
STATUTORY INSTRUMENTS

1991 No. 910

The Foster Placement (Children) Regulations 1991

PART I GENERAL

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Foster Placement (Children) Regulations 1991 and shall come into force on 14th October 1991.

(2) In these Regulations, unless the context otherwise requires—

“the Act” means the Children Act 1989;

“approving authority”, in relation to a foster parent, means the local authority⁽¹⁾ or voluntary organisation responsible under regulation 3 for approving (or not approving) the foster parent;

“area authority”, in relation to a child (and foster parent), means the local authority in whose area the child is placed where that authority is not also the responsible authority;

“foster parent” means the person with whom a child is or is proposed to be placed under these Regulations;

“foster placement agreement” means an agreement referred to in regulation 5(6);

“responsible authority”, in relation to a child, means the local authority or voluntary organisation responsible for the placement of the child under (as the case may be) section 23(2)(a) or 59(1)(a) of the Act.

(3) Any notice or consent required under these Regulations is to be given in writing and any such notice may be sent by post.

(4) In these Regulations—

(a) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number;

(b) any reference to a numbered Schedule is to the Schedule to these Regulations bearing that number.

Scope of the Regulations

2.—(1) These Regulations apply (subject to paragraph (2)) to any placement of a child—

(a) by a local authority under section 23(2)(a) of the Act;

(b) by a voluntary organisation under section 59(1)(a) of the Act (unless they are acting on behalf of a local authority).

⁽¹⁾ authority is defined in section 105(1) of the Act as the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London. Pursuant to section 2 of the Local Authority Social Services Act 1970 (c. 42), local authority functions under the Children Act 1989 stand referred to the social services committee of a local authority.

- (2) These Regulations do not apply to any placement of a child—
- (a) to which the Placement of Children with Parents etc. Regulations 1991⁽²⁾ apply;
 - (b) if the child is not in the care of a local authority, with a parent of his or other person having parental responsibility for him;
 - (c) for adoption pursuant to the Adoption Act 1976⁽³⁾.
- (3) Where a care order is in force the application of these Regulations is subject to any directions given by a court (whether before, on or after these Regulations come into force).
- (4) Nothing in these Regulations requires the temporary removal of a child from a person with whom he is already living before placement under these Regulations.

⁽²⁾ S.I. 1991/893.
⁽³⁾ 1976 c. 36.