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STATUTORY RULES OF NORTHERN IRELAND

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**1996 No. 467**

**CHILDREN**

**The Foster Placement (Children)  
Regulations (Northern Ireland) 1996**

*Made - - - - 3rd October 1996*

*Coming into operation 4th November 1996*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 27(2)(a), 28(1), 75(2) and 77(3) of the Children (Northern Ireland) Order 1995<sup>(1)</sup> and of all other powers enabling it in that behalf, hereby makes the following Regulations:

**Part I**

**General**

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Foster Placement (Children) Regulations (Northern Ireland) 1996 and shall come into operation on 4th November 1996.

(2) In these Regulations—

“the Order” means the Children (Northern Ireland) Order 1995;

“approving authority”, in relation to a foster parent, means the authority or voluntary organisation responsible under regulation 3 for approving (or not approving) the foster parent;

“area authority”, in relation to a child (and foster parent), means the authority in whose area the child is placed where that authority is not also the responsible authority;

“foster parent” means the person with whom a child is, or is proposed to be, placed under these Regulations;

“foster placement agreement” means an agreement referred to in regulation 5(6);

“guardian ad litem” means a guardian ad litem appointed pursuant to Article 60 of the Order or under rules made under Article 66 of the Adoption (Northern Ireland) Order 1987<sup>(2)</sup>;

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(1) S.I.1995/755 (N.I. 2)

(2) S.I. 1987/2203 (N.I. 22); paragraph 166 of Schedule 9 to the Children (Northern Ireland) Order 1995 substituted a new Article 66 with effect from 19th February 1996

“responsible authority”, in relation to a child, means the authority or voluntary organisation responsible for the placement of the child under (as the case may be) Article 27(2)(a) or 75(1)(a) of the Order.

(3) Any notice or consent required under these Regulations is to be given in writing and any such notice may be set by ordinary post.

### Scope of Regulations

2.—(1) Subject to paragraph (2), these Regulations shall apply to any placement of a child—

- (a) by an authority under Article 27(2)(a) of the Order;
- (b) by a voluntary organisation under Article 75(1)(a) of the Order (unless it is acting on behalf of an authority).

(2) These Regulations shall not apply to any placement of a child—

- (a) to which the Placement of Children with Parents etc. Regulations (Northern Ireland) 1996(3) apply;
- (b) if the child is not in the care of an authority(4), with a parent of his or other person having parental responsibility for him; or
- (c) for adoption pursuant to the Adoption (Northern Ireland) Order 1987.

(3) Where a care order is in force, the application of these Regulations is subject to any directions given by a court (whether before, on or after these Regulations come into operation).

(4) Nothing in these Regulations shall require the temporary removal of a child from a person with whom he is already living before placement under these Regulations.

## Part II

### Approvals and Placements

#### Approval of foster parents

3.—(1) Except in the case of an immediate placement under regulation 11, a child shall not be placed unless the foster parent is approved under this regulation.

(2) Subject to paragraph (3), any authority and any voluntary organisation which is also a responsible authority may approve a foster parent.

(3) An authority or voluntary organisation—

- (a) shall not approve a foster parent who is already approved by another authority or voluntary organisation; and
- (b) shall not approve a foster parent in the area of an area authority unless it first consults with, and takes into account the views of, the area authority whom it shall also notify of its decision.

(4) An authority or voluntary organisation shall not give any approval under this regulation unless it has first—

- (a) required the prospective foster parent to supply the names and addresses of two persons to provide personal references for him and has arranged for them to be interviewed; and

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(3) [S.R. 1996 No. 463](#)

(4) See the definition of “care order” in Article 2(2) of the Children (Northern Ireland) Order 1995 and paragraphs 11, 12 and 30 of Schedule 8 to that Order

(b) obtained, so far as is practicable, the information specified in Schedule 1 relating to him and other members of his household and family, and (having had regard to these matters) is satisfied that the person is suitable to act as a foster parent and that his household is suitable for any child in respect of whom approval is given.

(5) An approval given under this regulation may be in respect of a particular named child or children, or number and age range of children, or of placements of any particular kind or in any particular circumstances.

