

# IDENTITY AND PASSPORT SERVICE CHILDREN POLICY

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## Introduction

1 The Family Law Reform Act, which came into force on 1 January 1970, defines a child as a person who has not yet reached the age of 18 years. In addition the British Nationality Act 1981 contains, for its own purposes, a definition of a minor as 'a person who has not attained the age of 18 years'.

1.1 New born babies and children up to the age of 16 years of age who are not included on a valid 10-year passport issued before 5 October 1998 are required to hold their own passport if they are to travel abroad.

1.2 Children under 16 already included on an existing passport may continue to travel with the passport holder (provided this is acceptable to the destination country) until one of the following events occur:

- The child reaches the age of 16 years;
- The passport on which the child is included expires;
- The passport on which the child is included is submitted for amendment. It has not been possible for children to be re-added to passports submitted for amendment since 5 October 1998.
- The child has their own passport.

1.3 Following new regulations for entry into the United States, which came into effect from the 26 October 2005, children included on an existing passport who intend to travel to the USA, will need to obtain a visa. Alternatively, they will need their own passport.

1.4 It should not be assumed that where a child has been added without any observation to a passport that the child's national status has been established by documentary evidence other than that needed to establish the parent/child relationship. It will be necessary to produce full supporting documents when an application is sent in for a child who has been previously included in a passport.

1.5 Since 26 March 1998, passports issued to children under the age of 16 years are valid for 5 years and may not be extended. Five-year passports issued before this date are extended free of charge. Passports issued to young persons aged 16 and 17 years are valid for 10 years. The fees for a new passport and renewal of a passport are prescribed by the Consular Fees Order and can be found elsewhere on our website.

1.6 Passport applications that are received for children generally fall into the following categories:

- Consent given by a parent with parental responsibility.
- Consent given by an adult who has been given care through the Courts.

- Consent given by a local authority where the child is being looked after.
  - Consent given by an adult who is caring for a child in the absence of anyone with parental responsibility or any Court involvement.
- 1.7 Consent is needed for children's passport applications until they become 16. From 10/12/2007 following ministerial approval, applications received from young people 16 and 17 years old do not need parental consent (with one exception). If it is clear from the information provided that the 16 or 17 year old has a mental disability **and** will be unable to understand the consequences of signing the declaration at section 9, the Identity and Passport Service (IPS) will also need consent from someone with parental responsibility - for example when the application has been completed on their behalf and the accompanying letter confirms that that the child is unable to make the application because of a mental disability.
- 1.8 Passport applications for children may be received by post or through the counter at our regional offices.

## **Completing and Examining the Application Form**

### ***First Time Applications***

- 2.1 A cross must be placed in the box marked 'Your First Passport Child (under 16)' in section one.
- 2.2 Section two must be completed with the child's details, including any previous name of the child.
- 2.3 Section three asks for details of any previous passport. This includes any previous passport that the child may have been included on. The passport must accompany the application so that it may be cancelled, or if the child is included, the child's details must be deleted unless the passport is not British.
- IPS stopped including details of children in relatives' passports after 5 October 1998. If the child was born overseas, the child must have entered the United Kingdom on a travel document. If it is not clear, enquiries will be made to establish how the child came to the UK.
- 2.4 Application forms have been introduced that require section four to be completed for all children irrespective of how they acquired their British nationality, or where they were born. If the father's details are unknown, this may of course be left off. Where the parents were also born after 31.12.82, they will need to provide details of their parents (that is the child's grandparents) at section 8 or on a separate sheet of paper, so that

nationality can be determined correctly. Section 4 is needed not only to establish nationality but also to help establish that the person who gave consent has parental responsibility. Older application forms that do not request this information may continue to be accepted.

2.5 Section five must be completed when the child has gained their British nationality through registration.

2.6 If the child is aged 12-15, they must sign and date section 6 unless they are unable to sign because of a physical or mental disability. In these circumstances the passport will be issued with an observation 'The holder is not required to sign'. A letter should accompany the application to explain why the child is unable to sign this section.

2.7 From 10 December 2007, where an applicant is 16 or 17, section 7 of existing application forms may be disregarded unless the young person's application form has been completed on their behalf because they have a learning difficulty as outlined in 1.7 above. If a person with parental responsibility has completed and signed the application form this may be accepted. In these circumstances the passport will be issued with an observation 'The holder is not required to sign'.

2.8 Section 8 provides a space for the applicant to give any other information that may be relevant – such as details of grandparents.

2.9 The declaration at section 9 should be completed by someone with parental responsibility for children under 16. Young people of 16 and over will sign the declaration themselves, unless the young person is unable to sign because of a physical or mental/learning disability.

i. The declaration includes the words 'I am 16 (or will be within two weeks). Any applications received from young people who will be 16 within two weeks must be held until they turn 16. Applications received via the public counter may be kept until the 16<sup>th</sup> birthday if the applicant wishes. Alternatively they may be accepted as a child's application, the appropriate fee taken and issued valid for 5 years. The consent of a person with parental responsibility will be required if the passport is issued before the 16<sup>th</sup> birthday.

ii. A person under 16 may give consent for their own child, even though they themselves will need parental consent for their own application. However, as they would require consent from their parent whilst under 16, very young parents under this age should submit a letter from their mother or father with the application confirming they agree with their son/daughter's request for a passport. (A young father may have parental responsibility for a child, even though he is not married to the mother.) For further information on Parental responsibility see the heading '[Parental Responsibility](#)'

- iii. The declaration includes the wording that 'If an application for a child, I have parental responsibility for the child'. Where it is unclear from the information provided how the father has gained parental responsibility IPS will write to him, asking whether he has acquired parental responsibility through an Order or Agreement and ask for it to be forwarded for perusal. Alternatively a letter of consent from the mother will be necessary.
  - iv. There are certain circumstances when the person with parental responsibility is not available to give their consent. The Identity and Passport Service has to be extremely careful when applications are received without this consent. A passport may be authorised if the application is made by, or supported by the signature of an adult who can establish that they have parental responsibility, parental rights or they are acting in loco parentis. Further information is given under '[Loco Parentis](#)'. Alternatively the application may be accepted if it is accompanied by the written consent of someone with parental responsibility.
- 2.10 The form must be countersigned by a professional person (or a person of standing in the community) who holds a current British or Irish passport and has known the applicant for two years or more and can certify the photo as a true likeness of the child. Where the application is for a child under 16 they must have known the person who completes section 9 for two years and also have personal knowledge of the child, this means that they must be able to identify the photograph they are certifying as the person named at section 2 of the form. Further details of who can be accepted may be found elsewhere on our web site.

### ***Renewal Applications***

- 3.1 A cross must be placed in the box marked 'Renewal of your passport child (under 16)'.
- 3.2 Section 2, 3, 4 and 9 must be completed as directed above. If the child is between 12 and 15 the child must also sign at section 6 and date it. Application packs include forms that also request the completion of Section 4. This is requested to establish that the person who gave consent has parental responsibility. Old forms that do not request this information may be accepted with section 4 left blank.
- 3.3 From 10/12/07 any applications to renew a passport for children under 12 are required to be countersigned. This will assist in establishing the identity of the child whose appearance may have changed considerably since their passport was granted.

## **Extensions**

3.4 A child's passport will be submitted for extension for two reasons:

- The passport was issued valid for 5 years before 26 March 1998. Requests for extension for this reason will diminish in time.
- Rarely, the passport was issued valid for one year (or less) to facilitate compassionate travel where the application was not complete.

3.5 A cross must be placed in the box marked Extension of a passport to full validity, child (under 16).

3.6 Section 2, 3, 4 6 and 9 must be completed as detailed in first time applications. The form need not normally be countersigned unless

- The child is under 12.
- The child can no longer be identified.
- The application was originally restricted because there was a problem with the countersignatory.

