



# Children Act 2004

## 2004 CHAPTER 31

### PART 1

#### CHILDREN'S COMMISSIONER

#### **[F19] Commissioner's functions in relation to certain young people**

- (1) This section applies for the purposes of this Part, other than sections 2A and 8A (and references in this Part to a child who is within section 8A).
- (2) For the purposes of the Children's Commissioner's functions in respect of children in England, a reference to a child includes, in addition to a person under the age of 18—
  - (a) a person aged 18 or over for whom an EHC plan is maintained by a local authority,
  - (b) a person aged 18 or over and under 25 to whom a local authority in England has provided services under any of sections 23C to 24D of the Children Act 1989 at any time after reaching the age of 16, or
  - (c) a person aged 18 or over and under 25 who has been looked after by a local authority (in Wales, Scotland or Northern Ireland) at any time after reaching the age of 16.
- (3) For the purposes of the Children's Commissioner's functions in respect of children in Wales, Scotland and Northern Ireland, a reference to a child includes, in addition to a person under the age of 18, a person aged 18 or over and under 25—
  - (a) who has a learning disability,
  - (b) who has been looked after by a local authority (in Wales, Scotland or Northern Ireland) at any time after reaching the age of 16, or
  - (c) to whom a local authority in England has provided services under any of sections 23C to 24D of the Children Act 1989 at any time after reaching the age of 16.
- (4) For the purposes of this section—

“ EHC plan ” means a plan within section 37(2) of the Children and Families Act 2014 (education, health and care plans);

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*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Section 9. (See end of Document for details)*

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“learning disability” means a state of arrested or incomplete development of mind which induces significant impairment of intelligence and social functioning;

a person is “looked after by a local authority” if—

- (a) for the purposes of the [<sup>F2</sup>Social Services and Well-being (Wales) Act 2014], he or she is looked after by a local authority in Wales;
- (b) for the purposes of the Children (Scotland) Act 1995, he or she is looked after by a local authority in Scotland;
- (c) for the purposes of the Children (Northern Ireland) Order 1995, he or she is looked after by an authority in Northern Ireland.]

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**Textual Amendments**

- F1** S. 9 substituted (1.4.2014) by Children and Families Act 2014 (c. 6), s. 139(5), **Sch. 5 para. 6(1)** (with **Sch. 5 para. 6(2)**)
- F2** Words in s. 9(4)(a) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (No. 413), regs. 2(1), **216**

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Section 9.