

Changes to legislation: Children Act 1989, Paragraph 9 is up to date with all changes known to be in force on or before 19 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 8

PRIVATELY FOSTERED CHILDREN

Extension of Part IX to certain school children during holidays

- 9 (1) Where a child under sixteen who is a pupil at a school ^{F1} . . . lives at the school during school holidays for a period of more than two weeks, Part IX shall apply in relation to the child as if—
- (a) while living at the school, he were a privately fostered child; and
 - (b) paragraphs [^{F2}2(1)(c) and (d)] and 6 were omitted.
- [^{F3}But this sub-paragraph does not apply to a school which is [^{F4}a children's home in respect of which a person is registered under Part 2 of the Care Standards Act 2000][^{F5}or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016].]
- (2) Sub-paragraph (3) applies to any person who proposes to care for and accommodate one or more children at a school in circumstances in which some or all of them will be treated as private foster children by virtue of this paragraph.
- (3) That person shall, not less than two weeks before the first of those children is treated as a private foster child by virtue of this paragraph during the holiday in question, give written notice of his proposal to the local authority within whose area the child is ordinarily resident ("the appropriate authority"), stating the estimated number of the children.
- (4) A local authority may exempt any person from the duty of giving notice under sub-paragraph (3).
- (5) Any such exemption may be granted for a special period or indefinitely and may be revoked at any time by notice in writing given to the person exempted.
- (6) Where a child who is treated as a private foster child by virtue of this paragraph dies, the person caring for him at the school shall, not later than 48 hours after the death, give written notice of it—
- (a) to the appropriate local authority; and
 - (b) where reasonably practicable, to each parent of the child and to every person who is not a parent of his but who has parental responsibility for him.
- (7) Where a child who is treated as a foster child by virtue of this paragraph ceases for any other reason to be such a child, the person caring for him at the school shall give written notice of the fact to the appropriate local authority.

Textual Amendments

- F1** Words in Sch. 8 para. 9(1) repealed (1.4.2002) by 2000 c. 14, ss. 110, 117(2), Sch. 6; S.I. 2001/4150, art. 3(3)(c)(viii) (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment

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of art. 3 by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(c)(g)** (with art 3(5)-(10) and transitional provisions in Schs. 1-3)

F2 Words in Sch. 8 para. 9(1)(b) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(27)(b)**; 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)

F3 Words in Sch. 8 para. 9(1) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(27)**; 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)

F4 Words in Sch. 8 para. 9(1) substituted (1.4.2011 for E., 6.4.2016 for W.) by Children and Young Persons Act 2008 (c. 23), s. 44(4), **Sch. 1 para. 6**; S.I. 2010/2981, art. 4(a); S.I. 2016/452, art. 2(b)

F5 Words in Sch. 8 para. 9(1) 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)**, 14

Modifications etc. (not altering text)

C1 Sch. 8 para. 9: power to amend conferred (15.1.2005) by the Children Act 2004 (c. 31), **ss. 45-47**

Commencement Information

I1 Sch. 8 para. 9 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\(2\)\(b\)](#)