## **Documents**

4.1 From 1 January 1983, Children born in the United Kingdom are no longer British by their birth alone.

4.2 From January 2005, documentary evidence to establish the child's claim to British nationality will be required together with the child's full birth certificate. In most cases the details of the mother's British passport will be enough. Where the claim is through the father, his marriage certificate will also need to be produced if the child was born in the UK after 31.12.82 and before 1.07.06.

4.3 From 1 July 2006, under the British Nationality (Proof of Paternity) Regulations 2006, a child born on or after that date may claim British nationality through their father, even if the parents are not married, provided there is proof of paternity. For the purposes of IPS, this means that the father's details must be shown in the full birth certificate, which must have been issued within 12 months of the child's birth. Applications for children born after 30 June 2006 in the UK may be accepted with the child's full birth certificate showing father's details together with evidence of father's claim to British nationality or settlement in the UK. If the child is born overseas, IPS will need to see the child's full birth certificate showing father's details plus evidence that the father is a British citizen otherwise than by descent.

4.4 In certain circumstances, the documents to establish the child's nationality will be unable to be produced. In these circumstances, no passport can be issued. The applicant will need to contact the Nationality Enquiry

Team, Border and Immigration Agency, PO Box 306, Liverpool L2 0QN for further advice about establishing the child's claim to British nationality.

- 4.5 From 30 December 2005 the Adoption & Children Act 2002 is fully implemented. Under the regulations, the Registrar General may authorise an entry to be made in the Adopted Children's Register if satisfied that a child was adopted under a 'registrable foreign adoption.' The result of this change is that a UK Adoption certificate may be issued to a child born and adopted overseas. This does **not** affect the nationality of the child adopted overseas as only children adopted in the UK, or adopted overseas under the Hague convention will have an automatic claim to British nationality by their adoption
- 4.6 Any court orders that relate to the restriction of parental responsibility of the applicant, grants parental responsibility to the applicant or restricts movement of the child must also be submitted. Detailed information on the various court orders can be found under the heading '[Court Orders](#)'.
- 4.7 The table below provides details of the documents that are required for straight forward children's applications (it does not cover more complex areas and further advice may be obtained through our call centre on 0870 521 0410):

1 <sup>st</sup> Time Applications	Documents
<p><b>Born UK</b></p>	<p>Child's full birth certificate and</p> <p>mother's British passport number issued before the date of birth of the child at section 4 (or evidence of her claim to British nationality*, e.g. UK birth, registration or naturalisation certificate); or</p> <p>mother's foreign passport showing Indefinite Leave to Remain in the UK (ILR) at time of child's birth; <b>or</b></p> <p>father's British passport number issued before the date of birth of the child at section 4 and his marriage certificate to child's mother (or evidence of his claim to British nationality*, e.g. UK birth, registration or naturalisation certificate) and his marriage certificate or</p> <p>father's foreign passport showing he had ILR at the time of the child's birth</p>

	<p>plus his marriage certificate to the child's mother;          (For children born after 30 June 2006 the father's marriage certificate is not needed but father's details <b>must</b> be shown on the child's birth certificate issued within 12 months of child's birth)          In addition the following are needed:</p> <p>any passport on which the child is included</p> <p>and any court orders that restrict parental responsibility or movement of the child</p> <p>any court orders granting parental responsibility where it would not have been held otherwise.</p> <p>*If the parent is also born after 31.12.82 their full birth certificate and parent's documents may also be required.</p>
<p><b>Born Abroad</b></p>	<p>Child's full birth certificate and</p> <p>Mother's UK birth certificate, passport or registration/naturalisation certificate establishing her claim to British nationality otherwise than by descent*; <b>or</b></p> <p>father's UK birth certificate, passport or registration/naturalisation certificate establishing his claim to British nationality otherwise than by descent* plus his marriage certificate to the child's mother;</p> <p>(For children born after 30 June 2006 the father's marriage certificate is not needed but father's details <b>must</b> be shown on the child's FBC)</p> <p>In addition the following are required:</p> <p>any passport on which the child is included;</p> <p>plus any court orders that restrict parental responsibility or movement</p>

	<p>of the child any court orders granting parental responsibility where it would not otherwise be held.</p> <p>* Where the parent is born in the UK after 31.12.82, their Full Birth Certificate and parent's documents may also be required.</p>
<b>Adopted UK</b>	<p>Child's full adoption certificate showing that the adoption took place <b>in the UK</b>. Evidence that one of the adopter's is a British citizen*, e.g. UK birth certificate, passport, registration or naturalisation certificate.</p> <p>*If the adopter is born in the UK after 31.12.82, or born overseas, their FBC and parent's documents may also be required.</p> <p>Any court orders granting or restricting parental responsibility or movement of the child</p>
<b>Adopted Overseas</b>	<p>Full Hague Convention Adoption Certificate confirming adoption made under Hague Convention plus evidence that one of the adopters is a British citizen.</p> <p>Any other overseas adoption – child's registration certificate showing they have been registered as a British citizen</p> <p>Any court orders that grant or restrict parental responsibility or movement of the child</p>
<b>Renewal Applications</b>	<p>Previous passport; Any court orders restricting parental responsibility or movement of the child</p>
<b>Extensions</b>	<p>Child's passport; Also, if the passport has been restricted because of missing documentation, the outstanding document should also be forwarded.</p> <p>Any court orders that grant or restrict parental responsibility or movement</p>

	of the child
<b>Change of Name</b>	<p>Documentary evidence Change of Name:</p> <p style="padding-left: 40px;">Statutory Declaration Change of Name Deed</p> <p>Plus:</p> <p>Letter of consent to change of name from everyone with parental responsibility <b>or</b></p> <p>Court order permitting the change of name <b>or</b></p> <p>Statutory declaration from applicant confirming everyone with parental responsibility has agreed to the change of name (unless there is a court order in force in which case written consent must be seen).</p>

## Return of Documents

- 5.1 A number of complaints have arisen following the return of documents to children. Parents are concerned particularly when the documents are related to adoption. Children are not always advised of their adoption and IPS takes care to ensure they are not informed by our actions. In addition, children have been able to take control of their passports and documents without the parent's knowledge leading to fears that the child may have been in a position to run off.
- 5.2 The person with parental responsibility makes the application for children under 16 and as such, the passport and documents should be returned direct to the them and **not** the child.

## Parental Responsibility

- 6.1 The **Children's Act 1989**, which came into force on 14 October 1991 in England and Wales, introduced the concept of parental responsibility. It is defined as all the rights, duties, powers, responsibilities and authority which by law a parent of a child has in relation to the child and his property. Parental responsibility gives an individual legal rights in respect of the child. More than one person may hold parental responsibility for a child, and they will not lose that parental responsibility because some other person subsequently acquires parental responsibility for the child. When more than one person has parental responsibility they can act alone unless there are specific provisions in law that require the consent of more than one person, for example, for adoption or changing the child's name.

