



# Children Act 1989

## 1989 CHAPTER 41

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *General*

#### **105 Interpretation.**

(1) In this Act—

[<sup>F1</sup> “activity condition” has the meaning given by section 11C;]

[<sup>F1</sup> “activity direction” has the meaning given by section 11A;]

“adoption agency” means a body which may be referred to as an adoption agency by virtue of [<sup>F2</sup>section 2 of the Adoption and Children Act 2002];

<sup>F3</sup>  
...

“bank holiday” means a day which is a bank holiday under the <sup>M1</sup>Banking and Financial Dealings Act 1971;

[<sup>F4</sup>“care home”—

(a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and

(b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to persons aged 18 or over;”]

“care order” has the meaning given by section 31(11) and also includes any order which by or under any enactment has the effect of, or is deemed to be, a care order for the purposes of this Act; and any reference to a child who is in the care of an authority is a reference to a child who is in their care by virtue of a care order;

“child” means, subject to paragraph 16 of Schedule 1, a person under the age of eighteen;

[<sup>F5</sup> “child arrangements order” has the meaning given by section 8(1);]

“child assessment order” has the meaning given by section 43(2);

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[<sup>F6</sup> “child minder” has the meaning given by section 71;]

[<sup>F7</sup> “child of the family”, in relation to parties to a marriage, or to two people who are civil partners of each other, means—

- (a) a child of both of them, and
- (b) any other child, other than a child placed with them as foster parents by a local authority or voluntary organisation, who has been treated by both of them as a child of their family];

[<sup>F8</sup> “children’s home”—

- (a) has the same meaning as it has for the purposes of the Care Standards Act 2000 in respect of a children’s home in England (see section 1 of that Act); and
- (b) [<sup>F9</sup> means a place in Wales at which—
  - ((i)) a care home service is provided wholly or mainly to children, or
  - ((ii)) a secure accommodation service is provided,

and in this paragraph “care home service” and “secure accommodation service” have the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2);]

<sup>F10</sup>  
...

“community home” has the meaning given by section 53;

<sup>F11</sup>  
...

<sup>F11</sup>  
...

<sup>F11</sup>  
...

“day care” <sup>F12</sup>... has the same meaning as in section 18;

“disabled”, in relation to a child, has the same meaning as in section 17(11);

<sup>F13</sup>  
...

“domestic premises” has the meaning given by section 71(12);

[<sup>F14</sup> “dwelling-house” includes—

- (a) any building or part of a building which is occupied as a dwelling;
- (b) any caravan, house-boat or structure which is occupied as a dwelling;

and any yard, garden, garage or outhouse belonging to it and occupied with it;]

[<sup>F15</sup> “education functions” has the meaning given by section 579(1) of the Education Act 1996;]

“education supervision order” has the meaning given in section 36;

“emergency protection order” means an order under section 44;

[<sup>F16</sup> “enforcement order” has the meaning given by section 11J;]

“family assistance order” has the meaning given in section 16(2);

“family proceedings” has the meaning given by section 8(3);

“functions” includes powers and duties;

“guardian of a child” means a guardian (other than a guardian of the estate of a child) appointed in accordance with the provisions of section 5;

“harm” has the same meaning as in section 31(9) and the question of whether harm is significant shall be determined in accordance with section 31(10);

<sup>F17</sup>  
...

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“health service hospital” <sup>F18</sup> means a health service hospital within the meaning given by the National Health Service Act 2006 or the National Health Service (Wales) Act 2006];

“hospital” <sup>F19</sup> ... has the same meaning as in the <sup>M2</sup> Mental Health Act 1983, except that it does not include a special hospital within the meaning of that Act;

“ill-treatment” has the same meaning as in section 31(9);

<sup>F20</sup> “income-based jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995;]

<sup>F21</sup> “income-related employment and support allowance” means an income-related allowance under Part 1 of the Welfare Reform Act 2007 (employment and support allowance);]

<sup>F22</sup> “independent hospital”

(a) in relation to England, means a hospital as defined by section 275 of the National Health Service Act 2006 that is not a health service hospital as defined by that section; and

(b) in relation to Wales, has the same meaning as in the Care Standards Act 2000;]

“independent school” has the same meaning as in <sup>F23</sup> the Education Act 1996];

<sup>F24</sup> “integrated care board” means a body established under section [14Z25](#) of the National Health Service Act 2006;]

