

2005 No. 605

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES

FAMILY LAW, ENGLAND AND WALES

**The Children and Family Court Advisory and Support Service
(Reviewed Case Referral) (Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>9th March 2005</i>
<i>Laid before Parliament</i>	<i>10th March 2005</i>
<i>Coming into force</i> - -	<i>1st April 2005</i>

The Lord Chancellor, in exercise of the powers conferred upon him by sections 26(2C) and 104(4) of the Children Act 1989(a), and with the consent of the National Assembly for Wales pursuant to section 26(2D)(b) of that Act makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children and Family Court Advisory and Support Service (Reviewed Case Referral) (Amendment) Regulations 2005 and shall come into force on 1st April 2005.

(2) In these Regulations a reference to a regulation by number alone is a reference to the regulation so numbered in the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004(c).

Amendments to the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004

2.—(1) The Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004 are amended in accordance with the following provisions of this regulation.

(2) In regulation 3, in the heading, after “officers of the Service” insert “and Welsh family proceedings officers”.

(3) In regulation 3, after “The functions of the Service” insert “and of the National Assembly for Wales”.

(4) In regulation 4, in the heading, after “officers of the Service” insert “and Welsh family proceedings officers”.

(5) In regulation 4, after “an officer of the Service” insert “or a Welsh family proceedings officer”.

(a) 1989 c.41. Section 26(2C) was inserted by section 118(2) of the Adoption and Children Act 2002 (c. 38).

(b) Section 26(2D) was inserted by section 40 of, and paragraphs 5, 8(1) and (3) of Schedule 3 to, the Children Act 2004 (c. 31).

(c) S.I. 2004/2187

(6) After regulation 5 insert the following—

“Appointment of a Welsh family proceedings officer

5A.—(1) Following receipt of a referral by an independent reviewing officer, the National Assembly for Wales shall appoint a Welsh family proceedings officer to assess the case.

(2) The Welsh family proceedings officer shall decide on a course of action and submit a written report of the decision to—

- (a) the independent reviewing officer;
- (b) the Chief Executive of the local authority which appointed the independent reviewing officer;
- (c) any person specified by the independent reviewing officer in the referral; and
- (d) any other person the Welsh family proceedings officer considers should be informed,

stating the reasons for the decision and the information taken into account, including where appropriate the ascertainable wishes and feelings of the child.

(3) The Welsh family proceedings officer must seek to submit the report referred to in paragraph (2) to the persons referred to in that paragraph within two weeks of the referral.

(4) If the Welsh family proceedings officer does not submit a written report within two weeks of the referral, he shall—

- (a) send written notice within two weeks of the referral to the persons referred to in paragraph (2)(a) to (d) explaining that it has not been possible to send the report within that period; and
- (b) submit the report as soon as reasonably practicable thereafter and shall include in the report an explanation for the delay.”

(7) In regulation 6, after “appointed under regulation 5(1)” insert “or the Welsh family proceedings officer appointed under regulation 5A(1)”.

(8) In regulation 7, after “regulation 5(2)”, insert “or regulation 5A(2)”, and after “the officer of the Service” insert “or the Welsh family proceedings officer” and after “the Service”, insert “or the National Assembly for Wales”.

(9) In regulation 8, after “the officer of the Service” insert “or the Welsh family proceedings officer”.

(10) In regulation 9(1), after “the officer of the Service” insert “or the Welsh family proceedings officer”, and after “regulation 5(2)(a) to (d)” insert “or regulation 5A(2)(a) to (d)”.

(11) In regulation 9(2)(b) after “regulations 5(3)” insert “, 5A(3)”.

Signed by authority of the Lord Chancellor

9th March 2005

Cathy Ashton
Parliamentary Under Secretary of State
Department for Constitutional Affairs

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004 consequential on the National Assembly for Wales and Welsh family proceedings officers having functions in Wales previously discharged by the Children and Family Court Advisory and Support Service (“CAFCASS”) and CAFCASS officers. References in the existing regulations to CAFCASS and officers of the Service are amended to cover the National Assembly for Wales so far as it is exercising its functions under section 35 of the Children Act 2004 and Welsh family proceedings officers.

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