions regarding the child's religious, spiritual, cultural and linguistic upbringing;

(c) to decide with whom the child is to live;

(d) to consent to medical, dental and other health related treatment for the child, in respect of which a guardian's consent is required;

(e) under an enactment specified in subsection (12);

(f) to place the child for adoption, and consent to the adoption of the child, under the Adoption Act 2010.

(12) The enactments referred to in subsection (11)(e) are:

(a) section 2A(2) of the Firearms Act 1925;

(b) section 5 of the Protection of Young Persons (Employment) Act 1996;

(c) sections 50 and 50A of the International Criminal Court Act 2006;

(d) sections 79, 79A and 79B of the Criminal Justice (Mutual Assistance) Act 2008;

(e) section 14 of the Passports Act 2008;

(f) the Criminal Justice (Forensic Evidence and DNA Database System) Act 2014.

Rights and responsibilities equivalent to guardianship arising in another state

6D. (1) Subject to this section, a person shall be the guardian of a child where he or she has—

(a) pursuant to a judgment that is entitled to recognition in accordance with the provisions of the Council Regulation or the Convention,

(b) pursuant to a measure that is entitled to recognition in accordance with the provisions of the Convention, or

(c) by operation of the law of a state other than the State as provided for in Chapter III of the Convention,

acquired, in respect of the child, rights and responsibilities that are equivalent to guardianship.

(2) The court may, in accordance with this Act and, where applicable, the Council Regulation and the Convention, remove, vary or enforce the rights and responsibilities of a guardian to whom subsection (1) applies.

(3) In this section—

'Convention' means the Convention on jurisdiction, applicable law, recognition, enforcement and co-operation in respect of parental responsibility and measures

for the protection of children, signed at the Hague on the 19th day of October, 1996;

'Council Regulation' means Council Regulation (EC) No. 2201/2003 of 27 November 2003 [1] concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000;

'judgment' means a judgment as defined in Chapter I of Article 2 of the Council Regulation;

'measure' means a judgment or decision which is made in accordance with Chapter II of the Convention;

'person' includes a person, institution or other body.

Power of court to appoint temporary guardian

6E. (1) A qualifying guardian may nominate a person to be, in the event that the qualifying guardian becomes incapable through serious illness or injury of exercising the rights and responsibilities of guardianship, temporary guardian of the child concerned.

(2) The nomination under subsection (1) of a person to be a temporary guardian shall—

(a) be in writing, in such form as may be prescribed, and

(b) specify such limitations (if any) as the qualifying guardian wishes to impose on the rights and responsibilities of guardianship that the temporary guardian, if appointed under this section, may exercise.

(3) Where a qualifying guardian who has nominated a person under subsection (1), or a person so-nominated (in this section referred to as the 'nominated person'), is of opinion that the qualifying guardian is incapable through serious illness or injury of exercising the rights and responsibilities of guardianship, that guardian or nominated person may apply to the court for an order under this section.

(4) An application under subsection (3) shall be on notice to—

(a) each guardian of the child, including, where the application is made by the nominated person, the qualifying guardian concerned,

(b) where the application is made by the qualifying guardian concerned, the nominated person,

(c) a parent (if any) of the child who is not the child's guardian, and

(d) the Child and Family Agency.

(5) The court, on hearing an application under subsection (3), and having regard to the views (if any) of the persons referred to in subsection (4), may make an order appointing the nominated person to be a temporary guardian of the child concerned where, and only where, it is satisfied that—

(a) the qualifying guardian concerned is incapable through serious illness or injury of exercising the rights and responsibilities of guardianship,

(b) the nominated person is a fit and proper person to exercise the rights and responsibilities specified in subsection (8), and

(c) it is in the best interests of the child concerned for the nominated person to become the temporary guardian of the child.

(6) An order under subsection (5) may impose—

(a) such limitations on the exercise by the temporary guardian of the rights and responsibilities of guardianship, and

[1]O.J. No. L338, 23.12.2003, p. 1

(b) such conditions relating to the periodic review by the court of the appointment of the person as temporary guardian,

as the court considers necessary in the best interests of the child concerned.

(7) In imposing limitations or conditions under subsection (6), the court shall have regard to the limitations specified by the qualifying guardian under subsection (2).

(8) Subject to the terms of the order concerned under subsection (5), a person appointed to be temporary guardian—

(a) may exercise the rights and responsibilities of guardianship in respect of the child concerned,

(b) shall take custody of the child concerned, and

(c) shall act jointly with any other guardian of the child concerned, including the qualifying guardian concerned.

(9) A temporary guardian shall, and the qualifying guardian concerned may, where he or she is of opinion that the qualifying guardian is no longer incapable of exercising the rights and responsibilities of guardianship, apply to the court for an order under subsection (11).

(10) An application under subsection (9) shall be on notice to—

(a) each guardian of the child concerned, including, where the application is made by a temporary guardian, the qualifying guardian concerned,

(b) any parent of the child who is not the child's guardian, and

(c) the Child and Family Agency.

(11) The court, on hearing an application under subsection (9), may make an order—

(a) confirming that the appointment of the temporary guardian shall continue in force,

(b) to the effect that the qualifying guardian is capable of exercising the rights and responsibilities of guardianship and revoking the appointment of the temporary guardian, or

(c) to the effect that the qualifying guardian shall have specified rights and responsibilities of guardianship and that the other rights and responsibilities of guardianship shall be exercised by the qualifying guardian and temporary guardian jointly.

(12) An order under subsection (11) may—

(a) specify the period for which it shall remain in effect,

(b) impose such conditions relating to the periodic review by the court of the order as the court considers necessary in the best interests of the child concerned, and

(c) provide for such additional matters as the court considers necessary in the best interests of the child concerned.

(13) In considering an application under subsection (3) or (9), the court shall ensure that the child concerned, to the extent possible given his or her age and understanding, has the opportunity to make his or her views on the matter known, and the court shall take account of those views.

Declaration that person is guardian

6F. (1) A person specified in subsection (2) may apply to the court for a declaration under this section that a person named in the application is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of a child named in the application (in this section referred to as the 'child concerned').

(2) An application for a declaration under this section may be made, in relation to a child concerned, by—

(a) a guardian of the child concerned, or

(b) a person seeking a declaration that he or she is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of the child concerned.

(3) An application for a declaration under this section shall not be made in relation to a child concerned other than—

(a) where the application is made by a person referred to in subsection (2)(a), on notice to each other guardian of the child and the person named in the application in relation to whom the declaration is sought, and

(b) where the application is made by a person referred to in subsection (2)(b), on notice to each guardian of the child.

(4) The court may direct that notice of any application for a declaration under this section shall be given to such other persons as the court thinks fit and where notice is so given or where notice is given under subsection (3) to any person the court may, either of its own motion or on the application of that person or any party to the proceedings, order that that person shall be added as a party to those proceedings.

(5) Where on an application for a declaration under this section it is proved on the balance of probabilities that a person named in the application is or is not a guardian by virtue of the circumstances set out in section 2(4A) or 6B(3) of the child concerned, the court shall make the declaration accordingly.".

Power of parents to appoint testamentary guardians

50. The Act of 1964 is amended by the substitution of the following section for section 7:

"**Power of parents to appoint testamentary guardians**

7. (1) On the death of the guardian ('deceased guardian') of a child, a guardian ('surviving guardian') surviving the deceased guardian, if any, shall be guardian of the child jointly, where applicable, with—

(a) any other surviving guardian, and

(b) any person or persons appointed testamentary guardian by the deceased guardian in accordance with this section.

(2) A guardian who is—

(a) the parent of a child, or

(b) not being the parent of the child, has custody of him or her to the exclusion of any living parent of the child,

may by deed or will appoint a person or persons to be guardian ('testamentary guardian') of the child after his or her death.

(3) On the death of a guardian referred to in subsection (2), the testamentary guardian appointed by the deceased guardian shall, subject to subsections (4) and (5), act jointly with a surviving guardian of the child so long as that surviving guardian remains alive.

(4) Where subsection (3) applies and—

(a) a surviving guardian referred to in that subsection objects to a testamentary guardian acting jointly with him or her, or

(b) the testamentary guardian considers that a surviving guardian is unfit to have the custody of the child,

the surviving guardian or the testamentary guardian, as the case may be, may apply to the court for an order under this section.

(5) On an application under subsection (4), the court may make an order providing that—

(a) the appointment of the testamentary guardian is revoked and the surviving guardian shall remain guardian of the child concerned,

(b) the testamentary guardian shall act jointly with the surviving guardian, or

(c) the testamentary guardian shall act as guardian of the child to the exclusion, insofar as the court thinks proper, of the surviving guardian.

(6) Where the court makes an order under subsection (5)(c), it may make all or any of the following orders:

(a) such order regarding the custody of the child and the right of access to the child of the surviving guardian as it thinks proper;

(b) an order that a parent of the child shall pay to the guardian or guardians, or any of them, towards the maintenance of the child such weekly or other periodical sum as, having regard to the means of the surviving parent, it considers reasonable.

(7) An appointment of a testamentary guardian by deed may be revoked by a subsequent deed or by will.".

Amendment of section 8 of Act of 1964

51. Section 8 of the Act of 1964 is amended by—

(a) the substitution of the following subsection for subsection (4):

"(4) A guardian—

(a) appointed by will or deed,

(b) appointed by order of the court,

(c) holding office by virtue of the circumstances set out in subsection (4) or (4A) of section 2, or subsection (3) or (4) of section 6B, or

(d) holding office by virtue of section 6D, and subject to subsection (2) of that section,

may be removed from office only by the court.",

and

(b) the insertion of the following subsections after subsection (5):

"(6) The court may, on application by a guardian or a proposed guardian make an order removing from office a guardian (including a guardian who is the applicant)—

(a) appointed pursuant to section 6A, 6C, 7 or subsection (1) or (2), or

(b) who holds office by virtue of the circumstances set out in subsection (4) or (4A) of section 2, or subsection (3) or (4) of section 6B, or

(c) who holds office by virtue of section 6D.

(7) The court shall remove a guardian from office under subsection (6) only where—

(a) there is another guardian in place or about to be appointed,

(b) the court is satisfied that it is in the best interests of the child that the guardian be removed from office,

(c) for substantial reasons that appear to it to be sufficient, the court considers it necessary or desirable to do so, and

(d) the guardian who is to be removed from office—

(i) consents to the removal,

(ii) is unable or unwilling to exercise the powers, responsibilities and entitlements of guardianship in respect of the child, or

(iii) has failed in his or her duty towards the child to such extent that the safety or welfare of the child is likely to be prejudicially affected if he or she is not removed from office.".

Insertion of section 8A in Act of 1964

52. The Act of 1964 is amended by the insertion of the following section after section 8:

"**Duration of guardianship**

8A. Subject to section 8, a person continues to be a guardian of a child until whichever of the following occurs first—

(a) the guardian dies,

(b) the child attains the age of 18 years, or

(c) the child marries.".

Amendment of section 11 of Act of 1964

53. Section 11 of the Act of 1964 is amended by—

(a) the substitution of the following subsection for subsection (2):

"(2) The court may by an order under this section—

(a) give such directions as it thinks proper regarding the custody of the child and the right of access to the child of each of his or her parents, and

(b) order a parent of the child to pay towards the maintenance of the child such weekly or other periodical sum as, having regard to the means of the parent, the court considers reasonable.",

(b) the substitution of the following subsection for subsection (4):

"(4) In the case of a child whose parents have not married each other—

(a) a reference in subsection (2)(b) to a parent of that child shall be construed as including a parent who is not a guardian of the child, and

(b) the right to make an application under this section regarding the custody of the child and the right of access thereto of each of his or her parents shall extend to a parent who is not a guardian of the child, and for this purpose references in this section to the parent of a child shall be construed as including such a parent.",

and

(c) the insertion of the following subsection after subsection (9):

"(10) An application under subsection (1) shall be on notice to each other person who is a parent or guardian of the child concerned.".

Amendment of section 11A of Act of 1964

54. Section 11A of the Act of 1964 is amended by the substitution of "parents" for "father and mother".

Amendment of section 11B of Act of 1964

55. Section 11B of the Act of 1964 is amended—

(a) in subsection (1), by the substitution of the following paragraph for paragraph (b):

"(b) is a person with whom the child resides or has formerly resided,",

(b) by the deletion of subsection (2), and

(c) in subsection (3) —

(i) in paragraph (c), by the substitution of "guardians," for "guardians.", and

(ii) by the insertion of the following paragraphs after paragraph (c):

"(d) the views of the child, and

(e) whether it is necessary to make an order to facilitate the access of the person to the child.".

Amendment of section 11D of Act of 1964

56. Section 11D of the Act of 1964 is amended by the substitution of "each of his or her parents" for "both his or her father and mother".

