



Criminal Justice and Courts Services Act 2000

2000 CHAPTER 43

PART I

THE NEW SERVICES

CHAPTER II

CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

11 Establishment of the Service

- (1) There shall be a body corporate to be known as the Children and Family Court Advisory and Support Service (referred to in this Part as the Service) which is to exercise the functions conferred on it by virtue of this Act and any other enactment.
- (2) Schedule 2 (which makes provision about the constitution of the Service, its powers and other matters relating to it) is to have effect.
- (3) References in this Act or any other enactment to an officer of the Service are references to—
 - (a) any member of the staff of the Service appointed under paragraph 5(1)(a) of that Schedule, and
 - (b) any other individual exercising functions of an officer of the Service by virtue of section 13(2) or (4).

12 Principal functions of the Service

- (1) In respect of family proceedings in which the welfare of children is or may be in question, it is a function of the Service to—
 - (a) safeguard and promote the welfare of the children,

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- (b) give advice to any court about any application made to it in such proceedings,
 - (c) make provision for the children to be represented in such proceedings,
 - (d) provide information, advice and other support for the children and their families.
- (2) The Service must also make provision for the performance of any functions conferred on officers of the Service by virtue of this Act or any other enactment (whether or not they are exercisable for the purposes of the functions conferred on the Service by subsection (1)).
- (3) Regulations may provide for grants to be paid by the Service to any person for the purpose of furthering the performance of any of the Service's functions.
- (4) The regulations may provide for the grants to be paid on conditions, including conditions—
- (a) regulating the purposes for which the grant or any part of it may be used,
 - (b) requiring repayment to the Service in specified circumstances.
- (5) In this section, “family proceedings” has the same meaning as in the Matrimonial and Family Proceedings Act 1984 and also includes any other proceedings which are family proceedings for the purposes of the Children Act 1989, but—
- (a) references to family proceedings include (where the context allows) family proceedings which are proposed or have been concluded, and
 - (b) for the purposes of paragraph (a), where a supervision order (within the meaning of the Children Act 1989) is made in family proceedings, the proceedings are not to be treated as concluded until the order has ceased to have effect.

13 Other powers of the Service

- (1) The Service may make arrangements with organisations under which the organisations perform functions of the Service on its behalf.
- (2) Arrangements under subsection (1) may provide for the organisations to designate individuals who may perform functions of officers of the Service.
- (3) But the Service may only make an arrangement under subsection (1) if it is of the opinion—
- (a) that the functions in question will be performed efficiently and to the required standard, and
 - (b) that the arrangement represents good value for money.
- (4) The Service may make arrangements with individuals under which they may perform functions of officers of the Service.
- (5) The Service may commission, or assist the conduct of, research by any person into matters concerned with the exercise of its functions.

14 Provision of staff or services to other organisations

- (1) The Service may make arrangements with an organisation or individual under which staff of the Service may work for the organisation or individual.

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- (2) The Service may make arrangements with an organisation or individual under which any services provided to the Service by its staff are also made available to the organisation or individual.
- (3) The Service may charge for anything done under arrangements under this section.

15 Right to conduct litigation and right of audience

- (1) The Service may authorise an officer of the Service of a prescribed description—
 - (a) to conduct litigation in relation to any proceedings in any court,
 - (b) to exercise a right of audience in any proceedings before any court,in the exercise of his functions.
- (2) An officer of the Service exercising a right to conduct litigation by virtue of subsection (1)(a) who would otherwise have such a right by virtue of section 28(2)(a) of the Courts and Legal Services Act 1990 is to be treated as having acquired that right solely by virtue of this section.
- (3) An officer of the Service exercising a right of audience by virtue of subsection (1)(b) who would otherwise have such a right by virtue of section 27(2)(a) of the Courts and Legal Services Act 1990 is to be treated as having acquired that right solely by virtue of this section.
- (4) In this section and section 16, “right to conduct litigation” and “right of audience” have the same meanings as in section 119 of the Courts and Legal Services Act 1990.

16 Cross-examination of officers of the Service

- (1) An officer of the Service may, subject to rules of court, be cross-examined in any proceedings to the same extent as any witness.
- (2) But an officer of the Service may not be cross-examined merely because he is exercising a right to conduct litigation or a right of audience granted in accordance with section 15.

17 Inspection

- (1) In section 62 of the Justices of the Peace Act 1997 (inspectors of the magistrates' courts service), after subsection (3) there is inserted—
 - “(3A) It shall also be the duty of inspectors of the magistrates' courts service—
 - (a) to inspect and report to the Lord Chancellor on the performance by the Children and Family Court Advisory and Support Service (referred to in this and the next section as the Service), and the officers of the Service, of their functions; and
 - (b) to discharge, in connection with those functions or with related functions of any other person, such functions as the Lord Chancellor may from time to time direct.”
- (2) In section 63 of that Act (powers of inspectors)—
 - (a) after subsection (2) there is inserted—

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- “(2A) An inspector of the magistrates' courts service exercising his functions under section 62 above shall also have at all reasonable times—
- (a) a right of entry to any premises occupied by the Service; and
 - (b) a right to inspect, and take copies of, any records kept by the Service, and any other documents containing information relating to the performance of the functions of the Service or its officers which he considers relevant to the discharge of his functions.”,
- (b) in subsection (3), after “(1)” there is inserted “or (2A)” and for “that subsection” there is substituted “subsection (1) or (2A) above”.