
WELSH STATUTORY INSTRUMENTS

2016 No. 413

**The Social Services and Well-being (Wales) Act
2014 (Consequential Amendments) Regulations 2016**

Social Services and Well-being (Wales) Act 2014 (anaw 4)

308. After section 125 (death of children being looked after by local authorities) insert—

“Jurisdiction and procedure

Jurisdiction of courts

125A. For the purposes of this Part “court” (“*llys*”) means the High Court or a family court.

Rules of court

125B.—(1) An authority having power to make rules of court may make such provision for giving effect to—

- (a) this Part, or
- (b) the provisions of any statutory instrument made under this Part,

as it appears to that authority to be necessary or expedient.

(2) Section 93 of the Children Act 1989 (rules of court) applies to rules made in accordance with this section as it applies to rules made in accordance with that section.

The rules may, in particular, make provision—

- (a) with respect to the procedure to be followed in any relevant proceedings (including the manner in which any application is to be made or other proceedings commenced);
- (b) as to the persons entitled to participate in any relevant proceedings, whether as parties to the proceedings or by being given the opportunity to make representations to the court;
- (c) for children to be separately represented in relevant proceedings;
- (d) with respect to the documents and information to be furnished, and notices to be given, in connection with any relevant proceedings;
- (e) with respect to preliminary hearings;
- (f) enabling the court, in such circumstance as may be prescribed, to proceed on any application even though the respondent has not been given notice of the proceedings.

(3) In subsection (2)—

“notice of proceedings” (“*hysbysiad o achos*”) means a summons or such other notice of proceedings as is required; and “given” (“*rhoi*”) in relation to a summons, means “served” (“*cyflwyno*”);

“prescribed” (“*a ragnodir*”) means prescribed by the rules; and

“relevant proceedings” (“*achos perthnasol*”) means any application made, or proceedings brought, under any of the provisions mentioned in paragraphs (a) to (c) of subsection (1) and any part of such proceedings.

(4) This section and any other power in this Act to make rules of court are not to be taken as in any way limiting any other power of the authority in question to make rules of court.

(5) When making any rules under this section an authority will be subject to the same requirement as to consultation (if any) as apply when the authority make rules under its general rule making power.

Privacy for children involved in proceedings under this Part

125C. Section 97 of the Children Act 1989 (privacy for children involved in certain proceedings) applies in relation to children involved in any proceedings under this Part as it applies in relation to children involved in any proceedings under that Act.

125D.—(1) A person must not publish to the public at large or any section of the public any material which is intended, or likely, to identify—

- (a) any child which is being involved in any proceedings before the High Court or the family court in which any power under this Act may be exercised by the court with respect to any child; or
- (b) an address or school as being that of a child involved in any such proceedings.

(2) In any proceedings for an offence under this section it is a defence for the accused to prove that he or she did not know, and had no reason to suspect, that the published material was intended, or likely, to identify the child.

(3) The court or the Lord Chancellor may, if satisfied that the welfare of the child requires it and, in the case of the Lord Chancellor, if the Lord Chief Justice agrees, by order dispense the requirements of subsection (1) to such extent as may be specified in the order.

(4) For the purposes of this section—

“material” (“*deunydd*”) includes any picture or representation; and

“publish” (“*cyhoeddi*”) includes—

- (a) include in a programme service (within the meaning of the Broadcasting Act 1990);
- (b) cause material to be published.

(5) Any person who contravenes this section is guilty of an offence and liable, on summary conviction, to a fine not exceeding level 4 on the standard scale.

(6) The Lord Chief Justice may nominate a judicial office holder (as defined in section 109(4) of the Constitutional Reform Act 2005) to exercise his or her functions under subsection (3).”

Commencement Information

II Reg. 308 in force at 6.4.2016, see [reg. 2\(1\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016, Section 308.