

SCHEDULE

Article 2(c)

AMENDMENTS TO THE SCHEDULE TO THE CHILDREN ACT 1989  
(COMMENCEMENT AND TRANSITIONAL PROVISIONS) ORDER 1991

1. Before paragraph 1 there shall be inserted the following paragraphs—

**1A.**—(1) In paragraph 1(1), for the words “Subject to sub-paragraph (4)” there shall be substituted “Subject to sub-paragraphs (1A) and (4)”.

(2) After paragraph 1(1) there shall be inserted the following sub-paragraph—

“(1A) Proceedings pursuant to section 7(2) of the Family Law Reform Act 1969<sup>(1)</sup> (committal of wards of court to care of local authority) or in the exercise of the High Court’s inherent jurisdiction with respect to children which are pending in relation to a child who has been placed or allowed to remain in the care of a local authority shall not be treated as pending proceedings after 13th October 1992 for the purposes of this Schedule if no final order has been made by that date pursuant to section 7(2) of the 1969 Act or in the exercise of the High Court’s inherent jurisdiction in respect of the child’s care.”

**1B.**—(1) In paragraph 7(2), for the words “Parts I and II” there shall be substituted “Parts I and II and paragraph 15 of Schedule I”.

(2) After paragraph 7(3)(c) there shall be inserted the following—

“(d) for paragraph 15 of Schedule I there shall be substituted—

“**15.** Where a child lives with a person as the result of a custodianship order within the meaning of section 33 of the Children Act 1975<sup>(2)</sup>, a local authority may make contributions to that person towards the cost of the accommodation and maintenance of the child so long as that person continues to have legal custody of that child by virtue of the order.”

**1C.** References in paragraphs 12, 13 and 14 to the commencement of section 5 shall be construed as references to the commencement of sub-sections (1) to (10) and (13) of that section except in relation to the appointment of a guardian of the estate of any child in which case they shall be construed as a reference to the commencement of sub-sections (11) and (12) of that section.

**1D.** In paragraph 16 after sub-paragraph (3) there shall be inserted the following sub-paragraph—

“(3A) Where in respect of a child who has been placed or allowed to remain in the care of a local authority pursuant to section 7(2) of the Family Law Reform Act 1969 or in the exercise of the High Court’s inherent jurisdiction and the child is still in the care of a local authority, proceedings have ceased by virtue of paragraph 1 (1A) to be treated as pending, paragraph 15(2) shall apply on 14th October 1992 as if the child was in care pursuant to an order as specified in paragraph 15(1)(e)(ii) or (h) as the case may be.”

2. For paragraph 4 there shall be substituted—

“**4.** In paragraph 16A<sup>(3)</sup>—

(a) after the number “16A.” there shall be inserted “—(1)”; and

(b) after sub-paragraph (1) there shall be inserted—

(1) 1969 c. 46.

(2) 1975 c. 72.

(3) Paragraph 16A was inserted by paragraph 33(4) of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41).

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2) Where immediately before the day on which Part IV commences a child was in the care of a local authority and as a result of an order—

- (a) pursuant to section 7(2) of the Family Law Reform Act 1969; or
- (b) made in the exercise of the High Court’s inherent jurisdiction with respect to children,

continued to be in the care of a local authority and was made a ward of court, he shall on the day on which Part IV commences, cease to be a ward of court.

(3) Sub-paragraphs (1) and (2) do not apply in proceedings which are pending.”.”