

Changes to legislation: Children Act 1989, Paragraph 19 is up to date with all changes known to be in force on or before 17 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

SCHEDULES

SCHEDULE 2

[^{F1}SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

Textual Amendments

- F1** Sch. 2 heading substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **121**

Modifications etc. (not altering text)

- C1** Sch. 2 modified (temp.) (12.2.2009 for E. and 31.3.2010 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 8(3), 44, **Sch. 2 para. 2**; S.I. 2009/268, **art. 3(1)(b)**; S.I. 2010/749, **art. 2(a)**

Commencement Information

- I1** Sch. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

PART II

CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES [^{F1}IN ENGLAND]

Textual Amendments

- F1** Words in Sch. 2 Pt. 2 inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **112**

Arrangements to assist children to live abroad

- 19 (1) A local authority may only arrange for, or assist in arranging for, any child in their 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 them to live outside England and Wales.
- (3) The court shall not give its approval under sub-paragraph (1) unless it is satisfied that—
- living outside England and Wales would be in the child's best interests;
 - suitable arrangements have been, or will be, made for his reception and welfare in the country in which he will live;
 - the child has consented to living in that country; and
 - every person who has parental responsibility for the child has consented to his living in that country.

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- (4) Where the court is satisfied that the child does not have sufficient understanding to give or withhold his consent, it may disregard sub-paragraph (3)(c) and give its approval if the child is to live in the country concerned with a parent, guardian, [^{F1}special guardian,] or other suitable person.
- (5) Where a person whose consent is required by sub-paragraph (3)(d) fails to give his consent, the court may disregard that provision and give its approval if it is satisfied that that person—
- (a) cannot be found;
 - (b) is incapable of consenting; or
 - (c) is withholding his consent unreasonably.
- (6) [^{F2}Section 85 of the Adoption and Children Act 2002 (which imposes restrictions on taking children out of the United Kingdom)] shall not apply in the case of any child who is to live outside England and Wales with the approval of the court given under this paragraph.
- (7) Where a court decides to give its approval under this paragraph it may order that its decision is not to have effect during the appeal period.
- (8) In sub-paragraph (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.
- [^{F3}(9) This paragraph does not apply [^{F4}—
- (a) to a local authority placing a child in secure accommodation in Scotland under section 25, or
 - (b)] to a local authority placing a child for adoption with prospective adopters.]

Textual Amendments

- F1** Words in Sch. 2 para. 19(4) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 72(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F2** Words in Sch. 2 para. 19(6) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 72 (b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F3** Sch. 2 para. 19(9) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 72(c) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F4** Words in Sch. 2 para. 19(9) inserted (27.4.2017) by Children and Social Work Act 2017 (c. 16), s. 70(1) (a), Sch. 1 para. 3

Commencement Information

- I1** Sch. 2 Pt. II para. 19 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)