- 6.2 There is similar legislation in Northern Ireland and Scottish law with the **Children (Scotland) Act 1995** and **The Children (NI) Order 1995**.
- 6.3 Where a child's father and mother were married to each other at the time of the birth, or subsequently, they shall each have parental responsibility for the child. In Scotland, a child's father acquires parental responsibility if the parents were married to each other at the time of conception or subsequently. (In essence this difference means that in England and Wales, the father must be married to the mother at the time of the birth, or after. However in Scotland if the father was married to the mother at any time during the pregnancy, but not at the actual time of birth, he would still have parental responsibility).
- 6.4 Where a child's parents have not been married to each other, the mother has sole parental responsibility, unless the father acquires it by obtaining a Parental Responsibility Order or a Parental Responsibility Agreement. Section 4 Children's Act 1989, Article 7 of The Children (NI) Order 1995 or Section 4 of the children (Scotland) Act 1995 refers. He can also acquire parental responsibility as detailed below.
- 6.5 The law in Scotland differs slightly to the rest of the United Kingdom in that a person of 16 years and over has the legal capacity to enter into any transaction having legal effect. This includes applying for a passport. Section 2 of the Children (Scotland Act) 1995 provides that a parent has the right to control, direct or guide, in a manner appropriate to the stage of development of the child, the child's upbringing. In this section "child" means a person under the age of 16 years. After 16, parents have the right to provide guidance only. If the child chooses not to follow the guidance, they have that right.
- 6.6 **The Family Law Act (Northern Ireland) 2001** came into force on 15 April 2001. It defines how an unmarried father in Northern Ireland can acquire parental responsibility for his child. The Act grants parental responsibility to an unmarried father who jointly registers the child's birth with the mother
- 6.7 To establish parental responsibility under the Family Law Act (Northern Ireland) for the father, IPS must have:
- A full birth certificate issued in Northern Ireland showing the father has jointly registered the birth, is named as the father, and the registration took place on or after 15th April 2002;
  - This only Act affects parental responsibility and has no effect on the National Status of the child.
- 6.8 **The Adoption and Children Act 2002** came into force on 1 December 2003. This law provides for an unmarried father in England and Wales to acquire parental responsibility if his details are recorded in the birth

register entry. This can be entered on the joint information of both parents or on the information of one parent with a statutory declaration of acknowledgement of paternity from the father.

- 6.9 Parental responsibility is also gained under this Act on re-registration of the child's birth to include the father's details after the birth was registered initially without his details.
- 6.10 The Act also provides that an unmarried father who acquires parental responsibility shall only lose that parental responsibility by Order of a court. Therefore if the man is subsequently found not to be the father and his details are removed from the birth record (by means of a marginal note) this does not bring his parental responsibility to an end. (See also children's change of name) For IPS purposes this legislation only covers birth registration in England and Wales. Northern Ireland and Scotland has similar legislation. The legislation is not retrospective and only affects birth registration in England and Wales on or after 1 December 2003 where the parents have jointly registered the child's birth.
- 6.11 The legislation **does not affect national status** and until the introduction of the British Nationality (Proof of Paternity) Regulations 2006 on 1 July 2006, an unmarried father was unable to pass his national status to any illegitimate child born to him, regardless of whether or not he has parental responsibility for the child.
- 6.12 The **Family Law (Scotland) Act** came into force on 4 May 2006 and an unmarried father will gain parental responsibility and rights for his child born and registered in Scotland if both parents register the child's birth together and both of their names appear on the birth certificate. It is not necessary for both parents to be at the registration office at the time the birth is registered as long as the parent registering the birth has written authorisation from the other to do so and certain forms are completed. The presence of the father's details on the birth certificate will indicate that the father has parental responsibility after this date.
- 6.13 If the mother and father do not agree to jointly register the child's birth then, only the mother will have parental responsibility and rights. The unmarried father may obtain parental responsibility by:
- Marrying the child's mother.
  - Signing and registering a parental responsibilities and parental rights agreement with the mother. This will then need to be registered in the Books of Council and Session, a public register kept in Edinburgh, who will send the parents an extract of the agreement showing the date of the registration. Once registered, it cannot be changed or ended except by an order of the court.
  - Obtaining parental responsibilities and rights through the court.

6.14 Children born in Scotland prior to the introduction of this Act will not be affected by these changes and the unmarried father of a child will not have parental responsibility and rights unless he acquires them as detailed in 6.13 above.

<b>PARENTAL RESPONSIBILITY – Children Under 18 Years</b>	
Parental Responsibility held by both parents:	Parental Responsibility held by Mother only:
<p><b>England Wales and Northern Ireland</b></p> <ul style="list-style-type: none"> <li>• Both parents married at the time of child's birth</li> <li>• Both parents married after the child's birth.</li> <li>• Parent's unmarried but father holds a Parental Responsibility Order or Parental Responsibility Agreement.</li> <li>• Birth of child jointly registered in Northern Ireland on or after 15.4.2002 and father's details are included on the birth certificate</li> <li>• Birth of child jointly registered in England and Wales on or after 1.12.2003 and father's details are included on the birth certificate</li> </ul> <p><b>Scotland</b></p> <ul style="list-style-type: none"> <li>• Both parents married at the time of the child's birth</li> <li>• Both parents married at the time of conception</li> <li>• Parents unmarried but father holds a Parental Responsibility Order or Parental Responsibility Agreement</li> <li>• Birth of child jointly registered in Scotland on or after 4 May 2006 and father's details are included on the birth certificate</li> </ul>	<p><b>England Wales and Northern Ireland</b></p> <ul style="list-style-type: none"> <li>• Parents are unmarried <b>and</b></li> <li>• There is no Parental Responsibility Order or Parental Responsibility Agreement held by father. or</li> <li>• Birth of child is registered before 15.4.2002 in Northern Ireland, or 1.12. 2003 in England and Wales</li> <li>• Father's details are not shown on the full birth certificate (See Column 1)</li> </ul> <p><b>Scotland</b></p> <ul style="list-style-type: none"> <li>• Parents are unmarried <b>and</b></li> <li>• There is no Parental Responsibility Order or Parental Responsibility Agreement held by father.</li> <li>• Birth of child is registered before 4 May 2006</li> <li>• Father's details are not shown on the full birth certificate</li> </ul>

## **Surrogate Parents**

- 7.1 Under the Parental Orders (Human Fertilisation and Embryology) Regulations 1994, if a child born as a result of a surrogacy arrangement the genetic parent(s) will be able to apply for a parental order and within 6 months of the child's birth may have the child's birth re-registered. A new birth certificate will be issued. In these circumstances the new full birth certificate will show the commissioning parents as the mother and father (not the birth mother). The new full birth certificate will have 13 sections, as apposed to the normal 17 sections as there will be no sections regarding the Informant.
- 7.2 Once a Parental Order is issued under the regulations, the persons named on the order acquire parental responsibility but it has no affect on the national status of the child until 1 July 2006 when the British Nationality (Proof of Paternity) Regulations 2006 came into force. After this date children will be able to claim British nationality through the man treated as the father under the Act, that is the **husband of the birth mother**.
- 7.3 It will be necessary to obtain details relating to the birth mother (or her husband) in order to establish the national status of the child. Where this is not available, the applicant will need to contact the Border and Immigration Agency with a view to registering the child as a British citizen.

## **Court Orders**

- 8.1 There are occasions where a child may not be in the care of the Local Authority, but may nevertheless be subject to a Court Order. Any Court Orders on behalf of the child that relate to restrictions on a child's movement or that either give or restrict parental responsibility should accompany the application, unless the child is in the care of the local authorities. (See 15.1 for instructions on dealing with looked after children).
- 8.2 Section 8 of The Children Act 1989 replaces the powers of the courts to make custody and access orders and resolve disputes between parents and others that have custody orders. They comprise a flexible package of orders, which should be able to cater for any question that may arise about the welfare of a child. Each Section 8 Order may be made for a specified period, impose conditions on those affected by it and contain directions as to how it is carried into effect [Section 11(7) CA 89]. A Section 8 Order may also be made during the proceedings when the court is not able to finally settle of the proceedings (what are commonly called interim orders) [Section 11(3) CA 89].

8.3 Section 8 Orders are designed to provide practical solutions to questions that arise. Unlike the old law, the emphasis is not on the custodial or non-custodial status of a parent. The intention is to encourage the adults involved to maintain their involvement in the child's life and to avoid driving unnecessary wedges between them. Nevertheless, where a dispute has arisen, the court is given extensive powers to resolve it.

