



# Children Act 2004

## 2004 CHAPTER 31

### PART 5

#### MISCELLANEOUS

##### *Local authority services*

#### **53**     **Ascertaining children's wishes**

- (1) In section 17 of the Children Act 1989 (provision of services to children), after subsection (4) insert—

“(4A) Before determining what (if any) services to provide for a particular child in need in the exercise of functions conferred on them by this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—

- (a) ascertain the child's wishes and feelings regarding the provision of those services; and
- (b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.”

- (2) In section 20 of that Act (provision of accommodation for children: general), in subsection (6)(a) and (b), after “wishes” insert “ and feelings ”.

- (3) In section 47 of that Act (local authority's duty to investigate), after subsection (5) insert—

“(5A) For the purposes of making a determination under this section as to the action to be taken with respect to a child, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—

- (a) ascertain the child's wishes and feelings regarding the action to be taken with respect to him; and

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*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 53. (See end of Document for details)*

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- (b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.”

**Commencement Information**

- II** S. 53 wholly in force at 1.4.2006; s. 53 not in force at Royal Assent see s. 67(7); s. 53 in force for E. at 1.3.2005 by [S.I. 2005/394](#), [art. 2\(1\)](#); s. 53 in force for W. at 1.4.2006 by [S.I. 2006/885](#), [art. 2\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 53.