
*Changes to legislation: There are currently no known outstanding effects
for the Children Act 2004, SCHEDULE 3. (See end of Document for details)*

SCHEDULES

SCHEDULE 3

Section 40

ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)

- 1 In section 26 of the Domestic Proceedings and Magistrates' Courts Act 1978 (reconciliation), in subsection (2), after “Criminal Justice and Court Services Act 2000)” insert “, a Welsh family proceedings officer (within the meaning given by section 35 of the Children Act 2004) ”.

Child Abduction and Custody Act 1985 (c. 60)

- 2 The Child Abduction and Custody Act 1985 is amended as follows.
- 3 In sections 6(a) and 21(a) (reports), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 4 In section 27 (interpretation), after subsection (5) insert—
- “(5A) In this Act “Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004”.

Children Act 1989 (c. 41)

- 5 The Children Act 1989 is amended as follows.
- 6 In section 7 (welfare reports), in subsections (1)(a) and (b) and (5), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 7 In section 16 (family assistance orders), in subsection (1), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 8 (1) Section 26 (review of cases etc) is amended as follows.
- (2) In subsection (2A)(c) after “Service” insert “ or a Welsh family proceedings officer ”.
- (3) After subsection (2C) insert—
- “(2D) The power to make regulations in subsection (2C) is exercisable in relation to functions of Welsh family proceedings officers only with the consent of the National Assembly for Wales.”
- 9 (1) Section 41 (representation of child) is amended as follows.
- (2) In subsection (1), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- (3) In subsections (2) and (4)(a), after “officer of the Service” insert “ or Welsh family proceedings officer ”.

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- (4) In subsection (10)—
 - (a) in paragraphs (a) and (b), after “officer of the Service” insert “ or Welsh family proceedings officer ”;
 - (b) in paragraph (c), after “officers of the Service” insert “ or Welsh family proceedings officers ”.
- (5) In subsection (11), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 10 In section 42 (rights of officers of the Service), in subsections (1) and (2), after “an officer of the Service” insert “ or Welsh family proceedings officer ”.
- 11 In section 105(1) (interpretation), at the end insert—

““Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004.”

Criminal Justice and Court Services Act 2000 (c. 43)

- 12 The Criminal Justice and Court Services Act 2000 is amended as follows.
- 13 In section 12 (principal functions of CAFCASS), in subsection (1), after “the welfare of children” insert “ other than children ordinarily resident in Wales ”.
- 14 In paragraph 1 of Schedule 2 (members of CAFCASS), for “ten” substitute “ nine ”.

Adoption and Children Act 2002 (c. 38)

- 15 The Adoption and Children Act 2002 is amended as follows.
- 16 (1) Section 102 (officers of the Service) is amended as follows.
 - (2) In subsection (1), at the end insert “ or a Welsh family proceedings officer ”.
 - (3) In subsection (7), after “officer of the Service” insert “ or a Welsh family proceedings officer ”.
 - (4) After that subsection insert—

“(8) In this section and section 103 “Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004.”
- 17 In section 103 (rights of officers of the Service), in subsections (1) and (2), after “officer of the Service” insert “ or a Welsh family proceedings officer ”.

Sexual Offences Act 2003 (c. 42)

- 18 In section 21 of the Sexual Offences Act 2003 (positions of trust), in subsection (12) (a), after “officer of the Service” insert “ or Welsh family proceedings officer (within the meaning given by section 35 of the Children Act 2004) ”.

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