



Children Act 1989

1989 CHAPTER 41

PART I

INTRODUCTORY

1 Welfare of the child.

- (1) When a court determines any question with respect to—
 - (a) the upbringing of a child; or
 - (b) the administration of a child's property or the application of any income arising from it,the child's welfare shall be the court's paramount consideration.
- (2) In any proceedings in which any question with respect to the upbringing of a child arises, the court shall have regard to the general principle that any delay in determining the question is likely to prejudice the welfare of the child.
- (3) In the circumstances mentioned in subsection (4), a court shall have regard in particular to—
 - (a) the ascertainable wishes and feelings of the child concerned (considered in the light of his age and understanding);
 - (b) his physical, emotional and educational needs;
 - (c) the likely effect on him of any change in his circumstances;
 - (d) his age, sex, background and any characteristics of his which the court considers relevant;
 - (e) any harm which he has suffered or is at risk of suffering;
 - (f) how capable each of his parents, and any other person in relation to whom the court considers the question to be relevant, is of meeting his needs;
 - (g) the range of powers available to the court under this Act in the proceedings in question.
- (4) The circumstances are that—

Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Children Act 1989. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)

- (a) the court is considering whether to make, vary or discharge a section 8 order, and the making, variation or discharge of the order is opposed by any party to the proceedings; or
 - (b) the court is considering whether to make, vary or discharge [^{F1}a special guardianship order or] an order under Part IV.
- (5) Where a court is considering whether or not to make one or more orders under this Act with respect to a child, it shall not make the order or any of the orders unless it considers that doing so would be better for the child than making no order at all.

Annotations:

Amendments (Textual)

F1 Words in s. 1(4)(b) inserted (30.12.2005) by 2002 c. 38, ss. 115(3), 148 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(k)

Modifications etc. (not altering text)

C1 S. 1(2)(3)(a)-(f) applied with modifications (14. 10. 1991) by S.I. 1991/1395, r. 11(1) (as amended (8.12.2008) by The Family Proceedings Courts (Children Act 1989) (Amendment) Rules 2008, (S.I. 2008/2858), {rule 7})

Commencement Information

I1 S. 1 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:

- Act applied (with modifications) by [S.I. 2010/1907 reg. 16 Sch. 2](#)
- Act applied (with modifications) by [S.I. 2010/875 reg. 16 Sch. 2](#) (This SI was revoked before it came into force by SI 2010/1906, reg. 2)
- Act modified by [S.I. 2010/1116 art. 2](#)

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- Pt. 10A repealed by [2010 nawm 1 Sch. 2](#)
- s. 87BA inserted by [2011 c. 21 s. 43\(4\)](#)

Commencement Orders yet to be applied to the Children Act 1989:

Commencement Orders bringing legislation that affects this Act into force:

- [S.I. 2004/874 art. 2](#) commences ([2003 c. 42](#))
- [S.I. 2010/507 art. 2-5](#) commences ([2009 c. 26](#))
- [S.I. 2010/749 art. 2](#) commences ([2008 c. 23](#))
- [S.I. 2010/987 art. 2](#) commences ([2008 c. 22](#))
- [S.I. 2010/1329 art. 2](#) commences ([2008 c. 23](#))
- [S.I. 2010/2582 art. 2 Sch. 1](#) commences ([2010 nawm 1](#))
- [S.I. 2010/2714 art. 2](#) commences ([2008 c. 23](#))
- [S.I. 2010/2921 art. 2 3](#) commences ([2003 c. 39](#))
- [S.I. 2010/2981 art. 2-4](#) commences ([2008 c. 23](#))
- [S.I. 2011/824 art. 2](#) commences ([2008 c. 23](#))
- [S.I. 2011/949 art. 3](#) commences ([2008 c. 23](#))