

Formal minutes

Wednesday 23 February 2005

Members present:

Mr A J Beith, in the Chair

Peter Bottomley	Mr Hilton Dawson
Ross Cranston	Mr Clive Soley
Mr Jim Cunningham	Dr Alan Whitehead

The Committee deliberated.

Draft Report [Family Justice: the operation of the family courts], proposed by the Chairman, brought up and read.

Ordered, That the Chairman's draft Report be read a second time, paragraph by paragraph.

Paragraphs 1 to 45 read and agreed to.

Paragraph 46 and 47 read, as follows:

"We note that the present law already regards it to be in a child's best interests to sustain a full relationship with both parents, unless there are good reasons to the contrary. The United Nations Convention on the Rights of the Child also lays down the right of a child to have contact with both parents. We consider that a clear statutory statement of this principle would encourage resident parents to assume in most cases that contact should be taking place.

We accept that there cannot be conflicting legal presumptions which the courts are obliged to follow. The compromise proposed by the judges, to have a strong guideline that the court should have regard to the importance of a relationship between the children and a non-residential parent, has a great deal to recommend it. The simplest way of achieving this would be to amend the 'welfare checklist' in the Children Act 1989. We recommend the insertion of a statement in s 1(3) of the Children Act 1989 (the welfare checklist) indicating that the courts should have regard to the importance of sustaining a relationship between the children and a non-residential parent".

Amendment proposed, to leave out the last sentence in paragraph 46 and to leave out paragraph 47.—(Mr Hilton Dawson.)

Question put, That the amendment be made.

The Committee divided.

Ayes, 1	Noes, 3
Mr Hilton Dawson	Peter Bottomley
	Mr Clive Soley
	Dr Alan Whitehead

Paragraph 46 to 153 read and agreed to.

Conclusions and recommendations read and agreed to.

Resolved, That the Report, as amended, be the Fourth Report of the Committee to the House.

The Committee divided.

Ayes, 3	Noes, 1
Peter Bottomley	Mr Hilton Dawson
Mr Clive Soley	
Dr Alan Whitehead	

Ordered, That the Chairman do make the Report to the House.

Ordered, That the provisions of Standing Order No 134 (Select Committees (Reports)) be applied to the Report.

Several papers were ordered to be appended to the Minutes of Evidence.

Ordered, That the Appendices to the Minutes of Evidence taken before the Committee be reported to the House.

Adjourned till Tuesday 1 March at 9.15am