

Changes to legislation: Children Act 1989, Cross Heading: Effect of exceeding fostering limit is up to date with all changes known to be in force on or before 22 January 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 7

FOSTER PARENTS: LIMITS ON NUMBER OF FOSTER CHILDREN

Effect of exceeding fostering limit

5 ^{F1}(A1) This paragraph applies to a person fostering in England.]

(1) A person shall cease to be treated ^{F2}, for the purposes of this Act and the Care Standards Act 2000] as fostering and shall be treated ^{F2}, for the purposes of this Act and the Care Standards Act 2000] as carrying on a children's home if—

- (a) he exceeds the usual fostering limit; or
- (b) where he is exempted under paragraph 4,—
 - (i) he fosters any child not named in the exemption; and
 - (ii) in so doing, he exceeds the usual fostering limit.

(2) Sub-paragraph (1) does not apply if the children concerned are all siblings in respect of each other.

Textual Amendments

- F1** Sch. 7 para. 5(A1) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018](#) (S.I. 2018/195), **regs. 2(1)**, 13(a)
- F2** Words in Sch. 7 para. 5(1) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(26)**; S.I. 2001/4150, **art. 3(3)(a)** (subject to transitional provision in **art. 4** of the commencing S.I. and to the amendment of **art. 3** by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(d)** (with **art. 3(4)-(10)** and transitional provisions in **Schs. 1-3**)

Commencement Information

- I1** Sch. 7 para. 5 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

^{F3}5A. (1) This paragraph applies to a person (P) fostering in Wales.

(2) Sub-paragraph (3) applies where—

- (a) P exceeds the usual fostering limit and is not exempted under paragraph 4;
- (b) P is exempted under paragraph 4 and exceeds the usual fostering limit by fostering a child not named in the exemption.

(3) Where this paragraph applies, P is not to be treated as fostering and is to be treated for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016 as providing a care home service.

(4) But sub-paragraph (3) does not apply if the children fostered are all siblings in respect of each other.]

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Textual Amendments

- F3** Sch. 7 para. 5A inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 13(b)

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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\(2\)\(b\)](#)