



# Children Act 1989

## CHAPTER 41

### CHILDREN ACT 1989

#### PART I

##### INTRODUCTORY

- 1 Welfare of the child.
- 2 Parental responsibility for children.
- 3 Meaning of “parental responsibility”.
- 4 Acquisition of parental responsibility by father.
- 4ZA Acquisition of parental responsibility by second female parent
- 4A Acquisition of parental responsibility by step-parent
- 5 Appointment of guardians.
- 6 Guardians: revocation and disclaimer.
- 7 Welfare reports.

#### PART II

##### ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

##### *General*

- 8 Residence, contact and other orders with respect to children.
- 9 Restrictions on making section 8 orders.
- 10 Power of court to make section 8 orders.
- 11 General principles and supplementary provisions.
- 11A Contact activity directions
- 11B Contact activity directions: further provision
- 11C Contact activity conditions
- 11D Contact activity conditions: further provision
- 11E Contact activity directions and conditions: making
- 11F Contact activity directions and conditions: financial assistance

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

- 11G Contact activity directions and conditions: monitoring
- 11H Monitoring contact
- 11I Contact orders: warning notices
- 11J Enforcement orders
- 11K Enforcement orders: further provision
- 11L Enforcement orders: making
- 11M Enforcement orders: monitoring
- 11N Enforcement orders: warning notices
- 11O Compensation for financial loss
- 11P Orders under section 11O(2): further provision
- 12 Residence orders and parental responsibility.
- 13 Change of child's name or removal from jurisdiction.
- 14 Enforcement of residence orders.

#### *Special guardianship*

- 14A Special guardianship orders
- 14B Special guardianship orders: making
- 14C Special guardianship orders: effect
- 14D Special guardianship orders: variation and discharge
- 14E Special guardianship orders: supplementary
- 14F Special guardianship support services
- 14G Special guardianship support services: representations

#### *Financial relief*

- 15 Orders for financial relief with respect to children.

#### *Family assistance orders*

- 16 Family assistance orders.
- 16A Risk assessments

### **PART III**

#### LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

##### *Provision of services for children and their families*

- 17 Provision of services for children in need, their families and others.
- 17A Direct payments
- 17B Vouchers for persons with parental responsibility for disabled children.
- 18 Day care for pre-school and other children.
- 19 Review of provision for day care, child minding etc.

##### *Provision of accommodation for children*

- 20 Provision of accommodation for children: general.
- 21 Provision of accommodation for children in police protection or detention or on remand, etc.

##### *Duties of local authorities in relation to children looked after by them*

- 22 General duty of local authority in relation to children looked after by them.
- 23 Provision of accommodation and maintenance by local authority for children whom they are looking after.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

- 22A Provision of accommodation for children in care
- 22B Maintenance of looked after children
- 22C Ways in which looked after children are to be accommodated and maintained
- 22D Review of child's case before making alternative arrangements for accommodation
- 22E Children's homes provided by appropriate national authority
- 22F Regulations as to children looked after by local authorities
- 22G General duty of local authority to secure sufficient accommodation for looked after children

#### *Visiting*

- 23ZA Duty of local authority to ensure visits to, and contact with, looked after children and others
- 23ZB Independent visitors for children looked after by a local authority

#### *Advice and assistance for certain children and young persons*

- 23A The responsible authority and relevant children.
- 23B Additional functions of the responsible authority in respect of relevant children.
- 23C Continuing functions in respect of former relevant children.
- 23CA Further assistance to pursue education or training

#### *Personal advisers and pathway plans*

- 23D Personal advisers.
- 23E Pathway plans.
- 24 Persons qualifying for advice and assistance.
- 24A Advice and assistance.
- 24B Employment, education and training.
- 24C Information.
- 24D Representations: sections 23A to 24B.

#### *Secure accommodation*

- 25 Use of accommodation for restricting liberty.
- 26 Review of cases and inquiries into representations.
- 26ZA Representations: further consideration
- 26ZB Representations: further consideration (Wales)
- 26A Advocacy services
- 27 Co-operation between authorities.
- 28 Consultation with local education authorities.
- 29 Recoupment of cost of providing services etc.
- 30 Miscellaneous.
- 30A Meaning of appropriate national authority

#### *Independent reviewing officers*

- 25A Appointment of independent reviewing officer
- 25B Functions of the independent reviewing officer
- 25C Referred cases

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

## **PART IV**

### CARE AND SUPERVISION

#### *General*

- 31 Care and Supervision
- 31A Care orders: care plans
- 32 Period within which application for order under this Part must be disposed of.

#### *Care orders*

- 33 Effect of care order.
- 34 Parental contact etc. with children in care.

#### *Supervision orders*

- 35 Supervision orders.
- 36 Education supervision orders.

#### *Powers of court*

- 37 Powers of court in certain family proceedings.
- 38 Interim orders.
- 38A Power to include exclusion requirement in interim care order.
- 38B Undertakings relating to interim care orders.
- 39 Discharge and variation etc. of care orders and supervision orders.
- 40 Orders pending appeals in cases about care or supervision orders.

