

SCHEDULE 2

Article 3

TRANSITIONAL PROVISIONS

1. In this Schedule “the relevant date” means the date on which section 33 of the Children Act 1975 comes into force.

2. In relation to an application made before the relevant date for an order under section 2, 6 or 7 of the Act of 1978, section 8 of that Act shall have effect as if subsection (3) were omitted.

3. In relation to an application made before the relevant date for an order under section 2, 6 or 7 of the Act of 1978, section 11(3) of that Act shall have effect as if the words “a parent of that child but” were omitted and for the words “that parent” in both places where they occur there were substituted the words “that person”.

4. In relation to an application under subsection (3) of section 14 of the Act of 1978 for the variation or revocation of an order under subsection (1) thereof relating to an order under section 8(2) of that Act pursuant to an application made before the relevant date, the said subsection (3) shall have effect as if, at the end, there were inserted the words “or (d) any other person who has the legal custody of the child”.

5. In relation to an application made before the relevant date for an order under section 2, 6 or 7 of the Act of 1978, section 19(2) of that Act shall have effect as if the words “a parent of the child but” were omitted and for the words “that parent” there were substituted the words “that person”.

6. In relation to an applicant under section 20 of the Act of 1978 for the variation or revocation of an order under section 11(3) of that Act pursuant to an application made before the relevant date, subsection (12)(b) of the said section 20 shall have effect as if the words “a parent of that child but” were omitted and for the words “that parent” there were substituted the words “that person”.

7. In relation to an application under section 21 of the Act of 1978 for the variation or revocation of an order under section 8, 9, 10 or 19 of that Act pursuant to an application made before the relevant date, subsection (7)(a) of the said section 21 shall have effect as if, at the end, there were inserted the words “or has the legal custody of that child”.

8. In relation to an order under section 8(2) of the Act of 1978 pursuant to an application made before the relevant date, section 25(2)(c) of that Act shall have effect as if the words “a parent of that child but” were omitted.

9. In relation to an order under section 8(2) or 19 of the Act of 1978 pursuant to an application made before the relevant date, section 34(3) of that Act shall have effect as if, at the end, there were inserted the words “or has the legal custody of that child”.

10. In relation to an order under section 9(1), 10(1)(a) or 11(a) of the Guardianship of Minors Act 1971 or section 2(4) of the Guardianship Act 1973 pursuant to an application made before the relevant date, section 39 of the Act of 1978 shall have effect as if, in subsection (3) of the new section 13A thereby inserted in the said Act of 1971, there were inserted at the end the words “or by any other person who has the legal custody of the minor concerned by virtue of the order so mentioned”.

11. In relation to an application made before the relevant date for an order under section 9 of the Guardianship of Minors Act 1971, section 41(2) of the Act of 1978 shall have effect as if, in the new subsection thereby substituted for subsection (2) of the said section 9, for the words “one of the parents” there were substituted the words “any person (whether or not one of the parents)”, for the words “the parent” in both places where they occur there were substituted the words “any parent” and for the words “the other parent” in both places where they occur there were substituted the words “the person given the right to actual custody”; and, if paragraph 75(1)(c) of Schedule 3 to the Children Act 1975 is not in force on the date specified in Article 2 of this Order the said section 41(2)

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shall also have effect in relation to such an application as if, after the words “and in subsection (4) after the words `this section” there were inserted the words “in the first place where they occur”.

12. In relation to an application made before the relevant date for an order under section 9 of the Guardianship of Minors Act 1971, section 45(2) of the Act of 1978 shall have effect as if, in the new subsection thereby substituted for section 2(4) of the Guardianship Act 1973, there were inserted after the word “other” the words “or to any person given the right to the actual custody of the minor”.

13. In relation to an order under section 9(2) of the Guardianship of Minors Act 1971 or section 2 of the Guardianship Act 1973 pursuant to an application made before the relevant date, section 46 of the Act of 1978 shall have effect as if, in subsection (2) of the new section 5A thereby inserted in the said Act of 1973, for sub-paragraphs (a) to (c) there were substituted the following sub-paragraphs:—

- “(a) an order under section 9(1) of the Guardianship of Minors Act 1971 which gives the right to the actual custody of a minor to a person who is not a parent of the minor,
- (b) an order under section 9(2) of that Act which requires periodical payments to be made to a minor or to a person who has the right to the actual custody of a minor but who is not a parent of the minor,
- (c) an order under section 2(2)(a), (2)(b) or (3) above,
- (d) an interim order under section 2(4) or (5) above containing a provision requiring periodical payments to be made to a minor or to a person who has the right to the actual custody of a minor but who is not a parent of the minor or a provision giving the right to the actual custody of a minor to a person who is not a parent of the minor,”