
Changes to legislation: There are currently no known outstanding effects for the Family Law Reform Act 1987, Cross Heading: The Children Act 1975 (c. 72). (See end of Document for details)

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

The Children Act 1975 (c. 72)

- 60 In section 33 of the Children Act 1975, after subsection (9) there shall be inserted the following subsection—
- “(9A) In this Part of this Act references (however expressed) to any relationship between two persons shall be construed in accordance with section 1 of the Family Law Reform Act 1987.”
- 61 (1) Section 34 of that Act shall be amended as follows.
- (2) Subsections (3) and (4) shall cease to have effect.
- (3) In subsection (5) for the words “(5A), (5B), (5C), (5D), (5E) and (6)” there shall be substituted the words “ (4A), (5A), (5B), (5C), (5D) and (5E) ” and for the words “section 2(2)(b) and (4)(a)” there shall be substituted the words “ section 2(2)(b) and (4A) ”.
- 62 In section 35 of that Act, for subsection (10) there shall be substituted the following subsections—
- “(10) Where an order under section 34(1)(b) ceases to have effect on the date on which the child attains the age of 16 or at any time after that date but before or on the date on which he attains the age of 18, the child may apply to an authorised court, other than a magistrates’ court, for an order for the revival of that order, and if, on such an application, it appears to the court that—
- (a) the child is, will be or (if an order were made under this subsection) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not he also is, will be or would be in gainful employment; or
- (b) there are special circumstances which justify the making of an order under this subsection,
- the court shall have power by order to revive the order made under section 34(1)(b) from such date as the court may specify, not being earlier than the date of the making of the application and to vary or revoke under this section any order so revived.
- (10A) Any order made by a magistrates’ court under section 34(1)(b) which is revived by an order under subsection (10) shall for the purposes of the enforcement of the order be treated as an order made by the magistrates’ court by which the order was originally made.”

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Modifications etc. (not altering text)

C1 Sch. 2 para. 62 restricted by [S.I. 1989/382, art. 3](#), [Sch. 2 para. 2](#)

- 63 In section 36 of that Act, subsection (5A) shall cease to have effect.
- 64 In section 37(3) of that Act, for the words “section 9 (orders for custody and maintenance)” there shall be substituted the words “ section 9 (orders for custody) ”.
- 65 In section 43 of that Act, for subsection (3) there shall be substituted the following subsection—
- “(3) An order for the payment of money made by a magistrates’ court under section 34 shall be enforceable as a magistrates’ court maintenance order within the meaning of section 150(1) of the Magistrates’ Courts Act 1980.”
- 66 Section 45 of that Act (affiliation order on application of custodian) shall cease to have effect.

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