“local authority” means, in relation to England <sup>F25</sup> ..., the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London <sup>F26</sup> in relation to Wales, the council of a county or a county borough] and, in relation to Scotland, a local authority within the meaning of section 1(2) of the <sup>M3</sup> Social Work (Scotland) Act 1968;

<sup>F27</sup> <sup>F28</sup> “local authority foster parent” has the meaning given in section 22C(12);]]

<sup>F27</sup> “local authority foster parent” means a person authorised as such in accordance with regulations made by virtue of—

(a) paragraph 12F of Schedule 2; or

(b) sections 87 and 93 of the Social Services and Well-being (Wales) Act 2014 (regulations providing for approval of local authority foster parents);]

<sup>F29</sup> ...

<sup>F30</sup> “Local Health Board” means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006;]

“local housing authority” has the same meaning as in the <sup>M4</sup> Housing Act 1985;

<sup>F31</sup> “mental nursing home” has the same meaning as in the <sup>M5</sup> Registered Homes Act 1984;]

<sup>F32</sup> “nursing home” has the same meaning as in the Act of 1984;]

<sup>F33</sup> “officer of the Service” has the same meaning as in the Criminal Justice and Court Services Act 2000;]

“parental responsibility” has the meaning given in section 3;

“parental responsibility agreement” has the meaning given in <sup>F34</sup> sections 4(1) <sup>F35</sup> , 4ZA(4)] and 4A(2)];

“prescribed” means prescribed by regulations made under this Act;

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[<sup>F36</sup> “private children’s home” means a children’s home in respect of which a person is registered under Part II of the Care Standards Act 2000 [<sup>F37</sup> or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016] which is not a community home or a voluntary home;]

<sup>F38</sup>  
 ...

“privately fostered child” and “to foster a child privately” have the same meaning as in section 66;

“prohibited steps order” has the meaning given by section 8(1);

<sup>F39</sup>  
 ...

[<sup>F40</sup> “registered children’s home” has the same meaning as in section 63;]

“registered pupil” has the same meaning as in [<sup>F23</sup> the Education Act 1996];

“relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or [<sup>F41</sup> by marriage or civil partnership]) or step-parent;

<sup>F41</sup>  
 ...

[<sup>F42</sup> “residential care home” has the same meaning as in the Registered Homes Act 1984 [<sup>F43</sup> and “small home” has the meaning given by section 1(4A) of that Act];]

“responsible person”, in relation to a child who is the subject of a supervision order, has the meaning given in paragraph 1 of Schedule 3;

“school” has the same meaning as in [<sup>F23</sup> the Education Act 1996] or, in relation to Scotland, in the <sup>M6</sup> Education (Scotland) Act 1980;

[<sup>F44</sup> “section 31A plan” has the meaning given by section 31A(6);]

“service”, in relation to any provision made under Part III, includes any facility;

“signed”, in relation to any person, includes the making by that person of his mark;

“special educational needs” has the same meaning as in [<sup>F45</sup> the Education Act 1996];

[<sup>F46</sup> “special guardian” and “special guardianship order” have the meaning given by section 14A;]

[<sup>F47</sup> “Special Health Authority” means a Special Health Authority established under [<sup>F48</sup> section 28 of the National Health Service Act 2006 or section 22 of the National Health Service (Wales) Act 2006,];]

“specific issue order” has the meaning given by section 8(1);

<sup>F49</sup>  
 ...

“supervision order” has the meaning given by section 31(11);

“supervised child” and “supervisor”, in relation to a supervision order or an education supervision order, mean respectively the child who is (or is to be) under supervision and the person under whose supervision he is (or is to be) by virtue of the order;

“upbringing”, in relation to any child, includes the care of the child but not his maintenance;

“voluntary home” has the meaning given by section 60;

“voluntary organisation” means a body (other than a public or local authority) whose activities are not carried on for profit;

[<sup>F50</sup> “Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004.]

