



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Effect and duration of orders etc.

91 Effect and duration of orders etc.

- (1) The making of a [^{F1}child arrangements order with respect to the living arrangements of] a child who is the subject of a care order discharges the care order.
- [^{F2}(1A) For the purposes of subsection (1), a child arrangements order is one made with respect to the living arrangements of a child if the arrangements regulated by the order consist of, or include, arrangements which relate to either or both of the following—
 - (a) with whom the child is to live, and
 - (b) when the child is to live with any person.]
- (2) The making of a care order with respect to a child who is the subject of any section 8 order discharges that order.
- [^{F3}(2A) Where [^{F4}an] activity direction has been made [^{F5}with respect to] a child, the making of a care order with respect to the child discharges the direction.]
- (3) The making of a care order with respect to a child who is the subject of a supervision order discharges that other order.
- (4) The making of a care order with respect to a child who is a ward of court brings that wardship to an end.
- (5) The making of a care order with respect to a child who is the subject of a school attendance order made under [^{F6}section 437 of the Education Act 1996] discharges the school attendance order.
- [^{F7}(5A) The making of a special guardianship order with respect to a child who is the subject of—

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- (a) a care order; or
 - (b) an order under section 34,
discharges that order.]
- (6) Where an emergency protection order is made with respect to a child who is in care, the care order shall have effect subject to the emergency protection order.
- (7) Any order made under section 4(1) [^{F8}4ZA(1),][^{F9}4A(1)] or 5(1) shall continue in force until the child reaches the age of eighteen, unless it is brought to an end earlier.
- (8) Any—
- (a) agreement under section 4 [^{F10}, 4ZA][^{F11}or 4A]; or
 - (b) appointment under section 5(3) or (4),
- shall continue in force until the child reaches the age of eighteen, unless it is brought to an end earlier.
- (9) An order under Schedule 1 has effect as specified in that Schedule.
- (10) A section 8 order ^{F12}... shall, if it would otherwise still be in force, cease to have effect when the child reaches the age of sixteen, unless it is to have effect beyond that age by virtue of section 9(6)^{F13}
- [^{F14}(10A) Subsection (10) does not apply to provision in a child arrangements order which regulates arrangements relating to—
- (a) with whom a child is to live, or
 - (b) when a child is to live with any person.]
- (11) Where a section 8 order has effect with respect to a child who has reached the age of sixteen, it shall, if it would otherwise still be in force, cease to have effect when he reaches the age of eighteen.
- (12) Any care order, other than an interim care order, shall continue in force until the child reaches the age of eighteen, unless it is brought to an end earlier.
- (13) Any order made under any other provision of this Act in relation to a child shall, if it would otherwise still be in force, cease to have effect when he reaches the age of eighteen.
- (14) On disposing of any application for an order under this Act, the court may (whether or not it makes any other order in response to the application) order that no application for an order under this Act of any specified kind may be made with respect to the child concerned by any person named in the order without leave of the court.
- [^{F15}For further provision about orders under this subsection, see section 91A (section 91(14) orders: further provision).]
- (15) Where an application (“the previous application”) has been made for—
- (a) the discharge of a care order;
 - (b) the discharge of a supervision order;
 - (c) the discharge of an education supervision order;
 - (d) the substitution of a supervision order for a care order; or
 - (e) a child assessment order,
- no further application of a kind mentioned in paragraphs (a) to (e) may be made with respect to the child concerned, without leave of the court, unless the period between the

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disposal of the previous application and the making of the further application exceeds six months.

(16) Subsection (15) does not apply to applications made in relation to interim orders.

(17) Where—

- (a) a person has made an application for an order under section 34;
- (b) the application has been refused; and
- (c) a period of less than six months has elapsed since the refusal,

that person may not make a further application for such an order with respect to the same child, unless he has obtained the leave of the court.

