

Re K and A (Local Authority: Child Maintenance)

[1995] 1 FLR 688

30/10/1992

Court

Family Division

Facts

The local authority was granted interim care and control of the child in wardship proceedings. In 1985 she went to live with her paternal grandmother. Subsequently, a supervision order was made in favour of the local authority. The grandmother then ceased to receive payments from the local authority towards the girl's maintenance. In 1992 the grandmother applied for the payments to be reinstated. A further 6-month supervision order was made. The judge ordered that the local authority (in whose area the girl and the grandmother no longer lived) should make financial provision to the grandmother. The local authority appealed.

Held

Held – allowing the appeal – at the time of the district judge's order there was a fairly complex scheme of statutory provisions governing the powers and duties of local authorities to provide for the maintenance of children under the Children Act 1989 (see p 693E-G below). The provision of assistance under s 17 of the 1989 Act did not impose any duty upon local authority A, but it did impose duties upon local authority B. Even if the court had an inherent jurisdiction to order a local authority to make maintenance payments for the benefit of a ward of court, this was a jurisdiction which could not be properly exercised as against a local authority in whose area the ward concerned was not living and which had no other real nexus with the child concerned. It was doubtful whether there was a subsisting supervision order at the date of the district judge's order (see pp 694F-695B below). The district judge was wrong as a matter of law on the ground that no such jurisdiction existed as he sought to exercise, or that even if it did the circumstances of this case were such that no judge could properly have exercised the jurisdiction in the way he sought to exercise it.

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