
STATUTORY INSTRUMENTS

1991 No. 891

CHILDREN AND YOUNG PERSONS

Contact with Children Regulations 1991

<i>Made</i>	- - - -	<i>2nd April 1991</i>
<i>Laid before Parliament</i>		<i>10th April 1991</i>
<i>Coming into force</i>	- -	<i>14th October 1991</i>

The Secretary of State for Health, in exercise of the powers conferred by section 34(8) of the Children Act 1989(1), and all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement and interpretation

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

(2) Any notice required under these Regulations is to be given in writing and may be sent by post.

(3) In these Regulations unless the context requires otherwise—

- (a) any reference to a numbered section is to the section in the Children Act 1989 bearing that number;
- (b) any reference to a numbered regulation is to the regulation in these Regulations bearing that number; and
- (c) any reference to a Schedule is to the Schedule to these Regulations.

Local authority refusal of contact with child

2. Where a local authority has decided under section 34(6) to refuse contact with a child that would otherwise be required by virtue of section 34(1) or a court order, the authority shall, as soon as the decision has been made, notify the following persons in writing of those parts of the information specified in the Schedule as the authority considers those persons need to know—

- (a) the child, if he is of sufficient understanding;
- (b) the child's parents;
- (c) any guardian of his;

- (d) where there was a residence order in force with respect to the child immediately before the care order was made, the person in whose favour the order was made;
- (e) where immediately before the care order was made, a person had care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children, that person; and
- (f) any other person whose wishes and feelings the authority consider to be relevant.

Departure from terms of court order on contact under section 34

3. The local authority may depart from the terms of any order under section 34 (parental contact etc with children in care) by agreement between the local authority and the person in relation to whom the order is made and in the following circumstance and subject to the following condition—

- (a) where the child is of sufficient understanding, subject to agreement also with him; and
- (b) a written notification shall be sent to the persons specified in regulation 2 containing those parts of the information specified in the Schedule as the authority considers those persons need to know, within seven days of the agreement to depart from the terms of the order.

Notification of variation or suspension of contact arrangements

4. Where a local authority varies or suspends any arrangements made (otherwise than under an order made under section 34) with a view to affording any person contact with a child in the care of that local authority, written notification shall be sent to those persons specified in regulation 2 containing those parts of the information specified in the Schedule as the authority considers those persons need to know, as soon as the decision is made to vary or suspend the arrangements.

Signed by authority of the Secretary of State for Health.

2nd April 1991

Virginia Bottomley
Minister of State,
Department of Health

SCHEDULE

Regulations 2, 3, and 4

Information to be contained in written notification

1. Local authority's decision.
 2. Date of the decision.
 3. Reasons for the decision.
 4. Duration (if applicable).
 5. Remedies available in case of dissatisfaction.
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EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the steps to be taken by a local authority who have refused to allow contact between a child in care and parents and others specified in section 34(1), which include notifying those persons and anyone else whose wishes and feelings they consider to be relevant (regulation 2).

They provide for the authority to depart from the terms of any order as to contact, by agreement between the authority and the person about whom the order was made, where the child agrees, if he is of sufficient understanding, and where a written notification of details of the decision is sent to the person specified in regulation 2 (regulation 3). They provide for the authority to notify those persons of details of any decision to vary or suspend any arrangements made, other than under an order under section 34, so as to allow any person contact with a child in care (regulation 4).

The Schedule provides for the details of the information which may be given in each case.