Relatives and certain persons may apply for custody of child

57. The Act of 1964 is amended by the insertion of the following section after section 11D:

"**Relatives and certain persons may apply for custody of child**

11E. (1) The court may, on application by—

(a) a person who is a relative of a child, or

(b) a person to whom subsection (2) applies,

make an order giving that person custody of the child.

(2) This subsection applies to a person with whom the child concerned resides where the person—

(a) (i) is or was married to or in a civil partnership with, or has been, for a period of over 3 years, the cohabitant of the parent of the child, and

(ii) has, for a period of more than 2 years, shared with that parent responsibility for the child's day-to-day care,

or

(b) (i) is an adult who has, for a continuous period of more than 12 months, provided for the child's day-to-day care, and

(ii) the child has no parent or guardian who is willing or able to exercise the rights and responsibilities of guardianship in respect of the child.

(3) Subject to subsection (4), the court shall not make an order under subsection (1) without the consent of each guardian of the child.

(4) The court may make an order dispensing with the consent of a guardian if satisfied it is in the best interests of the child to do so.

(5) The court, in making an order in respect of a person to whom subsection (2) applies, may grant custody of a child to the child's parent and such person jointly and, in doing so, shall—

(a) where these are not agreed as between the person and the parent of the child, specify the residential arrangements that are to apply in respect of the child, and

(b) where the residential arrangements that are to apply in respect of the child provide that, for any period, the child will not reside with one of his or her parents, specify the contact (if any) that is to take place between the child and that parent during that period.".

Additional powers of court in relation to applications under this Act

58. The Act of 1964 is amended by the insertion of the following section after section 12:

"**Additional powers of court in relation to applications under this Act**

12A. (1) In making any order under this Act, the court may impose such conditions as it considers to be necessary in the best interests of the child.

(2) The court may, where it considers it necessary and appropriate in order to protect the best interests of the child, including his or her right to the care and custody of both of his or her parents, impose conditions in relation to the holding of the passport of a child.

(3) The conditions referred to in subsection (2) include that a passport may be retained by the court or held by a specified person and may be released subject to such further conditions as may be determined by the court.

(4) Where, in any proceedings pursuant to this Part, it appears to the court that it may be appropriate for a care order or a supervision order to be made with respect to a child concerned in the proceedings, the court may, of its own motion, or on the application of any person, adjourn the proceedings and make such directions under section 20 of the Child Care Act 1991 as the court may deem appropriate.".

Amendment of section 18(2) of Act of 1964

59. Section 18(2) of the Act of 1964 is amended by the substitution of "parents" for "father and mother".

Insertion in Act of 1964 of sections 18A to 18D

60. The Act of 1964 is amended by the insertion of the following sections after section 18:

"**Enforcement orders**

18A. (1) A guardian or parent of a child who has been—

(a) granted, by order of the court made under this Act, custody of, or access to, that child, and

(b) unreasonably denied such custody or access by another guardian or parent of that child,

may apply to the court for an order ('enforcement order') under this section.

(2) An application under subsection (1) shall be on notice to each guardian and parent of the child concerned.

(3) Subject to subsection (4), the court, on an application under subsection (1), shall make an enforcement order only where it is satisfied that—

(a) the applicant was unreasonably denied custody or access, as the case may be, by the other parent or guardian,

(b) it is in the best interests of the child to do so, and

(c) it is otherwise appropriate in the circumstances of the case to do so.

(4) An enforcement order may provide for one or more than one of the following:

(a) that the applicant be granted access to the child for such periods of time (being periods of time in addition to the periods of time during which the applicant has access to the child under the order referred to in subsection (1)(a)) that the court may consider necessary in order to allow any adverse effects on the relationship between the applicant and child caused by the denial referred to in subsection (1) to be addressed;

(b) that the respondent reimburse the applicant for any necessary expenses actually incurred by the applicant in attempting to exercise his or her right under the order referred to in subsection (1)(a) to custody of, or access to, the child;

(c) that the respondent or the applicant, or both, in order to ensure future compliance by them with the order referred to in subsection (1)(a) do one or more than one of the following:

(i) attend, either individually or together, a parenting programme;

(ii) avail, either individually or together, of family counselling;

(iii) receive information, in such manner and in such form as the court may determine on the possibility of their availing of mediation as a means of resolving disputes between them, that adversely affect their parenting capacities, between the applicant and respondent.

(5) An enforcement order shall not contain a provision referred to in subsection (4)(a) unless—

(a) the child, to the extent possible given his or her age and understanding, has had the opportunity to make his or her views on the matter known to the court, and

(b) the court has taken the views (if any) of the child referred to in paragraph (a) into account in making the order.

(6) Where the court, on an application under subsection (1), is of the opinion that the denial of custody or access was reasonable in the particular circumstances, it may—

(a) refuse to make an enforcement order, or

(b) make such enforcement order that it considers appropriate in the circumstances.

(7) This section is without prejudice to the law as to contempt of court.

(8) In this section—

'family counselling' means a service provided by a family counsellor in which he or she assists a person or persons—

(a) to resolve or better cope with personal and interpersonal problems or difficulties relating to, as the case may be, his, her or their marriage, civil partnership, cohabitation or parenting of a child, or

(b) to resolve or better cope with personal and interpersonal problems or difficulties, or issues relating to the care of children, where the person or persons is or are affected, or likely to be affected, by separation, divorce, the dissolution of a civil partnership or the ending of a relationship of cohabitation;

'family counsellor' means a person who has the requisite skill and judgment to provide family counselling;

'parenting programme' means a programme that is designed to assist (including by the provision of counselling services or the teaching of techniques to resolve disputes) a person in resolving problems that adversely affect the carrying out of his or her parenting responsibilities.

Person presumed to have seen order of court

18B. A person shall be deemed to have been given or shown a copy of an order made under this Act if that person was present at the sitting of the court at which such order was made.

Power of court to vary or terminate custody or access enforcement order

18C. (1) The court may, on application by a person granted by order of the court made under this Act, custody of, or access to a child, make an order varying or terminating an enforcement order or any part of that order.

(2) The court may, in proceedings to vary or terminate a custody or access order, in those proceedings vary or terminate an enforcement order that relates to that custody or access order.

Enforcement of custody or access order

18D. (1) Where a guardian or parent of a child—

(a) has been granted, by order of the court made under this Act, custody of, or access to that child, and

(b) fails, without reasonable notice to another guardian or parent of the child, to exercise the right concerned,

the other parent or guardian of the child may apply to the court for an order requiring the first-mentioned guardian or parent to reimburse to the second-mentioned guardian or parent any necessary expenses actually incurred by that guardian or parent as a result of the failure of the first-mentioned guardian or parent to exercise that right.

(2) In this section, and section 18A, 'necessary expenses' include the following:

(a) travel expenses;

(b) lost remuneration;

(c) any other expenses the court may allow.".

Amendment of section 23 of Act of 1964

61. Section 23 of the Act of 1964 is amended by—

(a) designating the section as subsection (1), and

(b) by inserting the following subsections after subsection (1):

"(2) Subsection (1) does not apply to—

(a) an admission by a party that indicates a child has been abused or is at risk of abuse, or

(b) a disclosure by a child that indicates the child has been abused or is at risk of abuse.

(3) In this section, 'abuse' means physical, sexual or emotional abuse.".

Amendment of section 27 of Act of 1964

62. Section 27 of the Act of 1964 is amended in subsection (1) by the substitution of "section 6A, 6C, 6E, 11, 11B or 11E" for "section 6A, 11 or 11B".

Insertion of Part V in Act of 1964

63. The Act of 1964 is amended by the insertion of the following after Part IV:

"Part V

Best interests of the Child

Determination by court of best interests of child

31. (1) In determining for the purposes of this Act what is in the best interests of a child, the court shall have regard to all of the factors or circumstances that it regards as relevant to the child concerned and his or her family.

(2) The factors and circumstances referred to in subsection (1) include:

(a) the benefit to the child of having a meaningful relationship with each of his or her parents and with the other relatives and persons who are involved in the child's upbringing and, except where such contact is not in the child's best interests, of having sufficient contact with them to maintain such relationships;

(b) the views of the child concerned that are ascertainable (whether in accordance with section 32 or otherwise);

(c) the physical, psychological and emotional needs of the child concerned, taking into consideration the child's age and stage of development and the likely effect on him or her of any change of circumstances;

(d) the history of the child's upbringing and care, including the nature of the relationship between the child and each of his or her parents and the other relatives and persons referred to in paragraph (a), and the desirability of preserving and strengthening such relationships;

(e) the child's religious, spiritual, cultural and linguistic upbringing and needs;

(f) the child's social, intellectual and educational upbringing and needs;

(g) the child's age and any special characteristics;

(h) any harm which the child has suffered or is at risk of suffering, including harm as a result of household violence, and the protection of the child's safety and psychological well-being;

(i) where applicable, proposals made for the child's custody, care, development and upbringing and for access to and contact with the child, having regard to the desirability of the parents or guardians of the child agreeing to such proposals and co-operating with each other in relation to them;

(j) the willingness and ability of each of the child's parents to facilitate and encourage a close and continuing relationship between the child and the other parent, and to maintain and foster relationships between the child and his or her relatives;

(k) the capacity of each person in respect of whom an application is made under this Act—

(i) to care for and meet the needs of the child,

(ii) to communicate and co-operate on issues relating to the child, and

(iii) to exercise the relevant powers, responsibilities and entitlements to which the application relates.

(3) For the purposes of subsection (2)(h), the court shall have regard to household violence that has occurred or is likely to occur in the household of the child, or a household in which the child has been or is likely to be present, including the impact or likely impact of such violence on:

(a) the safety of the child and other members of the household concerned;

(b) the child's personal well-being, including the child's psychological and emotional well-being;

(c) the victim of such violence;

(d) the capacity of the perpetrator of the violence to properly care for the child and the risk, or likely risk, that the perpetrator poses to the child.

(4) For the purposes of this section, a parent's conduct may be considered to the extent that it is relevant to the child's welfare and best interests only.

(5) In any proceedings to which section 3(1)(a) applies, the court shall have regard to the general principle that unreasonable delay in determining the proceedings may be contrary to the best interests of the child.

(6) In obtaining the ascertainable views of a child for the purposes of subsection (2)(b), the court—

(a) shall facilitate the free expression by the child of those views and, in particular, shall endeavour to ensure that any views so expressed by the child are not expressed as a result of undue influence, and

(b) may make an order under section 32.

(7) In this section 'household violence' includes behaviour by a parent or guardian or a household member causing or attempting to cause physical harm to the child or another child, parent or household member, and includes sexual abuse or causing a child or a parent or other household member to fear for his or her safety or that of another household member.

Power of court to make certain orders

32. (1) In proceedings to which section 3(1)(a) applies, the court may, by order, do either or both of the following:

(a) give such directions as it thinks proper for the purpose of procuring from an expert a report in writing on any question affecting the welfare of the child; or

(b) appoint an expert to determine and convey the child's views.

(2) An order under subsection (1) may be made by the court of its own motion or on application to it in that behalf by a party to the proceedings and, in deciding whether to make an order, the court shall have regard to any views expressed to it in relation to the matter by or on behalf of a party to the proceedings concerned or any other person to whom they relate.

(3) Without prejudice to the generality of subsection (1), the court, in deciding whether to make an order under that subsection, shall, in particular, have regard to the following:

(a) the age and maturity of the child;

(b) the nature of the issues in dispute in the proceedings;

(c) any previous report under subsection (1)(a) on a question affecting the welfare of the child;

(d) the best interests of the child;

(e) whether the making of the order will assist the expression by the child of his or her views in the proceedings;

(f) the views expressed by a person referred to in subsection (2).

(4) A copy of a report under subsection (1)(a) may be provided in evidence in the proceedings and shall be given to—

(a) the parties to the proceedings concerned, and

(b) subject to subsection (5), if he or she is not a party to the proceedings, to the child concerned.

(5) In determining whether a report obtained under subsection (1)(a) should be furnished to the child to whom it relates, the court shall have regard to the following:

(a) the age and maturity of the child and the capacity of the child to understand the report;

(b) the impact on the child of reading the report and the effect it may have on his or her relationship with his or her parents or guardians;

(c) the best interests of the child;

(d) whether the best interests of the child would be better served by the furnishing of the report to the parent, guardian, next friend of the child or an expert appointed under subsection (1)(b), rather than to the child himself or herself.

(6) An expert appointed under subsection (1)(b) shall—

(a) ascertain the maturity of the child,

(b) where requested by the court, ascertain whether or not the child is capable of forming his or her views on the matters that are the subject of the proceedings, and report to the court accordingly,

(c) where paragraph (b) does not apply, or where paragraph (b) applies and the expert ascertains that the child is capable of forming his or her own views on the matters that are the subject of the proceedings—

(i) ascertain the views of the child either generally or on any specific questions on which the court may seek the child's views, and

(ii) furnish to the court a report, which shall put before the court any views expressed by the child in relation to the matters to which the proceedings relate.

