

SCHEDULES

SCHEDULE 8

TRANSITIONALS AND SAVINGS

CHILDREN IN CARE

Guardians

Existing guardians to be guardians under this Order

27.—(1) Any appointment of a person as guardian for a child which—

(a) was made—

(i) under section 3 or 6 of the Guardianship of Infants Act 1886⁽¹⁾;

(ii) under section 12 of the Criminal Law Amendment Act 1885⁽²⁾;

(iii) section 6 of the Tenures Abolition Act (Ireland) 1662⁽³⁾; or

(iv) under the High Court's inherent jurisdiction with respect to children; and

(b) has taken effect before the commencement of Part XV,

shall (subject to sub-paragraph (2)) be deemed, after the commencement of that Part, to be an appointment made and having effect under Article 159 or 160 as the case may be.

(2) Where an appointment of a person as guardian of a child has effect under that Part by virtue of sub-paragraph (1)(a)(ii), the appointment shall not have effect for a period which is longer than any period directed by the court.

Appointment of guardian not yet in effect

28. Any appointment of a person to be a guardian of a child—

(a) which was made as mentioned in paragraph 27(1)(a)(i) or (iii); but

(b) which, immediately before the commencement of Part XV, had not taken effect,

shall take effect in accordance with that Part (as modified, where it applies, by paragraph 7(5)).

Children accommodated in certain establishments

29. In calculating, for the purposes of Article 174(1)(a) or (2)(a) or Article 175(1)(a) or 177(1)(a) the period of time for which a child has been accommodated any part of that period which fell before commencement of that Article shall be disregarded.

(1) 1886 c. 27

(2) 1885 c. 69

(3) 1662 c. 19

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Training school orders

30.—(1) This paragraph applies where, immediately before the commencement of Part V, a person was under the care of the managers of a training school by virtue of a training school order under section 95, 108(a) or 143(6)(b) of the Children and Young Persons Act (Northern Ireland) 1968.

(2) If, on the commencement of Part V, the person has reached the age of 18, the training school order shall cease to have effect.

(3) If, on the commencement of Part V, the person has not reached the age of 18, then, on and after the commencement of that Part—

- (a) the training school order shall be deemed to be a care order;
- (b) the authority in whose area the person is ordinarily resident shall be deemed to be the authority designated in that deemed care order; and
- (c) any reference to a child in the care of an authority shall include a reference to a person who is the subject of such a deemed care order,

and the provisions of this Order shall apply accordingly, subject to sub-paragraphs (4) and (5).

(4) The deemed care order shall not continue to have effect beyond the date on which the training school order would have ceased to have effect by virtue of section 87(1) of the Children and Young Persons Act (Northern Ireland) 1968.

(5) Before the expiration of the period of six months beginning with the commencement of Part V, the authority referred to in sub-paragraph (3)(b) shall review the case of any person in relation to whom it is the authority designated in the deemed care order in accordance with Article 45 (reviews where child is looked after by an authority).