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- (2) References in this Act to a child whose father and mother were, or (as the case may be) were not, married to [<sup>F51</sup>, or civil partners of,] each other at the time of his birth must be read with section 1 of the <sup>M7</sup> Family Law Reform Act 1987 (which extends the meaning of such references).
- <sup>F52</sup>(3) .....
- [<sup>F53</sup>(4) References in this Act to a child who is looked after—
- (a) in relation to a child who is looked after by a local authority in England, has the meaning given in section 22; and
  - (b) in relation to a child who is looked after by a local authority in Wales, has the meaning given in section 74 of the Social Services and Well-being (Wales) Act 2014 (child or young person looked after by a local authority).]
- (5) References in this Act to accommodation provided by or on behalf of a local authority are references to accommodation so provided in the exercise of functions [<sup>F54</sup> of that or any other local authority which are social services functions]<sup>F55</sup> ....
- <sup>F56</sup>(5A) .....
- [<sup>F57</sup>(5B) References in this Act to acting as a child minder and to a child minder shall be construed, in relation to Scotland, in accordance with section 2(17) of the Regulation of Care (Scotland) Act 2001 (asp 8).]
- [<sup>F58</sup>(5B) In subsection (5) “social services functions” means—
- (a) in England, social services functions within the meaning of the Local Authority Social Services Act 1970, and
  - (b) in Wales, social services functions within the meaning of the Social Services and Well-being (Wales) Act 2014.]
- (6) In determining the “ordinary residence” of a child for any purpose of this Act, there shall be disregarded any period in which he lives in any place—
- (a) which is a school or other institution;
  - (b) in accordance with the requirements of a supervision order under this Act <sup>F59</sup> ...;
- [<sup>F60</sup>(ba) in accordance with the requirements of a youth rehabilitation order under [<sup>F61</sup>Chapter 1 of Part 9 of the Sentencing Code]; or]
- (c) while he is being provided with accommodation by or on behalf of a local authority.
- (7) References in this Act to children who are in need shall be construed in accordance with section 17.
- [<sup>F62</sup>(7A) References in this Act to a hospital or accommodation made available or provided pursuant to arrangements made by the Secretary of State under the National Health Service Act 2006 are references to a hospital or accommodation made available or provided pursuant to arrangements so made in the exercise of the public health functions of the Secretary of State (within the meaning of that Act).
- [<sup>F63</sup>(7B) References in this Act to arrangements made by NHS England or an integrated care board under the National Health Service Act 2006 include references to arrangements so made in the exercise of functions of another person by virtue of any provision of that Act.]]

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- (8) Any notice or other document required under this Act to be served on any person may be served on him by being delivered personally to him, or being sent by post to him in a registered letter or by the recorded delivery service at his proper address.
- (9) Any such notice or other document required to be served on a body corporate or a firm shall be duly served if it is served on the secretary or clerk of that body or a partner of that firm.
- (10) For the purposes of this section, and of section 7 of the<sup>M8</sup> Interpretation Act 1978 in its application to this section, the proper address of a person—
  - (a) in the case of a secretary or clerk of a body corporate, shall be that of the registered or principal office of that body;
  - (b) in the case of a partner of a firm, shall be that of the principal office of the firm; and
  - (c) in any other case, shall be the last known address of the person to be served.

#### Textual Amendments

- F1** Words in s. 105(1) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 38\(2\)\(a\)](#); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F2** S. 105(1): words in definition of "adoption agency" substituted (30.12.2005) by [2002 c. 38](#), ss. 139, 148, [Sch. 3 para. 70\(a\)](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), art. 2(o)
- F3** Words in s. 105(1) repealed (1.4.2011 for E., 6.4.2016 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), [Sch. 1 para. 3\(2\)](#), [Sch. 4](#); [S.I. 2010/2981](#), art. 4(a)(l); [S.I. 2016/452](#), art. 2(b); [S.I. 2017/948](#), art. 2(c)(ii)
- F4** Words in s. 105(1) substituted (E.W.) (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), [regs. 2](#), 12(a)
- F5** Words in s. 105(1) inserted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 38\(2\)\(b\)](#); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F6** S. 105(1): definition of "child minder" repealed (1.4.2002 for W. and otherwise (prosp.) by [2000 c. 14](#), ss. 117(2), 122, [Sch. 6](#); [S.I. 2002/ 920](#), art. 3(3)(g) (with arts. 3(5)-(10))
- F7** S. 105(1): definition of "child of the family" substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 75(3); [S.I. 2005/3175](#), art. 2(1), [Sch. 1](#)
- F8** Words in s. 105(1) substituted (E.W.) (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), [regs. 2](#), 12(b)
- F9** Words in s. 105(1) substituted (E.W.) (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), [regs. 1\(2\)](#), 5
- F10** Words in s. 105(1) omitted (1.7.2022) by virtue of [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 36\(a\)](#); [S.I. 2022/734](#), [reg. 2\(a\)](#), [Sch. \(with regs. 13, 29, 30\)](#)
- F11** Words in s. 105(1) omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 38\(2\)\(c\)](#); [S.I. 2014/889](#), art. 4(f) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F12** S. 105(1): words in the definition of "day care" repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. 72, 73, 75, [Sch. 1 para. 7\(a\)\(i\)](#), [Sch. 2](#); [S.I. 2010/2582](#), art. 2, [Sch. 1](#) (subject to [arts. 3, 4, 5](#)) (as amended by [S.I. 2011/577](#), art. 2)
- F13** Definition of "district health authority" in s. 105(1) repealed (1.4.1996) by [1995 c. 17](#), ss. 2(1), 5(1)(2), [Schs. 1](#), [para. 118\(10\)\(a\)](#), 3 (with [Sch. 2 paras. 6, 16](#))
- F14** Definition in s. 105(1) inserted (1.10.1997) by [1996, c. 27](#), s. 52, [Sch. 6 para. 5](#) (with [Sch. 9 paras. 8, 9, 10](#)); [S.I. 1997/1892](#), art. 3
- F15** S. 105(1): definition of "education functions" inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), [Sch. 2 para. 37\(13\)\(a\)](#)

