



# Children Act 2004

## 2004 CHAPTER 31

### PART 5

#### MISCELLANEOUS

##### *Other provisions*

#### **57 Fees payable to adoption review panel members**

In section 12 of the Adoption and Children Act 2002 (c. 38) (independent review of determinations), in subsection (3)(d) (power to make provision as to the payment of expenses of members of a panel) for “expenses of” substitute “fees to”.

#### **Annotations:**

#### **Commencement Information**

- II** S. 57 wholly in force at 30.12.2005; s. 57 not in force at Royal Assent see s. 67(7); s. 57 in force for E. at 1.3.2005 by [S.I. 2005/394](#), [art. 2\(1\)](#); s. 57 in force for W. at 30.12.2005 by [S.I. 2005/3363](#), [art. 2](#)

#### **58 Reasonable punishment**

- (1) In relation to any offence specified in subsection (2), battery of a child cannot be justified on the ground that it constituted reasonable punishment.
- (2) The offences referred to in subsection (1) are—
  - (a) an offence under section 18 or 20 of the Offences against the Person Act 1861 (c. 100) (wounding and causing grievous bodily harm);
  - (b) an offence under section 47 of that Act (assault occasioning actual bodily harm);
  - (c) an offence under section 1 of the Children and Young Persons Act 1933 (c. 12) (cruelty to persons under 16).

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- (3) Battery of a child causing actual bodily harm to the child cannot be justified in any civil proceedings on the ground that it constituted reasonable punishment.
- (4) For the purposes of subsection (3) “actual bodily harm” has the same meaning as it has for the purposes of section 47 of the Offences against the Person Act 1861.
- (5) In section 1 of the Children and Young Persons Act 1933, omit subsection (7).

## **59 Power to give financial assistance**

- (1) Section 14 of the Education Act 2002 (c. 32) (power of Secretary of State and Assembly to give financial assistance for purposes related to education or childcare) is amended as specified in subsections (2) to (4).
- (2) In subsection (2) of that section (purposes for which assistance may be given), at the end insert—
  - “(j) the promotion of the welfare of children and their parents;
  - (k) the provision of support for parenting (including support for prospective parents).”
- (3) After that subsection insert—
  - “(2A) In subsection (2)(j), “children” means persons under the age of twenty.”
- (4) In the heading to that section, for “childcare” substitute “ children etc ”.
- (5) In the heading to Part 2 of that Act, for “childcare” substitute “ children etc ”.

## **60 Child safety orders**

- (1) The Crime and Disorder Act 1998 (c. 37) is amended as follows.
- (2) In section 8(1)(a) (power to make parenting order where a child safety order is made), at the end insert “or the court determines on an application under section 12(6) below that a child has failed to comply with any requirement included in such an order”.
- (3) In section 11(4) (maximum period permitted for child safety orders), for the words from “three months” to the end substitute “ twelve months ”.
- (4) In section 12, omit subsections (6)(a) and (7) (power to make care order on breach of child safety order).

## **61 Children’s Commissioner for Wales: powers of entry**

In the Care Standards Act 2000 (c. 14), in section 76 (further functions of Children’s Commissioner for Wales), at the end insert—

- “(8) The Commissioner or a person authorised by him may for the purposes of any function of the Commissioner under section 72B or 73 or subsection (4) of this section at any reasonable time—
  - (a) enter any premises, other than a private dwelling, for the purposes of interviewing any child accommodated or cared for there; and
  - (b) if the child consents, interview the child in private.”

**Annotations:**

**Commencement Information**

- I2** S. 61 not in force at Royal Assent see s. 67(7); s. 61 in force for W. at 1.4.2006 by [S.I. 2006/885](#), [art. 2\(2\)](#)

**62 Publication of material relating to legal proceedings**

- (1) In section 97(2) of the Children Act 1989 (c. 41) (privacy for children involved in certain proceedings), after “publish” insert “ to the public at large or any section of the public ”.
- (2) In section 12(4) of the Administration of Justice Act 1960 (c. 65) (publication of information relating to proceedings in private), at the end insert “(and in particular where the publication is not so punishable by reason of being authorised by rules of court)”.
- (3) In section 66 of the Adoption Act 1976 (c. 36) (rules of procedure), after subsection (5) insert—

“(5A) Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to proceedings held in private involving children.”
- (4) In section 145(1) of the Magistrates' Courts Act 1980 (c. 43) (rules: supplementary), after paragraph (g) insert—

