



Family Law Reform Act 1987

1987 CHAPTER 42

PART II

RIGHTS AND DUTIES OF PARENTS ETC.

Orders for financial relief

12 Orders for financial relief on application of either parent

After section 11A of the 1971 Act there shall be inserted the following section—

“11B Orders for financial relief on application of either parent.

- (1) The court may, on the application of either parent of a child, make—
- (a) in the case of proceedings in the High Court or a county court, one or more of the orders mentioned in subsection (2) of this section;
 - (b) in the case of proceedings in a magistrates' court, one or both of the orders mentioned in paragraphs (a) and (c) of that subsection;
- and an order mentioned in paragraph (a) or (b) of that subsection may be varied or discharged on the application of either parent or, after the death of either parent, on the application of any guardian appointed under this Act.
- (2) The orders referred to in subsection (1) of this section are—
- (a) an order requiring one parent to make to the other parent for the benefit of the child, or to the child, such periodical payments, and for such term, as may be specified in the order;
 - (b) an order requiring one parent to secure to the other parent for the benefit of the child, or to secure to the child, such periodical payments, and for such term, as may be so specified;
 - (c) an order requiring one parent to pay to the other parent for the benefit of the child, or to the child, such lump sum as may be so specified;

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- (d) an order requiring either parent to transfer to the other parent for the benefit of the child, or to the child, such property as may be so specified, being property to which the first-mentioned parent is entitled, either in possession or reversion;
- (e) an order requiring that a settlement of such property as may be so specified, being property to which either parent is so entitled, be made to the satisfaction of the court for the benefit of the child.”

13 Orders for financial relief in guardianship cases

After section 11B of the 1971 Act there shall be inserted the following section—

“11C Orders for financial relief in guardianship cases.

- (1) Where the court makes an order under section 4(4) of this Act that a person shall be sole guardian of a child to the exclusion of a parent, the court may make—
 - (a) in the case of proceedings in the High Court or a county court, one or more of the orders mentioned in subsection (3) of this section;
 - (b) in the case of proceedings in a magistrates' court, one or both of the orders mentioned in paragraphs (a) and (c) of that subsection;
 and the powers conferred by this subsection may be exercised at any time and include power to vary or discharge any order mentioned in paragraph (a) or (b) of that subsection previously made.
- (2) The powers of the court under section 7 of this Act to make orders regarding matters in difference between joint guardians shall include, where a parent of the child is one of the joint guardians—
 - (a) power to make—
 - (i) in the case of proceedings in the High Court or a county court, one or more of the orders mentioned in subsection (3) of this section;
 - (ii) in the case of proceedings in a magistrates' court, one or both of the orders mentioned in paragraphs (a) and (c) of that subsection; and
 - (b) power to vary or discharge any order mentioned in paragraph (a) or (b) of that subsection previously made.
- (3) The orders referred to in subsections (1) and (2) of this section are—
 - (a) an order requiring the parent to make to the guardian or other guardian for the benefit of the child, or to the child, such periodical payments, and for such term, as may be specified in the order;
 - (b) an order requiring the parent to secure to the guardian or other guardian for the benefit of the child, or to secure to the child, such periodical payments, and for such term, as may be so specified;
 - (c) an order requiring the parent to pay to the guardian or other guardian for the benefit of the child, or to the child, such lump sum as may be so specified;
 - (d) an order requiring the parent to transfer to the guardian or other guardian for the benefit of the child, or to the child, such property as may be so specified, being property to which the parent is entitled, either in possession or reversion;

- (e) an order requiring that a settlement of such property as may be so specified, being property to which the parent is so entitled, be made to the satisfaction of the court for the benefit of the child.”

14 Orders for financial relief for persons over eighteen

After section 11C of the 1971 Act there shall be inserted the following section—

“11D Orders for financial relief for persons over eighteen.

- (1) If, on an application by a person who has attained the age of eighteen and whose parents are not living with each other in the same household, it appears to the High Court or a county court—
 - (a) that the applicant is, will be or (if an order were made under this section) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he also is, will be or would be in gainful employment; or
 - (b) that there are special circumstances which justify the making of an order under this section,the court may make one or both of the orders mentioned in subsection (2) of this section.
- (2) The orders referred to in subsection (1) of this section are—
 - (a) an order requiring either or both of the applicant's parents to pay to the applicant such periodical payments, and for such term, as may be specified in the order; and
 - (b) an order requiring either or both of the applicant's parents to pay to the applicant such lump sum as may be so specified.
- (3) An application may not be made under this section by any person if, immediately before he attained the age of sixteen, a periodical payments order was in force with respect to him.
- (4) No order shall be made under this section at a time when the parents of the applicant are living with each other in the same household.
- (5) Any order made under this section requiring the making of periodical payments shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.
- (6) An order under this section requiring the making of periodical payments 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.
- (7) In subsection (3) of this section 'periodical payments order' means an order made under—
 - (a) this Act,
 - (b) section 6(3) of the Family Law Reform Act 1969,
 - (c) section 23 or 27 of the Matrimonial Causes Act 1973,
 - (d) section 34 of the Children Act 1975, or
 - (e) Part I of the Domestic Proceedings and Magistrates' Courts Act 1978,

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for the making or securing of periodical payments.”