8.4 An order may be made at any time until the child's eighteenth birthday but only exceptionally once he or she is 16 [Section 9(7) CA 89]. An order varying or discharging a Section 8 Order may be made when the child is 16 or 17 even if the circumstances are not exceptional.

### ***Residence Order***

09.1 A Residence order issued under Sect 8 Children's Act, settles the arrangements as to the person with whom a child is to live. Although the person named in the Order acquires parental responsibility, they do not have sole parental responsibility. They cannot take the child out of the country for more than one month, or change a child's name without the consent of everyone with parental responsibility or a court order. The order may also be a combined Residence and Contact Order which gives details of who has contact with the child and how often.

09.2 When the applicant would not normally have parental responsibility, the Residence Order must accompany the application.

09.3 Care should be taken in the case of an interim Residence Order to ensure that the Order is valid at the time the passport is issued.

### ***Contact Order***

10.1 A Contact Order is a specific order requiring the person with whom a child lives, or is to live, to allow the child to visit or stay with the person named in the order or for that person and the child otherwise to have contact with each other. As mentioned in 9.1 it may be combined with another order or be separate. On it's own it does not confer parental responsibility.

### ***Special Guardianship Order***

11.1 On 30 December 2005 Special Guardianship Orders were introduced under the Children Act 1989. The order is governed by the Special Guardianship Regulations 2005 and Special Guardianship (Wales) Regulations 2005 in England and Wales.

11.2 Special Guardianship Orders will be issued by courts in England and Wales from 30 December 2005, and will be recognised through out the

UK. There is presently no similar legislation in Scotland or Northern Ireland.

11.3 Special guardianship orders were introduced to provide legal permanence for those children for whom adoption is not appropriate. They are intended to:

- Give the carer clear responsibility for all aspects of caring for the child and for taking the decisions to do with their upbringing. The child will no longer be looked after by a local authority;
- Provide a firm foundation on which to build a lifelong permanent relationship between the child and their carer;
- Be legally secure;
- Preserve the basic link between the child and their birth family;
- Be accompanied by access to a full range of support services.

11.4 The order appoints a person or persons to be a child's special guardian. Applications may be made by an individual, or jointly by two or more people to become special guardians. Special guardians must be 18 or over. The parents of the child may not become the child's special guardian.

11.5 Once appointed, the special guardian will have parental responsibility for the child. Unlike a Residence Order which allows the holder joint parental responsibility for the child whilst the order is in force, a special guardian may exercise parental responsibility to the exclusion of all others with parental responsibility (including parents and holders of residence orders) apart from another special guardian with two main exceptions. The intention is that the special guardian will have clear responsibility for the day to day decisions about caring for the child or young person and their upbringing. This does not mean that the parents lose their basic link to the child. They remain legally the child's parents, however when a special guardianship order is in force, a special guardian is entitled to exercise parental responsibility to the exclusion of any other person with parental responsibility for the child (apart from another special guardian).

11.6 While a special guardianship order is in force, written consent of every person who has parental responsibility for the child, or the leave of the court must be given:

- To change the child's surname;
- To remove the child from the United Kingdom for longer than three months.

11.7 A special guardianship order remains in force until the child is 18, or unless discharged.

11.8 The holder of a special guardianship order must provide the consent to passport facilities for the child under 16 irrespective of where the child is living unless there is a subsequent court order that varies the conditions of the original order or restricts the issue of a passport to the child. If there is more than one person who is named as the special guardian, IPS will accept consent from either guardian.

11.9 Where a special guardianship order is in force and the child's name has been changed, the consent of every person who has parental responsibility must be submitted. Alternatively a court order permitting the change of name will be accepted.

11.10 Where the application is to replace a passport declared lost, our normal one passport per person policy applies.

### ***Prohibited Steps Order***

12.1 A Prohibited Steps Order sets out certain conditions regarding what a parent is able to do when meeting their parental obligations without first seeking permission from the court. This enables courts to make orders about particular matters when a person with a bona fide interest in the child's welfare applies. As such these orders should reduce the need for a child to be made a ward of court. The most obvious example of a prohibited steps order would be to indicate that the father/mother/person with parental responsibility cannot apply for a passport for the named child, or cannot remove the child from the jurisdiction of the court.

### ***Court Orders instead of Parental Consent.***

13.1 There may be the rare occasion when an application is received for a child, and those with parental responsibility have refused to give their consent. Instead the applicant has submitted a Court Order which indicates that it is in the best interests of the child that s/he is issued with a passport. This type of situation might arise where a child is voluntarily accommodated by the local authority and, for example, wishes to go on holiday independently or with their carers.

13.2 Applications received with such an Order may be accepted. However, the passport application form is not entirely suitable in these kinds of circumstance, and should be dealt with as follows:

- **Sections 1-6** - These sections must be completed if relevant to the application.
- **Section 9**  
Where the child is under 16 years, it is imperative that an adult signs this section. In the absence of a person holding parental responsibility, there will presumably be another adult in a position to sign the form (eg, the adult with whom the child is going on holiday, foster parent or a social worker).

If the adult signing the form is not a parent or guardian with parental responsibility for the child, the declaration can be manually altered as follows:

Clauses 2,3,4 and 6 may be deleted. If any of them give cause for concern, or difficulty for the adult signing the form.

Clauses 1,5,7 and 8 must not be deleted they are mandatory declarations without which the application should not be processed.

13.3 If any clauses are deleted as above, the application form must be accompanied by a Court order indicating the parent/s should not use their parental responsibility to veto the application. The Order should also state that the court considers it to be in the best interests of the child that a passport is issued. A statement from the adult signing section 9, providing a written explanation as to why they are making the application on the child's behalf, what their relationship is to the child, and in the case of a child being accommodated by a local authority an explanation from that authority should also accompany the application.

13.4 Additionally, if clause 3 is deleted, then the adult signing the form must instead enter at section 8 a statement in the following terms: "The person named at section 02 is, to the best of my knowledge and belief, a British national and has not lost or renounced his/her national status.

## **Children looked after by the Local Authority**

14.1 The United Kingdom has three separate jurisdictions, England & Wales, Northern Ireland and Scotland. The policy when dealing with passport applications for children in care differs depending on where the child is resident.

14.2 The circumstances of each will vary considerably and discretion should therefore be exercised. Staff should bear in mind that the local authority in whose favour a Care Order has been granted is ultimately responsible (subject to any Court Order) for the care and control of the child and whether or not they allow the child to travel abroad.

14.3 Applications received from local authorities should be signed by the Director or Manager of the Social Services whilst the social worker who has a personal knowledge of the child should countersign the application form and photograph.

## ***England and Wales***

15.1 Children in care in England and Wales fall within the provisions of the Children's Act 1989, which received Royal Assent on 16 November 1989 and came into force on 14 October 1991. Care Orders made under

previous legislation became full Care Orders under Section 31 of the Children Act 1989 by virtue of the operation of schedule 14. The local authority gains parental responsibility but they do not have exclusive rights - the natural parents retain their parental responsibility. However for practical purposes the Local Authority has care and control of the child and must provide their consent.

15.2 The Local Authority may apply for passports for the child but they cannot change the child's surname or remove the child from the United Kingdom for over one month without:

- The written consent of every person who has parental responsibility of the child or
- The leave of the Court.

Ultimately, it is for the local authority to comply with the Court Order. It is not the responsibility of the IPS to monitor their compliance, only to ensure that they have parental responsibility at the time the passport is issued.

15.3 In most cases, the child will be going abroad for less than one month. IPS requires a letter from the local authority, confirming the child is in full care of the local authority and the section of the Act under which the child is in care. The letter should also confirm where the passport should be sent. When children are in care under Section 31 Children's Act, the actual Care Order is not required.

