

CNF INFORMATION SHEET – CASE LAW - 1

(Dipper v Dipper)

(1980) 1 FLR 286

Comments on Education

Court of Appeal – Roskill, Ormond and Cummings – Bruce L.J – 5 March 1980

ORMROD LJ:

It used to be considered that the parent having custody had the right to control the children's education – and in the past their religion. This is a misunderstanding.

Neither parent has any pre-emptive right over the other. If there is no agreement as to the education of the children or their religious upbringing or any other major matter in their lives, that disagreement has to be decided by the court. In day to day matters the parent with custody dominated the situation as far as education or any other serious matter is concerned is quite wrong.

CUMMING – BRUCE LJ:

I agree....

As Ormrod LJ has explained...it is a fallacy which continues to raise its ugly head that, on making a custody order, the custodial parent has a right to take all the decisions about education of the children in spite of the disagreement with the other parent. That is quite wrong. The parent is always entitled whatever his custodial status, to know and be consulted about the future education of the children and any other major matters. If he disagrees with the course proposed by the custodial parent he has the right to come to court in order that the difference may be determined by the court.