#### *Guardians ad litem*

- 41 Representation of child
- 42 Right of officer of the Service to have access to local authority records

## **PART V**

### PROTECTION OF CHILDREN

- 43 Child assessment orders.
- 44 Orders for emergency protection of children.
- 44A Power to include exclusion requirement in emergency protection order.
- 44B Undertakings relating to emergency protection orders.
- 45 Duration of emergency protection orders and other supplemental provisions.
- 46 Removal and accommodation of children by police in cases of emergency.
- 47 Local authority's duty to investigate.
- 48 Powers to assist in discovery of children who may be in need of emergency protection.
- 49 Abduction of children in care etc.
- 50 Recovery of abducted children etc.
- 51 Refuges for children at risk.
- 52 Rules and regulations.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

## **PART VI**

### COMMUNITY HOMES

- 53 Provision of community homes by local authorities.
- 54 Directions that premises be no longer used for community home.
- 55 Determination of disputes relating to controlled and assisted community homes.
- 56 Discontinuance by voluntary organisation of controlled or assisted community home.
- 57 Closure by local authority of controlled or assisted community home.
- 58 Financial provisions applicable on cessation of controlled or assisted community home or disposal etc. of premises.

## **PART VII**

### VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS

- 59 Provision of accommodation by voluntary organisations.
- 60 Registration and regulation of voluntary homes.
- 61 Duties of voluntary organisations.
- 62 Duties of local authorities.

## **PART VIII**

### REGISTERED CHILDREN'S HOMES

- 63 Children not to be cared for and accommodated in unregistered children's homes.
- 64 Welfare of children in children's homes.
- 65 Persons disqualified from carrying on, or being employed in children's homes.
- 65A Appeal against refusal of authority to give consent under section 65.

## **PART IX**

### PRIVATE ARRANGEMENTS FOR FOSTERING CHILDREN

- 66 Privately fostered children.
- 67 Welfare of privately fostered children.
- 68 Persons disqualified from being private foster parents.
- 69 Power to prohibit private fostering.
- 70 Offences.

## **PART X**

### CHILD MINDING AND DAY CARE FOR YOUNG CHILDREN

- 71 Registration.
- 72 Requirements to be complied with by child minders.
- 73 Requirements to be complied with by persons providing day care for young children.
- 74 Cancellation of registration.
- 75 Protection of children in an emergency.
- 76 Inspection.
- 77 Appeals.
- 78 Offences.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

79 Application of this Part to Scotland.

## PART XA

### CHILD MINDING AND DAY CARE FOR CHILDREN IN ENGLAND AND WALES

#### *Introductory*

79A Child minders and day care providers.  
79B Other definitions, etc.

#### *Regulations*

79C Regulations etc. governing child minders and day care providers.

#### *Registration*

79D Requirement to register.  
79E Applications for registration.  
79F Grant or refusal of registration.  
79G Cancellation of registration.  
79H Suspension of registration.  
79J Resignation of registration.  
79K Protection of children in an emergency.  
79L Notice of intention to take steps.  
79M Appeals.

#### *Inspection: England*

79N General functions of the Chief Inspector.  
79P Early years child care inspectorate.  
79Q Inspection of provision of child minding and day care in England.  
79R Reports of inspections.

#### *Inspection: Wales*

79S General functions of the Assembly.  
79T Inspection: Wales.

#### *Supplementary*

79U Rights of entry etc.  
79V Function of local authorities.

#### *Checks on suitability of persons working with children over the age of seven*

79W Requirement for certificate of suitability.

#### *Time limit for proceedings*

79X Time limit for proceedings.

## PART XI

### SECRETARY OF STATE'S SUPERVISORY FUNCTIONS AND RESPONSIBILITIES

80 Inspection of children's homes etc. by persons authorised by Secretary of State.  
81 Inquiries.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

- 82 Financial support by Secretary of State.
- 83 Research and returns of information.
- 84 Local authority failure to comply with statutory duty: default power of Secretary of State.

## PART XII

### MISCELLANEOUS AND GENERAL

#### *Notification of children accommodated in certain establishments*

- 85 Children accommodated by health authorities and local education authorities.
- 86 Children accommodated in care homes or independent hospitals.
- 86A Visitors for children notified to local authority under section 85 or 86
- 87 Welfare of children in boarding schools and colleges.
- 87A Suspension of duty under section 87(3).
- 87B Duties of inspectors under section 87A.
- 87C Boarding schools: national minimum standards.
- 87D Annual fee for boarding school inspections.

#### *Adoption*

- 88 Amendments of adoption legislation.

#### *Paternity tests*

- 89 Tests to establish paternity.

#### *Criminal care and supervision orders*

- 90 Care and supervision orders in criminal proceedings.

#### *Effect and duration of orders etc.*

- 91 Effect and duration of orders etc.

#### *Jurisdiction and procedure etc.*

- 92 Jurisdiction of courts.
- 93 Rules of court.
- 94 Appeals.
- 95 Attendance of child at hearing under Part IV or V.
- 96 Evidence given by, or with respect to, children.
- 97 Privacy for children involved in certain proceedings.
- 98 Self-incrimination.
- 99 Legal aid.
- 100 Restrictions on use of wardship jurisdiction.
- 101 Effect of orders as between England and Wales and Northern Ireland, the Channel Islands or the Isle of Man.

#### *Search warrants*

- 102 Power of constable to assist in exercise of certain powers to search for children or inspect premises.

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

### *General*

- 103 Offences by bodies corporate.
- 104 Regulations and orders.
- 104A Regulations and orders made by the Welsh Ministers under Part 3 etc.
- 105 Interpretation.
- 106 Financial provisions.
- 107 Application to Channel Islands.
- 108 Short title, commencement extent etc.