(6) Where an approving authority approves a person as a foster parent it—

- (a) shall give him notice which specifies whether the approval is in respect of a particular named child or children, or number and age range of children, or of placements of any particular kind or in any particular circumstances; and
- (b) shall nevertheless place no child with him unless he enters into a written agreement with it covering the matters and obligations specified in Schedule 2.

(7) Where an approving authority decides not to approve a person as a foster parent it shall give him notice of the decision.

### **Reviews and terminations of approval**

4.—(1) Where a foster parent has been approved under regulation 3, the approving authority shall review, at intervals of not more than a year, whether the foster parent and his household continue to be suitable (as mentioned in regulation 3(4)).

(2) When undertaking a review under this regulation, the approving authority shall seek, and take into account, the views of the foster parent and of any responsible authority who has placed a child with the foster parent within the preceding year or who has an earlier placement with the foster parent which has not been terminated.

(3) At the conclusion of the review, the approving authority shall prepare a report and give notice to the foster parent of its decision.

(4) Where on a review the approving authority is no longer satisfied—

- (a) that the terms of the approval under regulation 3(6)(a) are appropriate, it shall revise the terms and give notice to the foster parent in accordance with paragraph (3); or
- (b) that the foster parent and his household are suitable, it shall terminate the approval from a date to be specified in the notice under paragraph (3).

(5) Where a foster parent notifies the approving authority that he no longer wishes to act as a foster parent, or where the approving authority is otherwise satisfied that that is the case, the approving authority shall terminate the approval from a date to be specified by notice to the foster parent.

(6) A copy of any notice given under paragraph (3) or (5) shall be sent to any other authority or voluntary organisation who has a child placed with the foster parent.

### **Placements**

5.—(1) A responsible authority is not to place a child with a foster parent unless it is satisfied that—

- (a) that is the most suitable way of performing its duty under (as the case may be) Article 26(1) or 76(1)(a) and (b) of the Order; and
- (b) placement with the particular foster parent is the most suitable placement having regard to all the circumstances.

(2) In making arrangements for a placement, a responsible authority shall secure that where possible the foster parent is—

- (a) of the same religious persuasion as the child; or
  - (b) gives an undertaking that the child will be brought up in that religious persuasion.
- (3) Consistent with the terms of any approval given under regulation 3, a responsible authority may place a child with a foster parent whom it has itself approved or, provided the conditions specified in paragraph (4) are satisfied, with a foster parent approved by another authority or voluntary organisation.
- (4) The conditions referred to in paragraph (3) are that—
- (a) the approving authority consents to the placement;
  - (b) any other authority or voluntary organisation who already has a child placed with the foster parent also consents to the placement; and
  - (c) the area authority (if it is not also the approving authority) is consulted, and its views taken into account.
- (5) A responsible authority which places a child after consulting an area authority under paragraph (4)(c) shall give notice of the placement to the area authority.
- (6) Except in the case of an emergency or immediate placement under regulation 11, a responsible authority is not to place a child unless the responsible authority and the foster parent have entered into a written agreement relating to that child covering the matters and obligations specified in Schedule 3.

### **Supervision of placements**

- 6.—(1) A responsible authority shall satisfy itself that the welfare of each child placed by it continues to be suitably provided for by the placement, and for that purpose the responsible authority shall—
- (a) make arrangements for a person authorised by it to visit the child in the home in which he is placed, as circumstances may require and when reasonably requested by the child or the foster parent and in particular (but subject to regulation 9(2)), within one week from its beginning and thereafter at least once every month; and
  - (b) give such advice to the foster parent as appears to the responsible authority to be needed.
- (2) In the case of an emergency or immediate placement under regulation 11, the responsible authority is to arrange for the child to be visited at least once in each week during the placement.
- (3) On each occasion on which a child is visited under this regulation, the responsible authority shall cause the authorised person, if it considers it appropriate, to arrange to see the child alone.
- (4) On each occasion on which a child is visited under this regulation, the responsible authority shall cause a written report to be prepared by the person who made the visit.

