



Adoption and Children Act 2002

2002 CHAPTER 38

PART 2

AMENDMENTS OF THE CHILDREN ACT 1989

114 Residence orders: extension to age of 18

- (1) In section 12 of the 1989 Act (residence orders and parental responsibility), after subsection (4) there is inserted—
 - “(5) The power of a court to make a residence order in favour of any person who is not the parent or guardian of the child concerned includes power to direct, at the request of that person, that the order continue in force until the child reaches the age of eighteen (unless the order is brought to an end earlier); and any power to vary a residence order is exercisable accordingly.
 - (6) Where a residence order includes such a direction, an application to vary or discharge the order may only be made, if apart from this subsection the leave of the court is not required, with such leave”.
- (2) In section 9 of that Act (restrictions on making section 8 orders), at the beginning of subsection (6) there is inserted “ Subject to section 12(5) ”.
- (3) In section 91 of that Act (effect and duration of orders), in subsection (10), after “9(6)” there is inserted “ or 12(5) ”.

Commencement Information

- II** S. 114 in force at 30.12.2005 by [S.I. 2005/2213](#), [art. 2\(k\)](#) (with savings and transitional provisions in [S.I. 2005/2897](#), arts. 3-16)

Changes to legislation:

Adoption and Children Act 2002, Section 114 is up to date with all changes known to be in force on or before 18 March 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](#)

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. 4A inserted by [2014 c. 6 s. 5](#)
- s. 141(7) inserted by [2010 c. 26 Sch. 3 para. 13](#) (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 Sch. 3 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))