15.4 Interim Orders made under Section 38 are full care orders that are valid for a specific period but gives the local authority parental responsibility during that time. Again the local authority does not have exclusive rights. These must be treated in exactly the same way that a Section 31 Care Order is treated. However IPS will need to see the Care Order to ensure that it is still valid before accepting an application completed by the Social Services. It is important to note that the order must be in force at the time that the passport is issued.

15.5 Children who are accommodated by the local authority under Section 20 of the Children's Act 1989 are in voluntary care and the local authority does not have parental responsibility. In these circumstances IPS will need to have the consent of one of the parents who hold parental responsibility together with a letter from the local authority confirming that the child is accommodated under Section 20 of the Act. If the parents' whereabouts are unknown or deceased, a letter from the local authority outlining the circumstances, including how long the parents have been missing and giving details of any attempts they have made to track down the missing parents must be sent with the application. Once IPS has the full facts of the case the application will be given further consideration.

15.6 Where the parents whereabouts are known and the local authorities are having problems obtaining the consent because of a refusal of the parents

to co-operate, the authorities must be advised that they should obtain a Court Order which indicates that it is in the best interests of the child that s/he is issued with a passport.

15.7 Occasionally applications are received completed and signed by foster parents. Provided a letter from the Director or a manager of the local authorities confirming:

- That they consent to the child having a passport;
- They include details of the Section of the Act under which the child is in care;
- There are no other causes for concern with the application;
- The address where the passport is to be returned,

the letter of consent may be accepted in lieu of the application being completed by the local authorities

### ***Northern Ireland***

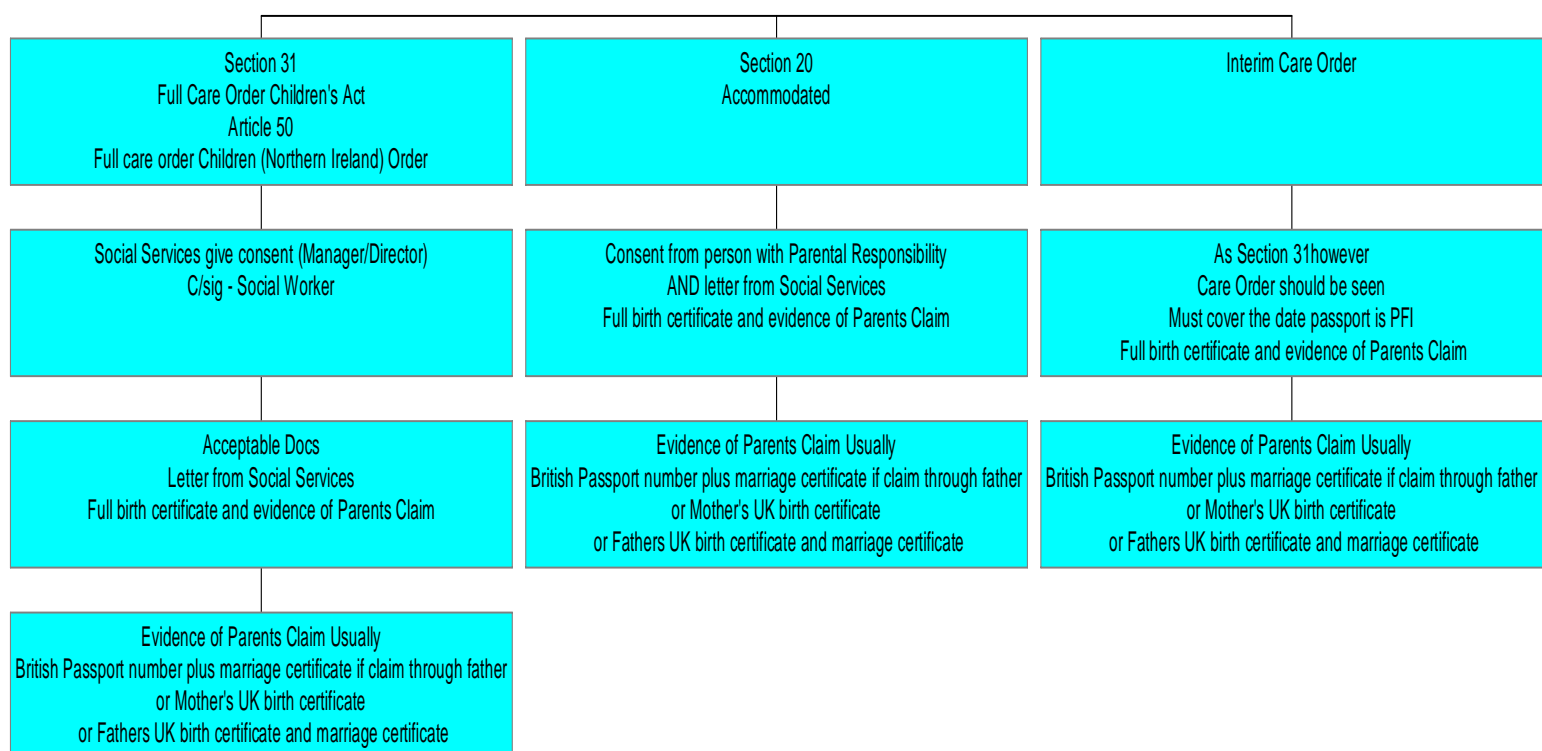
16.1 The legislation under the Children (Northern Ireland) Order 1995 mirrors that of the Children Act 1989. Article 50 The Children (Northern Ireland) Order 1995 is a full care order, giving the local authority parental responsibility and where an application from children in care of the local authority in Northern Ireland is received, it will be treated in the same way.

- Request letter from the local authority confirming the Article of the Children (Northern Ireland) Order 1995 under which the child is care;
- When the child is subject to an interim order, the order must be submitted to confirm that it is still valid;
- Confirmation where they wish the passport to be returned.

16.2 Under the Children (Northern Ireland) Order 1995, no one can change the child's surname or remove the child from the United Kingdom for over a month without:

- The written consent of every person who has parental responsibility of the child or,
- The leave of the court.

## Care Orders

**Scotland**

17.1 The Children (Scotland) Act 1995 received Royal Assent on 19 July 1995. It centres on the needs of children and their families, and defines parental responsibilities and rights in relation to children. It sets out the duties and powers available to public authorities to support children and their families and to intervene when the child's welfare requires it.

17.2 The local authority may give consent to a child's passport provided they have a Parental Responsibility Order under Section 86 or Section 11 of the Children (Scotland) Act 1995.

17.3 When the local authority under Section 25 of the Act looks after a child, the local authority does not have parental responsibility for the child. In these circumstances the consent of the parent should be provided.

17.4 Section 70 of the Children (Scotland) may grant a compulsory supervision requirement. This may be granted for up to 12 months (although it may be renewed) and sets out specific conditions for the care of the child. A supervision requirement does not end parental responsibility or rights. It may however set out the compulsory measures of supervision considered necessary for the child. It may determine appropriate contact with the child and/or require the child to be removed from the

care of the parent. In such cases the local authority may be authorised to place the child elsewhere. Where the court order clearly forbids contact with the parent with parental responsibility and rights, the consent from the local authority or the person named in the order will be acceptable.

17.5 If the parents' whereabouts are unknown or deceased, a letter from the local authority outlining the circumstances, including how long the parents have been missing and giving details of any attempts they have made to track down the missing parents must be submitted. Once IPS has the full facts of the case it will be given further consideration.

