
WELSH STATUTORY INSTRUMENTS

2005 No. 3365

**The Representations Procedure
(Children) (Wales) Regulations 2005**

PART I

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Representations Procedure (Children) (Wales) Regulations 2005 and they come into force on 1 April 2006.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Children Act 1989;

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002⁽¹⁾;

“the 1991 Regulations” (“*Rheoliadau 1991*”) means the Representations Procedure (Children) Regulations 1991⁽²⁾;

“advocate” (“*eiriolwr*”) means a person who provides assistance under arrangements made by a local authority under section 26A(1) of the Act;

“the Advocacy Services Regulations” (“*y Rheoliadau Gwasanaethau Eirioli*”) means the Representations Procedure and Advocacy Services (Children) (Wales) Regulations 2004⁽³⁾;

“appropriate office” (“*swyddfa briodol*”) means in relation to an establishment or agency—

(a) if an office has been specified under regulation 10(3) for the area in which the establishment or agency is situated, that office;

(b) in any other case, any other office of the National Assembly;

“complainant” (“*achwynydd*”) means a person making representations under section 24D of the Act or a person falling within 26(a) to (e) of the Act, or a person making representations under paragraph 6 of Schedule 7 to the Act;

“complaints officer” (“*swyddog cwynion*”) means the person appointed under regulation 5;

“to consider representations” (“*ystyried sylwadau*”) means to consider representations under the procedure set out in these Regulations;

“disciplinary proceedings” (“*achos disgyblu*”) means any procedure for disciplining employees adopted by a local authority;

(1) 2002 c. 38.

(2) S.I.1991/894; relevant amending instruments are S.I. 1991/2033, 2001/2874.

(3) S.I. 2004/1448 (W.148).

“independent person” (“*person annibynnol*”) means the person, being neither a member nor officer of the local authority, who takes part in the consideration of the representations and in any subsequent discussions, in accordance with section 26(4) of the Act;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“representations” (“*sylwadau*”) means representations under section 24D or section 26 of, or paragraph 6(2) of Schedule 7 to, the Act;

“working day” (“*diwenod gwaith*”) means a day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971(4).

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

General principles in handling representations

3.—(1) Any representations procedure set up under the Act must be operated in accordance with the principle that, where representations are made by a person to whom section 24D or 26(3)(a) applies, the welfare of the complainant should be safeguarded and promoted.

(2) Account should be taken of the ascertainable wishes and feelings of the complainant.

(4) 1971 c. 80.