



Children Act 2004

CHAPTER 31

CHILDREN ACT 2004

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- 1 Establishment
- 2 Primary function: children's rights, views and interests
- 2A United Nations Convention on the Rights of the Child
- 2B Involving children in the discharge of the primary function
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- 2D Provision of advice and assistance to certain children in England
- 2E Powers to enter premises to conduct interviews or observe standards
- 2F Provision of information to Commissioner
 - 3 Inquiries initiated by Commissioner
 - 4 Other inquiries held by Commissioner
 - 5 Functions of Commissioner in Wales
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Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Children Act 2004. 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)

- 10 Co-operation to improve well-being
- 11 Arrangements to safeguard and promote welfare
- 12 Information databases

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- 13 Establishment of LSCBs
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- 14A LSCBs: annual reports
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- 28 Arrangements to safeguard and promote welfare: Wales
- 29 Information databases: Wales
- 30 Inspection of functions under this Part

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- 33 Funding of LSCBs in Wales
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- 48 Child minding and day care

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SCHEDULES

SCHEDULE 1 — Children's Commissioner

Status

- 1 (1) The Children's Commissioner is to be a corporation sole....

General powers

- 2 (1) The Children's Commissioner may do anything which appears to...

Appointment and tenure of office

- 3 (1) The Children's Commissioner is to be appointed by the...

Interim appointments

- 3A (1) Where there is a vacancy in the office of...

Remuneration

- 4 The Secretary of State must— (a) pay the Children's Commissioner...

Staff

- 5 (1) The Children's Commissioner may appoint any staff he considers...

Pensions

- 6 (1) In the Superannuation Act 1972 (c. 11), in Schedule...

Funding

- 7 The Secretary of State may make payments to the Children's...

Accounts

- 8 (1) The Children's Commissioner must— (a) keep proper accounting records;...

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Evidence

- 9 (1) A document purporting to be duly executed under the...

Protection from defamation actions

- 10 For the purposes of the law of defamation—

Regulated position

- 11 In the Criminal Justice and Court Services Act 2000 (c....

Disqualifications

- 12 In the House of Commons Disqualification Act 1975 (c. 24),...
13 In the Northern Ireland Assembly Disqualification Act 1975 (c. 25),...

SCHEDULE 2 — Director of children's services: consequential amendments

Children and Young Persons Act 1933 (c. 12)

- 1 In section 96 of the Children and Young Persons Act...

Local Authority Social Services Act 1970 (c. 42)

- 2 (1) The Local Authority Social Services Act 1970 is amended...

Local Government and Housing Act 1989 (c. 42)

- 3 In section 2 of the Local Government and Housing Act...

Education Act 1996 (c. 56)

- 4 (1) The Education Act 1996 is amended as follows.

Crime and Disorder Act 1998 (c. 37)

- 5 (1) The Crime and Disorder Act 1998 is amended as...

Protection of Children Act 1999 (c. 14)

- 6 In section 4C of the Protection of Children Act 1999...

Criminal Justice and Court Services Act 2000 (c. 43)

- 7 (1) The Criminal Justice and Court Services Act 2000 is...

Criminal Justice Act 2003 (c. 44)

- 8 In section 322 of the Criminal Justice Act 2003 (individual...

SCHEDULE 3 — Advisory and support services for family proceedings

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 1 In section 26 of the Domestic Proceedings and Magistrates' Courts...

Child Abduction and Custody Act 1985 (c. 60)

- 2 The Child Abduction and Custody Act 1985 is amended as...

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- 3 In sections 6(a) and 21(a) (reports), after “an officer of...
4 In section 27 (interpretation), after subsection (5) insert—

Children Act 1989 (c. 41)

- 5 The Children Act 1989 is amended as follows.
6 In section 7 (welfare reports), in subsections (1)(a) and (b)...
7 In section 16 (family assistance orders), in subsection (1), after...
8 (1) Section 26 (review of cases etc) is amended as...
9 (1) Section 41 (representation of child) is amended as follows...
10 In section 42 (rights of officers of the Service), in...
11 In section 105(1) (interpretation), at the end insert— “Welsh family...”

Criminal Justice and Court Services Act 2000 (c. 43)

- 12 The Criminal Justice and Court Services Act 2000 is amended...
13 In section 12 (principal functions of CAFCASS), in subsection (1),...
14 In paragraph 1 of Schedule 2 (members of CAFCASS), for...

Adoption and Children Act 2002 (c. 38)

- 15 The Adoption and Children Act 2002 is amended as follows...
16 (1) Section 102 (officers of the Service) is amended as...
17 In section 103 (rights of officers of the Service), in...

