

Status: Point in time view as at 14/10/1991.

Changes to legislation: Children Act 1989, Cross Heading: Contributions for maintenance of children in care is up to date with all changes known to be in force on or before 08 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 14

TRANSITIONALS AND SAVINGS

Contributions for maintenance of children in care

- 24 (1) Where, immediately before the day on which Part III of Schedule 2 comes into force, there was in force an order made (or having effect as if made) under any of the enactments mentioned in sub-paragraph (2), then, on and after that day—
- (a) the order shall have effect as if made under paragraph 23(2) of Schedule 2 against a person liable to contribute; and
 - (b) Part III of Schedule 2 shall apply to the order, subject to the modifications in sub-paragraph (3).
- (2) The enactments are—
- (a) section 11(4) of the Domestic ^{M1}Proceedings and Magistrates' Courts Act 1978;
 - (b) section 26(2) of the ^{M2}Adoption Act 1976;
 - (c) section 36(5) of the ^{M3}Children Act 1975;
 - (d) section 2(3) of the ^{M4}Guardianship Act 1973;
 - (e) section 2(1)(h) of the ^{M5}Matrimonial Proceedings (Magistrates' Courts) Act 1960,
- (provisions empowering the court to make an order requiring a person to make periodical payments to a local authority in respect of a child in care).
- (3) The modifications are that, in paragraph 23 of Schedule 2—
- (a) in sub-paragraph (4), paragraph (a) shall be omitted;
 - (b) for sub-paragraph (6) there shall be substituted—
- “(6) Where—
- (a) a contribution order is in force;
 - (b) the authority serve a contribution notice under paragraph 22; and
 - (c) the contributor and the authority reach an agreement under paragraph 22(7) in respect of the contribution notice,
- the effect of the agreement shall be to discharge the order from the date on which it is agreed that the agreement shall take effect”; and
- (c) at the end of sub-paragraph (10) there shall be inserted—
- “and
- (c) where the order is against a person who is not a parent of the child, shall be made with due regard to—

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- (i) whether that person had assumed responsibility for the maintenance of the child, and, if so, the extent to which and basis on which he assumed that responsibility and the length of the period during which he met that responsibility;
- (ii) whether he did so knowing that the child was not his child;
- (iii) the liability of any other person to maintain the child.”

Commencement Information

II Sch. 14 para. 24 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Marginal Citations

M1 1978 c. 22.
M2 1976 c. 36.
M3 1975 c. 72.
M4 1973 c. 29.
M5 1960 c. 48.

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