(7) The court or a party to proceedings to which this section applies may call as a witness in the proceedings an expert appointed under subsection (1).

(8) Where, in proceedings referred to in subsection (1), the court has made an order under paragraph (a) or (b) of subsection (1), nothing in this section shall prevent the court from—

(a) making a further order under either or both of those paragraphs, or

(b) in making such a further order, appointing the same or a different expert to perform the function concerned.

(9) The fees and expenses of an expert appointed under subsection (1) shall be paid by such parties to the proceedings concerned and in such proportions, or by such party to the proceedings, as the court may determine.

(10) The Minister may, in consultation with the Minister for Children and Youth Affairs, by regulation specify—

(a) the qualifications and experience of an expert appointed under this section, and

(b) the fees and allowable expenses that may be charged by such an expert.

(11) Without prejudice to the generality of subsection (10), regulations under that subsection may provide for:

(a) the qualifications, and the minimum level of professional experience, to be held by an expert,

(b) the minimum standards that shall apply to the performance by an expert of his or her functions under this section, and

(c) such other matters as the Minister considers necessary to ensure that experts are capable of performing their functions under this section.".

PART 5

AMENDMENTS TO SUCCESSION ACT 1965

Amendment of section 3 of Act of 1965

64. Section 3 of the Act of 1965 is amended in subsection (1) by the insertion of the following definition:

" '*Act of 2015*' means the *Children and Family Relationships Act 2015*;".

Amendment of section 4A of Act of 1965

65. Section 4A of the Act of 1965 is amended—

(a) in subsection (1), by the substitution of "Subject to subsection (1A), in deducing any relationship" for "In deducing any relationship",

(b) by the insertion of the following subsection after subsection (1):

"(1A) In deducing any relationship for the purposes of this Act, the relationship between every donor-conceived child (within the meaning of the *Act of 2015*) and his or her parents shall be determined in accordance with *section 5* of the *Act of 2015* and all other relationships shall be determined accordingly.",

(c) in subsection (2), by the substitution of "Subject to subsection (2A) (inserted by *section 65(d)* of the *Act of 2015*), where a person" for "Where a person", and

(d) by the insertion of the following subsection after subsection (2):

"(2A) The reference to father in subsection (2) does not include a man who is, under *section 5* of the *Act of 2015*, a parent of the first-mentioned person referred to in that subsection.".

Amendment of section 27A of Act of 1965

66. The Act of 1965 is amended in section 27A—

(a) by designating the section as subsection (1),

(b) in subsection (1) (as designated by *paragraph (a)*)—

(i) by the substitution of "Subject to subsection (2), for the purpose of the application" for "For the purpose of the application", and

(ii) by the substitution of "whose parents have not married each other or whose parents are not civil partners of each other" for "whose parents have not married each other" in each place it occurs,

and

(c) by the insertion of the following subsections after subsection (1):

"(2) Subsection (1) shall not apply in relation to a person whose parents have not married each other or whose parents are not civil partners of each other where—

(a) the person has been adopted by a cohabiting couple—

(i) under an adoption order, or

(ii) outside the State, where that adoption is recognised by virtue of the law for the time being in force in the State,

or

(b) they are the parents, under *section 5* of the *Act of 2015*, of the person.

(3) In this section—

" 'Act of 2010' means the Adoption Act 2010;

'adoption order' has the same meaning as it has in section 3(1) of the Act of 2010;

'cohabiting couple' has the same meaning as it has in section 3(1) (amended by *section 102* of the *Act of 2015*) of the Act of 2010.".

Amendment of section 67A of Act of 1965

67. Section 67A of the Act of 1965 is amended—

(a) in subsection (2)(a), by the substitution of "subject to subsections (3), (3A) (inserted by *section 67(c)* of the *Act of 2015*), (4), (5), (6) and (7)" for "subject to subsections (3) to (7) ",

(b) in subsection (3), by the substitution of "Subject to subsection (3A), the court may" for "The court may", and

(c) by the insertion of the following subsection after subsection (3):

"(3A) An application may not be made under subsection (3) by or on behalf of a child of an intestate where that child is also the child of the surviving civil partner.".

Amendment of section 72A of Act of 1965

68. Section 72A of the Act of 1965 is amended in paragraph (b) by the substitution of "the spouse, civil partner or a direct lineal ancestor" for "the spouse or a direct lineal ancestor".

Amendment of section 117 of Act of 1965

69. Section 117 of the Act of 1965 is amended by the substitution of the following subsection for subsection (3A):

"(3A) An order under this section—

(a) where the surviving civil partner is a parent of the child, shall not affect the legal right of that surviving civil partner or any devise or bequest to the civil partner or any share to which the civil partner is entitled on intestacy, or

(b) where the surviving civil partner is not a parent of the child, shall not affect the legal right of the surviving civil partner unless the court, after consideration of all the circumstances, including the testator's financial circumstances and his or her obligations to the surviving civil partner, is of the opinion that it would be unjust not to make the order.".

Amendment of section 121 of Act of 1965

70. Section 121 of the Act of 1965 is amended in subsection (6) by the substitution of "spouse or civil partner, as the case may be," for "spouse" in each place it occurs.

PART 6

AMENDMENTS TO FAMILY LAW (MAINTENANCE OF SPOUSES AND CHILDREN) ACT 1976

Amendment of section 3 of Act of 1976

71. Section 3 of the Act of 1976 is amended in subsection (1) —

(a) in the definition of "antecedent order", by the insertion of the following paragraph after paragraph (d):

"(da) an order under section 8A of this Act (in so far as it is deemed under that section to be a maintenance order),",

(b) in the definition of "maintenance debtor", by the substitution of "person" for "spouse" wherever it occurs,

(c) in the definition of "maintenance order", by the substitution of "an order under section 5, 5A, 5B or 5C" for "an order under either section 5 or 5A", and

(d) by the insertion of the following definitions:

" 'Act of 2010' means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

'civil partner' shall be construed in accordance with section 3 of the Act of 2010;

'cohabitant' shall be construed in accordance with section 172(1) of the Act of 2010 and includes a former cohabitant;".

Amendment of section 5A of Act of 1976

72. Section 5A of the Act of 1976 is amended—

(a) by the substitution of "whose parents are not married to each other and are not civil partners of each other" for "whose parents are not married to each other" wherever it occurs, and

(b) in subsection (3)(b), by the substitution of the following subparagraph for subparagraph (i):

"(i) a spouse or a civil partner,".

Maintenance by cohabitants of certain dependent children

73. The Act of 1976 is amended by the insertion of the following sections after section 5A:

"Maintenance order (liability of cohabitant to other cohabitant in respect of child of other cohabitant)

5B. (1) This section applies to a cohabitant of a person (in this section referred to as the maintenance applicant) who is a parent of, or who is in *loco parentis* to, a dependent child who is under the age of 18 years where the cohabitant—

(a) is not the parent of the dependent child, and

(b) is a guardian of the dependent child appointed under section 6C of the Guardianship of Infants Act 1964.

(2) Subject to subsection (3) of this section, where it appears to the Court, on application to it by a maintenance applicant, that the applicant's cohabitant has failed to provide such maintenance for a dependent child referred to in subsection (1) of this section as is proper in the circumstances, the Court may make an order (in this Act referred to as a maintenance order) that the cohabitant make to the maintenance applicant periodical payments, for the support of the child, for such period during the lifetime of the maintenance applicant, of such amount and at such times, as the Court may consider proper.

(3) The Court, in deciding whether to make a maintenance order under this section for the support of a dependent child referred to in subsection (1) of this section and, if it decides to do so, in determining the amount of any payment, shall

have regard to all the circumstances of the case and, in particular, in so far as is practicable, to the following matters—

(a) the income, earning capacity (if any), property and other financial resources of—

(i) the cohabitant,

(ii) the maintenance applicant,

(iii) the child, and

(iv) any other dependent children of the maintenance applicant or the cohabitant,

including income or benefits to which the maintenance applicant, the cohabitant, the child or such other dependent children are entitled by or under statute with the exception of a benefit or allowance or any increase in such benefit or allowance in respect of the child or other dependent children granted to either parent of any such children, and

(b) the financial and other responsibilities of the maintenance applicant and the cohabitant concerned towards—

(i) a spouse, civil partner or cohabitant,

(ii) the child, and

(iii) any other dependent children of the maintenance applicant or the cohabitant,

and the needs of such children, including the need for care and attention.

Maintenance order (liability of cohabitant to any person in respect of child of other cohabitant)

5C. (1) This section applies to a cohabitant (in this section called the relevant cohabitant) of a person who is a parent of, or who is in *loco parentis* to, a dependent child who is under the age of 18 years where the relevant cohabitant—

(a) is not the parent of the dependent child, and

(b) is a guardian of the child appointed under section 6C of the Guardianship of Infants Act 1964.

(2) Subject to subsection (3) of this section, where it appears to the Court, on application to it by any person, that the relevant cohabitant has failed to provide such maintenance for a dependent child referred to in subsection (1) of this section as is proper in the circumstances, the Court may make an order (in this Act referred to as a maintenance order) that the relevant cohabitant make to the person periodical payments, for the support of the dependent child, for such period during the lifetime of that person, of such amount and at such times, as the Court may consider proper.

(3) The Court, in deciding whether to make a maintenance order under this section for the support of a dependent child referred to in subsection (1) of this section and, if it decides to do so, in determining the amount of any payment, shall have regard to all the circumstances of the case and, in particular, in so far as is practicable, to the following matters—

(a) the income, earning capacity (if any), property and other financial resources of—

(i) the relevant cohabitant,

(ii) the child, and

(iii) any other dependent children of the relevant cohabitant,

including income or benefits to which the relevant cohabitant, the child or such other dependent children are entitled by or under statute with the exception

of a benefit or allowance or any increase in such benefit or allowance in respect of the child or other dependent children granted to either parent of such children, and

(b) the financial and other responsibilities of the relevant cohabitant towards—

(i) a spouse, civil partner or cohabitant,

(ii) the child, and

(iii) any other dependent children of the relevant cohabitant,

and the needs of any such children, including the need for care and attention.

(4) The Court shall not make a maintenance order under subsection (2) of this section in relation to a relevant cohabitant in respect of a dependent child referred to in subsection (1) of this section if a maintenance order is in force under section 5B of this Act requiring that cohabitant to make periodical payments for the support of the child unless—

(a) the cohabitant is not complying with the order under section 5B of this Act, and

(b) the Court, having regard to all the circumstances, thinks it proper to do so,

but, if the Court makes the order under the said subsection (2), any amounts falling due for payment under the order under the said section 5B on or after the date of the making of the order under the said subsection (2) shall not be payable.".

Amendment of section 6 of Act of 1976

74. Section 6 of the Act of 1976 is amended—

(a) in subsection (3), by the substitution of "Subject to subsection (3A) of this section, that part of a maintenance order" for "That part of a maintenance order", and

(b) by the insertion of the following subsection after subsection (3):

"(3A) A maintenance order made under section 5B or 5C of this Act shall stand discharged when the person for whose benefit the order was made attains the age of 18 years.".

Amendment of section 8A of Act of 1976

75. Section 8A of the Act of 1976 is amended by the substitution of "who are not married to each other and are not civil partners of each other enter into an agreement" for "who are not married to each other enter into an agreement".

Amendment of section 10 of Act of 1976

76. Section 10 of the Act of 1976 is amended in subsection (3)(b)(i) by the substitution of "whether the person concerned" for "whether the spouse concerned".

Amendment of section 21A of Act of 1976

77. Section 21A of the Act of 1976 is amended in subsection (1) by the substitution of the following paragraph for paragraph (b):

"(b) in relation to a dependent child whose parents are not married to each other and are not civil partners of each other, a parent,".

Amendment of section 23 of Act of 1976

78. Section 23 of the Act of 1976 is amended—

(a) in subsection (1), by the substitution of "proceedings under sections 5, 5A, 5B, 5C, 6, 7, 9 and 21A of this Act" for "proceedings under sections 5, 5A, 6, 7, 9 and 21A of this Act",

(b) in subsection (2) —

(i) in paragraph (b), by the substitution of "under section 5, 5A, 5B, 6, 7 or 9" for "under section 5, 6, 7 or 9", and

(ii) in paragraph (c), by the substitution of "under section 5, 5A, 5B, 6, 7 or 9" for "under section 5, 6, 7 or 9",

and

(c) by the substitution of the following subsection for subsection (3):

"(3) In proceedings under this Act, each party to the proceedings shall give to the other party such particulars of his or her financial circumstances, including property and income, and in so far as is practicable, the financial circumstances of his or her dependent children, as may reasonably be required for the purpose of the proceedings.".