Sexual Offences Act 2003 (c. 42)

- 18 In section 21 of the Sexual Offences Act 2003 (positions...

SCHEDULE 4 — Child minding and day care

- 1 Part 10A of the Children Act 1989 (c. 41) is...

Amendments relating to child minding and day care

Conditions imposed by justice of the peace or tribunal

- 2 (1) In section 79B(3)(d) and (4)(d), for “by the registration...”

Application fees

- 3 (1) In section 79E(2), at the end insert—

Fees payable by registered persons

- 4 (1) In section 79G(1), for “an annual fee” substitute “...”

Waiver of disqualification

- 5 In Schedule 9A, in paragraph 4(3A)— (a) after “disqualified for...”

Amendments relating to day care only

Qualification for registration

- 6 In section 79B(4)— (a) for paragraphs (a) and (b) substitute—...

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Hotels etc

- 7 In Schedule 9A, after paragraph 2 insert— (1) Part XA does not apply to provision of day...

Prohibition in respect of disqualified persons

- 8 In Schedule 9A, in paragraph 4(4)— (a) after “or be”...

Unincorporated associations

- 9 In Schedule 9A, after paragraph 5 insert— Provision of day...

SCHEDULE 5 — Repeals

Part 1 — PLANS

These repeals come into force— (a) so far as relating...

Part 2 — CHILD MINDING AND DAY CARE

These repeals come into force— (a) so far as relating...

Part 3 — INSPECTION OF LOCAL EDUCATION AUTHORITIES

This repeal comes into force— (a) so far as relating...

Part 4 — SOCIAL SERVICES COMMITTEES AND DEPARTMENTS

These repeals come into force— (a) so far as relating...

Part 5 — REASONABLE PUNISHMENT

This repeal comes into force at the same time as...

Part 6 — CHILD SAFETY ORDERS

These repeals come into force at the same time as...

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Changes and effects yet to be applied to :

- s. 11(1)(f) omitted by 2012 c. 7 Sch. 14 para. 97
- s. 12(13)(e) words substituted by 2018 c. 12 Sch. 19 para. 105(2)
- s. 13-16 omitted by 2017 c. 16 s. 30
- s. 13(3)(f) words omitted by 2012 c. 7 Sch. 14 para. 98
- s. 28(1)(c) words omitted by 2012 c. 7 Sch. 14 para. 99
- s. 29(14)(e) words substituted by 2018 c. 12 Sch. 19 para. 106(2)
- s. 30(1) substituted by 2016 anaw 2 Sch. 3 para. 24
- s. 32A inserted by 2010 c. 26 s. 9
- s. 39 repealed by 2006 c. 47 Sch. 10
- s. 62(1)-(4) repealed by 2010 c. 26 Sch. 4 Pt. 2 (This amendment not applied to legislation.gov.uk. Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by 2013 c. 22, s. 17(4) ; S.I. 2013/2200 art. 2(a))
- Sch. 1 para. 11 repealed by 2006 c. 47 Sch. 10
- Sch. 2 para. 6 repealed by 2006 c. 47 Sch. 10
- Sch. 2 para. 7 repealed by 2006 c. 47 Sch. 10

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. 12(14) inserted by 2018 c. 12 Sch. 19 para. 105(3)
- s. 16A and cross-heading inserted by 2017 c. 16 s. 12
- s. 16C inserted by 2017 c. 16 s. 14
- s. 16D inserted by 2017 c. 16 s. 15
- s. 16H inserted by 2017 c. 16 s. 19
- s. 16I inserted by 2017 c. 16 s. 20
- s. 16J inserted by 2017 c. 16 s. 21
- s. 16K inserted by 2017 c. 16 s. 22
- s. 16L inserted by 2017 c. 16 s. 23
- s. 16M and cross-heading inserted by 2017 c. 16 s. 24
- s. 16N inserted by 2017 c. 16 s. 25
- s. 16O inserted by 2017 c. 16 s. 26
- s. 16P inserted by 2017 c. 16 s. 27
- s. 16Q inserted by 2017 c. 16 s. 28
- s. 26(1AA) inserted by 2014 anaw 4 s. 14(4) (This amendment not applied to legislation.gov.uk. S. 26 already repealed (1.4.2016) by 2015 anaw 2, s. 56(2), Sch. 4 para. 13; S.I. 2016/86, art. 3)
- s. 29(15) inserted by 2018 c. 12 Sch. 19 para. 106(3)