
WELSH STATUTORY INSTRUMENTS

2001 No. 3443 (W.278)

CHILDREN AND YOUNG PERSONS, WALES

**The Children (Protection from Offenders)
(Amendment) (Wales) Regulations 2001**

Made - - - - - *16th October 2001*

Coming into force - - - - - *1st November 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by section 9(2) and (3) of the Adoption Act 1976⁽¹⁾ and section 23(2) of the Children Act 1989⁽²⁾ and now vested in the National Assembly for Wales⁽³⁾:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Children (Protection from Offenders) (Amendment) (Wales) Regulations 2001 and shall come into force on 1st November 2001.

(2) These Regulations apply to Wales.

Amendment of the Adoption Agencies Regulations 1983 and of the Foster Placement (Children) Regulations 1991

2.—(1) Schedule 2 (definition of specified offence) of the Adoption Agencies Regulations 1983⁽⁴⁾ and Schedule 4 (definition of specified offence) of the Foster Placement (Children) Regulations 1991⁽⁵⁾ are amended in accordance with the following provisions of this regulation.

(2) In paragraph 2 of each Schedule after sub-paragraph (a) insert —

“(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861⁽⁶⁾ (assault occasioning actual bodily harm); or”.

(3) In paragraph 9 of each Schedule omit “other than”, and insert -

“except for —

(1) 1976 c. 36.

(2) 1989 c. 41.

(3) The functions of the Secretary of State in relation to the foregoing powers were transferred, in relation to Wales, to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).

(4) S.I. 1983/1964, modified by S.I. 1996/971 and amended by S.I. 1997/649, S.I. 1997/2308 and, in relation to England only, S.I. 1999/2768.

(5) S.I. 1991/910, amended by S.I. 1995/2015, S.I. 1997/2308 and, in relation to England only, S.I. 1999/2768.

(6) 1861 c. 100.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) in a case where the offender was under 18 at the time the offence was committed, an offence of assault; or”.
- (b)
- (4) In paragraph 13 of each Schedule —
 - (a) after sub-paragraph (a) insert the following sub-paragraph —
 - “(aa) in a case where the offender was under 18 at the time the offence was committed, an offence contrary to section 47 of the Offences Against the Person Act 1861 (assault occasioning actual bodily harm); or”;
 - and
 - (b) in sub-paragraph (b) omit “other than”, and for “1985” substitute “1885”.
- (5) Paragraph 14 is omitted.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(7).

16th October 2001

D. Elis-Thomas
The Presiding Officer of the National Assembly
for Wales

EXPLANATORY NOTE

(This note does not form part of the Regulations)

These Regulations amend the Adoption Agencies Regulations 1983 and the Foster Placement (Children) Regulations 1991 in respect of Wales.

The main effect of the amendments is to permit local authorities and others to exercise their discretion in considering the suitability of a person to adopt or foster a child where the person has been convicted of or cautioned for an offence of assault occasioning actual bodily harm ('assault' in Scotland) committed when they were under the age of 18. Prior to the amendment such a conviction or caution prevented local authorities and others from considering the person for adoption or fostering.