

CHILDREN AND ADOPTION ACT 2006

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Schedule 1 - Enforcement orders

Section 5 - Compensation for financial loss

42. Sections 11O and 11P of the 1989 Act, inserted by section 5, allow the court to require a person who has caused financial loss to another person as a result of breaching a contact order (which would include breaching a condition attached to a contact order), to pay compensation up to the amount of the loss. The court must take into account the welfare of any child concerned, and the financial circumstances of the person in breach, when making such an order.
43. Applications for an order under section 11O may be made only by a person falling within one of the following categories:
- a person who is, for the purposes of the contact order, the person with whom the child concerned lives or is to live;
 - the person whose contact with the child concerned is provided for in the contact order;
 - an individual subject to a condition under section 11(7)(b) or a contact activity condition imposed by the contact order;
 - the child concerned (with the leave of the court).
44. Section 11P of the 1989 Act makes provision for when a court may not make an order for financial compensation. This includes cases where the person in breach did not receive a notice under section 11I and was not otherwise informed of its terms or where the contact order is an excepted order.