### **Termination of placements**

- 7.—(1) A responsible authority shall not allow the placement of a child with a particular foster parent to continue if it appears to it that the placement is no longer the most suitable way of performing its duty under (as the case may be) Article 26(1) or 76(1)(a) and (b) of the Order.
- (2) Where a child has been placed by some other authority, or by a voluntary organisation, in the area of the area authority and it appears to the area authority that continuation of the placement would be detrimental to the welfare of the child, the area authority shall remove the child forthwith.
- (3) The area authority which removes a child under paragraph (2) is forthwith to notify the responsible authority.

### **Arrangements between authorities and voluntary organisations as to placements**

**8.—**(1) Where an authority looking after a child is satisfied that the child should be placed with a foster parent, it may make arrangements under this regulation for the other duties imposed on it under this Part in relation to the child to be discharged on its behalf by a voluntary organisation.

(2) Subject to paragraph (3), an authority shall not make arrangements under this regulation in relation to any child unless—

(a) it is satisfied—

(i) as to the capacity of the voluntary organisation to discharge duties on the authority's behalf in relation to that child, and

(ii) that those arrangements are the most suitable way for those duties to be so discharged; and

(b) the authority enters into a written agreement with the voluntary organisation about the arrangements relating to the child, providing for consultation and for exchange of information and reports between the authority and the organisation.

(3) Where an authority has satisfied itself that a voluntary organisation has the general capacity to discharge the duties imposed on it under this Part in relation to children, the requirements set out in paragraph (2)(a)(i) shall be deemed to be satisfied in relation to each child who is the subject of arrangements with that organisation under paragraph (1).

### **Short-term placements**

**9.—**(1) This regulation applies where a responsible authority has arranged to place a child in a series of short-term placements with the same foster parent and the arrangement is such that no single placement is to last for more than 4 weeks and the total duration of the placements is not to exceed 90 days in any period of 12 months.

(2) A series of short-term placements to which this regulation applies may be treated as a single placement for the purposes of this Part and Part IV but with the modifications set out in paragraphs (3) and (4).

(3) Regulation 6(1)(a) shall apply as if it required arrangements to be made for visits to the child on a day when he is in fact placed (“a placement day”)—

(a) within the first 7 placement days of a series of short-term placements; and

(b) thereafter, if the series of placements continues, at intervals of not more than 6 months or, if the interval between placements exceeds 6 months, during the next placement.

(4) Regulation 15(1)(a) shall apply as if it required arrangements to be made for visits to the child on a placement day, within the first 7 placement days of a series of short-term placements.

### **Placements outside Northern Ireland**

**10.—**(1) A voluntary organisation shall not place a child for whose placement it is responsible outside the British Islands and, notwithstanding regulation 8, a voluntary organisation shall not place a child outside the British Islands on behalf of an authority.

(2) Where a responsible authority makes arrangements to place a child outside Northern Ireland it shall ensure that, so far as is reasonably practicable, requirements are complied with in relation to the child which would have applied under these Regulations had the child been placed in Northern Ireland.

(3) In the case of an authority, paragraph (2) is subject to the provisions of Article 33 of the Order (arrangements by authorities to assist children to live outside Northern Ireland).

### **Emergency and immediate placements by authorities**

**11.**—(1) Subject to paragraph (2), where arrangements have been made for the placement of a child in an emergency, an authority may, for a period not exceeding 24 hours, place the child with any person approved under regulation 3.

(2) Before an emergency placement is made pursuant to paragraph (1), the authority shall—

- (a) satisfy the provisions of regulation 5(1)(a); and
- (b) obtain a written agreement from the person with whom the child is to be placed that that person will carry out the duties specified in paragraph (4).

(3) Where an authority is satisfied that the immediate placement of a child is necessary it may, for a period not exceeding 6 weeks, place the child with a person who has not been approved under regulation 3 provided, after interviewing the person, inspecting the accommodation and obtaining information about other persons living in his household, the authority is also satisfied that—

- (a) the person is a relative or friend of the child;
- (b) the person has made a written agreement with the authority to carry out the duties specified in paragraph (4); and
- (c) the provisions of regulation 5(1)(a) are satisfied.