17.6 Where the parent's whereabouts are known and the local authorities are having problems obtaining the consent because of a refusal of the parents to co-operate, the application should be supported by a specific issue order. The order should give permission for an application to be made and for the child to leave the jurisdiction. A local authority cannot apply for the specific issue order under the Act but this should not prevent the child or another person (such as the foster parent) from applying.

### ***Children travelling abroad Pending Adoption***

18.1 In the exceptional case where a child is to be taken, or wishes to go abroad during adoption proceedings, the consent of the adoption agency having responsibility of the child must be obtained before a passport is granted unless the child is subject to a Placement Order. In most cases children who are subject to adoption are placed through the local authority. Where the authority has informed us that the child is subject to a Placement order or in the process of being adopted IPS will need to establish:

- Whether there are any Court Orders in respect of the child;
- If a Placement Order under the Adoption and Children Act 2002 has been granted in respect of the child

18.2 Where a Placement Order has been granted under the Adoption and Children Act 2002 but not yet placed with prospective adopters, the child will be looked after by the local authority that should provide consent to the child's passport application.

18.3 Where a Placement order has been granted and the child has been placed with the prospective adopters they will have parental responsibility. They will not be able to change the child's name without the consent of everyone with parental responsibility. However, there may be restrictions on the scope of their parental responsibility so it will be necessary for the court order to be seen. In many cases the court order may not show the names of the prospective adopters. If this is the case, a letter from the Local Authorities confirming the names of the prospective adopter(s) who they placed the child with is acceptable.

- 18.4 In the unlikely event that the adoption is through a private Adoption Agency, the application will be dealt with in exactly the same manner.
- 18.5 If an application is supported by an interim order made under Article 26 of The Adoption (NI) Order 1987, or Section 25 of the Adoption (Scotland) Act, the consent of one of the applicants to whom the order was granted may be accepted.

## Loco Parentis

- 19.1 The term loco parentis refers to a person who is caring for a child in the absence or death of the parent or guardian who has parental responsibility. As passport applications require consent from someone with parental responsibility, IPS has to be extremely careful when applications are received without this consent.
- 19.2 A Statutory declaration must be produced in every case where an adult claims to be acting in loco parentis. Applicants should be aware that the document is legally binding and a false declaration can lead to criminal charges. **Additional documentary evidence should accompany the Statutory Declaration.**
- 19.3 Applicants should consult a solicitor to produce the statutory declaration. The statutory declaration should indicate that the applicant is acting in loco parentis, and why. It should explain why they are the most appropriate persons to apply for a passport, the date they commenced looking after the child, whether there are any others with parental responsibility where they are and **why they are unable to provide consent**. It should also indicate whether those with parental responsibility are aware of the application, if not why not, and what they think of the application.
- 19.4 The documentary evidence supporting the statutory declaration does not replace it.  
Examples:
- Death Certificates;
  - Statement from Social Services;
  - Wills;
  - Full birth certificates;
  - Child benefit book;
  - Letter from head teacher at child's school, or child's doctor. Either must have personally known the child, the person acting in loco parentis and the circumstances.
- 19.5 The necessary evidence required will be dependent upon case specifics. On no account will an application be accepted without documentary proof of loco parentis.

- 19.6 Where there is a prolonged absence of the person with parental responsibility, or the whereabouts of the person with responsibility is unknown, the statutory declaration should also include details of the efforts they have made to contact the person with parental responsibility. Documentary evidence, such as letters from relatives confirming they are unaware of the person's whereabouts, or the local authority (provided they are aware of the situation and can confirm the facts) the Head teacher at the child's school or child's doctor should also be supplied.
- 19.7 Care will be taken in considering the application and documents produced. Where the parents' whereabouts are known IPS will normally request a letter of consent from the parent even if they cannot be easily contacted. For example a school wishing to take a child on holiday but the parent with parental responsibility lives abroad, or where a father does not have parental responsibility and is reluctant to contact the child's mother. The argument that the parent will not speak to the applicant is not sufficient for passport purposes. **Staff should make this clear to the applicant when asking for a Statutory Declaration.**

## Testamentary Guardian

- 20.1 Section 3 and Section 5 Children's Act gives parental responsibility to guardians appointed in a will. Section 5 also provides for a court order to be produced granting guardianship to a child when there is no one else with parental responsibility. In England and Wales, a testamentary guardian does not normally gain parental responsibility until there is no one left who already holds parental responsibility. In Scotland, the guardian appointed in a will has parental responsibility on the death of the parent, even if there is still another parent with parental responsibility available.
- 20.2 Where consent is given by a testamentary guardian (i.e. guardian appointed in a will), evidence is required to show that they have been appointed guardian. IPS also needs to know that there are no court orders in force, and, in England, Wales and Northern Ireland, to be satisfied that there is no one else with parental responsibility.
- 20.3 The production of a full birth certificate will provide a guide as to whether or not both parents automatically had parental rights at birth. The declaration at section 9 of the application form will confirm that there are no court orders relating to custody or restricting movement of the child, but this will not confirm that there are no Parental Responsibility orders or agreements in force. The testamentary guardian will need to confirm in writing that there are no court orders or anyone else with parental responsibility and provide documentary evidence to confirm guardianship.

- 20.4 In Scotland, the testamentary guardian will only need to confirm in writing that there are no court orders in force for the child and provide documentary evidence to confirm guardianship.
- 20.5 In England, Wales and Northern Ireland if an application is received from a testamentary guardian and it is clear from the information and documents submitted that both parents have parental responsibility, consent from the other parent must be given.
- 20.6 The documentary evidence required will depend upon whether or not probate has been granted. Where probate has been granted, the Probate Office keeps the original will and issues a Probate certificate. Clearly no probate will be granted unless the Probate Office is satisfied the individual is deceased. A copy of the will together with the original probate form will be acceptable.
- 20.7 The Principal Registry of the Family Division has advised us that where the value of the estate is small, probate is not required in the majority of cases.
- 20.8 Where probate has not been granted, there is no one else with parental responsibility and the child is not subject to a court order the death certificate and will is acceptable as evidence together with the guardian's statement.
- 20.9 Where both parents have died without making a will and there is no court order in place then those who wish to claim loco parentis should provide a statutory declaration. Documentary evidence such as death certificates the child's birth certificate or a child benefit book should be sufficient. A letter from the school or doctor can also be requested.
- 20.10 Where both parents have parental responsibility and one parent has died, IPS needs the consent from the remaining parent. If a will has been made appointing a guardian, this should be treated with care and IPS will handle these cases as those where the consent is given by someone acting in loco parentis.

## **Caveats**

- 21.1 In certain circumstances a parent or any other interested party can lodge an objection with the IPS, to the grant of passport facilities for their child. The record remains in place for 12 months, or whilst a court order is in force, after which the objector is contacted to ask whether or not they wish to continue.
- 21.3 An objector can ask IPS not to issue a passport for a child if a court in the United Kingdom has made one of the following orders that

specifically **forbids the issue of a passport** without the consent of the court or the holder of the order:-

- A prohibited steps order made under the Children's Act 1989 or the Children (Northern Ireland) Order 1995
- An order confirming that the child's removal from the jurisdiction is contrary to the wishes of the court
- An interdict made under the Children (Scotland) Act 1995
- A residence order made under the Children's Act 1989, The Children (Northern Ireland) Order 1995 or the Children (Scotland) Act 1995 and the objector is the person in whose favour the order has been made
- An order specifying that the objector's consent to the removal of the child from the jurisdiction is necessary
- An order upholding the objector's objections to the child having a passport or leaving the country.

21.4 Where a contact order or a parental responsibility order alone is submitted in support of a caveat, the caveat will be refused.

21.5 In the absence of a court order an objection can be considered from:-

- The mother, if the parents of the child have not been married to each other, there is no parental responsibility order and the father has not automatically acquired parental responsibility.
- The police, where they have notified the Passport Service of an intention to exercise their power of arrest under the Child Abduction Act 1984.

