



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Effect and duration of orders etc.

91 Effect and duration of orders etc.

- (1) The making of a residence order with respect to a child who is the subject of a care order discharges the care order.
- (2) The making of a care order with respect to a child who is the subject of any section 8 order discharges that order.
- [^{F1}(2A) Where a contact activity direction has been made as regards contact with a child, the making of a care order with respect to the child discharges the direction.]
- (3) The making of a care order with respect to a child who is the subject of a supervision order discharges that other order.
- (4) The making of a care order with respect to a child who is a ward of court brings that wardship to an end.
- (5) The making of a care order with respect to a child who is the subject of a school attendance order made under [^{F2}section 437 of the Education Act 1996] discharges the school attendance order.
- [^{F3}(5A) The making of a special guardianship order with respect to a child who is the subject of—
 - (a) a care order; or
 - (b) an order under section 34,discharges that order.]

Status: Point in time view as at 01/09/2009.

Changes to legislation: Children Act 1989, Cross Heading: Effect and duration of orders etc. is up to date with all changes known to be in force on or before 22 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) Where an emergency protection order is made with respect to a child who is in care, the care order shall have effect subject to the emergency protection order.
- (7) Any order made under section 4(1) [^{F4}4ZA(1),][^{F5}4A(1)] or 5(1) shall continue in force until the child reaches the age of eighteen, unless it is brought to an end earlier.
- (8) Any—
- (a) agreement under section 4 [^{F6}, 4ZA][^{F7}or 4A]; or
 - (b) appointment under section 5(3) or (4),
- shall continue in force until the child reaches the age of eighteen, unless it is brought to an end earlier.
- (9) An order under Schedule 1 has effect as specified in that Schedule.
- (10) A section 8 order [^{F8}other than a residence order] shall, if it would otherwise still be in force, cease to have effect when the child reaches the age of sixteen, unless it is to have effect beyond that age by virtue of section 9(6)^{F9}. . . .
- (11) Where a section 8 order has effect with respect to a child who has reached the age of sixteen, it shall, if it would otherwise still be in force, cease to have effect when he reaches the age of eighteen.
- (12) Any care order, other than an interim care order, shall continue in force until the child reaches the age of eighteen, unless it is brought to an end earlier.
- (13) Any order made under any other provision of this Act in relation to a child shall, if it would otherwise still be in force, cease to have effect when he reaches the age of eighteen.
- (14) On disposing of any application for an order under this Act, the court may (whether or not it makes any other order in response to the application) order that no application for an order under this Act of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the court.
- (15) Where an application (“the previous application”) has been made for—
- (a) the discharge of a care order;
 - (b) the discharge of a supervision order;
 - (c) the discharge of an education supervision order;
 - (d) the substitution of a supervision order for a care order; or
 - (e) a child assessment order,
- no further application of a kind mentioned in paragraphs (a) to (e) may be made with respect to the child concerned, without leave of the court, unless the period between the disposal of the previous application and the making of the further application exceeds six months.
- (16) Subsection (15) does not apply to applications made in relation to interim orders.
- (17) Where—
- (a) a person has made an application for an order under section 34;
 - (b) the application has been refused; and
 - (c) a period of less than six months has elapsed since the refusal,
- that person may not make a further application for such an order with respect to the same child, unless he has obtained the leave of the court.

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Textual Amendments

- F1** S. 91(2A) inserted (8.12.2008) by Children and Adoption Act 2006 (c. 20), ss. 15, 17, **Sch. 2 para. 9**; S.I. 2008/2870, **art. 2(2)(e)**
- F2** Words in s. 91(5) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37**, Pt. I para. 90 (with Sch. 39, paras. 30, 39)
- F3** S. 91(5A) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 68(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F4** Words in s. 91(7) inserted (6.4.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, **Sch. 6 para. 29(a)**; S.I. 2009/479, **art. 6(1)(e)**
- F5** Words in s. 91(7) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 68(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F6** Words in s. 91(8)(a) inserted (6.4.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, **Sch. 6 para. 29(b)**; S.I. 2009/479, **art. 6(1)(e)**
- F7** Words in s. 91(8) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 68(c) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F8** Words in s. 91(10) inserted (1.9.2009) by Children and Young Persons Act 2008 (c. 23), ss. 37(3)(a), 44; S.I. 2009/1921, **art. 2(b)**; S.I. 2009/2273, **art. 2(2)(k)**
- F9** Words in s. 91(10) repealed (1.9.2009) by Children and Young Persons Act 2008 (c. 23), ss. 37(3)(b), 42, 44, **Sch. 4**; S.I. 2009/1921, **art. 2(b)(d)**; S.I. 2009/2273, **art. 2(2)(k)(m)**

Commencement Information

- I1** S. 91 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Status:

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