



# Children Act 1989

## 1989 CHAPTER 41

### PART II

#### ORDERS WITH RESPECT TO CHILDREN IN FAMILY PROCEEDINGS

##### *General*

#### 12 [F<sup>1</sup>Child arrangements] orders and parental responsibility.

[F<sup>2</sup>(1) Where—

- (a) the court makes a child arrangements order with respect to a child,
- (b) the father of the child, or a woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, is named in the order as a person with whom the child is to live, and
- (c) the father, or the woman, would not otherwise have parental responsibility for the child,

the court must also make an order under section 4 giving the father, or under section 4ZA giving the woman, that responsibility.

(1A) Where—

- (a) the court makes a child arrangements order with respect to a child,
- (b) the father of the child, or a woman who is a parent of the child by virtue of section 43 of the Human Fertilisation and Embryology Act 2008, is named in the order as a person with whom the child is to spend time or otherwise have contact but is not named in the order as a person with whom the child is to live, and
- (c) the father, or the woman, would not otherwise have parental responsibility for the child,

the court must decide whether it would be appropriate, in view of the provision made in the order with respect to the father or the woman, for him or her to have parental responsibility for the child and, if it decides that it would be appropriate for the father

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or the woman to have that responsibility, must also make an order under section 4 giving him, or under section 4ZA giving her, that responsibility.]

- (2) Where the court makes a <sup>F3</sup>child arrangements order and a person who is not a] parent or guardian of the child concerned <sup>F4</sup> is named in the order as a person with whom the child is to live, ]that person shall have parental responsibility for the child while the <sup>F5</sup>order remains in force so far as providing for the child to live with that person].

<sup>F6</sup>(2A) Where the court makes a child arrangements order and—

(a) a person who is not the parent or guardian of the child concerned is named in the order as a person with whom the child is to spend time or otherwise have contact, but

(b) the person is not named in the order as a person with whom the child is to live, the court may provide in the order for the person to have parental responsibility for the child while paragraphs (a) and (b) continue to be met in the person's case.]

- (3) Where a person has parental responsibility for a child as a result of subsection (2) <sup>F7</sup>or (2A) ], he shall not have the right—

(a) <sup>F8</sup> .....

(b) to agree, or refuse to agree, to the making of an adoption order, or an order under <sup>F9</sup>section 84 of the Adoption and Children Act 2002], with respect to the child; or

(c) to appoint a guardian for the child.

- (4) Where subsection (1) <sup>F10</sup>... requires the court to make an order under section 4 <sup>F11</sup>or 4ZA]<sup>F12</sup>in respect of a]<sup>F13</sup>parent] of a child, the court shall not bring that order to an end at any time while the <sup>F14</sup>child arrangements order concerned remains in force so far as providing for the child to live with that parent].

(5) <sup>F15</sup> .....

(6) <sup>F16</sup> .....

### Textual Amendments

- F1** Words in s. 12 heading substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(7\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F2** S. 12(1)(1A) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(2\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** Words in s. 12(2) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(3\)\(a\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** Words in s. 12(2) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(3\)\(b\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F5** Words in s. 12(2) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(3\)\(c\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F6** S. 12(2A) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(4\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F7** Words in s. 12(3) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\), s. 139\(6\), Sch. 2 para. 21\(5\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F8** S. 12(3)(a) repealed (30.12.2005) by [2002 c. 38, ss. 139, 148, Sch. 3 para. 57\(a\), Sch. 5](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, [art. 2\(o\)](#); S.I. 2005/2897, [art. 2\(a\)](#)

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- F9** Words in s. 12(3)(b) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 57(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F10** Words in s. 12(4) omitted (22.4.2014) by virtue of Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 21(6)(a)**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F11** Words in s. 12(4) inserted (6.4.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, **Sch. 6 para. 28(3)(b)**; S.I. 2009/479, **art. 6(1)(e)**
- F12** Words in s. 12(4) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 21(6)(b)**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F13** Word in s. 12(4) substituted (6.4.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, **Sch. 6 para. 28(3)(c)**; S.I. 2009/479, **art. 6(1)(e)**; S.I. 2009/479, **art. 6(1)(e)**
- F14** Words in s. 12(4) substituted (22.4.2014) by Children and Families Act 2014 (c. 6), s. 139(6), **Sch. 2 para. 21(6)(c)**; S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F15** S. 12(5) repealed (1.9.2009) by Children and Young Persons Act 2008 (c. 23), ss. 37(2), 42, 44, **Sch. 4**; S.I. 2009/1921, **art. 2(b)(d)**; S.I. 2009/2273, **art. 2(2)(k)(m)(i)**
- F16** S. 12(6) repealed (1.9.2009) by Children and Young Persons Act 2008 (c. 23), ss. 37(2), 42, 44, **Sch. 4**; S.I. 2009/1921, **art. 2(b)(d)**; S.I. 2009/2273, **art. 2(2)(k)(m)(i)**

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#### Commencement Information

- I1** S. 12 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

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**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)