



# Children Act 2004

## 2004 CHAPTER 31

### PART 4

#### ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

##### *CAFCASS functions in Wales*

#### **37 Welsh family proceedings officers**

- (1) The Assembly may authorise a Welsh family proceedings officer of a description prescribed in regulations made by the Secretary of State—
  - (a) to conduct litigation in relation to any proceedings in any court,
  - (b) to exercise a right of audience in any proceedings in any court,in the exercise of his functions.
- (2) A Welsh family proceedings officer exercising a right to conduct litigation by virtue of subsection (1)(a) who would otherwise have such a right by virtue of [<sup>F1</sup>the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity] is to be treated as having acquired that right solely by virtue of this section.
- (3) A Welsh family proceedings officer exercising a right of audience by virtue of subsection (1)(b) who would otherwise have such a right by virtue of [<sup>F2</sup>the fact that he is a person who, for the purposes of the Legal Services Act 2007, is an authorised person in relation to that activity] is to be treated as having acquired that right solely by virtue of this section.
- (4) A Welsh family proceedings officer may, subject to rules of court, be cross-examined in any proceedings to the same extent as any witness.
- (5) But a Welsh family proceedings officer may not be cross-examined merely because he is exercising a right to conduct litigation or a right of audience granted in accordance with this section.

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*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 37. (See end of Document for details)*

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(6) In this section, “right to conduct litigation” and “right of audience” have the same meanings as in section 119 of the Courts and Legal Services Act 1990.

**Textual Amendments**

- F1** Words in s. 37(2) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 149\(a\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250](#), [art. 2](#) (with [art. 9](#))
- F2** Words in s. 37(3) substituted (1.1.2010) by [Legal Services Act 2007 \(c. 29\)](#), ss. 208, 211, [Sch. 21 para. 149\(b\)](#) (with [ss. 29, 192, 193](#)); [S.I. 2009/3250](#), [art. 2](#) (with [art. 9](#))

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 37.