(4) The duties referred to in paragraphs (2)(b) and (3)(b) are—

- (a) to care for the child as if he were a member of that person's family;
- (b) to permit any person authorised by the authority or (if different) the area authority, to visit the child at any time;
- (c) where regulation 7(1) or (2) applies, to allow the child to be removed at any time by the authority or (as the case may be) the area authority;
- (d) to ensure that any information which that person may acquire relating to the child, or to his family or any other person, which has been given to him in confidence in connection with the placement is kept confidential and is not disclosed except to, or with the agreement of, the authority; and
- (e) to allow contact with the child in accordance with—
  - (i) Article 53 of the Order (parental contact etc. with children in care) in relation to a child in care,
  - (ii) any contact order (as defined in Article 8(1) of the Order), and
  - (iii) any arrangements made or agreed by the authority.

(5) Where an authority makes a placement under this regulation outside its area, it shall notify the area authority.

## **Part III**

### **Records**

#### **Register of foster parents and others with whom a child is placed**

**12.**—(1) An authority shall enter, in a register kept for the purpose, the particulars specified in paragraph (2) for each foster parent in its area who is approved under regulation 3 and each person in its area, not being an approved foster parent, with whom a child is placed pursuant to regulation 11.

(2) The particulars mentioned in paragraph (1) are—

- (a) the name and address of the foster parent (or, where foster parents are approved jointly, of both foster parents) or other person with whom the child is placed pursuant to regulation 11;
- (b) the date of the approval under regulation 3 or agreement specified in regulation 11(3)(b); and
- (c) the terms of the notice of approval under regulation 3(6)(a) or of the agreement specified in regulation 11(3)(b) as for the time being in force.

### **Case records for foster parents and others with whom a child is placed**

13.—(1) An approving authority shall compile (if one is not already established) and maintain a record for each foster parent whom it has approved under regulation 3.

(2) An authority shall compile (if one is not already established) and maintain a record for each person, not being an approved foster parent, with whom a child is placed by it pursuant to regulation 11.

(3) Each record compiled under paragraph (1) or (2) shall include copies of each of the documents specified in paragraph (4) and the information specified in paragraph (5).

(4) The documents referred to in paragraph (3) are, as the case may be,—

- (a) the notice of approval under regulation 3(6)(a);
- (b) the agreement under regulation 3(6)(b) and Schedule 2;
- (c) any report of the review of approval under regulation 4(3);
- (d) any notice of termination of approval under regulation 4(3) or (5);
- (e) any agreement specified in regulation 11(3)(b).

(5) The information referred to in paragraph (3) is, as the case may be,—

- (a) a record of each placement with the foster parent or person, not being an approved foster parent, with whom a child is placed pursuant to regulation 11, including the name, age and sex of each child placed, the dates on which each placement began and terminated and the circumstances of the termination;
- (b) the information obtained by the approving authority in relation to the approval of the foster parent and in relation to any review of termination of the approval;
- (c) the information obtained under regulation 11(3).

(6) An approving authority shall compile a record for each prospective foster parent to whom notice is given under regulation 3(7) that he is not approved as a foster parent, the record to include a copy of the notice and the information, as to the foster parent and his household and family, obtained by the approving authority in connection with the question of approval.

### **Retention and confidentiality of records**

14.—(1) The record for a foster parent or other person compiled under regulation 13, and any entry relating to him in the register maintained under regulation 12, shall be retained for at least 10 years from the date on which his approval is terminated, or until his death, if earlier.

(2) The requirements of paragraph (1) may be complied with either by retaining the original written record (or a copy of it) or by keeping all the information from the record in some other accessible form (such as by means of a computer).

(3) The authority or voluntary organisation responsible for the maintenance of any register or record under regulation 12 or 13 shall secure its safe keeping and take all necessary steps to ensure that the information which it contains is treated as confidential, subject only to—

- (a) any statutory provision under which access to such register, record or information may be obtained or should be granted; and
  - (b) any court order under which access to such register, record or information may be obtained or given.
- (4) Each voluntary organisation, where it is not acting as an authorised person<sup>(5)</sup>, shall provide a guardian ad litem of a child with—
- (a) such access as may be required to—
    - (i) case records and registers maintained in accordance with these Regulations, and
    - (ii) the information from such records or registers held in whatever form (such as by means of a computer); and
  - (b) such copies of the records or entries in the registers as the guardian ad litem may require.

