

---

STATUTORY INSTRUMENTS

---

**2003 No. 495**

**The Guardian's Allowance (General) Regulations 2003**

**Children of divorced parents**

6.—(1) Where –

- (a) the marriage of a child's parents has been terminated by divorce;
- (b) at the death of one of the parents the child was not in the custody of or maintained by the other parent;
- (c) there is no court order –
  - (i) granting custody of the child to that other parent; or
  - (ii) imposing any liability on him for the child's maintenance; and
- (d) there is no maintenance assessment or maintenance calculation, as defined by section 54 of the Child Support Act 1991(1), or, for Northern Ireland, Article 2(2) of the Child Support (Northern Ireland) Order 1991(2) in force in respect of that other parent and child,

the circumstances to be satisfied in section 77(2) of the Act or section 77(2) of the Northern Ireland Act are that one of the child's parents is dead.

(2) Where a child has been adopted by two persons jointly, any reference in paragraph (1) above to the child's parents shall be read as a reference to those two persons.

---

(1) 1991 c. 48. Section 54 was amended by paragraph 11(20)(d) of Schedule 3 to the Child Support, Pensions and Social Security Act 2000.

(2) S.I.1991/2628 (N.I. 23). Article 2(2) was amended by paragraph 12(e) of Schedule 3 to the Child Support, Pensions and Social Security (Northern Ireland) Act 2000.