



Children and Young Persons Act 2008

2008 CHAPTER 23

PART 4

ORDERS UNDER PART 2 OF THE 1989 ACT

Residence orders

36 Entitlement of relative to apply for a residence order

In section 10 of the 1989 Act (power of the court to make orders under section 8 of that Act), after subsection (5A) insert—

“(5B) A relative of a child is entitled to apply for a residence order with respect to the child if the child has lived with the relative for a period of at least one year immediately preceding the application.”

Commencement Information

- I1** S. 36 in force at 1.9.2009 for W. by S.I. 2009/1921, art. 2(a)
I2 S. 36 in force at 1.9.2009 for E. by S.I. 2009/2273, art. 2(2)(j)

37 Duration of residence orders

- (1) In section 9(6) of the 1989 Act (restriction on length of orders under section 8 of that Act) for the words from the beginning to “which” substitute “ No court shall make a specific issue order, contact order or prohibited steps order ”.
- (2) In section 12 of that Act (residence orders and parental responsibility) omit subsections (5) and (6).
- (3) In section 91(10) of that Act (duration of section 8 orders)—
 - (a) after “section 8 order” insert “ other than a residence order ”; and
 - (b) omit “or 12(5)”.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 2008, Part 4. (See end of Document for details)

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Commencement Information

- I3** S. 37 in force at 1.9.2009 for W. by S.I. 2009/1921, **art. 2(b)**
I4 S. 37 in force at 1.9.2009 for E. by S.I. 2009/2273, **art. 2(2)(k)**

Special guardianship orders

38 Entitlement of relative to apply for a special guardianship order

In section 14A(5) of the 1989 Act (persons entitled to apply for special guardianship order), after paragraph (d) insert “;

- (e) a relative with whom the child has lived for a period of at least one year immediately preceding the application.”

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Commencement Information

- I5** S. 38 in force at 1.9.2009 for E. by S.I. 2009/2273, **art. 2(2)(l)**
I6 S. 38 in force at 1.9.2009 for W. by S.I. 2009/1921, **art. 2(c)**

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons Act 2008, Part 4.