



# Children Act 1989

## 1989 CHAPTER 41

### PART II

#### ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

##### *<sup>F1</sup>[Special guardianship]*

##### <sup>F1</sup>[14C Special guardianship orders: effect

- (1) The effect of a special guardianship order is that while the order remains in force—
  - (a) a special guardian appointed by the order has parental responsibility for the child in respect of whom it is made; and
  - (b) subject to any other order in force with respect to the child under this Act, a special guardian is entitled to exercise parental responsibility to the exclusion of any other person with parental responsibility for the child (apart from another special guardian).
- (2) Subsection (1) does not affect—
  - (a) the operation of any enactment or rule of law which requires the consent of more than one person with parental responsibility in a matter affecting the child; or
  - (b) any rights which a parent of the child has in relation to the child's adoption or placement for adoption.
- (3) While a special guardianship order is in force with respect to a child, no person may—
  - (a) cause the child to be known by a new surname; or
  - (b) remove him from the United Kingdom,without either the written consent of every person who has parental responsibility for the child or the leave of the court.
- (4) Subsection (3)(b) does not prevent the removal of a child, for a period of less than three months, by a special guardian of his.

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*Changes to legislation: Children Act 1989, Section 14C 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*

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- (5) If the child with respect to whom a special guardianship order is in force dies, his special guardian must take reasonable steps to give notice of that fact to—
- (a) each parent of the child with parental responsibility; and
  - (b) each guardian of the child,
- but if the child has more than one special guardian, and one of them has taken such steps in relation to a particular parent or guardian, any other special guardian need not do so as respects that parent or guardian.
- (6) This section is subject to section 29(7) of the Adoption and Children Act 2002.]

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**Textual Amendments**

**F1** Ss. 14A-14G inserted (30.12.2005) by 2002 c. 38, ss. 115(1), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(k)**

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**Modifications etc. (not altering text)**

**C1** S. 14C(1)(b) modified (30.12.2005) by 2002 c. 38, ss. 29(7)(a), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(c)**

**C2** S. 14C(3)(4) excluded (30.12.2005) by 2002 c. 38, ss. 29(7)(b), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(c)**

**Changes to legislation:**

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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)