21.6 It frequently happens that when an objection is accepted, the child already has a valid passport, or the child's name is already included in the valid passport of a relative or parent. IPS is not an enforcement agency and is unable to compel the surrender of a passport, for the deletion of a child's details, or where passport facilities have already been granted. Only the Courts have the power to do this where there is an order in force prohibiting or otherwise restricting the removal of the child from the United Kingdom.

21.7 In these circumstances, the most that can be done is to note the name of the child for a period of twelve months. If, during that time, the passport should come into the possession of the Identity and Passport Service, or another application for passport facilities for the child is made, IPS can then act on the objection.

21.8 There is a port precautions scheme to prevent the unlawful and permanent removal of children abroad. It operates not through the Passport Service, but through the local Police. If the possibility of removal is **real** and **imminent**, the police may agree to circulate the child's names in an All Ports Warning to the ports of departure in England, Northern Ireland, Wales and Scotland. More information about this scheme can be obtained from a police station.

21.9 Further information on Child Abduction may also be obtained from “reunite” the International Child Abduction Centre, PO Box 7124 Leicester LE1 7XX ☎ 00 44(0) 116 2556234 ([www.reunite.org](http://www.reunite.org)). Reunite is a Government backed charity that specialises in providing support to parents of abducted children. Parents and guardians who are concerned their child may be abducted are strongly recommended to contact Reunite to discuss their concerns.

21.10 Where the objector makes an application for a replacement passport, IPS will still maintain our one passport per person policy. Confirmation is required from the person who made the original application that the passport has been lost even if a caveat has been lodged against them. This is to ensure that there is not more than one valid passport in existence for the child. The objector will need to either obtain confirmation from the parent who gave the original consent, or seek legal advice about obtaining a specific issues order.

### ***Wards of Court***

22.1 A passport will not be authorised to a ward of court without either the permission of the court or the person specified in the order.

### **Change of Names**

#### ***England and Wales and Northern Ireland***

23.1 Where the child’s name is different to that shown on their birth certificate, documentary evidence of the change of name is required. Documents should be the original, a certified copy, or a photocopy that has been certified as a true copy by a responsible person. The evidence required is the same as that needed for an adult’s change of name. That is:

- Enrolled deed poll;
- Unenrolled deed poll;
- Statutory Declaration;
- Adoption order/certificate;
- Certificate from the Court of the Lord Lyon of Scotland;
- Certificate of record at the College of Arms;
- Act of Parliament;
- Certificate of naturalisation/registration.

23.2 As a result of case law, a change of name deed or deed poll, changing a child’s name will only be valid on the basis that all those with parental responsibility have consented, or a Court Order has been obtained to allow the change. The policy is based on the judgement in the Re P case, which found that a child’s change of surname is fundamental and that no official body should allow a child to be known by a new name without the consent of every person with parental responsibility. When considering a child’s change of name, IPS will need to consider:

- **Who has parental responsibility**
- **Are there any court or custody orders existing for the child (including a parental responsibility order).**

23.3 Where a child is the subject of a current court order, including a care order, custodianship order, parental responsibility order or residence order made by a court in England and Wales or Northern Ireland the child's name cannot be changed without the written agreement of every person who has parental responsibility for the child, or by leave of the court. If such agreement has not been obtained the applicant should seek legal advice. The written consent of everyone with parental responsibility must be sent in with the application.

23.4 Where a child who is **not** subject to a Court Order has changed their surname, the Court of Appeal in May 1998 clarified the procedure to be adopted for changing the surname. It concluded that the change of a child's surname is fundamental and, in any case of dispute where both parents have parental responsibility either the consent of both parents or a court order is necessary.

23.5 IPS is not in a position to establish whether or not the child's change of name is a result of a dispute. Therefore, if the name of a child has been changed and the child is resident in England, Wales or Northern Ireland, **and is not subject to a court order**, IPS still needs to be satisfied that the consent of everyone with parental responsibility has been given to the change of name. This can be established in two ways. The written consent from both parents may be submitted. Alternatively, a Statutory Declaration made by the person consenting to passport facilities, is required, confirming that every person with parental responsibility is aware of, and consents to the change of name.

23.6 A statutory declaration is a short statement in a prescribed form, which has to be signed in front of a solicitor or notary. It is quite straightforward but falsely swearing a statutory declaration is a criminal offence and carries a penalty of up to two years in prison and/or fine, so it can be a strong deterrent.

23.7 **In all cases** if the consent is not available, a court order specifically authorising the change of name will be acceptable. A specific Issue Order under Section 8 of the Children Act 1989 is preferable, but any order that deals with the issue of permitting the change of name will be acceptable.

23.8 There are occasions when an unmarried mother will have changed a child's name by deed poll and the father has subsequently obtained a parental responsibility order. In these circumstances, legal advice has been that at the time the change of name deed was executed, the mother was the only one with parental responsibility and therefore the change of name should be accepted as valid. A father who has gained parental responsibility following the official change of name and who

subsequently objects or applies for a passport in the original name, will be advised that IPS will be unable to proceed with the application without the consent of the mother to the change of name. Alternatively he can obtain a Specific Issue Order changing the child's name.

- 23.9 As previously mentioned, the Children's Act 1989, gives parental responsibility to both parents where they were married at the time of the child's birth. A number of enquiries have been made where the mother has subsequently found the husband (or ex husband) is not the biological father through DNA testing. Our legal advice is that the person named on the birth certificate as the father should be presumed to have parental responsibility unless, (i) the court makes a declaration of parentage, (ii) he himself acknowledges that he is not the father, or (iii) clear evidence is produced that he accepts he is not the father. IPS will therefore require the consent of the registered father as well as the biological father if the mother subsequently divorces and then marries the biological parent to any change of name. Where the child's birth was registered, or re-registered after the introduction of the Children and Adoption Act 2002 the father named on the birth certificate will continue to have parental responsibility even if his name is later removed through a marginal note.
- 23.10 An enrolled Deed Poll is made in accordance with the Enrolment of Deeds (change of name) Regulations 1994 which require the application to be supported either by the consent of every person with parental responsibility, or if not, requiring reasons to be given why the consents cannot be obtained. The Judge will have to take into account any lack of parental consent in making a decision to proceed with the change of name. In view of this, such Deed Polls may be accepted for a child's change of name once the document has clearly been enrolled through the Supreme Court.
- 23.11 Where the applicant is unable to produce either the consent of everyone with parental responsibility or a Specific Issue Order agreeing the change of name, the passport may be issued in the original name. No mention of the new name will be included in the passport.
- 23.12 The case law Re.P deals with children's change of surname only. However care needs to be taken when the child's forenames have been changed. In these circumstances IPS requires the circumstances of the change of forenames, and evidence that everyone with parental responsibility has agreed to the change of names.
- 23.13 Alternations to the child's forenames, for example by a different spelling, or where the order of the names has been changed to those shown on the birth certificate will only be accepted with documentary evidence of the name change. Without documents to show the change of forename, the passport will be issued in the name shown on the birth certificate.