PART 7

Amendments to Status of Children Act 1987

Amendment of section 33 of Act of 1987

79. Section 33 of the Act of 1987 is amended by the insertion of the following definitions:

" '*Act of 2015*' means the *Children and Family Relationships Act 2015*;

'adopted person' has the same meaning as in section 3(2)(b) of this Act;

'donor-conceived child' has the same meaning as in *Part 2* of the *Act of 2015*;

'parent' includes a second parent;

'second parent', in relation to a donor-conceived child, means a person who is a parent of the child under *section 5(1)(b)* of the *Act of 2015*, other than a person who is a parent under that section by virtue of a declaration obtained under *section 21* or *22* of that Act.".

Amendment of section 35 of Act of 1987

80. Section 35 of the Act of 1987 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) A person specified in subsection (1A) of this section may apply to the Court for a declaration under this section that—

(a) a person named in the application is or is not the mother,

(b) a person named in the application is or is not the father or second parent, or

(c) 2 persons named in the application are or are not the parents,

of a person (other than a person who is an adopted person) named in the application (in this section referred to as the 'person concerned').",

(b) by the insertion of the following subsections after subsection (1):

"(1A) An application for a declaration under this section may be made, in relation to a person concerned, by—

(a) the person concerned,

(b) any person seeking a declaration that he or she is the mother, father or second parent of the person concerned, or

(c) any person seeking a declaration that he or she is not the mother, father or second parent of the person concerned.

(1B) Where an application for a declaration under this section is made by a person referred to in paragraph (b) or (c) of subsection (1A) of this section in relation to a person concerned, the person concerned shall be joined as a party to the proceedings.",

(c) in subsection (3), by the substitution of "Where an application for a declaration under this section is made in relation to a person concerned who was not born in the State, the person making the application shall specify" for "Where a person not born in the State makes an application for a declaration by virtue of subsection (1)(b) of this section, he shall specify",

(d) by the deletion of subsection (4), and

(e) by the substitution of the following subsection for subsection (8):

"(8) Where on an application under subsection (1) of this section it is proved on the balance of probabilities that—

(a) a person named in the application is or is not the mother,

(b) a person so named is or is not the father or second parent, or

(c) persons so named are or are not the parents,

of the person concerned, the Court shall make the declaration accordingly.".

Amendment of section 37 of Act of 1987

81. Section 37 of the Act of 1987 is amended by—

(a) the deletion of the definitions of "blood samples" and "blood test", and

(b) the insertion of the following definitions:

" '*Act of 2015*' means the *Children and Family Relationships Act 2015*;

'bodily sample' means any of the following taken or to be taken from a person for the purpose of a DNA test:

(a) a swab from the mouth;

(b) a sample of saliva or hair (other than pubic hair);

(c) a blood sample;

'DNA' means deoxyribonucleic acid;

'DNA test' means any test carried out under this Part with the object of examining and analysing a bodily sample in order to derive, in relation to the person from whom the sample is taken, information comprising a set of identification characteristics of that person's DNA;

'DAHR procedure' has the same meaning as in *section 20* of the *Act of 2015*;

'donor-conceived child' has the same meaning as in *Part 2* of the *Act of 2015*;

'parent' means—

(a) in relation to a person who is not a donor-conceived child, his or her mother or father, and

(b) in relation to a donor-conceived child, a person who—

(i) provided a gamete that was used in the DAHR procedure that resulted in the child's birth, and

(ii) is the mother of the child or is a parent of the child under *section 5(1)(b)* of the *Act of 2015*;".

Amendment of section 38 of Act of 1987

82. Section 38 of the Act of 1987 is amended—

(a) by the substitution of "bodily samples" for "blood samples" wherever it appears, and

(b) in subsection (1), by the substitution of "DNA tests" for "blood tests".

Amendment of section 39 of Act of 1987

83. Section 39 of the Act of 1987 is amended—

(a) by the substitution of "bodily sample" for "blood sample" wherever it appears, and

(b) in subsection (3)(b), by the substitution of "DNA tests" for "blood tests".

Amendment of section 40 of Act of 1987

84. Section 40 of the Act of 1987 is amended—

(a) by the substitution of "bodily samples" for "blood samples" wherever it appears, and

(b) in subsection (6) —

(i) in paragraph (a), by the substitution of "DNA tests" for "blood tests", and

(ii) in paragraph (b), by the substitution of "DNA test" for "blood test", and by the substitution of "bodily sample" for "blood sample".

Amendment of section 41 of Act of 1987

85. Section 41 of the Act of 1987 is amended in subsection (2) —

(a) in paragraph (a), by the substitution of "bodily samples" for "blood samples",

(b) in paragraph (b), by the substitution of "bodily sample" for "blood sample", and

(c) by the substitution of the following paragraph for paragraph (c):

"(c) require any person from whom a bodily sample that is a blood sample is to be taken or, in such cases as may be prescribed by the regulations, such other person as may be so prescribed, to state in writing whether he had during such period as may be specified in the regulations—

(i) suffered from any such illness as may be so specified, or

(ii) received a transfusion of blood or such other medical treatment as may be so specified;".

Amendment of section 42 of Act of 1987

86. Section 42 of the Act of 1987 is amended—

(a) in subsection (2), by the substitution of "bodily samples" for "blood samples", and

(b) in subsection (4), by the substitution of "bodily sample" for "blood sample".

Amendment of section 43 of Act of 1987

87. Section 43 of the Act of 1987 is amended—

(a) by the substitution of "bodily sample" for "blood sample",

(b) by the substitution of "a class C fine" for "a fine not exceeding £1,000", and

(c) by the substitution of "a fine not exceeding €5,000" for "a fine not exceeding £2,500".

Amendment of section 46 of Act of 1987

88. Section 46 of the Act of 1987 is amended—

(a) by the substitution of the following subsection for subsection (2):

"(2) Notwithstanding subsection (1) of this section, where a married woman, being a woman who is living apart from her husband, gives birth to a child more than ten months after the date of her separation from her husband, then her husband shall be presumed not to be the father of the child unless the contrary is proved on the balance of probabilities.",

(b) by the insertion of the following subsection after subsection (2):

"(2A) For the purposes of subsection (2) of this section, the date of the separation of a married woman from her husband shall be deemed to be—

(a) the date on which a decree of divorce *a mensa et thoro* was granted in relation to them,

(b) the date on which a decree of judicial separation was granted in relation to them,

(c) the date on which a deed of separation was executed in relation to them,

(d) the date on which a separation agreement was entered into by them, or

(e) such other date as may be established by the woman.",

(c) in subsection (3), by the substitution of the following paragraph for paragraph (a):

"(a) the birth of a child is registered in a register maintained under the Civil Registration Act 2004, and",

and

(d) by the insertion of the following subsection after subsection (4):

"(5) In this section, 'decree of judicial separation' means a decree under section 3 of the Judicial Separation and Family Law Reform Act 1989.".

PART 8

AMENDMENTS TO FAMILY LAW ACT 1995

Amendment of section 2 of Act of 1995

89. Section 2 of the Act of 1995 is amended by the insertion of the following definition:

" 'cohabitant' shall be construed in accordance with section 172(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010 and includes a former cohabitant;".

Amendment of section 41 of Act of 1995

90. Section 41 of the Act of 1995 is amended—

(a) in paragraph (a), by the substitution of "that other spouse," for "that other spouse, or",

(b) in paragraph (b)(ii), by the substitution of "of the family, or" for "of the family,",

(c) by the insertion of the following paragraph after paragraph (b):

"(c) by a cohabitant to a parent of the child, or to another person specified in the order, of periodical payments for the support of a child,",

and

(d) by the substitution of "order the person liable" for "order the spouse or parent liable".

Amendment of section 42 of Act of 1995

91. Section 42 of the Act of 1995 is amended—

(a) in subsection (1), by the substitution of "paragraph (a), (b) or (c) of section 41" for "paragraph (a) or (b) of section 41", and

(b) by the insertion of the following subsection after subsection (2):

"(2A) Where the court makes an order under subsection (1) that is for the benefit of a child, the court may specify in the order the manner in which, or purpose for which, the payment or payments referred to in that subsection are to be applied, including in providing suitable accommodation for the child to whom the order relates.".

PART 9

Amendments to Civil Registration Act 2004

Amendment of section 2 of Act of 2004

92. Section 2(1) of the Act of 2004 is amended—

(a) by the insertion of the following definitions:

" '*Act of 2015*' means the *Children and Family Relationships Act 2015*;

'donor-conceived child' has the same meaning as it has in *Part 2* of the *Act of 2015*;

'parent', in relation to a donor-conceived child, means the parent or parents of that child under *section 5* of the *Act of 2015*;",

and

(b) in the definition of "the required particulars", by—

(i) the substitution of the following for paragraphs (a) and (b):

"(a) in relation to a birth or a living new born child found abandoned, the particulars specified in Part 1 of the First Schedule in relation to the child, the mother of the child and, as applicable, the father or other parent of the child;

(b) in relation to a stillbirth the particulars specified in Part 2 of the First Schedule in relation to the child, the mother of the child and, as applicable, the father or other parent of the child;",

and

(ii) the substitution of the following for paragraph (e):

"(e) in relation to a death, the particulars specified in Part 5 of the First Schedule in relation to the deceased and, as applicable, the mother, father, parent and guardian of the deceased;".

Special provisions in relation to registration of birth of donor-conceived child

93. The Act of 2004 is amended by the insertion of the following after section 19:

"**19A.** (1) Where a child who is a donor-conceived child is born, the person referred to in paragraph (a) or (b) of section 19(1) shall comply with that section in relation to the birth, and shall also give the following to the registrar—

(a) the certificate furnished to the person under *section 27(5)* of the *Act of 2015*,

(b) a statutory declaration referred to in subsection (2).

(2) A statutory declaration referred to in subsection (1)(b) shall be in the form for the time being standing approved by an tArd-Chláraitheoir, and shall state—

(a) the parent or parents of the child consented, in accordance with *Part 2* of the *Act of 2015*, to being the parents, under *section 5* of that Act, of the child, and

(b) no person, other than the parent or parents referred to in paragraph (a), is the parent of the child.

(3) Where section 19(3) applies in relation to a birth referred to in subsection (1), the qualified informant concerned shall comply with that section, and shall also give the following to the registrar—

(a) the certificate referred to in subsection (1)(a), and

(b) such evidence in his or her possession or within his or her power to so furnish relating to the consent by the parent or parents, or any other person, under *Part 2* of the *Act of 2015*, to being the parents, under *section 5* of that Act, of the child.

(4) Where the mother of a child referred to in subsection (1) was married at the date of the birth of the child or at some time during the period of 10 months ending immediately before such birth, and another person would, but for this subsection fall to be registered as a parent of the child under section 19, that person shall not be so registered unless the person complies with subsection (3) and subsections (3A) to (3H) of section 22(3).

(5) Where—

(a) paragraphs (i) to (iii) of section 19(1) and subsection (1), or

(b) as the case may be, paragraphs (a) to (c) of section 19(3) and subsection (3),

have been complied with in relation to a birth to which subsection (1) applies, the registrar concerned shall register the birth in accordance with this section and in such manner as an tArd-Chláraitheoir may direct.

(6) In registering the birth of a child under this section, the registrar shall note on the register that the child is a child to whom subsection (1) applies.

(7) A note referred to in subsection (6) shall not be shown on any birth certificate issued to the child.

(8) Where—

(a) the birth of a child has been registered other than under this section, and

(b) the registrar receives information from the Minister for Health to the effect that the child is a child to whom subsection (1) applies,

the registrar shall contact the persons who complied with section 19(1) in relation to the birth of the child and such other persons as he or she considers necessary, and make the enquiries necessary to determine whether the birth of the child should be re-registered under this section.

(9) Where the registrar, having made the enquiries referred to in subsection (8), is of the opinion that the child concerned is a child to whom subsection (1) applies, he or she shall re-register the birth of the child under this section and enter in the register the name of the person who is, or persons who are, under *section 5* of the *Act of 2015*, the parent or parents of the child.

(10) Where a person whose birth was registered in accordance with this section and who has attained the age of 18 years applies for a birth certificate, the registrar shall contact that person to inform him or her that further information relating to him or her is available from the National Donor-Conceived Person Register.".

Sections 23 and 23A of Act of 2004 not to apply to donor-conceived child

94. Sections 23 and 23A of the Act of 2004 shall not apply to a donor-conceived child (within the meaning of *Part 2*).

Re-registration of birth of donor-conceived child on foot of court order

95. The Act of 2004 is amended by the insertion of the following section after section 23A:

"23B. (1) Where the birth of a child has been registered under this Act or the repealed enactments a registrar shall re-register the birth in such manner as an tArd-Chláraitheoir may direct and shall enter in the register the name of a person ('the person') as the parent of the child if the mother, the person or the child to whose birth the registration relates and who has attained the age of 18 years so requests and gives to the registrar a document purporting to be a copy of a declaration made by the District Court under *section 21* of the *Act of 2015*, or by the Circuit Court under *section 22* of the *Act of 2015*, and to be certified by or on behalf of the court to be a true copy of the order finding that the person is the parent of the child.

