

**Changes to legislation:** Children Act 1989, Cross Heading: Children in compulsory care is up to date with all changes known to be in force on or before 20 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 14

#### TRANSITIONALS AND SAVINGS

##### *Children in compulsory care*

- 15 (1) Sub-paragraph (2) applies where, immediately before the day on which Part IV comes into force, a person was—
- (a) in care by virtue of—
    - (i) a care order under section 1 of the <sup>M1</sup>Children and Young Persons Act 1969;
    - (ii) a care order under section 15 of that Act, on discharging a supervision order made under section 1 of that Act; or
    - (iii) an order or authorisation under section 25 or 26 of that Act;
  - <sup>F1</sup>(b) . . . . .
  - (c) in care—
    - (i) under section 2 of the <sup>M2</sup>Child Care Act 1980; or
    - (ii) by virtue of paragraph 1 of Schedule 4 to that Act (which extends the meaning of a child in care under section 2 to include children in care under section 1 of the <sup>M3</sup>Children Act 1948),  
and a child in respect of whom a resolution under section 3 of the Act of 1980 or section 2 of the Act of 1948 was in force;
  - (d) a child in respect of whom a resolution had been passed under section 65 of the Child Care Act 1980;
  - (e) in care by virtue of an order under—
    - (i) section 2(1)(e) of the <sup>M4</sup>Matrimonial Proceedings (Magistrates' Courts) Act 1960;
    - (ii) section 7(2) of the <sup>M5</sup>Family Law Reform Act 1969;
    - (iii) section 43(1) of the <sup>M6</sup>Matrimonial Causes Act 1973; or
    - (iv) section 2(2)(b) of the <sup>M7</sup>Guardianship Act 1973;
    - (v) section 10 of the <sup>M8</sup>Domestic Proceedings and Magistrates' Courts Act 1978,  
(orders having effect for certain purposes as if the child had been received into care under section 2 of the Child Care Act 1980);
  - (f) in care by virtue of an order made, on the revocation of a custodianship order, under section 36 of the <sup>M9</sup>Children Act 1975; <sup>F2</sup> . . .
  - (g) in care by virtue of an order made, on the refusal of an adoption order, under section 26 of the <sup>M10</sup>Adoption Act 1976 or any order having effect (by virtue of paragraph 1 of Schedule 2 to that Act) as if made under that section.

[<sup>F3</sup>; or—

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- (h) in care by virtue of an order of the court made in the exercise of the High Court's inherent jurisdiction with respect to children,]
- (2) Where this sub-paragraph applies, then, on and after the day on which Part IV commences—
- (a) the order or resolution in question shall be deemed to be a care order;
  - (b) the authority in whose care the person was immediately before that commencement shall be deemed to be the authority designated in that deemed care order; and
  - (c) any reference to a child in the care of a local authority shall include a reference to a person who is the subject of such a deemed care order,
- and the provisions of this Act shall apply accordingly, subject to paragraph 16.

#### Textual Amendments

- F1** Sch. 14 para. 15(1)(b) repealed (1. 1. 1992) by [Armed Forces Act 1991 \(c. 62, SIF 7:1\)](#), s. 26(2), **Sch. 3**; S.I. 1991/2719, **art. 2**, Sch. (with art. 3(1))
- F2** Word in Sch. 14 para. 15(1) repealed (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 125(7), **Sch. 20**; S.I. 1991/1883, **art. 3**, **Sch.**
- F3** Sch. 14 para. 15(1)(h) added (14.10.1991) by [Courts and Legal Services Act 1990 \(c. 41, SIF 76:1\)](#), s. 116, **Sch. 16 para. 33(2)**; S.I. 1991/1883, **art. 3**, **Sch.**

#### Commencement Information

- I1** Sch. 14 para. 15 in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and S.I. 1991/828, **art. 3(2)**

#### Marginal Citations

- M1** 1969 c. 54.  
**M2** 1980 c. 5.  
**M3** 1948 c. 43.  
**M4** 1960 c. 48.  
**M5** 1969 c. 46.  
**M6** 1973 c. 18.  
**M7** 1973 c. 29.  
**M8** 1978 c. 22.  
**M9** 1975 c. 72.  
**M10** 1976 c. 36.

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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\(2\)\(b\)](#)