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WELSH STATUTORY INSTRUMENTS

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**2005 No. 774 (W.64)**

**CHILDREN AND YOUNG PERSONS, WALES**

**The Children Act 2004 (Amendment of  
Miscellaneous Regulations) (Wales) Regulations 2005**

*Made* - - - - 16 March 2005

*Coming into force* - - 1 April 2005

The National Assembly for Wales, in exercise of the powers conferred upon it by section 9(2) and (3) of the Adoption Act 1976 (1), sections 23(2)(a), (f)(ii), (5), 26(1), (2), 59(2), (3), 104(4), Schedule 2, paragraphs 12, 13, 14, Schedule 4, paragraph 4(1), (2)(d), Schedule 5, paragraph 7(1), (2)(g) and Schedule 6, paragraph 10(1) of the Children Act 1989 (2) and sections 1(4), 16(2), 22(1), (2)(a) to (d), (f) to (j), (5)(a) and (c), (7)(a) to (h), (j), (8)(c), 25(1), 33, 34(1), 35, 77(2) and 118(4) to (7) of the Care Standards Act 2000 (3) hereby makes the following Regulations:

**Name, commencement and application**

1.—(1) These Regulations are called the Children Act 2004 (Amendment of Miscellaneous Regulations) (Wales) Regulations 2005 and come into force on 1 April 2005.

(2) These Regulations apply in relation to Wales.

**Amendment of the Adoption Agencies Regulations 1983**

2.—(1) The Adoption Agencies Regulations 1983(4) are amended in accordance with the following provisions of this regulation.

(2) In regulation 15(1)(e) after the words “children’s guardian or reporting officer”, insert the words “or Welsh family proceedings officer(5)”.

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- (1) 1976 c. 36. The powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the 1976 Act, in relation to Wales, as the National Assembly for Wales, and in relation to England as the Secretary of State and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly.
- (2) 1989 c. 41. Functions of the Secretary of State under the 1989 Act are made exercisable by the National Assembly for Wales by virtue of the inclusion of the 1989 Act in Schedule 1 to the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672)(see article 2(a) of the 1999 Order and section 22(1) of the Government of Wales Act 1998 (c. 38)).
- (3) 2000 c. 14.
- (4) S.I. 1983/1964.
- (5) “Welsh family proceedings officer” is defined in section 35 of the Children Act 2004 (2004 c. 31).

### **Amendment of the Arrangements for Placement of Children (General) Regulations 1991**

3.—(1) The Arrangements for Placement of Children (General) Regulations 1991(6) are amended in accordance with the following provisions of this regulation.

(2) In regulation 11 wherever they appear, after the words “officers of the service”, insert “and Welsh family proceedings officers”.

### **Amendment of the Review of Children’s Cases Regulations 1991**

4.—(1) The Review of Children’s Cases Regulations 1991(7) are amended in accordance with the following provisions of this regulation.

(2) In regulation 2A(1)(c) after “Support Service”, add “or a Welsh Family Proceedings Officer where the child is ordinarily resident in Wales”.

### **Amendment of the Children’s Commissioner for Wales Regulations 2001**

5.—(1) The Children’s Commissioner for Wales Regulations 2001(8) are amended in accordance with the following provisions of this regulation.

(2) In regulation 17 at the end, add “and the National Assembly for Wales in relation to its functions under section 35 of the Children Act 2004”.

### **Amendment of the Children’s Homes (Wales) Regulations 2002**

6.—(1) The Children’s Homes (Wales) Regulations 2002(9) are amended in accordance with the following provisions of this regulation.

(2) In regulation 15(2)(b) after “Support Service” insert “or Welsh Family Proceedings Officer”.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(10).

16 March 2005

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

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(6) S.I. 1991/ 890.  
(7) S.I. 1991/ 895.  
(8) S.I. 2001/2787 (W.237).  
(9) S.I. 2002/ 327 (W.40).  
(10) 1998 c. 38.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These regulations make amendments to the Adoption Agencies Regulations 1983, the Arrangements for Placement of Children (General) Regulations 1991, the Review of Children's Cases Regulations 1991, the Children's Commissioner for Wales Regulations 2001 and the Children's Homes (Wales) Regulations 2001 consequential on the transfer of the functions in Wales of the Children and Family Court Advisory and Support Service ("CAFCASS") to Welsh family proceedings officers and the National Assembly for Wales. References in these five sets of regulations to children's guardians or reporting officers, officers of the service and the Children and Family Court Advisory and Support Service are amended to include reference to Welsh family proceedings officers and the National Assembly for Wales so far as it is exercising its functions under section 35 of the Children Act 2004.