(2) Where the birth of a donor-conceived child has been registered, whether or not anybody other than the child's mother has been registered as a parent of the child, under this Act or the repealed enactments a registrar shall re-register the birth in such manner as an tArd-Chláraitheoir may direct and shall enter in the register the name of a person ('the person') as the parent of the child if the mother, the person or the child to whose birth the registration relates and who has attained the age of 18 years so requests and gives to the registrar a document purporting to be a copy of a declaration made by the Circuit Court under section 35 of the Status of Children Act 1987, and to be certified by or on behalf of the court to be a true copy of the order finding that the person is the parent of the child.

(3) A birth shall not be re-registered under this section without the consent of a Superintendent Registrar of the registration area to which the registrar is assigned.

(4) Where a birth is re-registered under this section, the surname of the child entered in the register shall be—

(a) that which was previously registered, or

(b) a surname determined in accordance with Part 1 of the First Schedule.

(5) Where one of the persons to whom subsection (1) applies makes a request to a registrar under that provision, the registrar shall notify any other persons referred to in that provision capable of making a request.

(6) Where one of the persons to whom subsection (2) applies makes a request to a registrar under that provision, the registrar shall notify any other persons

referred to in that provision capable of making a request and anybody registered as a parent, other than the mother, of the child, as the case may be.

(7) When a birth is being re-registered under this section, the register shall be signed by—

(a) the mother of the child, if she has made, or joined in the making of, the request under subsection (1) or (2),

(b) the person declared by the court referred to in subsection (1) or (2) to be the parent of the child, if he or she has made, or joined in the making of, the request under that subsection, and

(c) the child to whom the registration relates, if he or she has reached the age of 18 where he or she has made, or joined in the making of the request concerned under subsection (1) or (2).

(8) The registrar shall notify the Superintendent Registrar of the registration area to which the registrar is assigned, who shall advise an tArd-Chláraitheoir of a request in that behalf, and an tArd-Chláraitheoir, on production to him or her of such evidence as he or she considers adequate to show that exceptional circumstances exist such that it is necessary for the relief of undue hardship, may direct the Superintendent Registrar to cause the birth to be re-registered notwithstanding that a person referred to in paragraph (a), (b) or (c) of subsection (7) has not signed the register.

(9) When a birth is re-registered under this section, the then existing entry relating to the birth shall be retained in the register.

(10) Where the person declared by the court referred to in subsection (1) or (2) to be the parent of the child is a male, he may be registered as the father of the child.".

Miscellaneous amendments to Act of 2004

96. (1) Section 22 (1K) of the Act of 2004 is amended by the substitution of "(1B)(ii)" for "(1B)(b)(ii)".

(2) Section 25A of the Act of 2004 is amended by the substitution of "(1K)" for "(1J)" in subsections (2) and (3).

Registrar may take and receive statutory declaration under Guardianship of Infants Act 1964

97. The Act of 2004 is amended by the insertion of the following section after section 27:

"**27A.** For the purposes of section 1(1)(d) of the Statutory Declarations Act 1938, a registrar may, during the period of 14 days immediately following the date on which the birth of a child is registered or re-registered, take and receive a statutory declaration made under section 2(4)(e) or 6B(4)(c) of the Guardianship of Infants Act 1964 in respect of the child.".

Amendment of section 44C(2) of Act of 2004

98. Section 44C(2) of the Act of 2004 is amended by the insertion of the following subparagraph after subparagraph (xii):

"(xiiA) forename and birth surname of parent of deceased;".

Amendment of First Schedule to Act of 2004

99. The First Schedule to the Act of 2004 is amended—

(a) by the insertion in Part 1 of the following after "Birth surname of father's mother":

"Forename(s) (if any) of parent.

Date of birth of parent.

Civil status of parent.

Personal public service number of parent.

Birth surname of parent's mother.",

and

(b) by the insertion in Part 2 of the following after "Birth surname of father's mother":

"Forename(s) (if any) of parent.

Date of birth of parent.

Civil status of parent.

Personal public service number of parent.

Birth surname of parent's mother.",

and

(c) by the insertion in Part 5 of the following after "Forename(s) and birth surname of mother of deceased":

"Forename(s) and birth surname of parent of deceased".

PART 10

AMENDMENT TO PASSPORTS ACT 2008

Amendment to Passports Act 2008

100. Section 14 of the Passports Act 2008 is amended—

(a) by the substitution of the following for subsection (1):

"(1) Subject to this section, the Minister shall, before issuing a passport to a child, be satisfied on reasonable grounds that—

(a) where the child has 2 guardians, each guardian of the child, and

(b) where the child has more than 2 guardians, not fewer than 2 of those guardians,

consents to the issue of a passport to the child.",

(b) in subsection (5) —

(i) by the insertion after "other guardian" in each place where it occurs of "or, if appropriate, the other guardians", and

(ii) in paragraph (a), by the substitution of "any other guardian" for "that other guardian",

and

(c) by the insertion of the following subsection after subsection (5):

"(5A) (a) Subject to this Act, and on application in that behalf to him or her in accordance with section 6 by a guardian of the child, the Minister may, without the consent to such issue of the other guardian or, if appropriate, the other guardians of the child, issue a passport to a child who is ordinarily resident outside the State, where—

(i) a court or competent judicial or administrative authority of the state of ordinary residence of the child takes a measure directing that a passport may be issued to the child without the consent to such issue of the other guardian or, if appropriate, the other guardians of the child, or

(ii) by operation of the law of the state of ordinary residence of the child, the requirements relating to the consent of the other guardian or, if appropriate, the other guardians of the child have been fulfilled.

(b) Paragraph (a) is without prejudice to paragraph 2 of Article 23 of the Convention.

(c) In this subsection—

'Act of 2000' means the Protection of Children (Hague Convention) Act 2000;

'Convention' has the meaning it has in section 1 of the Act of 2000;

'guardian', in relation to a child, includes a person exercising parental responsibility in respect of the child, within the meaning of paragraph 2 of Article 1 of the Convention;

'measure' has the meaning it has in section 1 of the Act of 2000;

'state' means a state that is another contracting state, within the meaning of section 1 of the Act of 2000.".

PART 11

AMENDMENTS TO ADOPTION ACT 2010

Definition (*Part 11*)

101. F34**[**...**]**

Annotations

Amendments:

F34 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 3 of Principal Act

102. F35**[**...**]**

Annotations

Amendments:

F35 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 4 of Principal Act

103. F36**[**...**]**

Annotations

Amendments:

F36 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No 443 of 2017.

Amendment of section 11 of Principal Act

104. F37**[**...**]**

Annotations

Amendments:

F37 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 12 of Principal Act

105. F38**[**...**]**

Annotations

Amendments:

F38 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 16 of Principal Act

106. F39**[**...**]**

Annotations

Amendments:

F39 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 17 of Principal Act

107. F40**[**...**]**

Annotations

Amendments:

F40 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 18 of Principal Act

108. F41**[**...**]**

Annotations

Amendments:

F41 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

No pre-placement consultation required

109. F42**[**...**]**

Annotations

Amendments:

F42 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 20 of Principal Act

110. F43**[**...**]**

Annotations

Amendments:

F43 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 21 of Principal Act

111. F44**[**...**]**

Annotations

Amendments:

F44 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 30 of Principal Act

112. F45**[**...**]**

Annotations

Amendments:

F45 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 32 of Principal Act

113. F46**[**...**]**

Annotations

Amendments:

F46 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 33 of Principal Act

114. F47**[**...**]**

Annotations

Amendments:

F47 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 34 of Principal Act

115. F48**[**...**]**

Annotations

Amendments:

F48 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 37 of Principal Act

116. F49**[**...**]**

Annotations

Amendments:

F49 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 38 of Principal Act

117. F50**[**...**]**

Annotations

Amendments:

F50 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 40 of Principal Act

118. F51**[**...**]**

Annotations

Amendments:

F51 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 41 of Principal Act

119. F52**[**...**]**

Annotations

Amendments:

F52 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 43 of Principal Act

120. F53**[**...**]**

Annotations

Amendments:

F53 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 58 of Principal Act

121. F54**[**...**]**

Annotations

Amendments:

F54 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 59 of Principal Act

122. F55**[**...**]**

Annotations

Amendments:

F55 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 60 of Principal Act

123. F56**[**...**]**

Annotations

Amendments:

F56 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 61 of Principal Act

124. F57**[**...**]**

Annotations

Amendments:

F57 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 62 of Principal Act

125. F58**[**...**]**

Annotations

Amendments:

F58 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 68 of Principal Act

126. F59**[**...**]**

Annotations

Amendments:

F59 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 69 of Principal Act

127. F60**[**...**]**

Annotations

Amendments:

F60 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 78 of Principal Act

128. F61**[**...**]**

Annotations

Amendments:

F61 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 79 of Principal Act

129. F62**[**...**]**

Annotations

Amendments:

F62 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 97 of Principal Act

130. F63**[**...**]**

Annotations

Amendments:

F63 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 125 of Principal Act

131. F64**[**...**]**

Annotations

Amendments:

F64 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 144 of Principal Act

132. F65**[**...**]**

Annotations

Amendments:

F65 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of section 145 of Principal Act

133. F66**[**...**]**

Annotations

Amendments:

F66 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

Amendment of Schedule 3 to Principal Act

134. F67**[**...**]**

Annotations

Amendments:

F67 Deleted (19.10.2017) by *Adoption (Amendment) Act 2017* (19/2017), s. 2(2), S.I. No. 443 of 2017.

PART 12

Amendments to Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010

Amendment of section 2 of Act of 2010

135. Section 2 of the Act of 2010 is amended by the insertion of the following definitions:

" 'dependent child' means a child who is—

(a) under the age of 18 years, or

(b) 18 years of age or over and—

(i) is, or will be or, if an order were made under this Act providing for periodical payments for his or her support, would be receiving full-time education or instruction at any university, college, school or other educational establishment and is under the age of 23 years, or

(ii) is suffering from mental or physical disability to such extent that it is not reasonably possible for him or her to maintain himself or herself fully;

'dependent child of the civil partners', in relation to a couple who are civil partners of each other, or either of those civil partners, means a dependent child—

(a) of both civil partners, or adopted by both civil partners under the Adoption Act 2010, or in relation to whom both civil partners are in *loco parentis*, or

(b) of either civil partner, or adopted by either civil partner under the Adoption Act 2010, or in relation to whom either civil partner is in *loco parentis*, where the other civil partner, being aware that he or she is not the parent of the child, has treated the child as a member of the family;".

Amendment of section 29 of Act of 2010

136. Section 29 of the Act of 2010 is amended in subsection (2) by the substitution of the following paragraph for paragraph (a):

"(a) the respective needs and resources of the civil partners and of any dependent child of the civil partners, and".

Amendment of section 30 of Act of 2010

137. Section 30 of the Act of 2010 is amended—

(a) in subsection (1) —

(i) by the substitution of "depriving the applicant or a dependent child of the civil partners of his or her residence" for "depriving the applicant of his or her residence", and

(ii) by the substitution of "in the interest of the applicant or such child" for "in the interest of the applicant",

and

(b) in subsection (2) —

(i) by the substitution of "deprived the applicant or a dependent child of the civil partners of his or her residence" for "deprived the applicant of his or her residence", and

(ii) by the substitution of "to compensate the applicant or such child" for "to compensate the applicant".

Amendment of section 34 of Act of 2010

138. Section 34 of the Act of 2010 is amended—

(a) in subsection (1), by the substitution of "make it difficult for the applicant or a dependent child of the civil partners to reside" for "make it difficult for the applicant to reside", and

(b) in subsection (4) —

(i) by the substitution of "place the applicant or a dependent child of the civil partners" for "place the applicant", and

(ii) in paragraph (b), by the substitution of "make it difficult for the applicant or a dependent child of the civil partners to reside" for "make it difficult for the applicant to reside".

Amendment of section 43 of Act of 2010

139. Section 43 of the Act of 2010 is amended in subsection (1), in the definition of "maintenance creditor", by the substitution of "means the person who" for "means the civil partner who".

Amendment of section 45 of Act of 2010

140. Section 45 of the Act of 2010 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) (a) Subject to subsection (3), where it appears to the court, on application to it by a civil partner, that the other civil partner has failed to provide maintenance for the applicant civil partner and any dependent child of the civil partners that is proper in the circumstances, the court may make an order that the other civil partner make to the applicant periodical payments for the support of the applicant and the dependent child of the civil partners, for the period during the lifetime of the applicant, of the amount and at the times that the court may consider proper.