“(ga) authorising, for the purposes of the law relating to contempt of court, the publication in such circumstances as may be specified of information relating to proceedings referred to in section 12(1)(a) of the Administration of Justice Act 1960 which are held in private;”.
- (5) In section 40(4) of the Matrimonial and Family Proceedings Act 1984 (c. 42) (family proceedings rules), in paragraph (a) after “County Courts Act 1984;” insert—

“(aa) authorise, for the purposes of the law relating to contempt of court, the publication in such circumstances as may be specified of information relating to family proceedings held in private;”.
- (6) In section 141 of the Adoption and Children Act 2002 (c. 38) (rules of procedure) at the end insert—

“(6) Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to proceedings held in private involving children.”
- (7) In section 76 of the Courts Act 2003 (c. 39) (Family Procedure Rules: further provision) after subsection (2) insert—

“(2A) Family Procedure Rules may, for the purposes of the law relating to contempt of court, authorise the publication in such circumstances as may be specified of information relating to family proceedings held in private.”

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### **63 Disclosure of information by Inland Revenue**

(1) In Schedule 5 to the Tax Credits Act 2002 (c. 21) (use and disclosure of information), after paragraph 10 insert—

10A (1) This paragraph applies to information, other than information relating to a person's income, which is held for the purposes of functions relating to tax credits, child benefit or guardian's allowance—

- (a) by the Board, or
- (b) by a person providing services to the Board, in connection with the provision of those services.

(2) Information to which this paragraph applies may be supplied to—

- (a) a local authority in England and Wales for use for the purpose of any enquiry or investigation under Part 5 of the Children Act 1989 relating to the welfare of a child;
- (b) a local authority in Scotland for use for the purpose of any enquiry or investigation under Chapter 3 of Part 2 of the Children (Scotland) Act 1995 relating to the welfare of a child;
- (c) an authority in Northern Ireland for use for the purpose of any enquiry or investigation under Part 6 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I.2)) relating to the welfare of a child.

(3) Information supplied under this paragraph is not to be supplied by the recipient to any other person or body unless it is supplied—

- (a) for the purpose of any enquiry or investigation referred to in sub-paragraph (2) above,
- (b) for the purpose of civil or criminal proceedings, or
- (c) where paragraph (a) or (b) does not apply, to a person to whom the information could be supplied directly by or under the authority of the Board.

(4) Information may not be supplied under sub-paragraph (3)(b) or (c) without the authority of the Board.

(5) A person commits an offence if he discloses information supplied to him under this paragraph unless the disclosure is made—

- (a) in accordance with sub-paragraph (3),
- (b) in accordance with an enactment or an order of a court,
- (c) with consent given by or on behalf of the person to whom the information relates, or
- (d) in such a way as to prevent the identification of the person to whom it relates.

(6) It is a defence for a person charged with an offence under sub-paragraph (5) to prove that he reasonably believed that his disclosure was lawful.

(7) A person guilty of an offence under sub-paragraph (5) is liable—

- (a) on conviction on indictment, to imprisonment for a term not exceeding two years, to a fine or to both;

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- (b) on summary conviction in England and Wales, to imprisonment for a term not exceeding twelve months, to a fine not exceeding the statutory maximum or to both;
  - (c) on summary conviction in Scotland or Northern Ireland, to imprisonment for a term not exceeding six months, to a fine not exceeding the statutory maximum or to both.
- (8) In sub-paragraph (2) “child” means a person under the age of eighteen and—
- (a) in paragraph (a), “local authority” has the meaning given by section 105(1) of the Children Act 1989;
  - (b) in paragraph (b), “local authority” has the meaning given by section 93(1) of the Children (Scotland) Act 1995; and
  - (c) in paragraph (c), “authority” has the meaning given by Article 2 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I.2)).
- (9) The reference to an enactment in sub-paragraph (5)(b) includes a reference to an enactment comprised in, or in an instrument made under, an Act of the Scottish Parliament.”
- (2) In relation to an offence committed under sub-paragraph (5) of paragraph 10A of Schedule 5 to the Tax Credits Act 2002 (c. 21) (as inserted by subsection (1) above) before the commencement of section 154 of the Criminal Justice Act 2003, the reference in sub-paragraph (7)(b) of that paragraph to twelve months shall be read as a reference to six months.

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