Children Act 1975

1975 CHAPTER 72

PART II

CUSTODY

Custodianship orders

[F1 34 Access and maintenance.

(1) An authorised court may, on making a custodianship order or while a custodianship order is in force, by order—

(a) on the application of the mother, the father or a grandparent of the child, make such provision as it thinks fit requiring access to the child to be given to the applicant;

(b) on the application of the custodian, require the child's mother or father (or both) to make to the applicant for the benefit of the child or to the child such periodical payments, and for such term, as may be specified in the order;

(c) on the application of the custodian, require the child's mother or father (or both) to pay to the applicant for the benefit of the child or to the child such lump sum as may be so specified;

(d) on the application of the child's mother or father, revoke an order requiring the applicant to contribute to the child's maintenance made (otherwise than under this section) by any court;

(e) on the application of the child's mother or father or the custodian, vary an order made (otherwise than under this section) by any court requiring the mother or father to contribute towards the child's maintenance—

(i) by altering the amount of the contributions;

(ii) by substituting the custodian for the person to whom the contributions were ordered to be made.

(2) References in subsection (1) to the child's mother or father include any person in relation to whom the child was treated as a child of the family (as defined in section 52(1) of the [M1]Matrimonial Causes Act 1973).

[No order shall be made under subsection (1)(b) or (c) requiring the father of an [F2](3) illegitimate child to make any payments to the child's custodian or to the child.

(4) An authorised court shall have power to make an order under subsection (1)(a) in favour of a grandparent of a child notwithstanding that the child is illegitimate.**]**

(5) Subsections (2), (3), (3A), (3B), (4), **[**[F3](4A), (5A), (5B), (5C), (5D) and (5E)**]** (orders as to the supervision, local authority care, maintenance etc. of children) of section 2 of the [M2]Guardianship Act 1973 and sections 3 and 4 of that Act (supplementary provisions) shall apply to an application for a custodianship order as they apply to an application under section 9 of the [M3]Guardianship of Minors Act 1971 subject to the following modifications, that is to say—

(a) in **[**[F3]section 2(2)(b) and (4A)**]** of the [M4]Guardianship Act 1973 any reference to a parent of a minor to whom the order relates shall be construed as including a reference to any other individual;

(b) section 3(3) of that Act shall have effect as if the words "or the custodian" were inserted after the words "application of either parent";

(c) in section 4(2) of that Act the reference to section 6 of that Act shall be construed as including a reference to section 39 and 40 of this Act.

(6) A local authority may make contributions to a custodian towards the cost of the accommodation and maintenance of the child, except where the custodian is the husband or wife of a parent of the child.**]**

Textual Amendments

F1 S. 34 substituted by Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22, SIF 49:3), s. 64, **Sch. 1**

F2 S. 34(3)(4) repealed (E.W.) by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1)(4), Sch. 2 para. 61(2), **Sch. 4**

F3 Words substituted by Family Law Reform Act 1987 (c. 42, SIF 49:7), s. 33(1), **Sch. 2 para. 61(3)**

Marginal Citations

M1 1973 c. 18**(49:3).**

M2 1973 c. 29**(49:10).**

M3 1971 c. 3**(49:9).**

M4 1973 c. 29**(49:10).**

Changes to legislation:
There are currently no known outstanding effects for the Children Act 1975, Section 34.