
Changes to legislation: Children Act 1989, Cross Heading: Variation etc. of orders for periodical payments is up to date with all changes known to be in force on or before 16 April 2024. 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) View outstanding changes

SCHEDULES

SCHEDULE 1

FINANCIAL PROVISION FOR CHILDREN

Variation etc. of orders for periodical payments

- 6 (1) In exercising its powers under paragraph 1 or 2 to vary or discharge an order for the making or securing of periodical payments the court shall have regard to all the circumstances of the case, including any change in any of the matters to which the court was required to have regard when making the order.
- (2) The power of the court under paragraph 1 or 2 to vary an order for the making or securing of periodical payments shall include power to suspend any provision of the order temporarily and to revive any provision so suspended.
- (3) Where on an application under paragraph 1 or 2 for the variation or discharge of an order for the making or securing of periodical payments the court varies the payments required to be made under that order, the court may provide that the payments as so varied shall be made from such date as the court may specify, [F1except that, subject to sub-paragraph (9), the date shall not be] earlier than the date of the making of the application.
- (4) An application for the variation of an order made under paragraph 1 for the making or securing of periodical payments to or for the benefit of a child may, if the child has reached the age of sixteen, be made by the child himself.
- (5) Where an order for the making or securing of periodical payments made under paragraph 1 ceases to have effect on the date on which the child reaches the age of sixteen, or at any time after that date but before or on the date on which he reaches the age of eighteen, the child may apply to the court which made the order for an order for its revival.
- (6) 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 sub-paragraph) would be receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation, whether or not while in gainful employment; or
 - (b) there are special circumstances which justify the making of an order under this paragraph,
- the court shall have power by order to revive the order from such date as the court may specify, not being earlier than the date of the making of the application.
- (7) Any order which is revived by an order under sub-paragraph (5) may be varied or discharged under that provision, on the application of any person by whom or to whom payments are required to be made under the revived order.

Changes to legislation: Children Act 1989, Cross Heading: Variation etc. of orders for periodical payments is up to date with all changes known to be in force on or before 16 April 2024. 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) View outstanding changes

(8) An order for the making or securing of periodical payments made under paragraph 1 may be varied or discharged, after the death of either parent, on the application of a guardian or [^{F2} special guardian]of the child concerned.

[^{F3}(9) Where—

- (a) an order under paragraph 1(2)(a) or (b) for the making or securing of periodical payments in favour of more than one child (“the order”) is in force;
- (b) the order requires payments specified in it to be made to or for the benefit of more than one child without apportioning those payments between them;
- (c) a [^{F4} maintenance calculation]] (“ [^{F5} the calculation]”) is made with respect to one or more, but not all, of the children with respect to whom those payments are to be made; and
- (d) an application is made, before the end of the period of 6 months beginning with the date on which [^{F5} the calculation] was made, for the variation or discharge of the order,

the court may, in exercise of its powers under paragraph 1 to vary or discharge the order, direct that the variation or discharge shall take effect from the date on which [^{F5} the calculation] took effect or any later date.

Textual Amendments

- F1** Words in Sch. 1 para. 6(3) substituted (5.4.1993) by S.I. 1993/623, art. 2, **Sch. 1 para. 12**
- F2** Words in Sch. 1 para. 6(8) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 71(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F3** Sch. 1 para. 6(9) inserted (5.4.1993) by S.I. 1993/623, art. 2, **Sch. 1 para. 13**
- F4** Words in Sch. 1 para. 6(9)(c) substituted (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 26, 86(1), Sch. 3 para. 10(3)(b) (with s. 83(6)); S.I. 2003/192, **arts. 3, 8**, Sch.
- F5** Words in Sch. 1 para. 6(9) substituted (3.3.2003 for specified purposes and otherwise prosp.) by 2000 c. 19, ss. 26, 86(1), Sch. 3 para. 10(3)(a) (with s. 83(6)); S.I. 2003/192, **arts. 3, 8**, Sch.

Commencement Information

- I1** Sch. 1 para. 6 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Changes to legislation:

Children Act 1989, Cross Heading: Variation etc. of orders for periodical payments is up to date with all changes known to be in force on or before 16 April 2024. 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.

[View outstanding changes](#)

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. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)