## Part IV

### Authority visits to children placed by Voluntary Organisations

#### Circumstances necessitating visits by authorities

**15.**—(1) Subject to paragraph (2), every authority shall arrange for one of its officers to visit every child who is accommodated with a foster parent within its area by or on behalf of a voluntary organisation in any of the following circumstances and within the periods specified—

- (a) within 28 days of the placement with the foster parent;
- (b) where the voluntary organisation which made the placement with the foster parent makes representations to the authority that there are circumstances relating to the child which require a visit, within 14 days of the receipt of the representations;
- (c) where the authority is informed that the welfare of the child may not be being safeguarded or promoted, as soon as is reasonably practicable but in any event within 7 days of being informed; or
- (d) where the authority is satisfied, following a visit to a child under this regulation in respect of a placement with a foster parent, that the child's welfare is being safeguarded and promoted, at intervals of not more than 6 months.

(2) This regulation shall not apply to children in respect of whom an authority has made arrangements under regulation 8.

#### Requirements in respect of visits

**16.** Every authority shall make arrangements to ensure that in respect of any visit made pursuant to regulation 15, an officer of the authority—

- (a) sees the child during the course of the visit, unless he considers it unnecessary to do so or the child is not in fact with the foster parents at the time of the visit;
- (b) if the child is not with the foster parents at the time of the visit, makes arrangements to see the child as soon as is reasonably practicable;
- (c) takes steps to discover whether the voluntary organisation which placed the child has made suitable arrangements to perform its duties under these Regulations and those under Article 76 of the Order.

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<sup>(5)</sup> For access by guardians ad litem to authority and authorised person's records *see* Article 61 of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)). "Authorised person" is defined in Article 49 of that Order



## Part V

### Revocation

#### **Revocation**

17. Subject to the operation of the transitional provisions of paragraph 16 of Schedule 8 to the Order, the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976(6), insofar as they continue to have effect, are hereby revoked.

Sealed with the Official Seal of the Department of Health and Social Services on 3rd October 1996.

L.S.

*P. A. Conliffe*  
Assistant Secretary

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

## SCHEDULE 1

Regulation 3(4)(b)

Information as to prospective foster parent and other members of his household and family

1. His age, health (supported by a medical report), personality and marital status (including any previous marriage).
2. Particulars of the other adult members of his household.
3. Particulars of the children in his family, whether or not members of his household, and any other children in his household.
4. Particulars of his accommodation.
5. His religious persuasion, the degree of his religious observance and his capacity to care for a child from any particular religious persuasion.
6. His racial origin, his cultural and linguistic background and his capacity to care for a child from any particular origin or cultural or linguistic background.
7. His past and present employment or occupation, his standard of living and leisure activities and interests.
8. His previous experience of caring for his own and other children and his ability in this respect.
9. Subject to the Rehabilitation of Offenders (Northern Ireland) Order 1978(7), his previous criminal convictions, if any, and those of other adult members of his household.
10. The outcome of any request or application made by him or any other member of his household to foster or adopt children or for registration under Article 118 of the Order (registration of child minders and persons providing day care) or any previous enactment of that Article.
11. Particulars of any previous approval under regulation 3, or refusal of approval or termination of approval under regulation 4, relating to him or any other member of his household.

## SCHEDULE 2

Regulation 3(6)(b)

Matters and obligations to be covered in foster care agreements

1. The amount of support and training to be given to the foster parent.
2. The procedure for the review of approval of a foster parent.
3. The procedure in connection with the placement of foster children, and in particular—
  - (a) the matters to be covered in foster placement agreements and the respective obligations, under any such agreements, of the responsible authority and the foster parent;
  - (b) the responsible authority's arrangements for meeting any legal liabilities of the foster parent arising by reason of a placement; and
  - (c) the procedure available to foster parents for making representations to the authority in whose area that child is placed.
4. To give written notice to the responsible authority forthwith, with full particulars, of—
  - (a) any intended change of his address;
  - (b) any change in the composition of his household;

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(7) S.I. 1978/1908 (N.I. 27)

