
STATUTORY RULES OF NORTHERN IRELAND

1996 No. 451

**The Representations Procedure (Children)
Regulations (Northern Ireland) 1996**

Part IV

**Application of the Regulations to Voluntary Organisations
and Registered Children's Homes and in Special Cases**

Application to voluntary organisations and registered children's homes

10.—(1) The provisions of Parts I to III shall apply where accommodation is provided for a child by a voluntary organisation, and he is not looked after by an authority, as if—

- (a) for references to “authority” there were substituted references to “voluntary organisation”;
- (b) for the definition in regulation 1(2) of “complainant” there were substituted—
 - ““complainant” means—
 - (a) any child who is being provided with accommodation by a voluntary organisation;
 - (b) a parent of his;
 - (c) any person who is not a parent of his but who has parental responsibility for him;
 - (d) such other person as the voluntary organisation considers has a sufficient interest in the child's welfare to warrant his representations being considered by them;”;
- (c) for the definition in regulation 1(2) of “independent person” there were substituted—
 - ““independent person” means in relation to representations made to, or treated as being made to, a voluntary organisation, a person who is not an officer of that voluntary organisation nor a person engaged in any way in furthering its objects, nor the spouse of any such person;”;
- (d) for the definition in regulation 1(2) of “representations” there were substituted—
 - ““representations” means representations referred to in Article 75(4) of the Order about the discharge by the voluntary organisation of any of the organisation's functions relating to Article 76 of the Order and any Regulations made under Article 75(4) of the Order in relation to the child.”; and
- (e) for the reference in regulation 3(1) and (5) to a person to whom Article 45(3)(e) of the Order may apply or to whom the authority considers Article 45(3)(e) of the Order may apply, there was substituted a reference to a person who may fall within sub-paragraph (d) in the definition of “complainant” in these Regulations.

(2) The provisions of Parts I to III shall apply where accommodation is provided for a child in a registered children’s home, but where the child is neither looked after by an authority nor accommodated on behalf of a voluntary organisation, as if—

- (a) for references to “authority” there were substituted references to “the person carrying on the home”;
- (b) for the definition in regulation 1(2) of “complainant” there were substituted—
 - ““complainant” means—
 - (a) any child who is being provided with accommodation in a registered children’s home;
 - (b) a parent of his;
 - (c) any person who is not a parent of his but who has parental responsibility for him;
 - (d) such other person as the person carrying on the home considers has a sufficient interest in the child’s welfare to warrant his representations being considered by them;”;
- (c) for the definition in regulation 1(2) of “independent person” there were substituted—
 - ““independent person” means in relation to representations made to a person carrying on a registered children’s home, a person who is neither involved in the management or operation of that home nor financially interested in its operation, nor the spouse of any such person;”;
- (d) for the definition in regulation 1(2) of “representations” there were substituted—
 - ““representations” means any representations (including any complaint) made in relation to the person carrying on the registered children’s home by a complainant about the discharge of his functions relating to Article 92 of the Order.”; and
- (e) for the reference in regulation 3(1) and (5) to a person to whom Article 45(3)(e) of the Order may apply or to whom the authority considers Article 45(3)(e) of the Order may apply, there was substituted a reference to a person who may fall within sub-paragraph (d) in the definition of “complainant” in these Regulations.

Exceptions to application of Regulations

11. These Regulations shall not apply to representations made by a child or a person in respect of a child who is being provided with accommodation, otherwise than by an authority or voluntary organisation, in a school (as defined in Article 2(2) of the Education and Libraries (Northern Ireland) Order 1986(1)).

Special cases including application to representations by foster parents

12.—(1) Where representations would fall to be considered by more than one authority, they shall be considered by the authority which is looking after the child or by the authority within whose area the child is ordinarily resident where no authority has that responsibility.

(2) The provisions of Parts I to III and regulation 12(1), shall apply to the consideration by an authority of any representations (including any complaint) made to the authority by any person exempted or seeking to be exempted under paragraph 4 of Schedule 5 to the Order (foster parents: limits on numbers of foster children) about the discharge of the authority’s functions under that paragraph, as if—

- (a) for the definition in regulation 1(2) of “complainant” there were substituted—

- “complainant” means a person exempted or seeking to be exempted under paragraph 4 of Schedule 5 to the Order making any representations;”;
- (b) for the definition in regulation 1(2) of “representations” there were substituted—
- “representations” means representations referred to in paragraph 6 of Schedule 5 to the Order.”;
- (c) in regulation 3(1) the words “except from a person to whom Article 45(3)(e) of the Order may apply,” were omitted; and
- (d) regulation 3(5) and (6) were omitted.