
Changes to legislation: Children Act 1989, Cross Heading: Matters to which court is to have regard in making orders for financial relief is up to date with all changes known to be in force on or before 24 June 2018. 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. (See end of Document for details)

SCHEDULES

SCHEDULE 1

FINANCIAL PROVISION FOR CHILDREN

Matters to which court is to have regard in making orders for financial relief

- 4 (1) In deciding whether to exercise its powers under paragraph 1 or 2, and if so in what manner, the court shall have regard to all the circumstances including—
- (a) the income, earning capacity, property and other financial resources which each person mentioned in sub-paragraph (4) has or is likely to have in the foreseeable future;
 - (b) the financial needs, obligations and responsibilities which each person mentioned in sub-paragraph (4) has or is likely to have in the foreseeable future;
 - (c) the financial needs of the child;
 - (d) the income, earning capacity (if any), property and other financial resources of the child;
 - (e) any physical or mental disability of the child;
 - (f) the manner in which the child was being, or was expected to be, educated or trained.
- (2) In deciding whether to exercise its powers under paragraph 1 against a person who is not the mother or father of the child, and if so in what manner, the court shall in addition have regard to—
- (a) whether that person had assumed responsibility for the maintenance of the child and, if so, the extent to which and basis on which he assumed that responsibility and the length of the period during which he met that responsibility;
 - (b) whether he did so knowing that the child was not his child;
 - (c) the liability of any other person to maintain the child.
- (3) Where the court makes an order under paragraph 1 against a person who is not the father of the child, it shall record in the order that the order is made on the basis that the person against whom the order is made is not the child's father.
- (4) The persons mentioned in sub-paragraph (1) are—
- (a) in relation to a decision whether to exercise its powers under paragraph 1, any parent of the child;
 - (b) in relation to a decision whether to exercise its powers under paragraph 2, the mother and father of the child;
 - (c) the applicant for the order;
 - (d) any other person in whose favour the court proposes to make the order.
- [^{F1}(5) In the case of a child who has a parent by virtue of section 42 or 43 of the Human Fertilisation and Embryology Act 2008, any reference in sub-paragraph (2), (3) or

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(4) to the child's father is a reference to the woman who is a parent of the child by virtue of that section.]

Annotations:

Amendments (Textual)

- F1** Sch. 1 para. 4(5) inserted (6.4.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, Sch. 6 para. 32(2); S.I. 2009/479, art. 6(1)(e)

Commencement Information

- II** Sch. 1 para. 4 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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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. 23E(1A)(ba) inserted by 2018 anaw 2 Sch. 1 para. 2(2)(b)
- s. 23ZZA and cross-heading inserted by 2017 c. 16 s. 4
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)
- s. 36(11) inserted by 2018 anaw 2 Sch. 1 para. 2(3)