

SCHEDULES

SCHEDULE 16

CHILDREN ACT 1989

PART I

AMENDMENT OF ACT AND OTHER ENACTMENTS AFFECTED

The Children Act 1989 (c. 41)

- 10 (1) In section 15(1) of the Children Act 1989 (orders for financial relief with respect to children) after the words “provisions of” there shall be inserted “section 6 of the Family Law Reform Act 1969”.
- (2) At the end of paragraph 1 of Schedule 1 to the Act of 1989 (financial provision for children) there shall be inserted the following sub-paragraph—
- “(7) Where a child is a ward of court, the court may exercise any of its powers under this Schedule even though no application has been made to it.”
- 11 In section 21(2)(c)(i) of the Act of 1989 (provision of accommodation for children on remand) after the word “section” there shall be inserted “16(3A) or”.
- 12 (1) In section 23 of the Act of 1989 (provision of accommodation and maintenance made by local authority for children whom they are looking after), in subsection (2)(e) after the word “provided” there shall be inserted “in accordance with arrangements made”.
- (2) After subsection (5) of that section there shall be inserted the following subsection—
- “(5A) For the purposes of subsection (5) a child shall be regarded as living with a person if he stays with that person for a continuous period of more than 24 hours”.
- 13 At the end of section 24 of the Act of 1989 (advice and assistance) there shall be added the following subsections—
- “(14) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them by a person qualifying for advice and assistance about the discharge of their functions under this Part in relation to him.
- (15) In carrying out any consideration of representations under subsection (14), a local authority shall comply with any regulations made by the Secretary of State for the purposes of this subsection.”
- 14 In section 27 of the Act of 1989 (co-operation between authorities)—
- (a) in subsection (1) the words “or other person” and the words “or person” shall be omitted; and

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- (b) in subsection (3) for the word “persons” there shall be substituted “authorities” and after the words “health authority” there shall be inserted “or National Health Service trust”.
- 15 In section 29 of the Act of 1989 (recoupment of cost of providing services etc.), in subsection (9), for the words “expenses reasonably” there shall be substituted “reasonable expenses”.
- 16 In section 37 of the Act of 1989 (powers of court in certain family proceedings), in subsection (5)(b) for the words “does not reside” there shall be substituted “is not ordinarily resident”.
- 17 In section 41 of the Act of 1989 (appointment of guardian ad litem for child in certain proceedings), the following subsection shall be added at the end—
- “(12) The Secretary of State may, with the consent of the Treasury, make such grants with respect to expenditure of any local authority—
- (a) in connection with the establishment and administration of guardian ad litem panels in accordance with this section;
- (b) in paying expenses, fees, allowances and in the provision of training for members of such panels, as he considers appropriate.”
- 18 (1) Section 42 of the Act of 1989 (right of guardian ad litem to have access to local authority records) shall be amended as follows.
- (2) In subsection (1)(a), after the word “authority” there shall be inserted “or an authorised person”.
- (3) At the end of subsection (1) there shall be added—
- “; or
- (c) any records of, or held by, an authorised person which were compiled in connection with the activities of that person, so far as those records relate to that child.”
- (4) The following subsection shall be added at the end—
- “(4) In this section “authorised person” has the same meaning as in section 31.”
- 19 For section 45(10) of the Act of 1989 (appeals against emergency protection orders) there shall be substituted—
- “(10) No appeal may be made against—
- (a) the making of, or refusal to make, an emergency protection order;
- (b) the extension of, or refusal to extend, the period during which such an order is to have effect;
- (c) the discharge of, or refusal to discharge, such an order; or
- (d) the giving of, or refusal to give, any direction in connection with such an order.”
- 20 In section 47(11)(d) of the Act of 1989 (persons obliged to assist local authority investigations), after the words “health authority” there shall be inserted “or National Health Service trust”.
- 21 In section 81 of the Act of 1989 (power of Secretary of State to hold inquiries), in subsection (1)(d) the word “registered” shall be omitted and in subsection (1)(f)