- 23.14 Young people are legally entitled to execute a Deed Poll from the age of 16 years, and as a result are able to change their name without parental consent. Where an application is submitted with a Deed Poll or Statutory Declaration made by the parent, our policy to request consent will be applied. However where the young people have changed their own name, this will be acceptable.
- 23.15 In all cases IPS requests the consent of both parents, however where the father has died and the mother remarried, a statement confirming the facts of the matter, and that there are no Court Orders existing, together with the full birth certificate, marriage/death certificate to back up the statement, will be sufficient with the evidence of the child's change of name.
- 23.16 If the child's name has changed because the mother marries the biological father following the child's birth, a statement signed by both parent's confirming the facts will be sufficient with the evidence of the child's change of name.
- 23.17 Where a passport has been issued incorrectly in the new name either because IPS did not make the necessary checks to establish that there was more than one person with parental responsibility, or because the applicant made a false declaration, **IPS will reclaim the passport.**
- 23.18 The problem usually comes to light following a written complaint from the other parent. Customer Service staff need to establish whether a false statutory declaration was made, if both parents consent was given, or whether the application was not dealt with correctly.
- 23.19 In cases where the statutory declaration confirms the other parent gave consent, and this is in dispute, written confirmation from the parent objecting that this was not in fact the case must be sent to IPS. Similar procedures should be taken when the other parent indicates that the written consent on the form is not theirs. This action does not mean IPS should not attempt to reclaim the passport. Once the full facts of the case are known further action may be taken (including the possibility of legal action) if it becomes clear that a false declaration was made.
- 23.20 Where an error was made our Customer Service staff will write to the applicant explaining that a mistake was made at the time of issue and, as the passport remains the property of IPS it must be forwarded to us. The reason for the error should be explained and that a new passport in the birth names, valid until the expiry date of the original will be issued unless there is a Specific Issues Order authorising the change of name. A new application form and pre-paid label will be enclosed with the letter, together with confirmation that IPS will reimburse the costs of additional photographs.

## **Scotland**

23.21 If the surname of a child has been changed and the child is resident in Scotland in addition to the normal evidence of the change of name as detailed above IPS will need a statement from the person who gave consent confirming that everyone with parental responsibility and rights, have as far as practical, been consulted and their views taken into account before the child's name was changed.

## **One Passport Per Person**

24.1 Following a careful review and consultation with interested parties, and with ministerial approval, IPS moved to a policy of separate passports for children from 5 October 1998.

24.2 This change of policy was carefully thought through and was made in order to:

1. Improve identification;
2. Prevent the unauthorised addition of children to an adult passport;
3. Give better control of documents in cases of parental difference;
4. Reduce potential for child abduction;
5. Facilitate travel and
6. Maintain the Passport Service's efficiency and effectiveness.

24.3 The United Kingdom is not alone in operating a policy of separate passports for children and other countries that have introduced the change report positively on it. It is the recommended practice of the International Civil Aviation Organisation.

24.4 Where an application is received for a passport for a child under the age of 16 years, and it is known that the child is already included on the passport of another person, IPS should insist that the passport be submitted for the deletion of the child's details.

24.5 Where Section 3 of the application form is left blank, enquiries will be made and written confirmation received from the parent to confirm that the child has not held or been included on any other passport.

24.6 If the applicant maintains that the other parent will not relinquish the passport for deletion of the child's details the applicant will be advised that the other parent may send the passport directly to IPS so that the details can be deleted and the passport returned to the holder. If the passport holder is currently abroad they may have the details deleted at the nearest British Consulate or British Embassy. On confirmation that this has been done, (e.g. production of a letter from the Consular Department confirming the child's deletion,) the application may proceed.

24.7 It is essential that a child is deleted from any passport on which its name is shown before a separate passport is issued to the child. Problems

arise where the child is included on both parents' passports and, for whatever reason it is not possible to submit both passports with the application. It is not unusual for one parent to call at an office, or to send a passport in under separate cover, to have the child's details deleted.

- 24.8 In these cases a note will be made on our computer records to show that the child, named, has been deleted from the passport.
- 24.9 If the other parent will not relinquish the passport the applicant should seek legal advice, as IPS cannot compel the surrender of the passport, whereas the family courts do have powers to deal with this type of situation.
- 24.11 If the whereabouts of the other parent are unknown, the applicant should make every effort to contact the other parent e.g. through relatives etc. IPS Policy is not to issue another passport to a child until the details have been deleted from the original passport. Documentary evidence of the efforts made will be required.
- 24.12 Where the child's passport has been lost or stolen, an LS01 should be completed. The signature of the parental consent on the current application form will be compared against the parental consent on the original file. Where these details differ, the applicant will need to provide written confirmation from the person who applied for the lost passport confirming the whereabouts of the original passport.
- 24.13 If the passport is declared lost and the applicant states that the whereabouts of the other parent are unknown, the applicant should be advised that every effort should be made to contact the other parent e.g. through relatives etc. IPS Policy is not to issue another passport to a child until the appropriate confirmation has been received that the passport is lost.
- 24.14 There is little point in going to court if the whereabouts of the parent is unknown however, because they will not be able to serve the papers on him/her. What is needed is evidence that every avenue has been explored to enable contact with the missing parent. Evidence of contact with the CSA who can confirm parents whereabouts are unknown, evidence of contact with other parent's family who can confirm the same etc., and all detailed in a statutory declaration. Where the other parent is reported as deceased, a copy of the death certificate alone will be acceptable.
- 24.15 **IPS Legal advisors strongly recommend that IPS do not become involved in cases of parental dispute, in any way.**

### ***Where IPS has incorrectly issued two passports***

- 24.16 Where IPS has incorrectly issued two passports (whether through its own fault or not) IPS must ensure that the usual "one passport per person" policy is upheld. IPS cannot expect individuals to achieve this for us by taking their own legal advice and potentially instituting family

proceedings, any more than individuals should expect IPS to intervene where one parent deliberately withholds a child's passport from the other.

- 24.17 The incorrectly issued passport (i.e. the last one issued) must be recovered by IPS rather than the one that has been properly in existence for some time, particularly where the earlier issued passport is actually an adult passport with the child's name noted on it. To withdraw this would potentially unduly inconvenience the adult holder.
- 24.18 The member of the Customer Services Team who receives the letter complaining about the issue of a second passport to a child will write to the parent who was issued with the most recent passport and request the return of the passport and the reason for the introduction of our requirement of one-person-one passport.
- 24.19 A maximum of three letters should be sent with the last letter being sent by registered post (guaranteed delivery).

## **Miscellaneous**

### ***Employment Abroad***

- 25.1 There are a number of regulations relating to the employment of children and young people.
- 25.2 No child is permitted to go abroad (i.e. outside Great Britain or Northern Ireland) for the purpose of
- Singing;
  - Playing (including football);
  - Performing;
  - Taking part in any broadcast or recording to be used in a film for public exhibition
- Unless*  
A licence has been granted for the purpose by a Justice of the Peace sitting in a Magistrates Court within the area where the child resides.
- 25.3 Amateur sportsmen/women, whatever their sport, who go abroad under the auspices of responsible bodies to take part in their sport, do not need a magistrate's licence provided the contests are not put on for personal gain and the proceeds are not applied to private purposes.
- 25.3 Where it is indicated that a child may be travelling abroad for employment, the applicant should obtain a licence before travel. Further advice may be obtained from the child's Local Education Authority.

### ***Travel to the Czech Republic***

- 26.1 Children aged 15 or over must hold their own passports to gain entry to the Czech Republic and the rules about young people travelling on parents' passports are strictly enforced. Any children of 15 who are still on their parents' passport will need to obtain their own passport before travel.
- 26.2 For further advice on travel to the Czech Republic, including visa requirements, customers should be advised to contact the Embassy of the Czech Republic, 28 Kensington Palace Gardens, London W8 4QY, [www.czech.org.uk](http://www.czech.org.uk), ☎ 0207 243 115, 2.00pm-3.00pm Monday – Friday. (There is also a premium rate ☎ 09069 101060 which costs £1.00 per minute).
- 26.3 For any other advice on travelling overseas, the authorities of the country of destination should be contacted. Alternatively advice may be found on the FCO web site at [www.fco.gov.uk](http://www.fco.gov.uk), or by contacting the Foreign and Commonwealth Office on ☎ 0845 850 2329