

*This Statutory Instrument is made partly to correct errors in S.I.1991/894 and 1991/890 and is being issued free of charge to all known recipients of these Statutory Instruments*

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STATUTORY INSTRUMENTS

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**1991 No. 2033**

**CHILDREN AND YOUNG PERSONS**

**The Children (Representations, Placements and Reviews)  
(Miscellaneous Amendments) Regulations 1991**

*Made - - - - 9th September 1991*  
*Laid before Parliament 12th September 1991*  
*Coming into force - - 14th October 1991*

The Secretary of State for Health in exercise of the powers conferred by sections 23(2)(a) and (f)(ii) and (5), 24(15), 26(5), 59(2), (3), and (5), and 104(4) of, and paragraphs 12(a), 13(a), and 14(a) of Schedule 2, paragraphs 4(1) and (2)(d) of Schedule 4, and paragraphs 7(1) and (2)(g) of Schedule 5, and paragraphs 10(1) and (2)(f) and (1) of Schedule 6, and paragraph 6 of Schedule 7 to the Children Act 1989(1), and all other powers enabling him in that behalf, hereby makes the following Regulations:—

**Citation and Commencement**

1. These Regulations may be cited as the Children (Representations, Placements and Reviews) (Miscellaneous Amendments) Regulations 1991 and shall come into force on 14th October 1991 immediately after the regulations which they amend.

**Amendments to the Representations Procedure (Children) Regulations 1991**

2. The Representations Procedure (Children) Regulations 1991(2) shall be amended as follows—
- (a) in regulation 4(2) (recording oral representations in writing), for the words from “agree that” to the end of the sentence, there shall be substituted the words “comment on the accuracy of the record.”;
  - (b) after regulation 4(2), there shall be inserted the following paragraph—

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(1) 1989 c. 41. Section 24(14) and (15) were inserted by paragraph 9, and paragraph 14 of Schedule 2 was amended by paragraph 16, of Schedule 16 to the Courts and Legal Services Act 1990 (c. 41).  
(2) S.I. 1991/894.

“(2A) The authority shall consider any comments made by the complainant under paragraph (2) and shall make any amendments to the record which they consider to be necessary.”;

(c) for regulation 4(3) there shall be substituted—

“(3) For the purposes of the following provisions of these Regulations, the written record referred to in paragraph (2), as amended where appropriate in accordance with paragraph (2A), shall be deemed to be the representations.”;

(d) in regulation 9(3) (local authority consideration of what action to take), for the word “decisions” there shall be substituted “discussions”;

(e) in regulation 12(2) (application of Regulations to representations by foster parents), for the words “Part I and III”, there shall be substituted “Parts I to III”.

### **Amendments to Arrangements for Placement of Children (General) Regulations 1991**

**3.** The Arrangements for Placement of Children (General) Regulations 1991(3) shall be amended as follows—

(a) in regulation 5 (notification of arrangements)—

(i) paragraph (1)(e) shall be omitted;

(ii) in paragraph (1)(g), the words “, not being an officer of a local authority,” shall be omitted.

### **Amendments to Review of Children’s Cases Regulations 1991**

**4.** After regulation 11 of the Review of Children’s Cases Regulations 1991(4) there shall be inserted the following regulation—

#### **“Transitional Provisions**

**12.—(1)** Where immediately before 14th October 1991 a child is being accommodated by a local authority, a voluntary organisation or in a registered children’s home, regulation 3 (time when each case is to be reviewed) shall have effect subject to the following provisions of this regulation.

(2) Where a child has been accommodated by a local authority, voluntary organisation or in a registered children’s home for less than four weeks before 14th October 1991 and—

(a) there has not been a review of the case, that child’s case shall be reviewed within four weeks of 14th October 1991 and thereafter in accordance with regulation 3(2);

(b) there has been a review of the case before 14th October 1991 that child’s case shall be reviewed thereafter in accordance with regulation 3(2).

(3) Where a child has been accommodated by a local authority, voluntary organisation or in a registered children’s home for four weeks or more, but for less than three months, before 14th October 1991 and—

(a) there has not been a review of the case, that child’s case shall be reviewed within three months of 14th October 1991 and thereafter not more than six months after the date of the previous review;

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(3) S.I. 1991/890.

(4) S.I. 1991/895.

- (b) there has been a review of the case before 14th October 1991, that child's case shall be reviewed thereafter not more than six months after the date of the previous review.
- (4) Where a child has been accommodated by a local authority, voluntary organisation or in a registered children's home for three months or more, but for less than six months, before 14th October 1991 and
  - (a) there has not been a review of the case, that child's case shall be reviewed within six months of the day on which the child was first so accommodated and thereafter not more than six months after the date of the previous review;
  - (b) there has been a review of the case by 14th October 1991 that child's case shall be reviewed thereafter not more than six months after the date of the previous review. shall be reviewed within 6 months of 14th October 1991 and thereafter not more than 6 months after the date of the previous review.
- (5) Where a child has been accommodated in a registered children's home otherwise than by a local authority or voluntary organisation for more than 6 months before 14th October 1991 that child's case shall be reviewed within 6 months of 14th October 1991 and thereafter not more than 6 months after the date of the previous review.".

Signed by authority of the Secretary of State for Health

9th September 1991

*Virginia Bottomley*  
Minister of State,  
Department of Health

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

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## EXPLANATORY NOTE

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

These Regulations make minor amendments to regulations 4, 9 and 12 of the Representations Procedure (Children) Regulations 1991 and regulation 5 of the Arrangements for Placement of Children (General) Regulations 1991 (notification of arrangements) (regulations 2 and 3).

They also add transitional provisions to the Review of Children's Cases Regulations 1991, relating to the time at which the cases of specified children who are accommodated before 14th October 1991 are to be reviewed (regulation 4). This Statutory Instrument is made partly to correct errors in S.I. [1991/894](#) and [1991/890](#) and is being issued free of charge to all known recipients of these Statutory Instruments