
WELSH STATUTORY INSTRUMENTS

2008 No. 2943 (W.260)

CHILDREN AND YOUNG PERSONS, WALES

The Children Act 1989 (Contact Activity Directions and Conditions: Financial Assistance) (Wales) Regulations 2008

<i>Made</i>	- - - -	<i>13 November 2008</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>14 November 2008</i>
<i>Coming into force</i>	- -	<i>8 December 2008</i>

The Welsh Ministers make these regulations in exercise of the powers conferred by sections 11F(3), (6) and (7) and 104(4) of the Children Act 1989⁽¹⁾.

Title, commencement and application

1.—(1) The title of these Regulations is the Children Act 1989 (Contact Activity Directions and Conditions: Financial Assistance) (Wales) Regulations 2008 and they come into force on 8 December 2008.

(2) These Regulations apply in relation to Wales

Interpretation

2. In these Regulations—

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

“approved provider” (“*darparyydd a gymeradwyir*”) means a person who is for the time being approved—

- (a) where the contact activity is provided in Wales, by the Welsh Ministers, or
- (b) where the contact activity is provided in England, by the Secretary of State for Children, Schools and Families,

as a provider of contact activities;

“certificate” has the same meaning as in the Financial Regulations;

“contact activity” (“*gweithgaredd cyswllt*”) means an activity that promotes contact with a child which is required by a contact activity direction or contact activity condition;

(1) 1989 c. 41. Section 11F inserted by the Children and Adoption Act 2006 (c. 20). Functions of the National Assembly for Wales under sections 11F (3), (6) and (7) and 104(4) were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006.

- “contact activity condition” has the same meaning as in section 11C (2) of the Act;
- “contact activity direction” has the same meaning as in section 11A(3) of the Act;
- “family proceedings” has the same meaning as in the Financial Regulations;
- “Financial Regulations” (“*Rheoliadau Ariannol*”) means the Community Legal Service (Financial) Regulations 2000(2);
- “funded services” has the same meaning as in the Financial Regulations;
- “qualifying individual” means an individual who falls within section 11F(4) of the Act.

Financial Assistance

3.—(1) Subject to paragraphs (2) and (3), the Welsh Ministers may make payments to assist a qualifying individual in paying a charge or fee in respect of a contact activity.

(2) Payments shall not be made under paragraph (1) unless—

- (a) the qualifying individual’s financial resources are such that—
 - (i) following a determination in accordance with the Financial Regulations that the individual is financially eligible for funded services in relation to family proceedings, the individual has been issued with a certificate in relation to the family proceedings in which the contact activity direction or condition, which required the individual to take part in the contact activity, was made or imposed; or
 - (ii) where the individual does not satisfy the condition in sub-paragraph (a)(i), the Welsh Ministers are satisfied that the individual, if required to pay the charge or fee, is likely to suffer financial hardship; and
- (b) the contact activity is provided by an approved provider.

4. Payments under regulation 3 may be made directly to the approved provider.

13 November 2008

Gwenda Thomas
Under authority of the Minister for Health and
Social Services, one of the Welsh Ministers

(2) S.I.2000/516; as amended by S.I. 2001/2997, 2001/3663, 2001/3929, 2002/709, 2003/650, 2005/589, 2005/1097, 2005/1793, 2006/2363, 2007/906, 2007/2442, 2008/658 and 2008/1879.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision enabling financial assistance to be paid in respect of an individual ordered or directed to undertake an activity that promotes contact with their child where the child is ordinarily resident in Wales (“qualifying individual”) (regulation 3(1)).

To be eligible for such assistance it must have been determined that the individual is financially eligible for funded services in relation to family proceedings and the individual must have a certificate issued under the Funding Code approved under section 9 of the Access to Justice Act 1999⁽³⁾ in relation to the family proceedings in which the court made the contact activity direction or imposed the contact activity condition. Where that is not the case an individual will need to establish he or she is likely to suffer financial hardship if he or she has to pay the charge or fee for the contact activity (regulation 3(2)).

Regulation 3(2) further provides that assistance may only be given if the contact activity is provided by an approved provider. An approved provider is approved by the Welsh Ministers or the Secretary of State for Children, Schools and Families.

Regulation 4 allows the payments of financial assistance to be made directly to the approved provider.

(3) 1999 c. 22.