Textual Amendments

- F1** Words in s. 91(1) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 37\(2\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F2** S. 91(1A) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 37\(3\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F3** S. 91(2A) inserted (8.12.2008) by [Children and Adoption Act 2006 \(c. 20\), ss. 15, 17, Sch. 2 para. 9](#); [S.I. 2008/2870, art. 2\(2\)\(e\)](#)
- F4** Word in s. 91(2A) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 37\(4\)\(a\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F5** Words in s. 91(2A) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 37\(4\)\(b\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F6** Words in s. 91(5) substituted (1.11.1996) by [1996 c. 56, ss. 582\(1\), 583\(2\), Sch. 37, Pt. I para. 90](#) (with [Sch. 39, paras. 30, 39](#))
- F7** S. 91(5A) inserted (30.12.2005) by [2002 c. 38, ss. 139, 148, Sch. 3 para. 68\(a\)](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213, art. 2\(o\)](#)
- F8** Words in s. 91(7) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), ss. 56, 68, Sch. 6 para. 29\(a\)](#); [S.I. 2009/479, art. 6\(1\)\(e\)](#)
- F9** Words in s. 91(7) inserted (30.12.2005) by [2002 c. 38, ss. 139, 148, Sch. 3 para. 68\(b\)](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213, art. 2\(o\)](#)
- F10** Words in s. 91(8)(a) inserted (6.4.2009) by [Human Fertilisation and Embryology Act 2008 \(c. 22\), ss. 56, 68, Sch. 6 para. 29\(b\)](#); [S.I. 2009/479, art. 6\(1\)\(e\)](#)
- F11** Words in s. 91(8) inserted (30.12.2005) by [2002 c. 38, ss. 139, 148, Sch. 3 para. 68\(c\)](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213, art. 2\(o\)](#)
- F12** Words in s. 91(10) omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 37\(5\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F13** Words in s. 91(10) repealed (1.9.2009) by [Children and Young Persons Act 2008 \(c. 23\), ss. 37\(3\)\(b\), 42, 44, Sch. 4](#); [S.I. 2009/1921, art. 2\(b\)\(d\)](#); [S.I. 2009/2273, art. 2\(2\)\(k\)\(m\)](#)
- F14** S. 91(10A) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 37\(6\)](#); [S.I. 2014/889, art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042, arts. 3, 4, 6-10](#))
- F15** Words in s. 91(14) inserted (19.5.2022) by [Domestic Abuse Act 2021 \(c. 17\), ss. 67\(2\), 90\(6\)](#); [S.I. 2022/553, regs. 1\(2\), 2\(1\)\(b\)](#)

Commencement Information

- I1** S. 91 wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and [S.I. 1991/828, art. 3\(2\)](#)

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[^{F16}91A Section 91(14) orders: further provision

- (1) This section makes further provision about orders under section 91(14) (referred to in this section as “section 91(14) orders”).
- (2) The circumstances in which the court may make a section 91(14) order include, among others, where the court is satisfied that the making of an application for an order under this Act of a specified kind by any person who is to be named in the section 91(14) order would put—
 - (a) the child concerned, or
 - (b) another individual (“the relevant individual”),
 at risk of harm.
- (3) In the case of a child or other individual who has reached the age of eighteen, the reference in subsection (2) to “harm” is to be read as a reference to ill-treatment or the impairment of physical or mental health.
- (4) Where a person who is named in a section 91(14) order applies for leave to make an application of a specified kind, the court must, in determining whether to grant leave, consider whether there has been a material change of circumstances since the order was made.
- (5) A section 91(14) order may be made by the court—
 - (a) on an application made—
 - (i) by the relevant individual;
 - (ii) by or on behalf of the child concerned;
 - (iii) by any other person who is a party to the application being disposed of by the court;
 - (b) of its own motion.
- (6) In this section, “the child concerned” means the child referred to in section 91(14).]

Textual Amendments

F16 S. 91A inserted (E.W.) (19.5.2022) by [Domestic Abuse Act 2021 \(c. 17\)](#), **ss. 67(3)**, 90(6); S.I. 2022/553, regs. 1(2), 2(1)(b)

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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)