

Children Act 1989

CHAPTER 41

CHILDREN ACT 1989

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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

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Regulations as to placing of children with local authority foster parents

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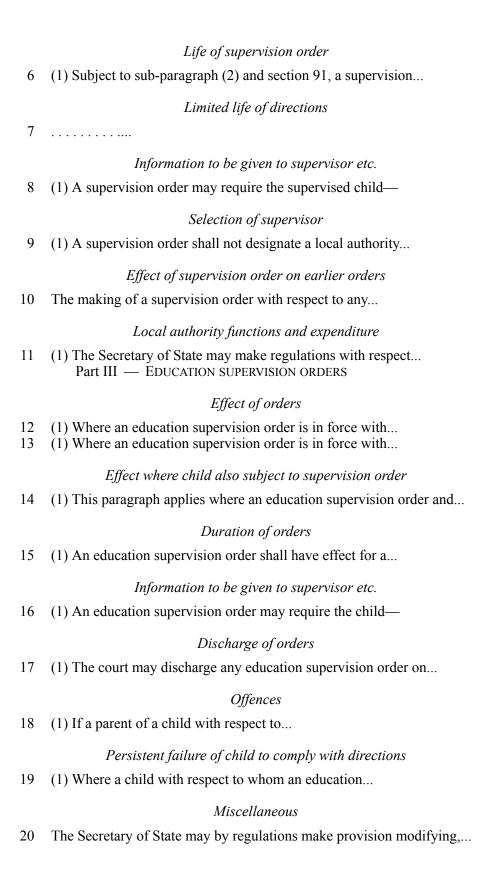
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21 In this Part of this Schedule "parent" has the same
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,	
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0	
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1	For the purposes of this Schedule, a person fosters a
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2	Subject to what follows, a person may not foster more
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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
-	
5	Effect of exceeding fostering limit (1) A person shall case to be treated for
5A	 A person shall cease to be treated, for This paragraph applies to a person (P) fostering in

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Complaints etc.

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- 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 he...

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

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Avoidance of insurances on lives of privately fostered children

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

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5	
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7	(1) Where— (a) a person is registered under section 71,
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2 2A	(1) Part XA does not apply to provision of day(1) Part XA does not apply to provision of day
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1	Part I — AMENDMENTS OF ADOPTION ACT 1976 (C. 36) In section 2 (local authorities' social services) for the words
2	In section 11 (restrictions on arranging adoptions and placing of
3 4	(1) In section 12 (adoption orders), in subsection (1) for For section 14(1) (adoption by married couple) there shall be
5	(1) In section 16 (parental agreement), in subsection (1) for

