
Changes to legislation: Children Act 1989, Paragraph 3 is up to date with all changes known to be in force on or before 21 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

SCHEDULES

SCHEDULE 1

FINANCIAL PROVISION FOR CHILDREN

Duration of orders for financial relief

- 3 (1) The term to be specified in an order for periodical payments made under paragraph 1(2)(a) or (b) in favour of a child may begin with the date of the making of an application for the order in question or any later date [^{F1}or a date ascertained in accordance with sub-paragraph (5) or (6)] but—
- (a) shall not in the first instance extend beyond the child's seventeenth birthday unless the court thinks it right in the circumstances of the case to specify a later date; and
 - (b) shall not in any event extend beyond the child's eighteenth birthday.
- (2) Paragraph (b) of sub-paragraph (1) shall not apply in the case of a child if it appears to the court that—
- (a) the child is, or will be or (if an order were made without complying with that paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
 - (b) there are special circumstances which justify the making of an order without complying with that paragraph.
- (3) An order for periodical payments made under paragraph 1(2)(a) or 2(2)(a) shall, notwithstanding anything in the order, cease to have effect on the death of the person liable to make payments under the order.
- (4) Where an order is made under paragraph 1(2)(a) or (b) requiring periodical payments to be made or secured to the parent of a child, the order shall cease to have effect if—
- (a) any parent making or securing the payments; and
 - (b) any parent to whom the payments are made or secured,
- live together for a period of more than six months.
- [^{F2}(5) Where—
- (a) a [^{F3}maintenance calculation]]("the [^{F4}current calculation]") is in force with respect to a child; and
 - (b) an application is made for an order under paragraph 1(2)(a) or (b) of this Schedule for periodical payments in favour of that child—
 - (i) in accordance with section 8 of the Child Support Act 1991 ^{M1}; and
 - (ii) before the end of the period of 6 months beginning with the making of the [^{F4}current calculation],the term to be specified in any such order made on that application may be expressed to begin on, or at any time after, the earliest permitted date.

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(6) For the purposes of subsection (5) above, “the earliest permitted date” is whichever is the later of—

- (a) the date 6 months before the application is made; or
- (b) the date on which the [^{F4}current calculation] took effect or, where successive [^{F5}maintenance calculations] have been continuously in force with respect to a child, on which the first of [^{F6}those calculations] took effect.

(7) Where—

- (a) a [^{F3}maintenance calculation] ceases to have effect [^{F7}or is cancelled] by or under any provision of the Child Support Act 1991, and
- (b) an application is made, before the end of the period of 6 months beginning with the relevant date, for an order for periodical payments under paragraph 1(2)(a) or (b) in favour of a child with respect to whom that [^{F3}maintenance calculation] was in force immediately before it ceased to have effect [^{F8}or was cancelled],

the term to be specified in any such order, or in any interim order under paragraph 9, made on that application may begin with the date on which that [^{F3}maintenance calculation] ceased to have effect [^{F9}or, as the case may be, the date with effect from which it was cancelled], or any later date.

(8) In sub-paragraph (7)(b)—

- (a) where the [^{F3}maintenance calculation] ceased to have effect, the relevant date is the date on which it so ceased; [^{F10}and
- (b) where the maintenance assessment was cancelled, the relevant date is the later of—
 - (i) the date on which the person who cancelled it did so, and
 - (ii) the date from which the cancellation first had effect.]

Textual Amendments

- F1** Words in Sch. 1 para. 3(1) inserted (5.4.1993) by S.I. 1993/623, art. 2, Sch. 1 para. 10
- F2** Sch. 1 para. 3(5)-(8) inserted (5.4.1993) by S.I. 1993/623, art. 2, Sch. 1 para. 11
- F3** Words in Sch. 1 para. 3(5)(a)(7)(8)(a) substituted (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 26, 86(1), Sch. 3 para. 10(2)(a) (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.
- F4** Words in Sch. 1 para. 3(5)(a)(b)(ii)(6)(b) substituted (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 26, 86(1), Sch. 3 para. 10(2)(b) (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.
- F5** Words in Sch. 1 para. 3(6)(b) substituted (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 26, 86(1), Sch. 3 para. 10(2)(c) (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.
- F6** Words in Sch. 1 para. 3(6)(b) substituted (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 26, 86(1), Sch. 3 para. 10(2)(d) (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.
- F7** Words in Sch. 1 para. 3(7)(a) repealed 3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 85, 86(1), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.
- F8** Words in Sch. 1 para. 3(7)(b) repealed (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 85, 86(1), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.
- F9** Words in Sch. 1 para. 3(7) repealed (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 85, 86(1), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, art. 3, 8, Sch.
- F10** Sch. 1 para. 3(8)(b) and the preceding "and" repealed (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 85, 86(1), Sch. 9 Pt. I (with s. 83(6)); S.I. 2003/192, arts. 3, 8, Sch.

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Commencement Information

I1 Sch. 1 para. 3 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Marginal Citations

M1 1991 c.48.

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