



# 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.