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6
     (1) In section 18 (freeing child for adoption), after subsection...
     In section 19(2) (progress reports to former parents) for the...
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 9
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10
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11
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12
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13
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14
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15
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16
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17
     (1) In section 31 (application of section 30 where child...
18
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19
     (1) In section 35 (notices and information to be given...
20
     (1) In section 51 (disclosure of birth records of adopted...
21
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22
     (1) In section 55 (adoption of children abroad), in subsection...
23
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24
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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
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32
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33
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
34
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
35
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
36
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
37
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
38
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
39
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
40
41
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
42
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
43
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
44
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
45
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
46
     Amendments of Adoption (Scotland) Act 1978 (c. 28)
SCHEDULE 11 — Jurisdiction
           Part I — GENERAL
```

1 General

Transfer of proceedings

Commencement of proceedings

2 General

Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 18 April 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

	Hearings by single justice
3	General
	General
4	General Part II — CONSEQUENTIAL AMENDMENTS
5	The Administration of Justice Act 1964 (c. 42) 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	
8	The Magistrates' Courts Act 1980 (c. 43) In the Magistrates' Courts Act 1980— (a)
Ü	
9	The Senior Courts Act 1981 (c. 54) In paragraph 3 of Schedule 1 to the Senior Courts
	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
SCI	HEDULE 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 3	In section 1(2)(a) of the Children and Young Persons Act 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
	The Births and Deaths Registration Act 1953 (c. 20)

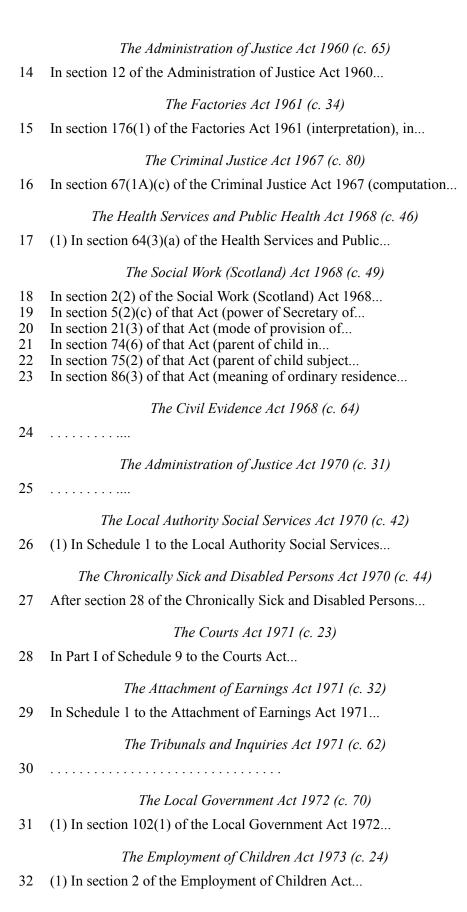
(1) Sections 10 and 10A of the Births and Deaths...

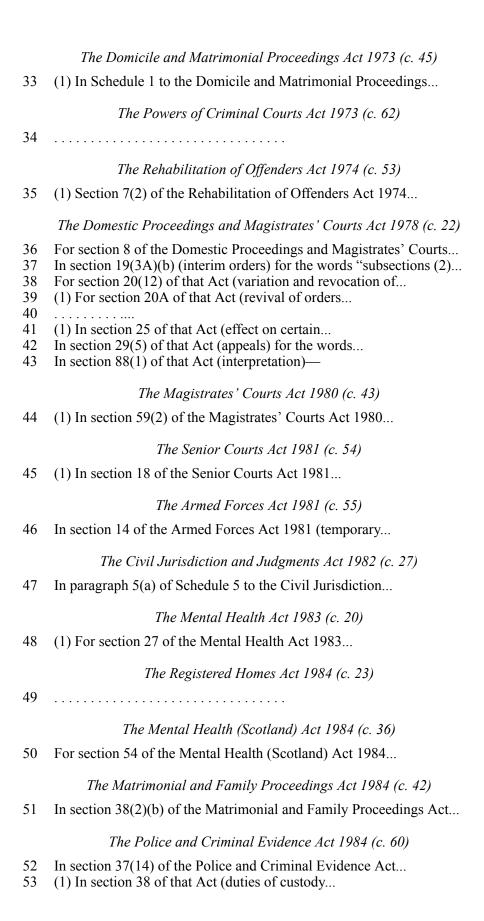
	The Army Act 1955 (c. 18)
7	In section 151 of the Army Act 1955 (deductions from
8	
	The At E
	The Air Force Act 1955 (c. 19)
9	Section 151(1A) of the Air Force Act 1955 (deductions from
10	
	The Sexual Offences Act 1956 (c. 69)
11	In section 19(3) of the Sexual Offences Act 1956 (abduction
12	In section 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	
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
	The Child Care Act 1980 (c. 5)
25	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 38 39 40	 Section 1 of the Child Abduction Act 1984 (offence In section 2 of that Act (offence of abduction At the end of section 3 of that Act (construction The Schedule to that Act (modifications of section 1
