
Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1987, Paragraph 54. (See end of Document for details)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Guardianship Act 1973 (c.29)

- 54 (1) Section 2 of that Act shall be amended as follows.
- (2) For subsection (2) there shall be substituted the following subsection—
- “(2) Where an application is made under section 9 of the Guardianship of Minors Act 1971 for the legal custody of a child, then subject to sections 3 and 4 below—
- (a) if by virtue of the making of, or refusal to make, an order on that application the actual custody of the child is given to, or retained by, a parent of the child, but it appears to the court that there are exceptional circumstances making it desirable that the child should be under the supervision of an independent person, the court may make an order that the child shall be under the supervision of a specified local authority or under the supervision of a probation officer;
- (b) if it appears to the court that there are exceptional circumstances making it impracticable or undesirable for the child to be entrusted to either of the parents, the court may commit the care of the child to a specified local authority.”
- (3) In subsection (3B) for the words “section 9(2)” there shall be substituted the words “section 11B”.
- (4) For subsections (4) and (5) there shall be substituted the following subsections—
- “(4) Subject to the provisions of this section, where an application is made under section 9 of the Guardianship of Minors Act 1971 the court, at any time before it makes a final order or dismisses the application, may, if by reason of special circumstances the court thinks it proper, make an interim order containing any such provision regarding the legal custody of and right of access to the child as the court has power to make under that section.
- (4A) Subject to the provisions of this section, where an application is made under section 11B of the Guardianship of Minors Act 1971, the court, at any time before it makes a final order or dismisses the application, may make an interim order requiring either parent to make to the other or to the child such periodical payments towards the maintenance of the child as the court thinks fit.
- (5) Where under section 16(4) of the Guardianship of Minors Act 1971 the court refuses to make an order on an application under section 9 or 11B of that Act

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on the ground that the matter is one that would more conveniently be dealt with by the High Court, the court shall have power—

- (a) in the case of an application under section 9 of that Act, to make an order under subsection (4) above,
- (b) in the case of an application under section 11B of that Act, to make an order under subsection (4A) above”.

(5) In subsection (5B) for the words “section 9” there shall be substituted the words “section 11B”.

(6) For subsection (5E) there shall be substituted the following subsection—

“(5E) On an application under section 9 or 11B of the Guardianship of Minors Act 1971 the court shall not have power to make more than one interim order under this section with respect to that application, but without prejudice to the powers of the court under this section on any further such application.”

(7) Subsection (6) shall cease to have effect.

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