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- F16** S. 105(1): definition of "enforcement order" inserted (8.12.2008) by Children and Adoption Act 2006 (c. 20), s. 15, **Sch. 2 para. 11**; S.I. 2008/2870, **art. 2(2)(e)**
- F17** S. 105: definition of "health authority" omitted (1.3.2007) by virtue of National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 2, **Sch. 1 para. 125(a)**
- F18** S. 105: words in definition of "health service hospital" substituted (1.3.2007) by National Health Service (Consequential Provisions) Act 2006 (c. 43), s. 2, **Sch. 1 para. 125(b)**
- F19** S. 105(1): words in the definition of "hospital" repealed (W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), ss. 72, 73, 75, Sch. 1 para. 7(a)(ii), Sch. 2; S.I. 2010/2582, **art. 2**, **Sch. 1** (subject to arts. 3, 4, 5) (as amended by S.I. 2011/577, **art. 2**)
- F20** Definition of "income-based jobseeker's allowance" in s. 105 inserted (7.10.1996) by 1995 c. 18, s. 41(4), **Sch. 2 para. 19(4)**; S.I. 1996/2208, **art. 2(b)**
- F21** S. 105(1): definition of "income-related employment and support allowance" inserted (27.10.2008) by Welfare Reform Act 2007 (c. 5), ss. 28, 70, **Sch. 3 para. 6(5)**; S.I. 2008/787, **art. 2(4)(f)**
- F22** S. 105(1): definition of "independent hospital" substituted (1.10.2010) by The Health and Social Care Act 2008 (Consequential Amendments No.2) Order 2010 (S.I. 2010/813), **art. 7(3)**
- F23** Words in s. 105(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), **Sch. 37**, Pt. I para. 91(with Sch. 39, paras. 30, 39)
- F24** Words in s. 105(1) inserted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 36(b)**; S.I. 2022/734, reg. 2(a), **Sch.** (with regs. 13, 29, 30)
- F25** Words in s. 105(1) repealed (1.4.1996) by 1994 c. 19, ss. 22(4), s. 66(8), Sch. 10 para. 13, **Sch. 18**(with s. 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, **art. 4**, **Sch. 2**
- F26** Words in definition of "local authority" in s. 105(1) inserted (1.4.1996) by 1994 c. 19, s. 22(4), **Sch. 10 para. 13** (with s. 66(7), Sch. 17 paras. 22, 23(2)); S.I. 1996/396, **art. 4**, **Sch. 2**
- F27** Words in s. 105(1) substituted (E.W.) (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **106(a)**
- F28** S. 105(1): definition substituted (1.4.2011 for E., otherwise prosp.) by Children and Young Persons Act 2008 (c. 23), ss. 8(2), 44, **Sch. 1 para. 3(4)**; S.I. 2010/2891, **art. 4(a)**
- F29** S. 105(1): definition of "local education authority" repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 37(13)(b), **Sch. 3 Pt. 2**
- F30** S. 105: definition of "Local Health Board" inserted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), arts. 2, 3, **Sch. para. 20(3)**
- F31** S. 105(1): definition of "mental nursing home" repealed (1.4.2002 (E.W.)) by 2000 c. 14, ss. 117(2), 122, **Sch. 6**; S.I. 2001/4150, **art. 3(3)(c)(viii)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(g)** (with art. 3(5)-(10) and transitional provisions in Schs. 1-3)
- F32** S. 105(1): definition of "nursing home" repealed (1.4.2002 (E.W.)) by 2000 c. 14, ss. 117(2), 122, **Sch. 6**; S.I. 2001/4150, **art. 3(3)(c)(viii)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(g)** (with art. 3(5)-(10) and transitional provisions in Schs. 1-3)
- F33** S. 105(1): definition of "officer of the Service" inserted (1.4.2001) by 2000 c. 43, s. 74, **Sch. 7 Pt. II para. 95**; S.I. 2001/919, **art. 2(f)(ii)**
- F34** S. 105(1): words in definition of "parental responsibility agreement" substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 70(c) (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 2(o)**
- F35** S. 105(1): word in the definition of "parental responsibility agreement" inserted (6.4.2009) by Human Fertilisation and Embryology Act 2008 (c. 22), ss. 56, 68, **Sch. 6 para. 31**; S.I. 2009/479, **art. 6(1)(e)**
- F36** S. 105(1): definition of "private children's home" inserted (1.4.2002 (E.W.)) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 14(23)(a)(vii)**; S.I. 2001/4150, **art. 3(3)(a)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F37** Words in s. 105(1) inserted (E.W.) (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2**, 12(c)



