



Children Act 1975

1975 CHAPTER 72

PART II

CUSTODY

Custodianship orders

41 Restriction on removal of child where applicant has provided home for three years

- (1) While an application for a custodianship order in respect of a child made by the person with whom the child has at the time the application is made had his home for a period (whether continuous or not) amounting to at least three years is pending, another person is not entitled, against the will of the applicant, to remove the child from the applicant's custody except with the leave of a court or under authority conferred by any enactment or on the arrest of the child.
- (2) In any case where subsection (1) applies, and
 - (a) the child was in the care of a local authority before he began to have his home with the applicant, and
 - (b) the child remains in the care of a local authority,the authority in whose care the child is shall not remove the child from the applicant's custody except with the applicant's consent or the leave of a court.
- (3) Any person who contravenes subsection (1) commits an offence and shall be liable on summary conviction to imprisonment for a term not exceeding three months or a fine not exceeding £400 or both.
- (4) The Secretary of State may by order a draft of which has been approved by each House of Parliament amend subsection (1) to substitute a different period for the period mentioned in that subsection (or the period which, by a previous order under this subsection, was substituted for that period).