(b) Subject to subsection (3), where a civil partner—

(i) is dead,

(ii) has deserted, or has been deserted by, the other civil partner, or

(iii) is living separately and apart from the other civil partner,

and there is a dependent child of the civil partners (not being a child who is being fully maintained by either civil partner), then, if it appears to the court, on application to it by any person, that the surviving civil partner or, as the case may be, either civil partner has failed to provide such maintenance for the dependent child of the civil partners as is proper in the circumstances, the court may make an order that that civil partner make to that person periodical payments, for the support of the dependent child, for such period during the lifetime of that person, of such amount and at such times, as the court may consider proper.

(c) A maintenance order or a variation order shall specify each part of a payment under the order that is for the support of a dependent child of the civil partners and may specify the period during the lifetime of the person applying for the order for which so much of a payment under the order as is for the support of a dependent child of the civil partners shall be made.",

and

(b) by the substitution of the following subsection for subsection (3):

"(3) The court, in deciding whether to make a maintenance order and, if it decides to do so, in determining the amount of any payment, shall have regard to all the circumstances of the case, including—

(a) the income, earning capacity, property and other financial resources of—

(i) the civil partners and any dependent child of the civil partners, and

(ii) any other dependent child of which either civil partner is a parent,

including income or benefits to which either civil partner or any such child is entitled by or under statute with the exception of a benefit or allowance or any increase in such benefit or allowance in respect of any dependent child granted to either parent of such child,

(b) the financial and other responsibilities of—

(i) the civil partners towards each other and towards any dependent child of the civil partners and the needs of any such child, including the need for care and attention,

(ii) each civil partner as a parent towards any other dependent child, and the needs of any such child, including the need for care and attention, and

(iii) each civil partner towards any former spouse or civil partner,

and

(c) in relation to a maintenance order or part of a maintenance order for the benefit of the civil partner, the conduct of each civil partner, if that conduct is such that, in the opinion of the court, it would in all the circumstances be unjust to disregard it.".

Amendment of section 46 of Act of 2010

141. Section 46 of the Act of 2010 is amended—

(a) in subsection (1), by the substitution of "the person for whose support it provides" for "the maintenance creditor", and

(b) by the insertion of the following subsections after subsection (3):

"(4) That part of a maintenance order which provides for the support of a dependent child shall stand discharged when the child ceases to be a dependent child by reason of his or her attainment of the age of 18 years or 23 years, as the case may be, and shall be discharged by the court, on application to it under subsection (1) or (2), if it is satisfied that the child has for any reason ceased to be a dependent child for the purposes of the order.

(5) Desertion by, or conduct of, a civil partner shall not be a ground for discharging or varying any part of a maintenance order that provides for the support of a dependent child of the civil partners.".

Amendment of section 47 of Act of 2010

142. Section 47 of the Act of 2010 is amended by the substitution of "the needs of the persons for whose support the maintenance order is sought and the other circumstances" for "the needs of the applicant and the other circumstances".

Amendment of section 48 of Act of 2010

143. Section 48 of the Act of 2010 is amended—

(a) in subsection (1), by the substitution of "the interests of the civil partners and any dependent child of the civil partners" for "the interests of the civil partners",

(b) in subsection (2)(a), by the substitution of "the other civil partner or of any dependent child of the civil partners or of both that other civil partner and any dependent child of the civil partners" for "the other civil partner", and

(c) in subsection (3), by the substitution of "sections 50 and 51, Part 6 and section 140" for "section 50, Part 6 and section 140".

Amendment of section 51 of Act of 2010

144. Section 51 of the Act of 2010 is amended—

(a) in subsection (1), by the substitution of "on making a maintenance order or a variation order" for "on making a maintenance order under section 45", and

(b) by the insertion of the following subsection after subsection (2):

"(2A) Where the court makes an order under subsection (1) that is for the benefit of a child, the court may specify in the order the manner in which, or purpose for which, the payment or payments referred to in that subsection are to be applied, including in providing suitable accommodation for the child to whom the order relates.".

Amendment of section 52 of Act of 2010

145. Section 52 of the Act of 2010 is amended by the substitution of "on making a maintenance order or a variation order" for "on making a maintenance order under section 45".

Failure to make payments and certificate of outstanding payments

146. The Act of 2010 is amended by the insertion of the following sections in Part 5 after section 52:

"**Failure to make payments to be contempt of court**

52A. (1) Subject to this section it shall be contempt of court for a maintenance debtor to fail to make a payment due under an antecedent order.

(2) As respects a contempt of court arising pursuant to this section, a judge of the District Court shall, subject to this section, have such powers, including the power to impose a sanction, as are exercisable by a judge of the High Court in relation to contempt of court in proceedings before the High Court.

(3) Where a payment under an antecedent order made by the District Court has not been made, the maintenance creditor may apply to the District Court clerk concerned for the issue of a summons directing the maintenance debtor to appear before the District Court.

(4) A summons referred to in subsection (3) shall—

(a) be issued by the District Court clerk concerned,

(b) contain a statement that failure to make a payment in accordance with the order concerned constitutes a contempt of court and giving details of the consequences of the court finding that a contempt of court has taken place including in particular the possibility of imprisonment,

(c) state that the maintenance debtor may be arrested if he or she fails to appear before the District Court as directed in the summons, and

(d) be served on the maintenance debtor personally, or in such other manner authorised by a judge of the District Court.

(5) If the maintenance debtor fails, without reasonable excuse, to appear before the court in answer to the summons, the judge of the District Court, on the application of the maintenance creditor, shall, if satisfied that the debtor was served with the summons, issue a warrant for the arrest of the maintenance debtor.

(6) A maintenance debtor arrested pursuant to a warrant issued under subsection (5) shall be brought as soon as practicable before the District Court.

(7) Where a maintenance debtor is arrested and brought before the District Court under subsection (6), the judge shall fix a new date for the hearing of the summons and direct that the creditor be informed by the District Court by notice in writing of the date so fixed, and shall explain to the debtor in ordinary language—

(a) that he or she is required to attend before the court at the date next fixed for the hearing of the summons,

(b) that failure to attend may in itself constitute a contempt of court and the consequences of such contempt, including in particular the possibility of imprisonment, and that such contempt and the consequences which may follow are in addition to the consequences arising by reason of failure to make a payment under the antecedent order, and

(c) that he or she is entitled to apply for legal advice and legal aid under the Civil Legal Aid Act 1995.

(8) At the hearing of the summons, before hearing evidence from any party the judge shall explain to the debtor in ordinary language—

(a) the consequences, and in particular the possibility of imprisonment, which may follow a failure to make a payment in accordance with an antecedent order, and

(b) unless the maintenance debtor has already been so informed under subsection (7), that he or she is entitled to apply for legal advice and legal aid under the Civil Legal Aid Act 1995.

(9) On the hearing of the summons, having given to the maintenance debtor the explanations referred to in subsection (8), having given the maintenance debtor an opportunity to apply for legal advice and legal aid, and having heard such evidence as may be adduced by the maintenance creditor and the maintenance debtor, if the judge is satisfied that the payment concerned has not been made, and—

(a) that the failure to make the payment concerned is due to—

(i) the inability of the maintenance debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the antecedent order or an order varying that order was last made (whichever is the later), or

(ii) some other reason not attributable to any act or omission of the maintenance debtor,

the judge may, where he or she believes that to do so would improve the likelihood of the payment concerned being made within a reasonable period, adjourn the hearing—

(I) to enable the outstanding payment to be made, or

(II) to enable an application to be made for an attachment of earnings order under section 53,

(b) that the failure to make the payment concerned is due to the inability of the maintenance debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the antecedent order or an order varying that order was last made (whichever is the later) the judge may, where the antecedent order was made by the District Court, treat the hearing as an application to vary the antecedent order, and having heard evidence as to the financial circumstances of both the maintenance debtor and the maintenance creditor, make an order varying the antecedent order.

(10) Where on the hearing of the summons, having given to the maintenance debtor the explanations referred to in subsection (8), having given the maintenance debtor an opportunity to apply for legal advice and legal aid, and having heard such evidence as may be adduced by the maintenance creditor and the maintenance debtor, the judge is satisfied that the payment concerned has not been made and that the failure to make the payment concerned is not due to—

(a) the inability of the maintenance debtor to make the payment concerned by reason of a change in his or her financial circumstances which occurred since the antecedent order or an order varying that order was last made (whichever is the later), or

(b) some other reason not attributable to any act or omission of the maintenance debtor,

the judge may treat the failure by the maintenance debtor to make the payment concerned as constituting contempt of court and the judge may deal with the matter accordingly.

(11) Where a maintenance debtor to whom subsection (7) applies does not attend court on the date fixed for the hearing of the summons the judge may treat such failure to attend court as constituting contempt of court and the judge may deal with the matter accordingly.

(12) In this section 'financial circumstances' means, in relation to a person—

(a) the amount of the person's annual income,

(b) the aggregate value of all property (real and personal) belonging to the person,

(c) the aggregate of all liabilities of the person including any duty (moral or legal) to provide financially for members of his or her family or other persons,

(d) the aggregate of all monies owing to the person, the dates upon which they fall due to be paid and the likelihood of their being paid, and

(e) such other circumstances as the court considers appropriate.

(13) This section does not apply unless the antecedent order concerned was actually made by the District Court.

Certificate of outstanding payments

52B. Where, pursuant to section 50, a court has made a maintenance order, a variation order or an interim order and directed that payments under the order be made to the District Court clerk, in any proceedings under this Act or under the Enforcement of Court Orders Acts 1926 to 2009, a certificate purporting to be signed by the relevant District Court clerk as to the amount of monies outstanding on foot of such order shall, until the contrary is shown, be evidence of the matters stated in the certificate.".

Birth and funeral expenses of dependent child

147. The Act of 2010 is amended by the insertion of the following section in Part 7 after section 67:

"**Birth and funeral expenses of dependent child**

67A. (1) The court may make an order (in this section referred to as a 'lump sum order') where it appears to the court on application by a civil partner in relation to a dependent child of the civil partners that the other civil partner has failed to make such contribution as is proper in the circumstances towards the expenses incidental to either or both—

(a) the birth of a child who is a dependent child or who would have been a dependent child were he or she alive at the time of the application for a lump sum order,

(b) the funeral of a child who was a dependent child or who would have been a dependent child had he or she been born alive,

and any lump sum order shall direct the respondent civil partner to pay to the applicant a lump sum not exceeding €4,000, but no such order shall direct the payment of an amount exceeding €2,000 in respect of the birth of a child to whom this section relates or €2,000 in respect of the funeral of such a child.

(2) Subsection (3) of section 45 shall apply for the purpose of determining the amount of any lump sum under this section as it applies for the purpose of determining the amount of any payment under that section.

(3) (a) Nothing in this section, apart from this subsection, shall prejudice any right of a person otherwise to recover moneys expended in relation to the birth or funeral of a child.

(b) Where an application for a lump sum order has been determined, the applicant shall not be entitled otherwise to recover from the respondent moneys in relation to matters so determined.".

Custody of dependent children of civil partners after decree of nullity

148. The Act of 2010 is amended by the insertion of the following section in Part 11 after section 108:

"**Custody of dependent children of civil partners after decree of nullity**

108A. Where the court grants a decree of nullity, it may declare either of the civil partners concerned to be unfit to have custody of any dependent child of the civil partners who is under the age of 18 years and, if it does so and the civil partner to whom the declaration relates is a parent of any dependent child of the civil partners who is under the age of 18 years, that civil partner shall not, on the death of the other civil partner, be entitled as of right to the custody of that child.".

Amendment of section 109 of Act of 2010

149. Section 109 of the Act of 2010 is amended—

(a) in subsection (1) —

(i) in the definition of "lump sum order", by the substitution of "paragraph (c) or (ca) of section 117(1) " for "section 117(1)(c) ",

(ii) in the definition of "periodical payments order", by the substitution of "paragraph (a) or (aa) of section 117(1)" for "section 117(1)(a) ",

(iii) in the definition of "secured periodical payments order", by the substitution of "paragraph (b) or (ba) of section 117(1) " for "section 117(1)(b) ", and

(iv) by the insertion of the following definition:

" 'Act of 1964' means the Guardianship of Infants Act 1964;",

and

(b) in subsection (2) —

(i) in paragraph (b), by the substitution of "under this Part," for "under this Part, and",

(ii) in paragraph (c), by the substitution of "under this Part, and" for "under this Part.", and

(iii) by the insertion of the following paragraph after paragraph (c):

"(d) a reference to an application to a court by a person on behalf of a dependent child of the civil partners includes a reference to such an application by such a child and a reference to a payment, the securing of a payment, or the assignment of an interest, to a person for the benefit of a dependent child of the civil partners includes a reference to a payment, the securing of a payment, or the assignment of an interest, to such a child.".

Amendment of section 110 of Act of 2010

150. The Act of 2010 is amended by the substitution of the following for section 110:

"**110.** (1) Subject to the provisions of this Part, the court may, on application to it in that behalf by either of the civil partners, grant a decree of dissolution in respect of a civil partnership if it is satisfied that—

(a) at the date of the institution of the proceedings, the civil partners have lived apart from one another for a period of, or periods amounting to, at least two years during the previous three years, and

(b) provision that the court considers proper having regard to the circumstances exists or will be made for the civil partners and any dependent child of the civil partners.