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- F38** Words in s. 105(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 56\(2\)\(b\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F39** S. 105(1): definition of "protected child" repealed (30.12.2005) by 2002 c. 38, ss. 139, 148, [Sch. 3 para. 70\(d\)](#), [Sch. 5](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, [art. 2\(o\)](#)
- F40** S. 105(1): definition of "registered children's home" repealed (1.4.2002 (E.W.)) by 2000 c. 14, ss. 117(2), 122, [Sch. 6](#); S.I. 2001/4150, [art. 3\(3\)\(c\)\(viii\)](#) (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, [art. 6](#)); S.I. 2002/920, [art. 3\(3\)\(g\)](#) (with [art. 3\(4\)-\(10\)](#) and transitional provisions in [Schs. 1-3](#))
- F41** S. 105(1): words in definition of "relative" substituted (5.12.2005) by [Civil Partnership Act 2004 \(c. 33\)](#), s. 75(4); S.I. 2005/3175, [art. 2\(1\)](#), [Sch. 1](#)
- F42** S. 105(1): definition of "residential care home" repealed (1.4.2002 (E.W.)) by 2000 c. 14, ss. 117(2), 122, [Sch. 6](#); S.I. 2001/4150, [art. 3\(3\)\(c\)\(viii\)](#) (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, [art. 6](#)); S.I. 2002/920, [art. 3\(3\)\(g\)](#) (with [art. 3\(4\)-\(10\)](#) and transitional provisions in [Schs. 1-3](#))
- F43** Words in s. 105(1) inserted (1.4.1993) by [Registered Homes Act 1991 \(c. 20, SIF 113:3\)](#), s. 2(6); S.I. 1992/2240, [art. 2](#).
- F44** S. 105(1): definition of "section 31A plan" inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, [Sch. 3 para. 70\(b\)](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, [art. 2\(o\)](#)
- F45** Words in s. 105(1) substituted (1.11.1996) by 1996 c. 56, ss. 582(1), 583(2), [Sch. 37 Pt. I](#), para. 91 (with [Sch. 39](#), paras. 30, 39)
- F46** S. 105(1): definition of "special guardian" and "special guardianship order" inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, [Sch. 3 para. 70\(e\)](#) (with [Sch. 4 paras. 6-8](#)); S.I. 2005/2213, [art. 2\(o\)](#)
- F47** Definition of "special health authority" in s. 105(1) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), [Sch. 1 Pt. III](#), para. 118(10)(c) (with [Sch. 2 para. 6](#))
- F48** S. 105: words in definition of "Special Health Authority" substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), s. 2, [Sch. 1 para. 125\(d\)](#)
- F49** Words in s. 105(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 56\(2\)\(c\)](#); S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F50** S. 105(1): definition of "Welsh family proceedings officer" inserted (1.4.2005) by [Children Act 2004](#), (c. 31), s. 40, {[Sch. 3 para. 11](#)}; S.I. 2005/700, [art. 2\(2\)](#)
- F51** Words in s. 105(2) inserted (2.12.2019) by [The Civil Partnership \(Opposite-sex Couples\) Regulations 2019 \(S.I. 2019/1458\)](#), regs. 1(2), [15\(4\)](#)
- F52** S. 105(3) omitted (22.4.2014) by virtue of [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 38\(3\)](#); S.I. 2014/889, art. 4(f) (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F53** S. 105(4) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [106\(b\)](#)
- F54** Words in s. 105(5) substituted (E.W.) (26.10.2000 for E. and 28.7.2001 for W.) by 2000 c. 22, ss. 107(1), 108(4), [Sch. 5 para. 22](#); S.I. 2000/2849, [art. 2\(f\)](#)
- F55** Words in s. 105(5) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [106\(c\)](#)
- F56** S. 105(5A) repealed (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. 72, 73, 75, [Sch. 1 para. 7\(b\)](#), [Sch. 2](#); S.I. 2010/2582, [art. 2](#), [Sch. 1](#) (subject to arts. 3, 4, 5) (as amended by S.I. 2011/577, art. 2)
- F57** S. 105(5B) inserted (S.) (1.4.2002) by 2001 asp 8, s. 79, [Sch. 3 para. 15\(2\)\(b\)](#); S.S.I. 2002/162, [art. 2\(f\)\(h\)](#) (subject to arts. 3-13)
- F58** S. 105(5B) inserted (E.W.) (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [106\(d\)](#)
- F59** Words in s. 105(6)(b) repealed (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 149, 153, [Sch. 4 para. 36\(a\)](#), [Sch. 28 Pt. 1](#) (with [Sch. 27 paras. 1 and 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)\(u\)\(xi\)](#)
- F60** S. 105(6)(ba) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 36\(b\)](#) (with [Sch. 27 paras. 1 and 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)



