

SCHEDULES

SCHEDULE 14

TRANSITIONALS AND SAVINGS

Persons who have care and control

- 8 (1) Sub-paragraphs (2) to (6) apply where a person has care and control of a child by virtue of an existing order, but they shall cease to apply when that order ceases to have effect.
- (2) Section 5 shall have effect as if—
- (a) for any reference to a residence order in favour of a parent or guardian there were substituted a reference to any existing order by virtue of which the parent or guardian has care and control of the child; and
 - (b) for subsection (9) there were substituted—
“(9) Subsections (1) and (7) do not apply if the existing order referred to in paragraph (b) of those subsections was one by virtue of which a surviving parent of the child also had care and control of him.”
- (3) Section 10 shall have effect as if for subsection (5)(c)(i) there were substituted—
“(i) in any case where by virtue of an existing order any person or persons has or have care and control of the child, has the consent of that person or each of those persons”.
- (4) Section 20 shall have effect as if for subsection (9)(a) there were substituted “who has care and control of the child by virtue of an existing order.”
- (5) Section 23 shall have effect as if for subsection (4)(c) there were substituted—
“(c) where the child is in care and immediately before the care order was made there was an existing order by virtue of which a person had care and control of the child, that person.”
- (6) In Schedule 1, paragraphs 1(1) and 14(1) shall have effect as if for the words “in whose favour a residence order is in force with respect to the child” there were substituted “who has been given care and control of the child by virtue of an existing order”.