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STATUTORY INSTRUMENTS

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**1991 No. 828 (C.19)**

**CHILDREN AND YOUNG PERSONS**

**The Children Act 1989 (Commencement  
and Transitional Provisions) Order 1991**

*Made - - - - 25th March 1991*

The Secretary of State for Health, in exercise of the powers conferred by section 108(2) and (8) of the Children Act 1989<sup>(1)</sup> and of all other powers enabling him in that behalf, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Children Act 1989 (Commencement and Transitional Provisions) Order 1991.

**Interpretation**

2. In this Order “the Act” means the Children Act 1989.

**Commencement**

3.—(1) Paragraph 21 of Schedule 10 to the Act (adoption contact register) and section 88(1) of the Act so far as it relates to that paragraph shall come into force on 1st May 1991.

(2) All provisions of the Act which are not by then already in force shall come into force on 14th October 1991.

**Modifications of transitional provisions**

4. Schedule 14 to the Act shall have effect from 14th October 1991 subject to the additions and modifications set out in the Schedule to this Order.

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(1) 1989 c. 41.

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**Status:** This is the original version (as it was originally made).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

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25th March 1991

*William Waldegrave*  
Secretary of State for Health

SCHEDULE

Article 4

ADDITIONS TO, AND MODIFICATIONS OF, SCHEDULE 14 TO THE ACT

1. In paragraph 16(4) for the words “sub-paragraph (5) only applies” there shall be substituted the words—

“sub-paragraphs (5) and (6) only apply”.

2. In paragraph 16(5)—

(a) at the beginning of the sub-paragraph there shall be inserted—

“Subject to sub-paragraph (6),”;

(b) after the word “shall” there shall be inserted—

“, subject to the provisions of section 25 of this Act and of any regulations made under that section,”; and

(c) after the words “in this Act” there shall be inserted—

“other than section 25”.

3. After sub-paragraph 16(5) there shall be inserted the following sub-paragraph—

“(6) Where directions referred to in sub-paragraph (5) are to the effect that a child be placed in accommodation provided for the purpose of restricting liberty then the directions shall cease to have effect upon the expiry of the maximum period specified by regulations under section 25(2)(a) in relation to children of his description, calculated from 14th October 1991.”

4. In paragraph 16A(2)—

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

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

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

(a) under 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.”

5. After paragraph 18 there shall be inserted the following paragraph—

“**18A.**—(1) This paragraph applies to any decision of a local authority to terminate arrangements for access or to refuse to make such arrangements—

(a) of which notice has been given under, and in accordance with, section 12B of the Child Care Act 1980 (termination of access); and

(b) which is in force immediately before the commencement of Part IV.

(2) On and after the commencement of Part IV, a decision to which this paragraph applies shall have effect as a court order made under section 34(4) authorising the local authority to refuse to allow contact between the child and the person to whom notice was given under section 12B of the Child Care Act 1980.”

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(2) 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.

6. In paragraph 25(3) for the words “more than six months” there shall be substituted “six months or more”.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order brings into force on 1st May 1991 paragraph 21 of Schedule 10 to the Children Act 1989 which amends the [Adoption Act 1976\(c.36\)](#) so as to establish an Adoption Contact Register to facilitate contact between an adopted person and any relative of his. The Order brings into force on 14th October 1991 all other provisions of the Children Act 1989 except those which have already been brought into force by section 108(2) of that Act.

Article 4 of, and the Schedule to, this order add to and modify the transitional provisions contained in Schedule 14 to the 1989 Act.

Paragraphs 2 and 3 make court directions relating to secure accommodation subject to the provisions of section 25 (secure accommodation) and any regulations made under that section and also to a new sub-paragraph 16(6) which provides that such directions shall cease to have effect after the maximum period specified by regulations under section 25(2).

Paragraph 4 adds a sub-paragraph to paragraph 16A (cessation of wardship where ward in care) to provide that wardship shall cease on the commencement of the Act where a child who was already in care was subsequently made a ward of court and remains in care.

Paragraph 5 adds a paragraph making provision for there to be a deemed order under section 34 of the Act (contact with child in care) where a local authority decision terminating access or refusing access was in force immediately before the Act comes into force.

Paragraphs 1 and 6 make minor amendments.