	The Foster Children (Scotland) Act 1984 (c. 56)
41 42 43	In section 1 of the Foster Children (Scotland) Act 1984 In section 2(2) of that Act (exceptions to section 1), In section 7(1) of that Act (persons disqualified from keeping
The L	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	
SC	HEDULE 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 3	In section 1(1) of the Children and Young Persons Act In the following sections of that Act—
4 5 6 7	For section 17 of that Act (interpretation of Part I) (1) In section 34 of that Act (attendance at court 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
	The Mines and Quarries Act 1954 (c. 70)
13	

Children Act 1989 (c. 41) XXIII

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- 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...
- Where, immediately before the day on which Part IV comes...

CUSTODY ORDERS, ETC.

Cessation of declarations of unfitness, etc.

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

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...

Children Act 1989 (c. 41)

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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...
- The amendment by paragraph 27 of Schedule 12 of section...

Voluntary organisations: Parental rights resolutions

31 (1) This paragraph applies to a resolution—

Changes to legislation: Children Act 1989 is up to date with all changes known to be in force on or before 18 April 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

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...

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40								
SCHEDULE 15 — Repeals								

Changes to legislation:

Children Act 1989 is up to date with all changes known to be in force on or before 18 April 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.

View outstanding changes

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Changes and effects yet to be applied to:
      s. 4(1)(a) words inserted by 2009 c. 24 Sch. 6 para. 21(2)
     s. 4ZA(1)(a) words inserted by 2009 c. 24 Sch. 6 para. 22(2)
     s. 6(3A)(a) substituted (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 41(2)
     s. 8(3) amended (prosp.) by 1996 c. 27 s. 66(1)Sch. 8 Pt. 1 para. 41(3)
     s. 17 amendment to earlier affecting provision 2002 c. 41, Sch. 3 by 2016 c. 19 Sch.
     s. 17(9) words repealed by 2009 c. 24 Sch. 7 Pt. 1
      s. 17(9) words repealed by 2012 c. 5 Sch. 14 Pt. 1
     s. 17(12) repealed by 2012 c. 5 Sch. 14 Pt. 1
     s. 17A(3A) inserted by 2008 c. 14 Sch. 14 para. 1
     s. 17A(5)(b) words repealed by 2009 c. 24 Sch. 7 Pt. 1
     s. 17A(5)(b) words repealed by 2012 c. 5 Sch. 14 Pt. 1
     s. 17B(1) words substituted by 2008 c. 23 Sch. 3 para. 4 (This amendment comes
      into force on the same day as 2000 c. 16, s. 7(1) comes into force for the purpose of
      inserting s. 17B into 1989 c. 41 in relation to Wales)
      s. 21(2)(c)(i) amended by 1994 c. 33 s. 168(1)Sch. 9 para. 38
     s. 23C amendment to earlier affecting provision 2002 c. 41, Sch. 3 by 2016 c. 19
      Sch. 12
     s. 23C(4)(b) restricted by 2002 c. 41, Sch. 3 para. 1A (as inserted) by 2016 c. 19 Sch.
      12 para. 3
     s. 23E(1A)(b) words omitted by 2018 anaw 2 Sch. 1 para. 2(2)(a)
     s. 23CA amendment to earlier affecting provision 2002 c. 41, Sch. 3 by 2016 c. 19
     s. 23CA(4) restricted by 2002 c. 41, Sch. 3 para. 1A (as inserted) by 2016 c. 19 Sch.
      12 para. 3
      s. 24A amendment to earlier affecting provision 2002 c. 41, Sch. 3 by 2016 c. 19
     s. 24B amendment to earlier affecting provision 2002 c. 41, Sch. 3 by 2016 c. 19
