

2016.04.26

3.10 Deputy L.M.C. Doublet of the Minister for Home Affairs regarding the way in which births are registered in the Island:

Can the Minister advise whether consideration is being given to making any changes to the way in which births are registered in the Island?

Senator I.J. Gorst (The Chief Minister - rapporteur):

The law is to be updated this year to ensure that unmarried biological fathers are automatically granted parental responsibility when they are named on the birth certificate. The law will then be further updated in 2017 to allow same sex parents who are named on the birth certificate to also automatically be granted parental responsibility and this will form part of the package of changes being brought forward in relation to same sex marriage.

3.10.1 Deputy L.M.C. Doublet:

There was an issue recently highlighted; I believe it was the Vice-Dean, that babies who are born to unmarried couples are being registered as illegitimate. Does the Chief Minister believe this should continue or should it be changed?

Senator I.J. Gorst:

I do not know about the particular issue raised by the Vice-Dean. I look across the Assembly to the Dean. I am aware that those terms are currently used on forms which Parish registrars might use to capture birth details. I am not sure whether that is because they are historical, but they are not used, as I understand it, in the actual register of births.

[10:45]

3.10.2 Deputy J.A. Martin:

The Chief Minister said, I think, that he is going to bring in laws to allow unmarried biological fathers to automatically be on the birth certificate. With today's science will there be any testing because I would hate to be ending up in Jeremy Kyle's situation **[Laughter]** where a mother can say that that person is the father and she can change it up to as many times as she wants.

Senator I.J. Gorst:

I am loath to admit this but I am not aware of that particular case.

3.10.3 Deputy J.A. Martin:

Sorry, this is a very serious point. Unless I heard the Minister wrong, he said it would be an automatic right for biologically unmarried fathers to be on the birth certificate and who determines who is the biological father? That is my question. Sorry, if I did not make it clear.

Senator I.J. Gorst:

I am stepping in for the Minister for Home Affairs. I do not have such detail to hand but of course I can go away and provide that detail to Members. This is a change in the law. We do not currently test for biological fathers if that couple are married. If there is an issue which needs to be addressed then I have no doubt that it will be addressed and advised on appropriately as we are bringing forward this change.

3.10.4 The Deputy of St. John:

Could the Chief Minister advise whether the change in the law that is coming forward for the change in parental responsibility, if it will be applying retrospectively and if not will there still be an ability to change that through the courts?

Senator I.J. Gorst:

I thank the Deputy for her question. It will not be retrospective but there will remain the same ability that is in place today.

3.10.5 Deputy L.M.C. Doublet:

I think the Minister just made a commitment to look into the concerns about babies being labelled as illegitimate. Can the Minister just confirm, please, that that will be looked into to ensure that babies are not being labelled with this outdated term?

Senator I.J. Gorst:

I will indeed. I gave what was my understanding of the situation. If that proves to be incorrect and it is not just because of the historical books or records then that will be addressed.