



Children Act 1989

1989 CHAPTER 41

PART IV

CARE AND SUPERVISION

Guardians ad litem

42 **[^{F1}Right of officer of the Service to have access to local authority records]**

- (1) Where [^{F2}an officer of the Service][^{F3}or Welsh family proceedings officer] has been appointed [^{F4}under section 41] he shall have the right at all reasonable times to examine and take copies of—
- (a) any records of, or held by, a local authority [^{F5}or an authorised person] which were compiled in connection with the making, or proposed making, by any person of any application under this Act with respect to the child concerned;
^{F6}
 - (b) any ^{F6} . . . records of, or held by, a local authority which were compiled in connection with any functions which [^{F7}are social services functions within the meaning of] the ^{M1}Local Authority Social Services Act 1970 [^{F8}or for the purposes of the Social Services and Well-being (Wales) Act 2014], so far as those records relate to that child.
- [^{F9}; or
- (c) any records of, or held by, an authorised person which were compiled in connection with the activities of that person, so far as those records relate to that child.]
- (2) Where [^{F10}an officer of the Service][^{F3}or Welsh family proceedings officer] takes a copy of any record which he is entitled to examine under this section, that copy or any part of it shall be admissible as evidence of any matter referred to in any—
- (a) report which he makes to the court in the proceedings in question; or
 - (b) evidence which he gives in those proceedings.

Changes to legislation: Children Act 1989, Section 42 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

(3) Subsection (2) has effect regardless of any enactment or rule of law which would otherwise prevent the record in question being admissible in evidence.

[^{F11}(4) In this section “ authorised person ” has the same meaning as in section 31.]

Textual Amendments

- F1** S. 42 sidenote substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch.7 Pt. II para. 92(c)**; S.I. 2001/919, **art. 2(f)(ii)**
- F2** Words in s. 42(1) substituted (1.4.2001) by 2000 c. 43, s. 74, 80, **Sch. 7 Pt. II para. 92(a)(i)**; S.I. 2001/919, **art. 2(f)(ii)**
- F3** Words in s. 42(1)(2) inserted (1.4.2005) by Children Act 2004 (c. 31), s. 40, **Sch. 3 para. 10**; S.I. 2005/700, **art. 2(2)**
- F4** Words in s. 42(1) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 92(a)(ii)**; S.I. 2001/919, **art. 2(f)(ii)**
- F5** Words in s. 42(1)(a) inserted (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 18(2)**; S.I. 1991/1883, art. 3, **Sch.**
- F6** Words in s. 42(1) repealed (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 125(7), **Sch. 20**; S.I. 1991/1883, art. 3, **Sch.**
- F7** Words in s. 42(1)(b) substituted (26.10.2000 for E. and otherwise 28.7.2001) by 2000 c. 22, ss. 107, 108(4), **Sch. 5 para. 20**; S.I. 2000/2849, **art. 2(f)**
- F8** Words in s. 42(1)(b) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **99**
- F9** S. 42(1)(c) added (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), ss. 116, **Sch. 16 para. 18(3)**; S.I. 1991/1883, art. 3, **Sch.**
- F10** Words in s. 42(2) substituted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 92(b)**; S.I. 2001/919, **art. 2(f)(ii)**
- F11** S. 42(4) added (14.10.1991) by Courts and Legal Services Act 1990 (c. 41, SIF 76:1), s. 116, **Sch. 16 para. 18(4)**; S.I. 1991/1883, art. 3, **Sch.**

Commencement Information

- I1** S. 42 in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M1** 1970 c. 42.

Changes to legislation:

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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)