      Sch. 12
     s. 24B(2)(b) restricted by 2002 c. 41, Sch. 3 para. 1A (as inserted) by 2016 c. 19 Sch.
      12 para. 3
     s. 25C(2) omitted by S.I. 2017/1025 reg. 2(2)
     s. 29(3)(3A) words repealed by 2009 c. 24 Sch. 7 Pt. 1
     s. 29(3)(3A) words repealed by 2012 c. 5 Sch. 14 Pt. 1
     s. 31A(1) words substituted by 2014 c. 6 s. 15(2)(a)
     s. 62(10) by 2000 c. 14 Sch. 4 para. 14(10)(b)
     s. 97(2)-(9) repealed by 2010 c. 26 Sch. 3 para. 10Sch. 4 Pt. 2 (This amendment
      not applied to legislation.gov.uk. Sch. 3 Pt. 2 and Sch. 4 Pt. 2 repealed (4.9.2013)
      without ever being in force by 2013 c. 22, s. 17(4); S.I. 2013/2200 art. 2(a))
     s. 104(1) word repealed by 2000 c. 14 Sch. 6
      s. 104(1) words substituted by 2010 c. 26 Sch. 3 para. 11 (This amendment not
      applied to legislation.gov.uk. Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in
      force by 2013 c. 22, s. 17(4); S.I. 2013/2200 art. 2(a))
      s. 105 words substituted by 2022 c. 31 Sch. 1 para. 1(1)(2) (This amendment not
      applied to legislation.gov.uk. Amendment superseded by the substitution of s.
      105(7B) (1.7.2022) by 2022 c. 31, s. 186(6), Sch. 9 para. 2)
     s. 105(1) words repealed by 2012 c. 5 Sch. 14 Pt. 1
     Sch. 1 para. 10(2A) omitted by S.I. 2019/519 Sch. para. 17(2)(b) (This amendment
     not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 17(2) substituted
      (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(g))
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- Sch. 1 para. 10(2B) omitted by S.I. 2019/519 Sch. para. 17(2)(c) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 17(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(g))
- Sch. 1 para. 10(2) words omitted by S.I. 2019/519 Sch. para. 17(2)(a) (This amendment not applied to legislation.gov.uk. S.I. 2019/519, Sch. para. 17(2) substituted (17.12.2020) by S.I. 2020/1574, regs. 1, 5(3)(g))
- Sch. 1 para. 10(2A) words substituted by S.I. 2019/519, Sch. para. 17(2)(a) (as substituted) by S.I. 2019/1338 reg. 3(3)(g) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 1 para. 10(2B) words substituted by S.I. 2019/519, Sch. para. 17(2)(b) (as substituted) by S.I. 2019/1338 reg. 3(3)(g) (This amendment not applied to legislation.gov.uk. The affecting statutory instrument has no legal effect. It was made under a procedure which meant that it ceased to have effect 28 days after signing unless it was debated and approved in Parliament within that time. It was not debated and approved within 28 days, so it has expired with no effect.)
- Sch. 2 para. 21(4) words repealed by 2009 c. 24 Sch. 7 Pt. 1
- Sch. 2 para. 21(4) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- Sch. 9 para. 3(3) words repealed by 2000 asp 6 Sch. 3 (This amendment not applied to legislation.gov.uk. The relevant words are already repealed (1.9.1999) by 1998 c. 31, ss. 140(3), Sch. 31 (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), Sch. 1)
- Sch. 9A inserted by 2000 c. 14 Sch. 3
- Sch. 9A para. 4(2)(a)(b) repealed by 2006 c. 47 Sch. 10
- Sch. 11 para. 6(b) repealed (EW) (prosp.) by 1996 c. 27 s. 66(3)Sch. 10
- Sch. 11 para. 8(c) words repealed by 2010 c. 26 Sch. 4 Pt. 2 (This amendment not applied to legislation.gov.uk. Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4); S.I. 2013/2200 art. 2(a))
- Sch. 13 para. 14 repealed by 2010 c. 26 Sch. 4 Pt. 2 (This amendment not applied to legislation.gov.uk. Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4); S.I. 2013/2200 art. 2(a))
- Sch. 13 para. 33(1)65(1) repealed (EW) (prosp.) by 1996 c. 27 s. 66(3)Sch. 10

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. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)