

2006 No. 837

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES

The Children (Prescribed Orders – Northern Ireland, Guernsey and Isle of Man) Amendment Regulations 2006

<i>Made</i> - - - -	<i>20th March 2006</i>
<i>Laid before Parliament</i>	<i>22nd March 2006</i>
<i>Coming into force</i> - -	<i>12th April 2006</i>

The Secretary of State for Education and Skills in relation to England and the National Assembly for Wales in relation to Wales in exercise of the powers conferred by section 101 of the Children Act 1989(a) make the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Prescribed Orders – Northern Ireland, Guernsey and Isle of Man) Amendment Regulations 2006 and come into force on 12th April 2006.

(2) In these Regulations “the principal Regulations” means the Children (Prescribed Orders – Northern Ireland, Guernsey and Isle of Man) Regulations 1991(b).

Amendments relating to Northern Ireland

2.—(1) The principal Regulations are amended as follows—

(2) In regulation 1(2) (interpretation)—

(a) omit the definitions of “the Board” and “the Northern Ireland Act”; and

(b) after the definition of “the Department” insert—

“the Northern Ireland authority” means a Health and Social Services Board or a Health and Social Services Trust which is an authority for the purposes of the Northern Ireland Order(c);”

“the Northern Ireland Order” means the Children (Northern Ireland) Order 1995(d);”.

(3) In regulation 1(4) for “2, 6, and 8” substitute “2, 2A, 6, 6A and 8”.

(4) In regulation 2 (transfer of care orders from England and Wales to Northern Ireland)—

(a) 1989 c.41. The functions of the Secretary of State under the Children Act 1989 are, in relation to Wales, transferred to the National Assembly for Wales by virtue of article 2 of, and the entry for the Children Act 1989 in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999. (S.I. 1999/672).

(b) S.I. 1991/2032.

(c) Under Article 2 of that Order references to an authority are to a Health and Social Services Board or, to the extent that a function is exercisable by a Health and Social Services Trust by virtue of an authorisation under Article 3(1) of the Health and Personal Social Services (Northern Ireland) Order 1994 (S.I. 1994/429 (N.I.2)), to that Trust.

(d) S.I. 1995/755 (N.I.2.).

(a) for paragraph (1) substitute—

“(1) A care order under section 31(1)(a) of the Act (being an order made by a court in England and Wales which appears to the Secretary of State to correspond in its effect to an order made under a provision in force in Northern Ireland) shall, in the circumstances prescribed in paragraph (2), have effect for all the purposes of the Northern Ireland Order as if it were a care order under Article 50(1)(a) of that Order placing the child in question in the care of the Northern Ireland authority in whose area it is proposed that he will live.”; and

(b) in paragraph (3) for the word “Board” substitute “Northern Ireland authority” in both places.

(5) After regulation 2 insert—

“Transfer of care orders to England and Wales from Northern Ireland

2A.—(1) A care order under Article 50(1)(a) of the Northern Ireland Order (being an order made by a court in Northern Ireland which appears to the Secretary of State and the National Assembly for Wales to correspond in its effect to an order which may be made under the Act shall, in the circumstances prescribed in paragraph (2), have effect for all purposes of the Act in England and Wales as if it were a care order under section 31(1)(a) of the Act placing the child in question in the care of the local authority in whose area he is to live.

(2) The circumstances referred to in paragraph (1) are that the court has given its approval under Article 33 of the Northern Ireland Order to the Northern Ireland authority arranging or assisting in arranging for the child to live in England or Wales.

(3) The care order shall cease to have effect for the purposes of the law of Northern Ireland if the following conditions are satisfied—

- (a) the local authority for the area in which the child is to live in England or Wales has notified the court referred to in paragraph (2) in writing that it agrees to take over the care of the child; and
- (b) the Northern Ireland authority has notified the court referred to in paragraph (2) that it agrees to the local authority taking over the care of the child.”.

(6) For regulation 6 substitute—

“Transfer of recovery orders from England and Wales to Northern Ireland

6. A recovery order under section 50 of the Act (being an order made by a court in England and Wales which appears to the Secretary of State to correspond in its effect to an order which may be made under a provision in force in Northern Ireland) shall have effect in all circumstances for all purposes of the Northern Ireland Order as if it were an order under Article 69 of the Northern Ireland Order.”.

(7) After regulation 6 insert—

“Transfer of recovery orders to England and Wales from Northern Ireland

6A. A recovery order under Article 69 of the Northern Ireland Order (being an order made by a court in Northern Ireland which appears to the Secretary of State and the National Assembly for Wales to correspond in its effect to an order which may be made under the Act) shall have effect in all circumstances and for all purposes of the Act in England and Wales as if it were a recovery order under section 50 of the Act.”.

Amendments relating to the Isle of Man

3.—(1) The principal Regulations are amended as follows.

(2) In regulation 1(2) (interpretation) in the definition of “the Act of Tynwald” for “the Children and Young Persons Act 1966” substitute “the Children and Young Persons Act 2001(a)”.

(3) For regulation 3 substitute—

“Transfer of care orders to England and Wales from the Isle of Man

3.—(1) A care order under section 31 of the Act of Tynwald (being an order made by a court in the Isle of Man which appears to the Secretary of State and the National Assembly for Wales to correspond in its effect to an order which maybe made under the Act) shall, in the circumstances prescribed in paragraph (2), have effect for all purposes of the Act in England and Wales as if it were a care order under section 31(1)(a) of the Act placing the child in question in the care of the local authority in whose area he is to live.

(2) The circumstances prescribed are that—

- (a) the court has given its approval under paragraph 6(2) of Schedule 2 to the Act of Tynwald to the Department arranging or assisting in arranging for the child to live in England or Wales; and
- (b) the authority has agreed in writing to receive the child into its care.”.

(4) For regulation 7 substitute —

“Transfer of recovery orders to England and Wales from the Isle of Man

7. A recovery order under section 49 of the Act of Tynwald (being an order made by a court in the Isle of Man which appears to the Secretary of State and the National Assembly for Wales to correspond in its effect to an order which may be made under the Act) shall have effect in all circumstances and for all purposes of the Act in England and Wales as if it were a recovery order made under section 50 of the Act.”.

20th March 2006

Signed on behalf of the National Assembly for Wales

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

14th March 2006

D Elis-Thomas
The Presiding Officer of the National Assembly

(a) 2001 c.20 (Isle of Man).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Children (Prescribed Orders – Northern Ireland, Guernsey and Isle of Man) Regulations 1991 (“the principal Regulations”), which provide for certain orders made in the Isle of Man and Guernsey, to have effect in England and Wales and for certain orders made in England and Wales to have effect in Northern Ireland. The amendments made by these Regulations are consequential on the enactment in Northern Ireland and Isle of Man of legislation broadly equivalent to the Children Act 1989.

Regulation 2 amends the principal Regulations in relation to Northern Ireland in consequence of the coming into force of the Children (Northern Ireland Order) 1995. This includes new provision made under section 101(1)(a) of the Children Act 1989 for certain orders made by a court in Northern Ireland to have effect as if made by court in England and Wales (paragraphs (5) and (7)).

Regulation 3 amends the principal Regulations in consequence of the coming into force of the Children and Young Persons Act 2001 in the Isle of Man.

The functions of the Secretary of State under the Children Act 1989 have, in relation to Wales, been transferred to the National Assembly for Wales. Accordingly, the power to make these Regulations is exercised by the Secretary of State in relation to England and the National Assembly for Wales in relation to Wales.

These Regulations do not impose any costs on business.

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E0461 3/2006 160461T 19585