---

## SCHEDULES

- SCHEDULE A1 — Enforcement orders
  - Part 1 — UNPAID WORK REQUIREMENT

### *General*

- 1 Subject to the modifications in paragraphs 2 and 3, Chapter...

### *References to an offender*

- 2 Subject to paragraph 3, references in Chapter 4 of Part...

### *Specific modifications*

- 3 (1) The power of the Secretary of State by order...
  - Part 2 — REVOCATION, AMENDMENT OR BREACH OF ENFORCEMENT ORDER

### *Power to revoke*

- 4 (1) This paragraph applies where a court has made an...

### *Amendment by reason of change of residence*

- 5 (1) This paragraph applies where a court has made an...

### *Amendment of hours specified under unpaid work requirement*

- 6 (1) This paragraph applies where a court has made an...

### *Amendment to extend unpaid work requirement*

- 7 (1) This paragraph applies where a court has made an...

### *Warning and report following breach*

- 8 (1) This paragraph applies where a court has made an...

### *Breach of an enforcement order*

- 9 (1) This paragraph applies where a court has made an...

### *Provision relating to amendment of enforcement orders*

- 10 Sections 11L(2) to (7) and 11M have effect in relation...



*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

## SCHEDULE 1 — Financial Provision for Children

### *Orders for financial relief against parents*

- 1 (1) On an application made by a parent or guardian...

### *Orders for financial relief for persons over eighteen*

- 2 (1) If, on an application by a person who has...

### *Duration of orders for financial relief*

- 3 (1) The term to be specified in an order for...

### *Matters to which court is to have regard in making orders for financial relief*

- 4 (1) In deciding whether to exercise its powers under paragraph...

### *Provisions relating to lump sums*

- 5 (1) Without prejudice to the generality of paragraph 1, an...

### *Variation etc. of orders for periodical payments*

- 6 (1) In exercising its powers under paragraph 1 or 2...

### *Variation of orders for periodical payments etc. made by magistrates' courts*

- 6A (1) Subject to sub-paragraphs (7) and (8), the power of...

### *Variation of orders for secured periodical payments after death of parent*

- 7 (1) Where the parent liable to make payments under a...

### *Financial relief under other enactments*

- 8 (1) This paragraph applies where a residence order is made...

### *Interim orders*

- 9 (1) Where an application is made under paragraph 1 or...

### *Alteration of maintenance agreements*

- 10 (1) In this paragraph and in paragraph 11 “maintenance agreement”...  
11 (1) Where a maintenance agreement provides for the continuation, after...

### *Enforcement of orders for maintenance*

- 12 (1) Any person for the time being under an obligation...

### *Direction for settlement of instrument by conveyancing counsel*

- 13 Where the High Court or a county court decides to...

### *Financial provision for child resident in country outside England and Wales*

- 14 (1) Where one parent of a child lives in England...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Local authority contribution to child's maintenance*

- 15 (1) Where a child lives, or is to live, with...

*Interpretation*

- 16 (1) In this Schedule "child" includes, in any case where...

SCHEDULE 2 — Local Authority Support for Children and Families  
Part I — PROVISION OF SERVICES FOR FAMILIES

*Identification of children in need and provision of information*

- 1 (1) Every local authority shall take reasonable steps to identify...

***Children's services plans***

- 1A (1) Every local authority shall, on or before 31st March...

*Maintenance of a register of disabled children*

- 2 (1) Every local authority shall open and maintain a register...

*Assessment of children's needs*

- 3 Where it appears to a local authority that a child...

*Prevention of neglect and abuse*

- 4 (1) Every local authority shall take reasonable steps, through the...

*Provision of accommodation in order to protect child*

- 5 (1) Where— (a) it appears to a local authority that...

*Provision for disabled children*

- 6 Every local authority shall provide services designed—

*Provision to reduce need for care proceedings etc.*

- 7 Every local authority shall take reasonable steps designed—

*Provision for children living with their families*

- 8 Every local authority shall make such provision as they consider...

*Provision for accommodated children*

- 8A (1) Every local authority shall make provision for such services...

*Family centres*

- 9 (1) Every local authority shall provide such family centres as...

*Maintenance of the family home*

- 10 Every local authority shall take such steps as are reasonably...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Duty to consider racial groups to which children in need belong*

- 11 Every local authority shall, in making any arrangements—  
Part II — CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES

*Regulations as to placing of children with local authority foster parents*

- 12 Regulations under section 23(2)(a) may, in particular, make provision—

*Regulations as to arrangements under section 23(2)(f)*

- 13 Regulations under section 23(2)(f) may, in particular, make provision  
as...

*Regulations as to conditions under which child in care is allowed to live with parent, etc.*

- 14 Regulations under section 23(5) may, in particular, impose requirements  
on...

*Regulations as to conditions under which child in care is allowed to live with parent, etc*

- 12A Regulations under section 22C may, in particular, impose requirements  
on...

*Regulations as to placements of a kind specified in section 22C(6)(d)*

- 12B Regulations under section 22C as to placements of the kind...

*Placements out of area*

- 12C Regulations under section 22C may, in particular, impose requirements  
which...

*Avoidance of disruption in education*

- 12D (1) Regulations under section 22C may, in particular, impose  
requirements...

*Regulations as to placing of children with local authority foster parents*

- 12E Regulations under section 22C may, in particular, make provision—  
12F (1) Regulations under section 22C may, in particular, also make...  
12G Regulations under section 22C may, in particular, also make provision...

