Did you know that the term “parental responsibility” refers to two different concepts in the law of the United Kingdom and in European Union law, and that the term “guardianship” evokes one of those concepts in Irish law?

Did you know that the French terms interdiction de retour and interdiction d’entrée refer to the same concept in two different legal systems?

For information in your language and for your legal system, visit the public terminological database IATE (InterActive Terminology for Europe).

IATE offers reliable terminological entries in all EU languages, including the collection “Comparative Multilingual Legal Vocabulary” created by the lawyer-linguists of the Directorate General for Multilingualism and the terminologists of the Projects and Terminological Coordination Unit of the Court of Justice of the European Union.

This collection of multilingual terminological entries found in multiple domestic legal systems (24 languages and 30 legal systems), which reflects comprehensive research on comparative law, contains approximately 1,400 entries (32,750 terms) among which 250 entries pertaining to the domain of immigration law (rights of aliens), 450 to the domain of family law, 420 to the domain of criminal law (about half of the entries in criminal law are under review) and about 280 to other domains.

For more information, contact us: Terminologie@curia.europa.eu

Searching in IATE
Content of a terminological entry

Definition
A concise statement on the meaning of the concept (essential and distinctive characteristics).

Definition
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. [UK_EAW] [IE]

Definition Ref.
Children Act 1989 Section 3  opsi.gov.uk [12.08.2014]

Reliability
★★★★★

Note:
-origin of the reference: case law IE

Context:
* "Guardianship" means the rights and duties of parents in respect of the upbringing of their children. A guardian has the right to make all major decisions affecting the child’s upbringing, including choice of school, medical treatment, religious matters, health requirements and decisions about leaving the country. Guardians are responsible for the welfare of the child. Welfare includes the moral, intellectual and physical wellbeing of the child and where there is property held on behalf of the child, it includes the proper administration of such property.*

UK legal systems:
Compare fiches 3537793 'parental responsibility' as defined in Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility 32003R2201/EN Art 2(7): "'parental responsibility' shall mean all rights and duties relating to the person or the property of a child which are given to a natural or legal person by judgment, by operation of law or by an agreement having legal effect. The term shall include rights of custody and rights of access.’ The content of the two concepts is substantially if not wholly the same, to the extent that when legal persons or persons other than the parents have parental responsibility, they act in loco parentis ; but the emphasis in this concept is on the rights and obligations of individuals as parents. UK local authorities can acquire parental responsibility if a care order or emergency protection order is made ( eg Children Act 1989 Section 33(3)) but the parental responsibility of the parents is not thereby terminated: parental responsibility is shared.

Irish legal system:
Rights and duties of parents in respect of the upbringing of their children. (Source: The Courts Service of Ireland, “Guardianship”, www.courts.ie/Courts....) "Guardianship” is the term used in Irish system for parental responsibility. When the term “parental responsibility” is used in Irish case law it is to refer to the concept in Regulation No. 2201/2003 ( CJUE:3537793 ). The term “parental Authority” was used in the Public Assistance Act, 1939 ( www.irishstatutebook....). This legislation was repealed in 1975. Nowadays, the term “parental authority” is used in Irish law to mean the concept in the 1996 Hague Convention.

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Note:
Do not confuse with the concept designated by the same term “guardianship” in England and Wales ( CJUE:3537536 - FR: “tutelle”).