(2) Upon the grant of a decree of dissolution, the court may, where appropriate, give such directions under section 11 of the Act of 1964 as it considers proper regarding the best interests (within the meaning of that Act) or custody of, or right of access to, any dependent child of the civil partners concerned who is under the age of 18 years as if an application had been made to it in that behalf under that section.".

Amendment of section 113 of Act of 2010

151. Section 113 of the Act of 2010 is amended—

(a) by designating the section as subsection (1), and

(b) by the insertion of the following subsection after subsection (1):

"(2) For the avoidance of doubt, it is hereby declared that the grant of a decree of dissolution shall not affect the rights of the parents of a child, under section 6 or 6B of the Act of 1964, to be guardians of the child jointly.".

Amendment of section 115 of Act of 2010

152. Section 115 of the Act of 2010 is amended—

(a) in paragraph (a), by the substitution of "of this Act;" for "of this Act; and",

(b) in paragraph (b), by the substitution of "or section 34; and" for "or section 34.", and

(c) by the insertion of the following paragraph after paragraph (b):

"(c) an order under section 11 of the Act of 1964.".

Amendment of section 116 of Act of 2010

153. Section 116 of the Act of 2010 is amended—

(a) by the substitution of the following subsection for subsection (1):

"(1) Where an application is made to the court for the grant of a decree of dissolution, the court may make an order requiring either of the civil partners to make to the other periodical payments or lump sum payments for his or her support and, where appropriate, to make to such person as may be specified in the order such periodical payments for the benefit of any dependent child of the civil partners that the court considers proper and specifies in the order.",

and

(b) by the insertion of the following subsection after subsection (2):

"(3) The court may provide that payments under this section shall be subject to such terms and conditions as it considers appropriate and specifies in the order.".

Amendment of section 117 of Act of 2010

154. Section 117 of the Act of 2010 is amended—

(a) in subsection (1) —

(i) by the substitution of "by either of the civil partners concerned or by a person on behalf of a dependent child of the civil partners may" for "by either of the civil partners may",

(ii) by the insertion of the following paragraph after paragraph (a):

"(aa) an order that either of the civil partners make to such person as may be specified in the order for the benefit of any dependent child of the civil partners the periodical payments in the amounts, during the period and at the times that may be specified in the order;",

(iii) in paragraph (b), by the substitution of "may be specified in the order;" for "may be specified in the order; and",

(iv) by the insertion of the following paragraph after paragraph (b):

"(ba) an order that either of the civil partners secure, to the satisfaction of the court, to such person as may be specified in the order for the benefit of any dependent child of the civil partners the periodical payments in the amounts, during the period and at the times that may be specified in the order;",

(v) in paragraph (c), by the substitution of "may be specified in the order; and" for "may be specified in the order.",

(vi) by the insertion of the following paragraph after paragraph (c):

"(ca) an order that either of the civil partners make to such person as may be specified in the order for the benefit of any dependent child of the civil partners a lump sum payment or lump sum payments in the amount or amounts and at the time or times that may be specified in the order.",

(b) by the substitution of the following subsection for subsection (2):

"(2) The court may order a civil partner to pay a lump sum—

(a) to the other civil partner to meet any liabilities or expenses reasonably incurred by the other civil partner in maintaining himself or herself or any dependent child of the civil partners before the making of an application by the other civil partner for an order under subsection (1), or

(b) to such person that may be specified in the order to meet any liabilities or expenses reasonably incurred by or for the benefit of a dependent child of the civil partners before the making of an application on behalf of the dependent child of the civil partners for an order under subsection (1).",

(c) by the insertion of the following subsection after subsection (4):

"(4A) The period specified in an order under subsection (1)(aa) or (ba) shall begin not earlier than the date of the application for the order and shall end not later than the death of the civil partner against whom the order was made or the death of the dependent child of the civil partners in whose favour the order was made, whichever first occurs.",

and

(d) in subsection (7), by the substitution of "paragraph (a) or (aa) of subsection (1)" for "subsection (1)(a) " wherever it occurs.

Amendment of section 118 of Act of 2010

155. Section 118 of the Act of 2010 is amended in subsection (1) —

(a) by the substitution of "either of the civil partners or by a person on behalf of a dependent child of the civil partners may" for "either of the civil partners may",

(b) in paragraph (a), by the substitution of "to the other, to any dependent child of the civil partners or to any other specified person for the benefit of such a child" for "to the other",

(c) in paragraph (b), by the substitution of "of the other and of any dependent child of the civil partners or any or all of those persons" for "of the other", and

(d) in paragraph (c), by the substitution of "one of the civil partners and of any dependent child of the civil partners or any or all of those persons" for "one of the civil partners".

Amendment of section 119 of Act of 2010

156. Section 119 of the Act of 2010 is amended—

(a) in subsection (1) —

(i) by the substitution of "either of the civil partners or a person on behalf of a dependent child of the civil partners may" for "either of the civil partners may",

(ii) in paragraph (d), by the substitution of "Part 9;" for "Part 9; and",

(iii) by the substitution of the following paragraph for paragraph (e):

"(e) an order under section 31 of the Land and Conveyancing Law Reform Act 2009; and",

and

(iv) by the insertion of the following paragraph after paragraph (e):

"(f) an order under section 11 of the Act of 1964",

and

(b) in subsection (2) —

(i) by the substitution of "welfare of the civil partners and any dependent child of the civil partners" for "welfare of the civil partners", and

(ii) in paragraph (b), by the substitution of "other civil partner and for any dependent child of the civil partners" for "other civil partner".

Amendment of section 120 of Act of 2010

157. Section 120 of the Act of 2010 is amended—

(a) in subsection (1) —

(i) by the substitution of "in that behalf by either of the civil partners or by a person on behalf of a dependent child of the civil partners" for "in that behalf by either of the civil partners",

(ii) by the substitution of the following paragraph for paragraph (a):

"(a) an order, on the application of either of the civil partners, requiring the other civil partner to effect a policy of life insurance for the benefit of the applicant civil partner or a dependent child of the civil partners;",

(iii) by the insertion of the following paragraph after paragraph (a):

"(aa) an order, on the application of a person on behalf of a dependent child of the civil partners, requiring either of the civil partners to effect such a policy of life insurance for the benefit of the dependent child;",

(iv) by the substitution of the following paragraph for paragraph (b):

"(b) an order, on the application of one civil partner, requiring the other civil partner to assign to the applicant civil partner, or to such person as may be specified in the order for the benefit of a dependent child of the civil partners, the whole or a specified part of the interest in a policy of life insurance that the other civil partner has effected or that both of the civil partners have effected;",

(v) by the insertion of the following paragraph after paragraph (b):

"(ba) an order, on the application of a person on behalf of a dependent child of the civil partners, requiring either civil partner or both civil partners to assign to a person specified in the order for the benefit of the dependent child of the civil partners the whole or a specified part of the interest in a policy of life insurance that either civil partner has effected or that both of the civil partners have effected; and",

and

(vi) by the substitution of the following paragraph for paragraph (c):

"(c) an order—

(i) on the application of a civil partner, requiring the other civil partner, or

(ii) on the application of a person on behalf of a dependent child of the civil partners, requiring either or both of the civil partners,

to make or to continue to make to the person by whom a policy of life insurance is or was issued the payments which he or she or both of the civil partners is or are required to make under the terms of the policy.",

(b) in subsection (2) —

(i) in paragraph (a), by the substitution of "applicant civil partner or the dependent child of the civil partners" for "applicant", and

(ii) in paragraph (b), by the substitution of "applicant civil partner or the dependent child of the civil partners, as the case may be," for "applicant",

(c) in subsection (3), by the substitution of "for the civil partner concerned or any dependent child of the civil partners concerned" for "for the civil partner concerned", and

(d) in subsection (4), by the substitution of "death of the applicant civil partner in whose favour the order was made in so far as it relates to him or her" for "death of the applicant".

Amendment of section 121 of Act of 2010

158. Section 121 is amended—

(a) by the substitution of the following subsection for subsection (2):

"(2) On granting a decree of dissolution or at any other time after it is granted, the court, on application to it in that behalf by either of the civil partners or by a person on behalf of a dependent child of the civil partners, may during the lifetime of a member civil partner, make an order providing for the payment, in accordance with this section and sections 122 to 126, to—

(a) the other civil partner, or

(b) a person specified in the order for the benefit of a dependent child of the civil partners for so long as that child remains a dependent child of the civil partners,

of a benefit consisting of the part of the benefit that is payable (or that, but for the making of the decree, would have been payable) under the scheme and has accrued at the time of the making of the decree, or of the part of that part that the court considers appropriate.",

(b) in subsection (3)(b), by the substitution of "the other civil partner or to the person on behalf of the dependent child of the civil partners, as the case may be" for "the other civil partner",

(c) by the substitution of the following subsection for subsection (5):

"(5) On granting a decree of dissolution or at any time within one year after it is granted, the court, on application to it in that behalf by either of the civil partners or by a person on behalf of a dependent child of the civil partners, may make an order providing for the payment, on the death of the member civil partner, to—

(a) the other civil partner, or

(b) a person specified in the order for the benefit of a dependent child of the civil partners,

of that part of a contingent benefit that is payable (or that, but for the making of the decree, would have been payable) under the scheme, or of the part of that part, that the court considers appropriate.",

and

(d) in subsection (7), by the substitution of "member or for a dependent child of the civil partners concerned under" for "member under".

Amendment of section 122 of Act of 2010

159. Section 122 of the Act of 2010 is amended—

(a) in subsection (2), by the substitution of "applicant civil partner in whose favour the order was made in so far as the order relates to him or her" for "applicant", and

(b) by the insertion of the following subsection after subsection (2):

"(2A) Where the court makes an order under section 121(2), or under section 131(3) in relation to an order under section 121(2), for the benefit of a dependent child of the civil partners and the child dies before payment of the designated benefit has commenced, the order shall cease to have effect in so far as it relates to him or her.".

Amendment of section 123 of Act of 2010

160. Section 123 of the Act of 2010 is amended—

(a) in subsection (4), by the substitution of "provide for the payment to the person in whose favour the order was made" for "provide for the payment to the other civil partner",

(b) in subsection (5), by the substitution of the following paragraph for paragraph (a):

"(a) if the trustees and the person in whose favour the order was made so agree, in providing a benefit for or in respect of that person that is of the same actuarial value as the transfer amount, or",

and

(c) in subsection (9) —

(i) by the substitution of "person in whose favour the order was made" for "civil partner who is not the member", and

(ii) by the substitution of "that person" for "that civil partner".

Amendment of section 124 of Act of 2010

161. Section 124 of the Act of 2010 is amended in subsection (2) by the substitution of "to the other civil partner or other person concerned" for "to the other civil partner".

Amendment of section 125 of Act of 2010

162. Section 125 of the Act of 2010 is amended—

(a) in subsection (1), by the substitution of "including by the member civil partner or by the other person concerned or by both of them" for "including by one or the other of the civil partners or by both of them", and

(b) in subsection (2) —

(i) by the substitution of "paid by a person" for "paid by a civil partner",

(ii) by the substitution of "payable to the person" for "payable to the civil partner",

(iii) by the substitution of the following paragraph for paragraph (a):

"(a) pursuant to an order made under section 121, if the person is the beneficiary of the order; and",

and

(iv) by the substitution of the following paragraph for paragraph (b):

"(b) pursuant to the scheme, if the person is the member civil partner.".

Amendment of section 129 of Act of 2010

163. Section 129 of the Act of 2010 is amended—

(a) in subsection (1), by the substitution of "for the civil partners and any dependent child of the civil partners concerned" for "for the civil partners",

(b) in subsection (2) —

(i) by the substitution of the following paragraph for paragraph (c):

"(c) the standard of living enjoyed by the civil partners and any dependent child of the civil partners before the proceedings were instituted or before the civil partners commenced to live apart;",

(ii) by the substitution of the following paragraph for paragraph (f):

"(f) the contributions that each of the civil partners has made or is likely to make in the foreseeable future to the welfare of the civil partners and any dependent child of the civil partners, including any contribution made by each of them to the income, earning capacity, property and financial resources of the other, and any contribution made by either of them by looking after the shared home or caring for the other civil partner or any dependent child of the civil partners;",

and

(iii) in paragraph (g), by the substitution of "the shared home or to care for the other civil partner or any dependent child of the civil partners" for "the shared home",

and

(c) by the insertion of the following subsection after subsection (3):

"(3A) In deciding whether to make an order referred to in subsection (1) in favour of a dependent child of the civil partners concerned and in determining the provisions of such an order, the court shall, in particular, have regard to the following matters:

(a) the financial needs of the child;

(b) the income, earning capacity (if any), property and other financial resources of the child;

(c) any physical or mental disability of the child;

(d) any income or benefits to which the child is entitled by or under statute;

(e) the manner in which the child was being, and in which the civil partners concerned anticipated that the child would be, educated or trained;

(f) the matters specified in paragraphs (a), (b) and (c) of subsection (2) and subsection (3) ;

(g) the accommodation needs of the dependent child.".