*Promotion and maintenance of contact between child and family*

- 15 (1) Where a child is being looked after by a...

*Visits to or by children: expenses*

- 16 (1) This paragraph applies where— (a) a child is being...

*Appointment of visitor for child who is not being visited*

- 17 (1) Where it appears to a local authority in relation...

*Power to guarantee apprenticeship deeds etc.*

- 18 (1) While a child is being looked after by a...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Arrangements to assist children to live abroad*

- 19 (1) A local authority may only arrange for, or assist...

*Preparation for ceasing to be looked after*

- 19A It is the duty of the local authority looking after...  
19B (1) A local authority shall have the following additional functions...  
19C A local authority shall arrange for each child whom they...

*Death of children being looked after by local authorities*

- 20 (1) If a child who is being looked after by...  
Part III — CONTRIBUTIONS TOWARDS MAINTENANCE OF CHILDREN  
LOOKED AFTER BY LOCAL AUTHORITIES

*Liability to contribute*

- 21 (1) Where a local authority are looking after a child...

*Agreed contributions*

- 22 (1) Contributions towards a child's maintenance may only be recovered...

*Contribution orders*

- 23 (1) Where a contributor has been served with a contribution...

*Enforcement of contribution orders etc.*

- 24 (1) A contribution order made by a magistrates' court shall...

*Regulations*

- 25 The Secretary of State may make regulations—

SCHEDULE 3 — Supervision Orders

Part I — GENERAL

*Meaning of "responsible person"*

- 1 In this Schedule, "the responsible person", in relation to a...

*Power of supervisor to give directions to supervised child*

- 2 (1) A supervision order may require the supervised child to...

*Imposition of obligations on responsible person*

- 3 (1) With the consent of any responsible person, a supervision...

*Psychiatric and medical examinations*

- 4 (1) A supervision order may require the supervised child—

*Psychiatric and medical treatment*

- 5 (1) Where a court which proposes to make or vary...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

## Part II — MISCELLANEOUS

### *Life of supervision order*

- 6 (1) Subject to sub-paragraph (2) and section 91, a supervision...

### *Limited life of directions*

- 7 . . . . .

### *Information to be given to supervisor etc.*

- 8 (1) A supervision order may require the supervised child—

### *Selection of supervisor*

- 9 (1) A supervision order shall not designate a local authority...

### *Effect of supervision order on earlier orders*

- 10 The making of a supervision order with respect to any...

### *Local authority functions and expenditure*

- 11 (1) The Secretary of State may make regulations with respect...

## Part III — EDUCATION SUPERVISION ORDERS

### *Effect of orders*

- 12 (1) Where an education supervision order is in force with...  
13 (1) Where an education supervision order is in force with...

### *Effect where child also subject to supervision order*

- 14 (1) This paragraph applies where an education supervision order and...

### *Duration of orders*

- 15 (1) An education supervision order shall have effect for a...

### *Information to be given to supervisor etc.*

- 16 (1) An education supervision order may require the child—

### *Discharge of orders*

- 17 (1) The court may discharge any education supervision order on...

### *Offences*

- 18 (1) If a parent of a child with respect to...

### *Persistent failure of child to comply with directions*

- 19 (1) Where a child with respect to whom an education...

### *Miscellaneous*

- 20 The Secretary of State may by regulations make provision modifying,...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Interpretation*

21 In this Part of this Schedule “parent” has the same...

SCHEDULE 4 — Management and Conduct of Community Homes  
Part I — INSTRUMENTS OF MANAGEMENT

*Instruments of management for controlled and assisted community homes*

- 1 (1) The Secretary of State may by order make an...
- 2 (1) An instrument of management shall contain such provisions as...  
Part II — MANAGEMENT OF CONTROLLED AND ASSISTED COMMUNITY HOMES
- 3 (1) The management, equipment and maintenance of a controlled community...  
Part III — REGULATIONS
- 4 (1) The Secretary of State may make regulations—

SCHEDULE 5 — Voluntary Homes and Voluntary Organisations  
Part I — REGISTRATION OF VOLUNTARY HOMES

*General*

1 .....

*Procedure*

2 .....

*Right to make representations*

3 .....

*Decision of Secretary of State*

4 .....

*Appeals*

5 .....

*Notification of particulars with respect to voluntary homes*

6 .....  
Part II — REGULATIONS AS TO VOLUNTARY HOMES

*Regulations as to conduct of voluntary homes*

7 (1) The Secretary of State may make regulations—

*Disqualification*

8 .....

SCHEDULE 6 — Private Children’s Homes  
Part I — REGISTRATION

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Application for registration*

1 .....

*Conditions imposed on registration*

2 .....

*Annual review of registration*

3 .....

*Cancellation of registration*

4 .....

*Procedure*

5 .....

*Right to make representations*

6 .....

*Decision of local authority*

7 .....

*Appeals*

8 .....

*Prohibition on further applications*

9 .....

Part II — REGULATIONS

10 (1) The Secretary of State may make regulations—

SCHEDULE 7 — Foster Parents: Limits on Number of Foster Children

*Interpretation*

1 For the purposes of this Schedule, a person fosters a...

*The usual fostering limit*

2 Subject to what follows, a person may not foster more...

*Siblings*

3 A person may exceed the usual fostering limit if the...

*Exemption by local authority*

4 (1) A person may exceed the usual fostering limit if...

