



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 6

### LOOKED AFTER AND ACCOMMODATED CHILDREN

#### *Death of a looked after child*

#### **125 Death of children being looked after by local authorities**

- (1) If a child who is being looked after by a local authority dies, the authority—
  - (a) must notify the Welsh Ministers,
  - (b) must, so far as is reasonably practicable, notify the child's parents and every person who is not a parent of the child but who has parental responsibility for the child,
  - (c) may, with the consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibility for the child, arrange for the child's body to be buried or cremated, and
  - (d) may, if the conditions mentioned in subsection (2) are satisfied, make payments to any person who has parental responsibility for the child, or any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person in attending the child's funeral.
- (2) The conditions are that—
  - (a) it appears to the authority that the person concerned could not otherwise attend the child's funeral without undue financial hardship, and
  - (b) that the circumstances warrant the making of the payments.
- (3) Subsection (1) does not authorise cremation where it does not accord with the practice of the child's religious persuasion.

*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 125 is up to date with all changes known to be in force on or before 16 May 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*

- (4) Where a local authority has exercised its power under subsection (1)(c) with respect to a child who was under 16 when the child died, it may recover from any parent of the child any expenses incurred by it.
- (5) Any amounts so recoverable are, without prejudice to any other method of recovery, recoverable summarily as a civil debt.
- (6) Nothing in this section affects any enactment regulating or authorising the burial, cremation or anatomical examination of the body of the deceased person.

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**Commencement Information**

**II** S. 125 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

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**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. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))