Amendment of section 131 of Act of 2010

164. Section 131 of the Act of 2010 is amended—

(a) in subsection (2)(b), by the substitution of "in the matter or a person on behalf of a dependent child of the civil partners concerned" for "in the matter",

(b) by the insertion of the following subsection after subsection (4):

"(4A) Without prejudice to the generality of section 116 or 117, that part of an order to which this section applies which provides for the making of payments for the support of a dependent child of the civil partners shall stand discharged if he or she ceases to be a dependent child of the civil partners by reason of his or her attainment of the age of 18 years or 23 years, as the case may be, and shall be discharged by the court, on application to it under subsection (2), if it is satisfied that the child has for any reason ceased to be a dependent child of the civil partners.",

and

(c) in subsection (7), by the substitution of "civil partner concerned or a dependent child of the civil partners concerned" for "civil partner concerned".

Restriction in relation to orders for benefit of dependent children of civil partners

165. The Act of 2010 is amended by the insertion of the following section after section 131:

"**131A.** The court shall not have regard to the conduct of the civil partner or civil partners concerned of the kind specified in section 129(2)(i) in deciding whether—

(a) to include in an order under section 116 a provision requiring the making of periodical payments for the benefit of a dependent child of the civil partners,

(b) to make an order under paragraph (aa), (ba) or (ca) of section 117(1), or

(c) to make an order under section 131 varying, discharging or suspending a provision referred to in paragraph (a) or an order referred to in paragraph (b).".

Amendment of section 133 of Act of 2010

166. Section 133 of the Act of 2010 is amended by the substitution of "117(1)(a), (aa), (b) or (ba) " for "117(a) or (b) ".

Amendment of section 137 of Act of 2010

167. Section 137 of the Act of 2010 is amended in subsection (1) in the definition of "relief" by the substitution of the following paragraph for paragraph (a):

"(a) preventing the relief being granted to the person concerned, whether for the benefit of the person or of a dependent child of the civil partners concerned,".

Amendment of section 138 of Act of 2010

168. Section 138 of the Act of 2010 is amended by the substitution of "under this Part or under the Act of 1964, or for a dependent child of the civil partners of such a civil partner" for "under this Part".

Amendment of section 140 of Act of 2010

169. Section 140 of the Act of 2010 is amended in paragraph (a) of subsection (2), by the substitution of "for support of a civil partner or €150 per week for the support of a dependent child of the civil partners" for "for support of a civil partner".

Custody of dependent children and social reports

170. The Act of 2010 is amended by the insertion of the following sections after section 141:

"**Custody of dependent children of civil partners after decree of dissolution**

141A. Where the court grants a decree of dissolution (within the meaning of Part 12), it may declare either of the civil partners concerned to be unfit to have custody of any dependent child of the civil partners who is under the age of 18 years and, if it does so and the civil partner to whom the declaration relates is a parent of any dependent child of the civil partners who is under the age of 18 years, that civil partner shall not, on the death of the other civil partner, be entitled as of right to the custody of that child.

Social reports

141B. Section 47 of the Family Law Act 1995 shall apply to proceedings under this Act.".

Amendment of section 142 of Act of 2010

171. Section 142 of the Act of 2010 is amended by the substitution of the following subsection for subsection (1):

"(1) In civil partnership law proceedings under section 45, 46, 47, 50, 117, 118, 119(1)(a) or (b), 120, 121 to 126, 127 or 131 each party to the proceedings shall give to the other party such particulars of his or her financial circumstances, including property and income, and in so far as is practicable, the financial circumstances of his or her dependent children, as may reasonably be required for the purpose of the proceedings.".

Orders under Family Law (Maintenance of Spouses and Children) Act 1976

172. Part 15 of the Act of 2010 is amended by the insertion of the following section after section 196:

"**Orders under Family Law (Maintenance of Spouses and Children) Act 1976**

196A. The court may, on the application of a party to proceedings under this Part, make an order under section 5A or 5B of the Family Law (Maintenance of Spouses and Children) Act 1976, where applicable, in respect of the other party to the proceedings.".

PART 13

Miscellaneous Consequential Amendments to Other Acts

Amendment of section 2 of Redundancy Payments Act 1967

173. Section 2 of the Redundancy Payments Act 1967is amended in subsection (1) by the substitution of the following definition for the definition of "adopting parent":

" 'adopting parent' means an employee who is an adopting parent within the meaning of the Adoptive Leave Act 1995;".

Amendment of section 1 of Unfair Dismissals Act 1977

174. Section 1 of the Unfair Dismissals Act 1977 is amended by the substitution of the following definition for the definition of "adopting parent":

" 'adopting parent' means an employee who is an adopting parent within the meaning of the Adoptive Leave Act 1995;".

Amendment of section 20 of Child Care Act 1991

175. Section 20 of the Child Care Act 1991 is amended in subsection (1) —

(a) in paragraph (b), by the substitution of "1995," for "1995, or",

(b) in paragraph (c), by the substitution of "1996, or" for "1996,", and

(c) by the insertion of the following paragraph after paragraph (c):

"(d) section 110(2), 115(c) or 141A of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010,".

Amendment of Maternity Protection Act 1994

176. The Maternity Protection Act 1994 is amended—

(a) in section 2—

(i) in subsection (1), by the insertion of the following definitions:

" '*Act of 2015*' means the *Children and Family Relationships Act 2015*;

'expectant father' shall be construed in accordance with subsection (1A) (inserted by *section 176* of the *Act of 2015*);

'other parent' means a person (other than the mother) who is, under *section 5* of the *Act of 2015*, a parent of a child;",

and

(ii) by the insertion of the following subsection after subsection (1):

"(1A) In this Act, a reference to an expectant father includes a person who has given his or her consent in accordance with *section 11* of the *Act of 2015* to a DAHR procedure (within the meaning of *section 4* of that Act) where that procedure results in a pregnancy.",

(b) in section 16—

(i) by the substitution of "father or other parent, as the case may be," for "father" in each place it occurs, and

(ii) in subsection (6), by the substitution of "the father's or the other parent's" for "the father's",

(c) in section 16A—

(i) by the substitution of "father or other parent" for "father" in each place it occurs, and

(ii) in subsection (2), by the substitution of "the father's sickness or the other parent's sickness" for "the father's sickness",

(d) in section 16B—

(i) by the substitution of "father or other parent" for "father" in each place it occurs, and

(ii) in subsection (10), by the substitution of "the father's leave or the other parent's leave" for "a father's leave",

(e) in section 21, by the substitution of "father or other parent" for "father" in each place it occurs, and

(f) in section 31, by the substitution in subsection (1)(a)(iii) of "father or other parent" for "father".

Amendment of section 2 of Adoptive Leave Act 1995

177. F68**[**...**]**

Annotations

Amendments:

F68 Repealed (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 3, S.I. No. 148 of 2021.

Amendment of section 6 of Parental Leave Act 1998

178. Section 6 of the Parental Leave Act 1998 is amended in subsection (9) (amended by section 2 of the Parental Leave (Amendment) Act 2006) in the definition of "relevant parent" by the substitution of the following paragraph for paragraph (a):

"(a) the parent, the adoptive parent or the adopting parent in respect of the child, or".

Amendment of section 3 of Protection of Children (Hague Convention) Act 2000

179. Section 3 of the Protection of Children (Hague Convention) Act 2000 is amended in subsection (2) by the deletion of paragraph (e).

Amendment of section 2 of Student Support Act 2011

180. Section 2 of the Student Support Act 2011 is amended in the definition of "parent" by the substitution of "guardian appointed under the Guardianship of Infants Act 1964, other than a temporary guardian appointed under section 6E of that Act" for "guardian appointed under the Guardianship of Children Acts 1964 to 1997".

Number 9 *of* 2015

CHILDREN AND FAMILY RELATIONSHIPS ACT 2015

REVISED

Updated to 20 April 2026

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

Civil Registration Acts 2004 to 2024: this Act, s. 230, is one of a group of Acts included in this collective citation (*Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 1(3)). The Acts in this group are:

- *Civil Registration Act 2004* (3/2004)
- *Civil Registration (Amendment) Act 2005* (19/2005)
- *Social Welfare (Miscellaneous Provisions) Act 2008* (28/2008), s. 25
- *Civil Registration (Amendment) Act 2012* (48/2012)
- *Social Welfare and Pensions (Miscellaneous Provisions) Act 2013* (20/2013), Part 3
- *Civil Registration (Amendment) Act 2014* (34/2014)
- *Children and Family Relationships Act 2015* (9/2015), Part 9
- *Social Welfare, Pensions and Civil Registration Act 2018* (37/2018), Part 4
- *Civil Registration Act 2019* (13/2019), other than s. 13
- *Civil Law (Presumption of Death) Act 2019* (23/2019), Part 3 (ss. 11-16)
- *Health (Assisted Human Reproduction) Act 2024* (18/2024), s. 230

Adoption Acts 2010 to 2015: this Act is one of a group of Acts included in this collective citation (*Children and Family Relationships Act 2015* (9/2015), s. 1(3)). The Acts in this group are:

- *Adoption Act 2010* (21/2010)
- *Child Care (Amendment) Act 2011* (19/2011)
- *Adoption (Amendment) Act 2013* (44/2013)
- *Children and Family Relationships Act 2015* (9/2015), Part 11 (repealed)

Child Care Acts 1991 to 2024: this Act is one of a group of Acts included in this collective citation (*Child Care (Amendment) Act 2015* (19/2024), s. 23(2)). The Acts in this group are:

- *Child Care Act 1991* (19/1991)
- *Children Act 2001* (24/2001), ss. 7-15, 267
- *Health Act 2004* (42/2004), s. 75 in so far as it amends the *Child Care Acts 1991 and 2001*
- *Child Care (Amendment) Act 2007* (26/2007), s. 1(2), Part 2 and s. 21 in so far as s. 21 amends the *Child Care Acts 1991 and 2001*
- *Child Care (Amendment) Act 2011* (19/2011), ss. 1 - 26, 28 - 31, 34, 46, 48
- *Child Care (Amendment) Act 2013* (5/2013)
- *Children and Family Relationships Act 2015* (9/2015) s. 175
- *Child Care (Amendment) Act 2015* (45/2015), other than ss. 14, 15

- *Child Care (Amendment) Act 2022* (21/2022), other than ss. 9 to 12
- *Child Care (Amendment) Act 2024* (19/2024)

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

- *Family Courts Act 2024* (48/2024)
- *Health (Assisted Human Reproduction) Act 2024* (18/2024)
- *Family Leave and Miscellaneous Provisions Act 2021* (4/2021)
- *Regulated Professions (Health and Social Care) (Amendment) Act 2020* (16/2020)
- *Civil Registration Act 2019* (13/2019)
- *Children and Family Relationships (Amendment) Act 2018* (20/2018)
- *Mediation Act 2017* (27/2017)
- *Adoption (Amendment) Act 2017* (19/2017)
- *Marriage Act 2015* (35/2015)

All Acts up to and including *International Protection Act 2026* (9/2026), enacted 22 April 2026 were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Health (Assisted Human Reproduction) Act 2024 (Commencement) Order 2026* (S.I. No. 160 of 2026)
- *District Court (Donor-Assisted Human Reproduction) Rules 2020* (S.I. No. 434 of 2020)
- *Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2019* (S.I. No. 624 of 2019)
- *Children and Family Relationships Act 2015 (Certification) Regulations 2019* (S.I. No. 546 of 2019)
- *Children and Family Relationships Act 2015 (Consent to Parentage Declaration) Regulations 2019* (S.I. No. 545 of 2019)
- *Children and Family Relationships Act 2015 (Consent to Use Declaration) Regulations 2019* (S.I. No. 544 of 2019)
- *Children and Family Relationships Act 2015 (Parts 2 and 3) (Commencement) Order 2019* (S.I. No. 541 of 2019)
- *Children and Family Relationships Act 2015 (Commencement) Order 2017* (S.I. No. 355 of 2017)
- *District Court (Children and Family Relationships Act 2015) Rules 2016* (S.I. No. 17 of 2016)
- *Children and Family Relationships Act 2015 (Commencement of Certain Provisions) Order 2016* (S.I. No. 12 of 2016)
- *Children and Family Relationships Act 2015 (Part 10) (Commencement) Order 2015* (S.I. No. 263 of 2015)

All statutory instruments up to and including *Health (Assisted Human Reproduction) Act 2024 (Commencement) Order 2026* (S.I. No. 160 of 2026), made 13 April 2026 were considered in the preparation of this revision.