*Effect of exceeding fostering limit*

5 (1) A person shall cease to be treated , for...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Complaints etc.*

6 (1) Every local authority shall establish a procedure for considering...

SCHEDULE 8 — Privately Fostered Children

*Exemptions*

- 1 A child is not a privately fostered child while he...
- 2 (1) A child is not a privately fostered child while...
- 3 A child is not a privately fostered child while he...
- 4 A child is not a privately fostered child while he...
- 5 A child is not a privately fostered child while—

*Power of local authority to impose requirements*

6 (1) Where a person is fostering any child privately, or...

*Regulations requiring notification of fostering etc.*

- 7 (1) The Secretary of State may by regulations make provision...
- 7A Every local authority must promote public awareness in their area...

*Appeals*

8 (1) A person aggrieved by— (a) a requirement imposed under...

*Extension of Part IX to certain school children during holidays*

9 (1) Where a child under sixteen who is a pupil...

*Prohibition of advertisements relating to fostering*

10 No advertisement indicating that a person will undertake, or will...

*Avoidance of insurances on lives of privately fostered children*

11 A person who fosters a child privately and for reward...

SCHEDULE 9 —

*Applications for registration*

1 .....

*Disqualification from registration*

2 .....

*Exemption of certain schools*

3 .....

*Exemption for other establishments*

4 .....



*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Exemption for occasional facilities*

5 .....

*Certificates of registration*

6 .....

*Fees for annual inspection of premises*

7 (1) Where— (a) a person is registered under section 71,...

*Co-operation between authorities*

8 .....

SCHEDULE 9A — Child Minding and Day Care for Young Children

*Exemption of certain schools*

1 (1) Except in prescribed circumstances, Part XA does not apply...

*Exemption for other establishments*

2 (1) Part XA does not apply to provision of day...

2A (1) Part XA does not apply to provision of day...

*Exemption for occasional facilities*

3 (1) Where day care is provided on particular premises on...

*Disqualification for registration*

4 (1) Regulations may provide for a person to be disqualified...

5 (1) If any person— (a) acts as a child minder...

*Provision of day care: unincorporated associations*

5A (1) References in Part XA to a person, so far...

*Certificates of registration*

6 (1) If an application for registration is granted, the registration...

*... fees*

7 Regulations may require registered persons to pay to the registration...

*Co-operation between authorities*

8 (1) Where it appears to the Chief Inspector that any...

SCHEDULE 10 — Amendments of Adoption Legislation

Part I — AMENDMENTS OF ADOPTION ACT 1976 (C. 36)

1 In section 2 (local authorities' social services) for the words...

2 In section 11 (restrictions on arranging adoptions and placing of...

3 (1) In section 12 (adoption orders), in subsection (1) for...

4 For section 14(1) (adoption by married couple) there shall be...

5 (1) In section 16 (parental agreement), in subsection (1) for...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

- 6 (1) In section 18 (freeing child for adoption), after subsection...
- 7 In section 19(2) (progress reports to former parents) for the...
- 8 (1) In section 20 (revocation of section 18 order), in...
- 9 For section 21 (transfer of parental rights and duties between...
- 10 (1) In section 22 (notification to local authority of adoption...
- 11 In section 25(1) (interim orders) for the words “vesting the...
- 12 In— (a) section 27(1) and (2) (restrictions on removal where...
- 13 After section 27(2) there shall be inserted—
- 14 (1) After section 28(2) there shall be inserted—
- 15 In section 29 (return of child taken away in breach...
- 16 (1) In section 30 (return of children placed for adoption...
- 17 (1) In section 31 (application of section 30 where child...
- 18 (1) In section 32 (meaning of “protected child”), in subsection...
- 19 (1) In section 35 (notices and information to be given...
- 20 (1) In section 51 (disclosure of birth records of adopted...
- 21 After section 51 there shall be inserted— Adoption Contact Register....
- 22 (1) In section 55 (adoption of children abroad), in subsection...
- 23 (1) In section 56 (restriction on removal of children for...
- 24 (1) In section 57 (prohibition on certain payments) in subsection...
- 25 After section 57 there shall be inserted— Permitted allowances. (1) The  
Secretary of State may make regulations for the...
- 26 (1) In section 59 (effect of determination and orders made...
- 27 In section 60 (evidence of adoption in Scotland and Northern...
- 28 In section 62(5)(b) (courts), for the words from “section 8”...
- 29 .....
- 30 (1) Section 72(1) (interpretation) shall be amended as follows.
- 31 For section 74(3) and (4) (extent) there shall be substituted—...  
Part II — AMENDMENTS OF ADOPTION (SCOTLAND) ACT 1978 (C. 28)
- 32 In section 11 (restrictions on arranging of adoptions and placing...
- 33 For section 14(1) (adoption by married couple) there shall be...
- 34 In section 16(1)(a) (parental agreement) for the words from “in...
- 35 In section 18(5) (effect of order freeing child for adoption)...
- 36 In section 20(3)(c) (revocation of section 18 order) the words...
- 37 For section 21 (transfer of parental rights and duties between...
- 38 In section 22(4) (notification to local authority of adoption  
application)...
- 39 In section 29 (return of child taken away in breach...
- 40 In section 32 (meaning of “protected child”), at the end...
- 41 In section 45 (adopted children register)— (a) for the words...
- 42 In section 49 (adoption of children abroad)—
- 43 In section 50(1) (restriction on removal of children for adoption...
- 44 In section 53(1) (effect of determination and orders made in...
- 45 In section 54(b) (evidence of adoption in Northern Ireland) for...
- 46 In section 65(1) (interpretation)— (a) in the definition of “adoption...

