

*Status: Point in time view as at 03/10/2005.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, SCHEDULE 3. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 3

Section 40

#### ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

##### *Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

- 1 In section 26 of the Domestic Proceedings and Magistrates' Courts Act 1978 (reconciliation), in subsection (2), after “Criminal Justice and Court Services Act 2000” insert “, a Welsh family proceedings officer (within the meaning given by section 35 of the Children Act 2004)”.

##### *Child Abduction and Custody Act 1985 (c. 60)*

- 2 The Child Abduction and Custody Act 1985 is amended as follows.
- 3 In sections 6(a) and 21(a) (reports), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 4 In section 27 (interpretation), after subsection (5) insert—
- “(5A) In this Act “Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004”.

##### *Children Act 1989 (c. 41)*

- 5 The Children Act 1989 is amended as follows.
- 6 In section 7 (welfare reports), in subsections (1)(a) and (b) and (5), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 7 In section 16 (family assistance orders), in subsection (1), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 8 (1) Section 26 (review of cases etc) is amended as follows.
- (2) In subsection (2A)(c) after “Service” insert “ or a Welsh family proceedings officer ”.
- (3) After subsection (2C) insert—
- “(2D) The power to make regulations in subsection (2C) is exercisable in relation to functions of Welsh family proceedings officers only with the consent of the National Assembly for Wales.”
- 9 (1) Section 41 (representation of child) is amended as follows.
- (2) In subsection (1), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- (3) In subsections (2) and (4)(a), after “officer of the Service” insert “ or Welsh family proceedings officer ”.

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- (4) In subsection (10)—
- (a) in paragraphs (a) and (b), after “officer of the Service” insert “ or Welsh family proceedings officer ”;
  - (b) in paragraph (c), after “officers of the Service” insert “ or Welsh family proceedings officers ”.
- (5) In subsection (11), after “an officer of the Service” insert “ or a Welsh family proceedings officer ”.
- 10 In section 42 (rights of officers of the Service), in subsections (1) and (2), after “an officer of the Service” insert “ or Welsh family proceedings officer ”.
- 11 In section 105(1) (interpretation), at the end insert—
- ““Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004.”

*Criminal Justice and Court Services Act 2000 (c. 43)*

- 12 The Criminal Justice and Court Services Act 2000 is amended as follows.
- 13 In section 12 (principal functions of CAFCASS), in subsection (1), after “the welfare of children” insert “ other than children ordinarily resident in Wales ”.
- 14 In paragraph 1 of Schedule 2 (members of CAFCASS), for “ten” substitute “ nine ”.

*Adoption and Children Act 2002 (c. 38)*

- 15 The Adoption and Children Act 2002 is amended as follows.
- 16 (1) Section 102 (officers of the Service) is amended as follows.
- (2) In subsection (1), at the end insert “ or a Welsh family proceedings officer ”.
  - (3) In subsection (7), after “officer of the Service” insert “ or a Welsh family proceedings officer ”.
  - (4) After that subsection insert—
- “(8) In this section and section 103 “Welsh family proceedings officer” has the meaning given by section 35 of the Children Act 2004.”
- 17 In section 103 (rights of officers of the Service), in subsections (1) and (2), after “officer of the Service” insert “ or a Welsh family proceedings officer ”.

*Sexual Offences Act 2003 (c. 42)*

- 18 In section 21 of the Sexual Offences Act 2003 (positions of trust), in subsection (12) (a), after “officer of the Service” insert “ or Welsh family proceedings officer (within the meaning given by section 35 of the Children Act 2004) ”.

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