- (c) any other change in his personal circumstances and any other event affecting either his capacity to care for any child placed or the suitability of his household; and
  - (d) any further request or application of a kind mentioned in paragraph 10 of Schedule 1.
5. Not to administer corporal punishment to any child placed with him.
  6. To ensure that any information relating to a child placed with him, to the child's family or to any other person, which has been given to him in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the responsible authority.
  7. To comply with the terms of any foster placement agreement, to care for the child placed with the foster parent as if he were a member of the foster parent's family and to promote his welfare having regard to the responsible authority's long and short-term arrangements for the child.
  8. To notify the responsible authority immediately of any serious illness of the child or of any other serious occurrence affecting the child.
  9. Where regulation 7(1) or (2) applies, to allow the child to be removed from the foster parent's home by the responsible authority or (as the case may be) the area authority.

### SCHEDULE 3

Regulation 5(6)

#### Matters and obligations to be covered in foster placement agreements

1. The provision by the responsible authority of a statement containing all the information which the responsible authority considers necessary to enable the foster parent to care for the child and, in particular, information as to—
  - (a) the responsible authority's arrangements for the child and the objectives of the placement;
  - (b) the child's personal history, religious persuasion and cultural and linguistic background and racial origin;
  - (c) the child's state of health and need for health care and surveillance; and
  - (d) the child's educational needs,including a requirement for the statement to be provided either at the time of the signing of the agreement or, where this is not practicable, within the following 14 days.
2. The responsible authority's arrangements for the financial support of the child during the placement.
3. Any arrangements for delegation of responsibility for consent to the medical or dental examination or treatment of the child.
4. The circumstances in which it is necessary to obtain in advance the approval of the responsible authority for the child to live, even temporarily, away from the foster parent's home.
5. The arrangements for visits to the child, in connection with the supervision of the placement, by the person authorised by or on behalf of the responsible authority or area authority and the frequency of visits and reviews under the Review of Children's Cases Regulations (Northern Ireland) 1996<sup>(8)</sup>.
6. The arrangements for the child to have contact with his parents and other persons, including any arrangements in pursuance of Article 53 of the Order (parental contact etc. with children in care) in relation to a child in care, or any contact order (as defined in Article 8(1) of the Order).
7. Compliance by the foster parent with the terms of the agreement set out in Schedule 2.

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<sup>(8)</sup> S.R. 1996 No. 461

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

8. Co-operation by the foster parent with any arrangements made by the responsible authority for the child.

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## EXPLANATORY NOTE

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

These Regulations replace the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976.

The Regulations apply to placements of children by authorities and voluntary organisations, other than placements to which the Placement of Children with Parents etc. Regulations (Northern Ireland) 1996 apply and placements for adoption or with a person having parental responsibility for a child (regulation 2).

Part II of the Regulations relates to approvals and placements and provides for a prospective foster parent to supply information about his household and family and requires the foster parent with whom a child is placed to be approved by an authority or voluntary organisation (regulation 3 and Schedules 1 and 2); makes provision for reviews and terminations of approval (regulation 4); for the placement of a child with a foster parent (regulation 5 and Schedule 3) and for the supervision and termination of placements (regulations 6 and 7); allows authorities to make arrangements with voluntary organisations to be responsible for the placement of children (regulation 8); the application of the Regulations to short-term placements (regulation 9); placements outside Northern Ireland (regulation 10); and for emergency and immediate placements by authorities (regulation 11).

Part III of the Regulations provides for authorities to maintain a register of foster parents approved in their area (regulation 12); for authorities and voluntary organisations to maintain a record for each foster parent they approve (regulation 13) and for the retention and confidentiality of the registers and records (regulation 14).

Part IV of the Regulations makes provision for visits to children placed with foster parents by voluntary organisations (regulations 15 and 16).

Part V of the Regulations revokes the Children and Young Persons (Boarding-Out) Regulations (Northern Ireland) 1976 (regulation 17).

Articles 27(2)(a), 28(1), 75(2) and 77(3) of the Children (Northern Ireland) Order 1995 are the enabling provisions under which these Regulations are made. They were brought into operation on 18th July 1996 by virtue of Article 2(1) of, and Schedule 1 to, the Children (1995 Order) (Commencement No. 3) Order (Northern Ireland) 1996 (S.R. 1996 No. 297 (C. 17)).