Status: Point in time view as at 01/04/2001. This version of this provision is not valid for this point in time.
Changes to legislation: Children Act 1989, Section 11J is up to date with all changes known to be in force
on or before 05 June 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)

Children Act 1989

1989 CHAPTER 41

PART II

ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

General

VALID FROM 08/12/2008

[F1**11J   Enforcement orders**

(1) This section applies if a contact order with respect to a child has been made.

(2) If the court is satisfied beyond reasonable doubt that a person has failed to comply with the contact order, it may make an order (an "enforcement order") imposing on the person an unpaid work requirement.

(3) But the court may not make an enforcement order if it is satisfied that the person had a reasonable excuse for failing to comply with the contact order.

(4) The burden of proof as to the matter mentioned in subsection (3) lies on the person claiming to have had a reasonable excuse, and the standard of proof is the balance of probabilities.

(5) The court may make an enforcement order in relation to the contact order only on the application of—

  (a)   the person who is, for the purposes of the contact order, the person with whom the child concerned lives or is to live;

  (b)   the person whose contact with the child concerned is provided for in the contact order;

  (c)   any individual subject to a condition under section 11(7)(b) or a contact activity condition imposed by the contact order; or

  (d)   the child concerned.

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(6) Where the person proposing to apply for an enforcement order in relation to a contact order is the child concerned, the child must obtain the leave of the court before making such an application.

(7) The court may grant leave to the child concerned only if it is satisfied that he has sufficient understanding to make the proposed application.

(8) Subsection (2) has effect subject to the restrictions in sections 11K and 11L.

(9) The court may suspend an enforcement order for such period as it thinks fit.

(10) Nothing in this section prevents a court from making more than one enforcement order in relation to the same person on the same occasion.

(11) Proceedings in which any question of making an enforcement order, or any other question with respect to such an order, arises are to be regarded for the purposes of section 11(1) and (2) as proceedings in which a question arises with respect to a section 8 order.

(12) In Schedule A1—

    (a)   Part 1 makes provision as regards an unpaid work requirement;

    (b)   Part 2 makes provision in relation to the revocation and amendment of enforcement orders and failure to comply with such orders.

(13) This section is without prejudice to section 63(3) of the Magistrates' Courts Act 1980 as it applies in relation to contact orders.]

Textual Amendments
  F1   S. 11J inserted (8.12.2008) by Children and Adoption Act 2006 (c. 20), **ss. 4(1)**, 17 (with s. 8); S.I. 2008/2870, **art. 2(2)(c)**

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