



We're all going on our summer holidays! -taking children out of the country.

By Miranda Marshall – Director at
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I am sometimes asked to notarise a document giving consent to a parent or other adult to travel into or out of the UK with a child in the absence of the other or both parent(s). These documents are frequently required by the airlines or by the immigration authorities of other countries as warranty that the individual has authority to travel with the child.

These can take the form of consent by one parent to the other parent; or by one or both parents to a third party.

Clearly, as a notary, I have to act cautiously otherwise I might be giving assistance to someone seeking to abduct a child.

The law is contained in the Children Act 1989. Where the parents were married at the time of the child's birth, both have parental responsibility ("PR"). In the case of the father, he acquires PR if married at the time of the birth, or subsequently, if he so agrees with the mother by way of a 'parental authority agreement', or by a Court order. Either parent may exercise PR by acting alone, except where consent of both is required in law.

On divorce or separation, the court will not make a Residence Order ("RO") unless it thinks it needs to do so. Where a RO is in place, no person may remove a child from the UK without the written consent of every other person with PR, or by leave of the Court. This does not apply where the removal is for less than a month by a person with the benefit of a RO.

As there is no central registry of orders there is no way of checking so one can never be certain of the authority in place.

Airlines can suffer hefty fines for allowing a child to seek to enter a country where the necessary authority and consent to travel is not in place and are thorough in checking the situation; often more so than the immigration control of the country of destination.

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If you require advice on this matter please contact Miranda on 01328 710210. If you require advice on any other legal matter please telephone our Wells office on 01328 710210 or email law@hayes-storr.com.

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