## SCHEDULE 11 — Jurisdiction

### Part I — GENERAL

#### *Commencement of proceedings*

- 1 (1) The Lord Chancellor may by order specify proceedings under...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Transfer of proceedings*

2 (1) The Lord Chancellor may by order provide that in...

*Hearings by single justice*

3 (1) In such circumstances as the Lord Chancellor may by...

*General*

4 (1) For the purposes of this Schedule—  
Part II — CONSEQUENTIAL AMENDMENTS

*The Administration of Justice Act 1964 (c. 42)*

5 In section 38 of the Administration of Justice Act 1964...

*The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

6 In the Domestic Proceedings and Magistrates' Courts Act 1978—

*The Justices of the Peace Act 1979 (c. 55)*

7 .....

*The Magistrates' Courts Act 1980 (c. 43)*

8 In the Magistrates' Courts Act 1980— (a) in section 65(1)...

*The Supreme Court Act 1981 (c. 54)*

9 In paragraph 3 of Schedule 1 to the Supreme Court...

*The Matrimonial and Family Proceedings Act 1984 (c. 42)*

10 In section 44 of the Matrimonial and Family Proceedings Act...

*The Insolvency Act 1986 (c. 45)*

11 (1) In section 281(5)(b) of the Insolvency Act 1986 (discharge...

SCHEDULE 12 — Minor Amendments

*The Custody of Children Act 1891 (c. 3)*

1 The Custody of Children Act 1891 (which contains miscellaneous  
obsolete...

*The Children and Young Persons Act 1933 (c. 12)*

2 In section 1(2)(a) of the Children and Young Persons Act...  
3 Section 40 of that Act shall cease to have effect....

*The Education Act 1944 (c. 31)*

4 .....

*The Marriage Act 1949 (c. 76)*

5 (1) In section 3 of the Marriage Act 1949 (consent...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*The Births and Deaths Registration Act 1953 (c. 20)*

6 (1) Sections 10 and 10A of the Births and Deaths...

*The Army Act 1955 (c. 18)*

7 In section 151 of the Army Act 1955 (deductions from...  
8 .....

*The Air Force Act 1955 (c. 19)*

9 Section 151(1A) of the Air Force Act 1955 (deductions from...  
10 .....

*The Sexual Offences Act 1956 (c. 69)*

11 In section 19(3) of the Sexual Offences Act 1956 (abduction...  
12 In section 20(2) of that Act (abduction of unmarried girl...  
13 In section 21(3) of that Act (abduction of defective from...  
14 In section 28 of that Act (causing or encouraging prostitution...  
15 Section 38 of that Act (power of court to divest...  
16 (1) In section 43 of that Act (power to search...  
17 After section 46 of that Act there shall be inserted—...

*The Naval Discipline Act 1957 (c. 53)*

18 .....

*The Children and Young Persons Act 1963 (c. 37)*

19 Section 3 of the Children and Young Persons Act 1963...

*The Children and Young Persons Act 1969 (c. 54)*

20 In section 5 of the Children and Young Persons Act...  
21 .....

22 .....

23 .....

24 .....

25 .....

26 For section 23 of that Act (remand to care of...  
27 (1) In section 32 of that Act (detention of absentees),...  
28 In section 34(1) of that Act (transitional modifications of Part...  
29 In section 70(1) of that Act (interpretation)—  
30 In section 73 of that Act (extent, etc.)—

*The Matrimonial Causes Act 1973 (c. 18)*

31 For section 41 of the Matrimonial Causes Act 1973 (restrictions...  
32 In section 42 of that Act, subsection (3) (declaration by...  
33 In section 52(1) of that Act (interpretation), in the definition...

*The National Health Service Act 1977 (c. 49)*

34 In Schedule 8 to the National Health Service Act 1977...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*The Child Care Act 1980 (c. 5)*

35 Until the repeal of the Child Care Act 1980 by...

*The Education Act 1981 (c. 60)*

36 .....

*The Child Abduction Act 1984 (c. 37)*

37 (1) Section 1 of the Child Abduction Act 1984 (offence...  
38 (1) In section 2 of that Act (offence of abduction...  
39 At the end of section 3 of that Act (construction...  
40 (1) The Schedule to that Act (modifications of section 1...

*The Foster Children (Scotland) Act 1984 (c. 56)*

41 In section 1 of the Foster Children (Scotland) Act 1984...  
42 In section 2(2) of that Act (exceptions to section 1),...  
43 In section 7(1) of that Act (persons disqualified from keeping...

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

44 In section 2(5) of the Disabled Persons (Services, Consultation and...

*The Legal Aid Act 1988 (c. 34)*

45 .....

SCHEDULE 13 — Consequential Amendments

*The Wills Act 1837 (c. 26)*

1 In section 1 of the Wills Act 1837 (interpretation), in...

*The Children and Young Persons Act 1933 (c. 12)*

2 In section 1(1) of the Children and Young Persons Act...  
3 In the following sections of that Act—  
4 .....  
5 For section 17 of that Act (interpretation of Part I)...  
6 (1) In section 34 of that Act (attendance at court...  
7 In section 107(1) of that Act (interpretation)—

*The Education Act 1944 (c. 31)*

8 .....  
9 .....  
10 .....

