

Status: Point in time view as at 14/10/1991.

Changes to legislation: Courts and Legal Services Act 1990, Part II is up to date with all changes known to be in force on or before 13 September 2023. 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 16

CHILDREN ACT 1989

PART II

FURTHER CONSEQUENTIAL AMENDMENTS

The Maintenance Orders Act 1950 (c. 37)

34 In section 15(1)(a) of the Maintenance Orders Act 1950 (service of process), for sub-paragraphs (iii) and (iv) there shall be substituted—

“(iii) section 92 of and Schedule 11 to the Children Act 1989; or

(iv) section 93(2)(g) of that Act (including that provision as applied in relation to Northern Ireland by section 116(3) of the Courts and Legal Services Act 1990)”.

Commencement Information

I1 Sch. 16 para. 34 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

35 In section 16(2)(a) of that Act (application of Part II)—

(a) for sub-paragraph (iii) there shall be substituted—

“(iii) Schedule 1 to the Children Act 1989”; and

(b) in sub-paragraph (v), for the words “section 47 of the ^{M1}Child Care Act 1980” there shall be substituted “ paragraph 23 of Schedule 2 to the ^{M2}Children Act 1989” ”.

Commencement Information

I2 Sch. 16 para. 35 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

Marginal Citations

M1 1980 c. 5.

M2 1989 c. 41.

The Social Work (Scotland) Act 1968 (c. 49)

36 In section 94(1) of the Social Work (Scotland) Act 1968 (interpretation), in the definition of “supervision order” for the words from first “has” to “1969” there shall be substituted “ means a supervision order under the Children and Young Persons Act 1969 or the Children Act 1989” ”.

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Commencement Information

I3 Sch. 16 para. 36 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

The Administration of Justice Act 1970 (c. 31)

- 37 (1) In Schedule 8 to the Administration of Justice Act 1970 (maintenance orders for purposes of Maintenance Orders Act 1958 and the 1970 Act), for paragraph 4 there shall be substituted—

“4 An order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989.”

- (2) Paragraph 12 of that Schedule shall cease to have effect.

Commencement Information

I4 Sch. 16 para. 37 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

The Attachment of Earnings Act 1971 (c. 32)

- 38 In Schedule 1 to the Attachment of Earnings Act 1971 (maintenance orders to which Act of 1971 applies) for paragraph 5 there shall be substituted—

“5 An order for periodical or other payments made or having effect as if made under Schedule 1 to the Children Act 1989.”

Commencement Information

I5 Sch. 16 para. 38 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

The Maintenance Orders (Reciprocal Enforcement) Act 1972 (c. 18)

- 39 (1) In section 28 of the Maintenance Orders (Reciprocal Enforcement) Act 1972 (complaint by spouse in convention country for recovery in England and Wales of maintenance from other spouse) for the words from “19(1)(i)” to “34” there shall be substituted “19(1) of that Act; and Part I of that Act, except sections 6 to 8, 16 to 18, 23(1), 24 to 27, 28(2) and 32(2)”.

- (2) In section 28A(3) of that Act (complaint of former spouse in convention country for recovery in England and Wales of maintenance from other spouse) for paragraph (e) there shall be substituted—

“(e) sections 6 to 8, 16 to 18, 23(1), 24 to 28 and 32(2) shall be omitted.”

- (3) In section 30 of that Act (further provisions relating to recovery in England, Wales and Northern Ireland of maintenance for children) subsections (1), (2) and (6) shall cease to have effect.

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Commencement Information

I6 Sch. 16 para. 39 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art. 3, Sch.

The Magistrates' Courts Act 1980 (c. 43)

40 In section 65(1) of the Magistrates' Courts Act 1980 (meaning of family proceedings), paragraph (k) shall be omitted.

Commencement Information

I7 Sch. 16 para. 40 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, Sch.

The Civil Jurisdiction and Judgments Act 1982 (c. 27)

41 In section 18(6) of the Civil Jurisdiction and Judgments Act 1982 (enforcement of UK judgments in other parts of UK) for paragraph (b) there shall be substituted—
“(b) any order which is a Part I order for the purposes of the Family Law Act 1986.”

Commencement Information

I8 Sch. 16 para. 41 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, Sch.

The Mental Health Act 1983 (c.20)

42 In section 116(2) of the Mental Health Act 1983 (visiting of patients who are children) for paragraph (a) there shall be substituted—
“(a) a child or young person—
(i) who is in the care of a local authority by virtue of a care order within the meaning of the Children Act 1989, or
(ii) in respect of whom the rights and powers of a parent are vested in a local authority by virtue of section 16 of the Social Work (Scotland) Act 1968;”.

Commencement Information

I9 Sch. 16 para. 42 wholly in force at 14.10.1991 see s. 124(3) and S.I. 1991/1883, art.3, Sch.

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