



# Children Act 1989

## 1989 CHAPTER 41

### PART II

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

##### *General*

#### **[<sup>F1</sup>110 Compensation for financial loss**

- (1) This section applies if a [<sup>F2</sup>child arrangements] order with respect to a child has been made.
- (2) If the court is satisfied that—
  - (a) an individual has failed to comply with [<sup>F3</sup>a provision of the child arrangements] order, and
  - (b) a person falling within subsection (6) has suffered financial loss by reason of the breach,it may make an order requiring the individual in breach to pay the person compensation in respect of his financial loss.
- (3) But the court may not make an order under subsection (2) if it is satisfied that the individual in breach had a reasonable excuse for failing to comply with the [<sup>F4</sup>particular provision of the child arrangements] order.
- (4) The burden of proof as to the matter mentioned in subsection (3) lies on the individual claiming to have had a reasonable excuse.
- (5) An order under subsection (2) may be made only on an application by the person who claims to have suffered financial loss.
- (6) A person falls within this subsection if he is—
  - (a) [<sup>F5</sup>a person] who is, for the purposes of the [<sup>F6</sup>child arrangements order], [<sup>F5</sup>a person] with whom the child concerned lives or is to live;

*Changes to legislation: Children Act 1989, Section 11O is up to date with all changes known to be in force on or before 12 July 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) View outstanding changes*

- (b) [<sup>F7</sup>a person] whose contact with the child concerned is provided for in the [<sup>F6</sup>child arrangements order];
  - (c) an individual subject to a condition under section 11(7)(b) or [<sup>F8</sup>an activity] condition imposed by the contact order; or
  - (d) the child concerned.
- (7) Where the person proposing to apply for an order under subsection (2) is the child concerned, the child must obtain the leave of the court before making such an application.
- (8) The court may grant leave to the child concerned only if it is satisfied that he has sufficient understanding to make the proposed application.
- (9) The amount of compensation is to be determined by the court, but may not exceed the amount of the applicant's financial loss.
- (10) In determining the amount of compensation payable by the individual in breach, the court must take into account the individual's financial circumstances.
- (11) An amount ordered to be paid as compensation may be recovered by the applicant as a civil debt due to him.
- (12) Subsection (2) has effect subject to the restrictions in section 11P.
- (13) Proceedings in which any question of making an order under subsection (2) arises are to be regarded for the purposes of section 11(1) and (2) as proceedings in which a question arises with respect to a section 8 order.
- (14) In exercising its powers under this section, a court is to take into account the welfare of the child concerned.]

#### Textual Amendments

- F1** S. 11O inserted (8.12.2008) by [Children and Adoption Act 2006 \(c. 20\)](#), **ss. 5, 17**; S.I. 2008/2870, **art. 2(2)(d)**
- F2** Words in s. 11O(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(2)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** Words in s. 11O(2)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(3)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** Words in s. 11O(3) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(4)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F5** Words in s. 11O(6)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(5)(b)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F6** Words in s. 11O(6) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(5)(a)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F7** Words in s. 11O(6)(b) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(5)(b)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F8** Words in s. 11O(6)(c) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 19(5)(c)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 9(8) inserted by 2024 c. 21 s. 18(4)(c)
- s. 10A10B inserted by 2024 c. 21 s. 18(3)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)
- s. 33(3A) inserted by 2024 c. 21 s. 18(5)
- s. 91(5B)(5C) inserted by 2024 c. 21 s. 18(6)(b)
- s. 104(3AZA) inserted by 2024 c. 21 s. 18(7)(b)