



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Moving looked after children to live outside the jurisdiction

124 Arrangements to assist children to live outside England and Wales

- (1) A local authority may only arrange for, or assist in arranging for, a child in its care to live outside England and Wales with the approval of the court.
- (2) A local authority may, with the approval of every person who has parental responsibility for the child arrange for, or assist in arranging for, any other child looked after by it to live outside England and Wales.
- (3) The court must not give its approval under subsection (1) unless it is satisfied that—
 - (a) living outside England and Wales would be in the child's best interests,
 - (b) suitable arrangements have been, or will be, made for the child's reception and well-being in the country in which he or she will live,
 - (c) the child has consented to living in that country, and
 - (d) every person who has parental responsibility for the child has consented to the child living in that country.
- (4) Where the court is satisfied that the child does not have sufficient understanding to give or withhold consent, it may disregard subsection (3)(c) and give its approval if the child is to live in the country concerned with a parent, guardian, special guardian, or other suitable person.
- (5) Where a person whose consent is required by subsection (3)(d) fails to give consent, the court may dispense with that person's consent if it is satisfied that—
 - (a) the person cannot be found or lacks capacity to give consent, or

Changes to legislation: *Social Services and Well-being (Wales) Act 2014, Section 124 is up to date with all changes known to be in force on or before 25 April 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*

- (b) the well-being of the child requires the consent to be dispensed with.
- (6) Section 85 of the Adoption and Children Act 2002 (which imposes restrictions on taking children out of the United Kingdom) does not apply in the case of a child who is to live outside England and Wales with the approval of the court given under this section.
- (7) Where a court decides to give its approval under this section, it may order that its decision is not to have effect during the appeal period.
- (8) In subsection (7) “the appeal period” means—
 - (a) where an appeal is made against the decision, the period between the making of the decision and the determination of the appeal, and
 - (b) otherwise, the period during which an appeal may be made against the decision.
- (9) This section does not apply ^{F1}—
 - (a) to a local authority placing a child in secure accommodation in Scotland under section 25 of the Children Act 1989, or
 - (b) to a local authority placing a child for adoption with prospective adopters.

Textual Amendments

- F1** Words in s. 124(9) inserted (27.4.2017) by [Children and Social Work Act 2017 \(c. 16\), s. 70\(1\)\(a\)](#), [Sch. 1 para. 13](#)

Commencement Information

- I1** S. 124 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))