

SCHEDULES

SCHEDULE 2

CHILD ARRANGEMENTS ORDERS: AMENDMENTS

PART 1

AMENDMENTS OF THE CHILDREN ACT 1989

- 5 (1) Section 10 (power of court to make section 8 orders) is amended as follows.
- (2) For subsection (4)(b) (person may apply for section 8 order if residence order is in force in favour of the person) substitute—
- “(b) any person who is named, in a child arrangements order that is in force with respect to the child, as a person with whom the child is to live.”
- (3) In subsection (5) (persons entitled to apply for a residence or contact order)—
- (a) in the words before paragraph (a) for “residence or contact” substitute “child arrangements”,
- (b) for paragraph (c)(i) substitute—
- “(i) in any case where a child arrangements order in force with respect to the child regulates arrangements relating to with whom the child is to live or when the child is to live with any person, has the consent of each of the persons named in the order as a person with whom the child is to live;”,
- and
- (c) after paragraph (c) insert—
- “(d) any person who has parental responsibility for the child by virtue of provision made under section 12(2A).”
- (4) In each of subsections (5A) and (5B) (foster parent, or relative, may apply for residence order if child has lived with applicant for at least a year) for “residence order” substitute “child arrangements order to which subsection (5C) applies”.
- (5) After subsection (5B) insert—
- “(5C) This subsection applies to a child arrangements order if the arrangements regulated by the order relate only to either or both of the following—
- (a) with whom the child concerned is to live, and
- (b) when the child is to live with any person.”
- (6) In subsection (6)(b) (person may apply for variation or discharge of a contact order if named in the order)—
- (a) for “contact” substitute “child arrangements”, and

Status: This is the original version (as it was originally enacted).

- (b) for “the order.” substitute “provisions of the order regulating arrangements relating to—
 - (i) with whom the child concerned is to spend time or otherwise have contact, or
 - (ii) when the child is to spend time or otherwise have contact with any person.”
- (7) In subsection (7A) (if special guardianship order in force, application for residence order may be made only with leave of the court) for “residence order” substitute “child arrangements order to which subsection (7B) applies”.
- (8) After subsection (7A) insert—
 - “(7B) This subsection applies to a child arrangements order if the arrangements regulated by the order consist of, or include, arrangements which relate to either or both of the following—
 - (a) with whom the child concerned is to live, and
 - (b) when the child is to live with any person.”