
STATUTORY INSTRUMENTS

1999 No. 2768

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Children (Protection from Offenders)
(Amendment) Regulations 1999**

<i>Made</i>	- - - -	<i>5th October 1999</i>
<i>Laid before Parliament</i>		<i>8th October 1999</i>
<i>Coming into force</i>	- -	<i>31st October 1999</i>

The Secretary of State, in exercise of the powers conferred by section 9(2) and (3) of the Adoption Act 1976⁽¹⁾ and section 23(2)(a) of the Children Act 1989⁽²⁾ and of all the other powers enabling him in that behalf, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Children (Protection from Offenders) (Amendment) Regulations 1999 and shall come into force on 31st October 1999.

Amendment of the Adoption Agencies Regulations 1983 and of the Foster Placement (Children) Regulations 1991

2.—(1) Schedule 2 (definition of specified offence) of the Adoption Agencies Regulations 1983⁽³⁾ and Schedule 4 (definition of specified offence) of the Foster Placement (Children) Regulations 1991⁽⁴⁾ are amended in accordance with the following provisions of this regulation.

(2) In paragraph 2 of each Schedule after sub-paragraph (a) insert—

“(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861⁽⁵⁾ (assault occasioning actual bodily harm); or”.

(3) In paragraph 9 of each Schedule omit “other than,” and insert—
“except for—

(1) 1976 c. 36.
(2) 1989 c. 41. The exercise of this and the foregoing power, in respect of Wales has been devolved to the National Assembly for Wales (Schedule 1, National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672).
(3) S.I. 1983/1964, amended by S.I. 1997/649 and S.I. 1997/2308.
(4) S.I. 1991/910, amended by S.I. 1995/2015 and S.I. 1997/2308.
(5) 1861 c. 100.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in a case where the offender was under 18 at the time the offence was committed, an offence of assault; or
- (b)”.
 - (4) In paragraph 13 of each Schedule—
 - (a) after sub-paragraph (a) insert the following sub-paragraph—
 - “(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861 (assault occasioning actual bodily harm); or”;
 - and
 - (b) in sub-paragraph (b) omit “other than,” and for “1985” substitute “1885”.
 - (5) Paragraph 14 is omitted.

Signed by authority of the Secretary of State for Health

5th October 1999

John Hutton
Parliamentary Under Secretary of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Adoption Agencies Regulations 1983 and the Foster Placement (Children) Regulations 1991 in respect of England. By those Regulations a local authority is not to consider a person with a conviction or a caution for an offence specified in Schedule 2 of the Adoption Agencies Regulations or Schedule 4 of the Foster Placement (Children) Regulations suitable to adopt or to foster a child. The main effect of these Regulations is to remove this absolute prohibition, and allow local authorities to exercise their discretion, in the case of an offence of actual bodily harm (assault in Scotland), committed when a person was under the age of 18.