



Guardianship of Minors Act 1971

1971 CHAPTER 3

Orders for custody and maintenance

9 Orders for custody and maintenance on application of mother or father

- (1) The court may, on the application of the mother or father of a minor (who may apply without next friend), make such order regarding—
 - (a) the custody of the minor; and
 - (b) the right of access to the minor of his mother or father,as the court thinks fit having regard to the welfare of the minor and to the conduct and wishes of the mother and father.
- (2) Where the court makes an order under subsection (1) of this section giving the custody of the minor to the mother, the court may make a further order requiring the father to pay to the mother such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the father.
- (3) An order may be made under subsection (1) or (2) of this section notwithstanding that the parents of the minor are then residing together, but—
 - (a) no such order shall be enforceable, and no liability thereunder shall accrue, while they are residing together; and
 - (b) any such order shall cease to have effect if for a period of three months after it is made they continue to reside together.
- (4) An order under subsection (1) or (2) of this section may be varied or discharged by a subsequent order made on the application of either parent or (in the case of an order under subsection (1)) after the death of either parent on the application of any guardian under this Act.

10 Orders for custody and maintenance where person is guardian to exclusion of surviving parent

- (1) Where the court makes an order under section 4(4) of this Act that a person shall be the sole guardian of a minor to the exclusion of his mother or father, the court may—

Status: This is the original version (as it was originally enacted).

- (a) make such order regarding—
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of his mother or father,
 as the court thinks fit having regard to the welfare of the minor; and
 - (b) make a further order requiring the mother or father to pay to the guardian such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the mother or father.
- (2) The powers conferred by subsection (1) of this section may be exercised at any time and include power to vary or discharge any order previously made under those powers.

11 Orders for custody and maintenance where joint guardians disagree

The powers of the court under section 7 of this Act shall, where one of the joint guardians is the mother or father of the minor, include power—

- (a) to make such order regarding—
 - (i) the custody of the minor; and
 - (ii) the right of access to the minor of his mother or father,
 as the court thinks fit having regard to the welfare of the minor;
- (b) to make an order requiring the mother or father to pay such weekly or other periodical sum towards the maintenance of the minor as the court thinks reasonable having regard to the means of the mother or father ;
- (c) to vary or discharge any order previously made under that section.

12 Orders for maintenance of persons between 18 and 21

- (1) An order under section 9, 10 or 11 of this Act for the payment of sums towards the maintenance of a minor may require such sums to continue to be paid in respect of any period after the date on which he ceases to be a minor but not extending beyond the date on which he attains the age of twenty-one; and any order which is made as aforesaid may provide that any sum which is payable thereunder for the benefit of a person who has ceased to be a minor shall be paid to that person himself.
- (2) Subject to subsection (3) of this section and to section 14(4) of this Act. where a person who has ceased to be a minor but has not attained the age of twenty-one has, while a minor, been the subject of an order under this Act or under any enactment repealed by this Act, the court may, on the application of either parent of that person or of that person himself, make an order requiring either parent to pay—
- (a) to the other parent;
 - (b) to anyone else for the benefit of that person ; or
 - (c) to that person himself,
- in respect of any period not extending beyond the date when he attains the said age, such weekly or other periodical sum towards his maintenance as the court thinks reasonable having regard to the means of the person on whom the requirement is imposed.
- (3) No order shall be made under subsection (2) of this section, and no liability under such an order shall accrue, at a time when the parents of the person in question are residing together, and if they so reside for a period of three months after such an order has been made it shall cease to have effect.

- (4) An order under subsection (2) of this section may be varied or discharged by a subsequent order made on the application of any person by or to whom payments were required to be made under the previous order.

13 Enforcement of orders for custody and maintenance

- (1) Where an order made by a magistrates' court under this Act contains a provision committing to the applicant the legal custody of any minor, a copy of the order may be served on any person in whose actual custody the minor may for the time being be, and thereupon the provision may, without prejudice to any other remedy open to the applicant, be enforced under section 54(3) of the Magistrates' Courts Act 1952 as if it were an order of the court requiring that person to give up the minor to the applicant.
- (2) Any person for the time being under an obligation to make payments in pursuance of any order for the payment of money under this Act shall give notice of any change of address to such person (if any) as may be specified in the order, and any person failing without reasonable excuse to give such a notice shall be liable on summary conviction to a fine not exceeding £10.
- (3) An order of a magistrates' court for the payment of money under this Act may be enforced in like manner as an affiliation order, and the enactments relating to affiliation orders shall apply accordingly with the necessary modifications.