



# Children Act 1975

## 1975 CHAPTER 72

### PART V

#### MISCELLANEOUS AND SUPPLEMENTAL

##### *Foster children*

#### **95 Visiting of foster children**

- (1) In section 1 of the Children Act 1958 (visiting of foster children), the words " so far as appears to the authority to be appropriate " shall cease to have effect, and for the words " from time to time " there are substituted the words " in accordance with regulations made under section 2A of this Act ".
- (2) In section 1A of the Children Act 1958 (visiting of foster children in Scotland) the words " where the local authority consider such a course to be necessary or expedient for the purposes of this section," shall cease to have effect, and for the words " from time to time" there are substituted the words " in accordance with regulations made under section 2A of this Act. ".
- (3) The following section is inserted in the said Act after section 2—

##### **“2A Visits to foster children.**

- (1) The Secretary of State may make regulations requiring foster children in a local authority's area to be visited by an officer of the local authority on specified occasions or within specified periods of time.
- (2) Every person who is maintaining a foster child within the area of a local authority on the date on which regulations made under subsection (1) of this section come into operation, and who before that date has not given notice in respect of the child to the local authority under section 3(1) of this Act, shall within eight weeks of that date give written notice that he is maintaining the child to the local authority.

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- (3) Regulations under this section shall be made by statutory instrument which shall be subject to annulment in pursuance of a resolution of either House of Parliament.”.
- (4) In section 3 of the said Act, as it applies to England and Wales, (duty of persons maintaining foster children to notify local authority)—
- (a) in subsection (5A), for the words " one or more foster children " there are substituted the words " a foster child " , and for the words " foster children" and " any foster children " there are substituted the words " that foster child " ;
  - (b) in subsection (5B) for the words " foster children " there are substituted the words " a foster child " , and for the words " any of them as a " there is substituted the word " that " ; and
  - (c) the following subsection is added at the end—
    - “(8) Subsection (2A) of this section shall cease to have effect on the date regulations made under section 2A of this Act come into operation.”.

## 96 Notification by parents

- (1) The following section is inserted in the Children Act 1958 after section 3—

### “3A Notification by parents.

- (1) The Secretary of State may by regulations made by statutory instrument make provision for requiring parents whose children are or are going to be maintained as foster children to give to the local authority for the area where the children are, or are going to be, living as foster children, such information about the fostering as may be specified in the regulations.
  - (2) Regulations under this section—
    - (a) may include such incidental and supplementary provisions as the Secretary of State thinks fit;
    - (b) shall be subject to annulment in pursuance of a resolution of either House of Parliament”.
- (2) In section 14 of the said Act (offences), in subsection (1)(a), after the words " this Part of this Act" there are inserted the words " or under regulations made under section 3A of this Act.

## 97 Advertisements relating to foster children

- (1) In section 37 of the Children Act 1958 the following subsections are inserted after subsection (1)—
- “(1A) The Secretary of State may by regulations prohibit the parent or guardian of any child from publishing or causing to be published an advertisement indicating that foster parents are sought for the child.
  - (1B) The Secretary of State may by regulations prohibit—
    - (a) a member of a class of persons specified in the regulations, or
    - (b) a person other than a person, or other than a member of a class of persons, specified in the regulations,

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from publishing or causing to be published any advertisement indicating that he is willing to undertake, or to arrange for, the care and maintenance of a child.

(1C) Regulations made under this section—

- (a) may make different provision for different cases or classes of cases, and
- (b) may exclude certain cases or classes of cases,

and shall be made by statutory instrument subject to annulment in pursuance of a resolution of either House of Parliament.”.

(2) In subsection (2) of the said section 37, after the words " this section " there are inserted the words " or of regulations made under this section ".