



COURT OF JUSTICE OF
THE EUROPEAN UNION

COMPARATIVE MULTILINGUAL LEGAL VOCABULARY

A structured collection of terminological data

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](https://iate.europa.eu)).

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

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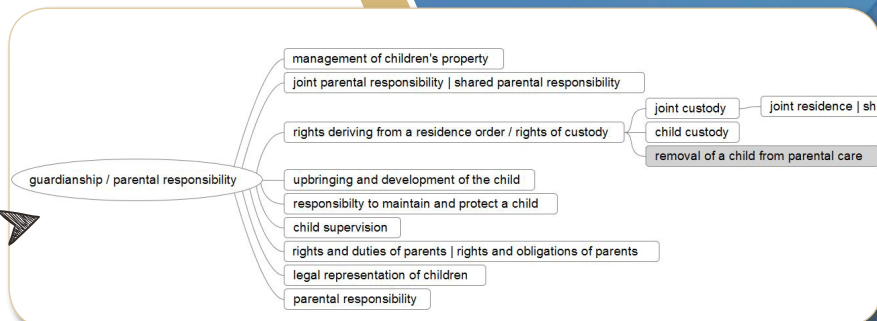
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Content of a terminological entry

Concept tree

Allows you to see at a glance a structured set of concepts belonging to a domain.



Domain, semantic relations

Definition

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

Domain	Family law
Broader	3537657
Narrower	3537785 , 3537799 , 3537501 , 3537502
Related	3537793 , 3537593 , 3537658

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]

Legal system(s)

Source

Different designations of a concept

Terms which designate a concept in a univocal way (spelling variants, synonyms, etc.).

Terminological references, indicator of term reliability (national, EU and international law).

A context that illustrates the term in its linguistic environment.

Origin of the reference (type: legislation, case law, academic legal writing + legal system) or origin of the term (formulation created when the concept does not exist, borrowed term, etc.).

Term guardianship

Term reference: O'R. (W.) v. H. (E.) [1996] IESC 4 (23rd July, 1996), British and Irish Legal Information Institute (BAILII), <http://www.bailii.org/ie/cases/IESC/1996/4.html> [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."

Context reference: The Courts Service of Ireland, "Guardianship", <http://www.courts.ie/Courts.ie/library3.nsf/pagecurrent/11B55178B0EBE941802577EA003FC000?opendocument> [12.08.2014]

Owner: CJUE

Term parental responsibility

Term reference: (1) Children Act 1989 Section 3 http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1989/cukpga_19890041_en_2#pt1-l1g2 // (2) Children Scotland Act 1995 Section 1 http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1995/cukpga_19950036_en_2#pt1-pb1-l1g1 [20.01.2010]

Reliability ★★★★★

Note: Origin of the reference: Legislation UK_England and Wales ; UK_Scotland

Context: (1) 1989 Act: "parental responsibility" means 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."
(2) 1995 Act: "A parent has in relation to his child the responsibility— (a) to safeguard and promote the child's health, development and welfare; (b) to provide, in a manner appropriate to the stage of development of the child— (i) direction; (ii) guidance, to the child; (c) if the child is not living with the parent, to maintain personal relations and direct contact with the child on a regular basis; and (d) to act as the child's legal representative, but only in so far as compliance with this section is practicable and in the interests of the child."

Context reference: (1) Children Act 1989 Section 3 http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1989/cukpga_19890041_en_2#pt1-l1g2 // (2) Children Scotland Act 1995 Section 1 http://www.opsi.gov.uk/RevisedStatutes/Acts/ukpga/1995/cukpga_19950036_en_2#pt1-pb1-l1g1 [30.05.2011]

Owner: CJUE

Note UK legal systems: Compare fiche 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.ie...) "Guardianship" is the term used in the 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.ie). This was different to the FR concept autorité parentale and was to be vested in local authorities (in the case of orphans, deserted children, etc.). 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. Note, do not confuse with the concept designated by the same term "guardianship" in England and Wales (CJUE:3537536 - FR: "tutelle").

Various notes

- Comparison of laws;
- Existence or absence of a legal concept;
- National specificities;
- Warnings to avoid confusion (neighbouring concepts, false friends);
- Evolution of a concept and existence of obsolete terms;
- Term usage or term evaluation (preferred or not approved);
- Existence of different terms in the same language, which designate the same concept in different legal systems;
- Presence of a polysemous term that designates two different concepts in the same language or in different languages;
- etc.