

Lord Chief Justice dashes couple's court bid

Tuesday, June 05, 2007

By Ashleigh Wallace and Linda McKee

The most senior judge in Northern Ireland yesterday dismissed a legal bid to overturn legislation which bans unmarried couples from adopting children.

The case was brought to the Court of Appeal in Belfast by an unmarried couple from Northern Ireland. It concerned a ten-year old girl who was referred to as P throughout the hearing.

The couple - referred to as X and Y - launched the legal battle as the girl's mother's partner was not able to adopt the youngster as he is not married to her mother. He lived with X before P was born and treats the youngster as his natural daughter.

Under current laws in Northern Ireland, a couple who are not married are not permitted to adopt a child.

The same restriction on unmarried couples in England and Wales was lifted by the Adoption and Children Act 2002.

During the legal proceedings which were initially heard in the Family Court, X and Y argued the right to respect family life, as laid down in Article Eight of the European Convention of Human Rights.

They also argued that they were the victims of discrimination.

However, in his ruling Lord Chief Justice Brian Kerr said X and Y failed to distinguish cohabiting couples as a definable group as well as failing to highlight sufficient comparisons between unmarried and married couples.

Branding the range of cohabiting couples as "wide" - from "short-lived and childless" to those who regard themselves as "as good as married" - the Lord Chief Justice said: "The somewhat formless nature of the group comprising unmarried, cohabiting couples makes it difficult to recognise it as possessing a distinct personal characteristic."

He added the couple who brought the legal proceedings "have not sought to compare themselves with married couples on the basis of belonging to a more narrowly defined group."

The senior judge also argued X and Y "can opt to become eligible as adoptive parents by getting married."

Eilis Manning, job share coordinator of charity AdOPT NI said the Department of Health is consulting on updating Northern Ireland's adoption legislation.

"My personal view is that all things being equal, they should have the same rights as married couples," she said.

<http://www.belfasttelegraph.co.uk/news/local->

[national/article2614792.ece](#)