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- after the word “provided” there shall be inserted “in accordance with arrangements made”.
- 22 In section 93(2) of the Act of 1989 (rules of court)—
- (a) in paragraph (f) for the words “the United Kingdom” there shall be substituted “England and Wales”; and
 - (b) in paragraph (g) after the word “is” there shall be inserted “or resides”.
- 23 In section 94(1) (appeals), for the first word “An” there shall be substituted “Subject to any express provisions to the contrary made by or under this Act, an”.
- 24 In section 97(8) of the Act of 1989 (privacy for children involved in certain proceedings) for the words “Section 71 of the Act of 1980 (newspaper reports of certain proceedings)” there shall be substituted “Sections 69 (sittings of magistrates’ courts for family proceedings) and 71 (newspaper reports of certain proceedings) of the Act of 1980”.
- 25 In section 108(12) of the Act of 1989 (provisions extending to Northern Ireland), in the entry relating to Schedule 14, the word “18” shall be omitted.
- 26 In paragraph 14 of Schedule 2 to the Act of 1989 (regulations as to conditions under which child in care is allowed to live with parent, etc.), the following sub-paragraph shall be added at the end—
- “(d) the records to be kept by local authorities.”
- 27 In Schedule 3 to the Act of 1989 (supervision orders) paragraph 7 shall be omitted.
- 28 (1) In Schedule 4 to the Act of 1989 (management and conduct of community homes) the word “voluntary” wherever it occurs in paragraph 1(1), (2), (4), (5), (8) and (9) shall be omitted.
- (2) In paragraph 1(6)(b)(i) of that Schedule, the words “as a voluntary home” shall be omitted.
- 29 In paragraph 3(1) of Schedule 6 to the Act of 1989 (registered children’s homes – meaning of “responsible authority”) for the word “Part” there shall be substituted “Schedule”.
- 30 (1) Paragraph 2 of Schedule 9 to the Act of 1989 (disqualification from registration as child minder etc. under section 71) shall be amended as follows.
- (2) In sub-paragraph (1), there shall be added at the end “unless—
- (a) he has disclosed the fact to the appropriate local authority; and
 - (b) obtained their written consent.”
- (3) In sub-paragraph (2)(g), for “61” there shall be substituted “69”.
- 31 In Schedule 12 to the Act of 1989 (minor amendments), paragraph 25 (which amended section 16 of the Children and Young Persons Act 1969) shall be omitted.
- 32 In Schedule 13 to the Act of 1989 (consequential amendments), paragraph 40 shall be omitted.
- 33 (1) Schedule 14 to the Act of 1989 (transitionals and savings) shall be amended as follows.
- (2) In paragraph 15 (children in compulsory care) at the end of sub-paragraph (1) there shall be added “; or—

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(h) in care by virtue of an order of the court made in the exercise of the High Court's inherent jurisdiction with respect to children.”

(3) In paragraph 16 (modifications)—

(a) in sub-paragraph (4), for the word “(g)” there shall be substituted “(h)”; and

(b) in sub-paragraph (5) for the words from “under” to “1973” there shall be substituted “—

(a) under section 4(4)(a) of the Guardianship Act 1973;

(b) under section 43(5)(a) of the Matrimonial Causes Act 1973;
or

(c) in the exercise of the High Court's inherent jurisdiction with respect to children.”

(4) After paragraph 16 there shall be inserted the following paragraph—

“Cessation of wardship where ward in care

16A Where a child who is a ward of court is in care by virtue of—

(a) an order under section 7(2) of the Family Law Reform Act 1969;
or

(b) an order made in the exercise of the High Court's inherent jurisdiction with respect to children,

he shall, on the day on which Part IV commences, cease to be a ward of court.”

(5) In paragraph 22(a) for the word “(g)” there shall be substituted “(h)”.

(6) In paragraph 36(5)(b) for the words “subsection (4)” there shall be substituted “subsection (6)”.