*The National Assistance Act 1948 (c. 29)*

11 (1) In section 21(1)(a) of the National Assistance Act 1948...

*The Reserve and Auxiliary Forces (Protection of Civil Interests) Act 1951 (c. 65)*

12 For section 2(1)(d) of the Reserve and Auxiliary Forces (Protection...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*The Mines and Quarries Act 1954 (c. 70)*

13 .....

*The Administration of Justice Act 1960 (c. 65)*

14 In section 12 of the Administration of Justice Act 1960...

*The Factories Act 1961 (c. 34)*

15 In section 176(1) of the Factories Act 1961 (interpretation), in...

*The Criminal Justice Act 1967 (c. 80)*

16 In section 67(1A)(c) of the Criminal Justice Act 1967 (computation...

*The Health Services and Public Health Act 1968 (c. 46)*

17 (1) In section 64(3)(a) of the Health Services and Public...

*The Social Work (Scotland) Act 1968 (c. 49)*

18 In section 2(2) of the Social Work (Scotland) Act 1968...

19 In section 5(2)(c) of that Act (power of Secretary of...

20 In section 21(3) of that Act (mode of provision of...

21 In section 74(6) of that Act (parent of child in...

22 In section 75(2) of that Act (parent of child subject...

23 In section 86(3) of that Act (meaning of ordinary residence...

*The Civil Evidence Act 1968 (c. 64)*

24 .....

*The Administration of Justice Act 1970 (c. 31)*

25 .....

*The Local Authority Social Services Act 1970 (c. 42)*

26 (1) In Schedule 1 to the Local Authority Social Services...

*The Chronically Sick and Disabled Persons Act 1970 (c. 44)*

27 After section 28 of the Chronically Sick and Disabled Persons...

*The Courts Act 1971 (c. 23)*

28 In Part I of Schedule 9 to the Courts Act...

*The Attachment of Earnings Act 1971 (c. 32)*

29 In Schedule 1 to the Attachment of Earnings Act 1971...

*The Tribunals and Inquiries Act 1971 (c. 62)*

30 .....

*The Local Government Act 1972 (c. 70)*

31 (1) In section 102(1) of the Local Government Act 1972...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*The Employment of Children Act 1973 (c. 24)*

32 (1) In section 2 of the Employment of Children Act...

*The Domicile and Matrimonial Proceedings Act 1973 (c. 45)*

33 (1) In Schedule 1 to the Domicile and Matrimonial Proceedings...

*The Powers of Criminal Courts Act 1973 (c. 62)*

34 .....

*The Rehabilitation of Offenders Act 1974 (c. 53)*

35 (1) Section 7(2) of the Rehabilitation of Offenders Act 1974...

*The Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

36 For section 8 of the Domestic Proceedings and Magistrates' Courts...

37 In section 19(3A)(b) (interim orders) for the words "subsections (2)..."

38 For section 20(12) of that Act (variation and revocation of...

39 (1) For section 20A of that Act (revival of orders...

40 .....

41 (1) In section 25 of that Act (effect on certain...

42 In section 29(5) of that Act (appeals) for the words...

43 In section 88(1) of that Act (interpretation)—

*The Magistrates' Courts Act 1980 (c. 43)*

44 (1) In section 59(2) of the Magistrates' Courts Act 1980...

*The Supreme Court Act 1981 (c. 54)*

45 (1) In section 18 of the Supreme Court Act 1981...

*The Armed Forces Act 1981 (c. 55)*

46 In section 14 of the Armed Forces Act 1981 (temporary...

*The Civil Jurisdiction and Judgments Act 1982 (c. 27)*

47 In paragraph 5(a) of Schedule 5 to the Civil Jurisdiction...

*The Mental Health Act 1983 (c. 20)*

48 (1) For section 27 of the Mental Health Act 1983...

*The Registered Homes Act 1984 (c. 23)*

49 .....

*The Mental Health (Scotland) Act 1984 (c. 36)*

50 For section 54 of the Mental Health (Scotland) Act 1984...

*The Matrimonial and Family Proceedings Act 1984 (c. 42)*

51 In section 38(2)(b) of the Matrimonial and Family Proceedings Act...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*The Police and Criminal Evidence Act 1984 (c. 60)*

- 52 In section 37(14) of the Police and Criminal Evidence Act...  
 53 (1) In section 38 of that Act (duties of custody...  
 54 In section 39(4) of that Act (responsibilities in relation to...  
 55 In Schedule 2 to that Act (preserved powers of arrest)...

*The Surrogacy Arrangements Act 1985 (c. 49)*

- 56 In section 1(2)(b) of the Surrogacy Arrangements Act 1985 (meaning...

*The Child Abduction and Custody Act 1985 (c. 60)*

- 57 (1) In section 9(a) and 20(2)(a) of the Child Abduction...

*The Disabled Persons (Services, Consultation and Representation) Act 1986 (c. 33)*

- 58 In section 1(3) of the Disabled Persons (Services, Consultation and...  
 59 (1) Section 2 of that Act (circumstances in which authorised...  
 60 In section 5(7)(b) of that Act (disabled persons leaving special...  
 61 (1) In section 16 of that Act (interpretation) in the...