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**Changes to legislation:** *Children Act 1989, Section 105 is up to date with all changes known to be in force on or before 26 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- F61** Words in s. 105(6)(ba) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), **Sch. 24 para. 111** (with [Sch. 27](#)); [S.I. 2020/1236](#), reg. 2
- F62** S. 105(7A)(7B) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 56(3)**; [S.I. 2013/160](#), **art. 2(2)** (with arts. 7-9)
- F63** S. 105(7B) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), **Sch. 9 para. 2**; [S.I. 2022/734](#), reg. 2(a), **Sch.** (with regs. 13, 29, 30)

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**Modifications etc. (not altering text)**

- C1** S. 105(4) applied (26.7.2021) by [The Disability Assistance for Children and Young People \(Scotland\) Regulations 2021 \(S.S.I. 2021/174\)](#), regs. 1, **17(6)(b)** (with sch. para. 13(a))
- C2** S. 105(4) applied (S.) (21.3.2022) by [The Disability Assistance for Working Age People \(Scotland\) Regulations 2022 \(S.S.I. 2022/54\)](#), regs. 1, **27(6)(b)**

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**Commencement Information**

- I1** S. 105 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

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**Marginal Citations**

- M1** 1971 c. 80.  
**M2** 1983 c. 20.  
**M3** 1968 c. 49.  
**M4** 1985 c. 68.  
**M5** 1984 c. 23.  
**M6** 1980 c. 44.  
**M7** 1987 c. 42.  
**M8** 1978 c. 30.

**Changes to legislation:**

Children Act 1989, Section 105 is up to date with all changes known to be in force on or before 26 January 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 105 words substituted by [2022 c. 31 Sch. 1 para. 1\(1\)\(2\)](#) (This amendment not applied to legislation.gov.uk. Amendment superseded by the substitution of s. 105(7B) (1.7.2022) by [2022 c. 31, s. 186\(6\), Sch. 9 para. 2](#))
- s. 105(1) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by [2009 c. 24 Sch. 6 para. 21\(3\)](#)
- s. 4(1C) inserted by [2009 c. 24 Sch. 6 para. 21\(4\)](#)
- s. 4ZA(2)(aa) inserted by [2009 c. 24 Sch. 6 para. 22\(3\)](#)
- s. 4ZA(3A) inserted by [2009 c. 24 Sch. 6 para. 22\(4\)](#)
- s. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)