*The Family Law Act 1986 (c. 55)*

- 62 (1) The Family Law Act 1986 shall be amended as...  
 63 (1) In section 1 (orders to which Part I of...  
 64 For section 2 there shall be substituted the following sections—...  
 65 (1) In section 3 (habitual residence or presence of child...  
 66 (1) In section 6 (duration and variation of Part I...  
 67 For section 7 (interpretation of Chapter II) there shall be...  
 68 In each of the following sections— (a) section 11(2)(a) (provisions...  
 69 In each of the following sections— (a) section 19(2) (jurisdiction...  
 70 In section 34(3) (power to order recovery of child) for...  
 71 (1) In section 42 (general interpretation of Part I), in...

*The Local Government Act 1988 (c. 9)*

- 72 In Schedule 1 to the Local Government Act 1988 (competition)...

*Amendments of local Acts*

- 73 (1) Section 16 of the Greater London Council (General Powers)...  
 74 (1) Section 10(2) of the Greater London Council (General Powers)...

SCHEDULE 14 — Transitionals and Savings

*Pending proceedings, etc.*

- 1 (1) Subject to sub-paragraphs (1A) and (4), nothing in any...  
 2 Where, immediately before the day on which Part IV comes...

*CUSTODY ORDERS, ETC.*

*Cessation of declarations of unfitness, etc.*

- 3 Where, immediately before the day on which Parts I and...



*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*The Family Law Reform Act 1987 (c. 42)*

*Conversion of orders under section 4*

4 Where, immediately before the day on which Parts I and...

*Orders to which paragraphs 6 to 11 apply*

5 (1) In paragraphs 6 to 11 “an existing order” means...

*Parental responsibility of parents*

6 (1) Where— (a) a child’s father and mother were married...

*Persons who are not parents but who have custody or care and control*

7 (1) Where a person who is not the parent or...

*Persons who have care and control*

8 (1) Sub-paragraphs (2) to (6) apply where a person has...

*Persons who have access*

9 (1) Sub-paragraphs (2) to (4) apply where a person has...

*Enforcement of certain existing orders*

10 (1) Sub-paragraph (2) applies in relation to any existing order...

*Discharge of existing orders*

11 (1) The making of a residence order or a care...

*GUARDIANS*

*Existing guardians to be guardians under this Act*

12 (1) Any appointment of a person as guardian of a...

*Appointment of guardian not yet in effect*

13 Any appointment of a person to be a guardian of...

*Persons deemed to be appointed as guardians under existing wills*

14 For the purposes of the Wills Act 1837 and of...

*CHILDREN IN CARE*

*Children in compulsory care*

15 (1) Sub-paragraph (2) applies where, immediately before the day on...

*Modifications*

16 (1) Sub-paragraph (2) only applies where a person who is...

*Status: Point in time view as at 05/12/2005.*

*Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Cessation of wardship where ward in care*

16A (-) Where a child who is a ward of court...

*Children placed with parent etc. while in compulsory care*

17 (1) This paragraph applies where a child is deemed by...

*Orders for access to children in compulsory care*

18 (1) This paragraph applies to any access order—  
18A (1) This paragraph applies to any decision of a local...  
19 (1) This paragraph applies where, immediately before the commencement of...

*Children in voluntary care*

20 (1) This paragraph applies where, immediately before the day on...

*Boarded out children*

21 (1) Where, immediately before the day on which Part III...

*Children in care to qualify for advice and assistance*

22 Any reference in Part III to a person qualifying for...

*Emigration of children in care*

23 Where— (a) the Secretary of State has received a request...

*Contributions for maintenance of children in care*

24 (1) Where, immediately before the day on which Part III...

*SUPERVISION ORDERS*

25 (1) This paragraph applies to any supervision order—

*Other supervision orders*

26 (1) This paragraph applies to any order for the supervision...

*PLACE OF SAFETY ORDERS*

27 (1) This paragraph applies to— (a) any order or warrant...

*Recovery of children*

28 The repeal by this Act of subsection (1) of section...  
29 (1) This paragraph applies where— (a) a summons has been...  
30 The amendment by paragraph 27 of Schedule 12 of section...

*Voluntary organisations: Parental rights resolutions*

31 (1) This paragraph applies to a resolution—

*Status: Point in time view as at 05/12/2005.*

**Changes to legislation:** *Children Act 1989 is up to date with all changes known to be in force on or before 30 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)*

---

*Foster children*

- 32 (1) This paragraph applies where— (a) immediately before the commencement...

*Nurseries and child minding*

- 33 (1) Sub-paragraph (2) applies where, immediately before the commencement of...  
34 (1) Sub-paragraph (2) applies where, immediately before the commencement of...

*Children accommodated in certain establishments*

- 35 In calculating, for the purposes of section 85(1)(a) or 86(1)(a),...

*Criminal care orders*

- 36 (1) This paragraph applies where, immediately before the commencement of...

*MISCELLANEOUS*

*Consents under the Marriage Act 1949 (c. 76)*

- 37 (1) In the circumstances mentioned in sub-paragraph (2), section 3...

*The Children Act 1975 (c. 72)*

- 38 The amendments of other enactments made by the following provisions...

*The Child Care Act 1980 (c. 5)*

- 39 The amendment made to section 106(2)(a) of the Children and...

*Legal aid*

- 40 .....

SCHEDULE 15 — Repeals

**Status:**

Point in time view as at 05/12/2005.

**Changes to legislation:**

Children Act 1989 is up to date with all changes known to be in force on or before 30 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.