

**2002 No. 3220**

**CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES**  
**FAMILY LAW, ENGLAND AND WALES**

**The Children and Family Court Advisory and Support Service (Miscellaneous Amendments) Order 2002**

*Made* - - - - - *18th December 2002*  
*Laid before Parliament* *24th December 2002*  
*Coming into force* *31st January 2003*

The Lord Chancellor, in exercise of the powers conferred on him by sections 77(1) and (2) of the Criminal Justice and Court Services Act 2000(a), makes the following Order:

**Citation and commencement**

1. This Order may be cited as the Children and Family Court Advisory and Support Service (Miscellaneous Amendments) Order 2002 and shall come into force on 31st January 2003.

**Amendments**

2. For “guardian ad litem” substitute “children’s guardian” in—

- (a) paragraph 39 of the Schedule to the Justices’ Clerks Rules 1999(b); and
- (b) regulation 15(1)(e) of the Adoption Agencies Regulations 1983(c).

3. For paragraph 1(p) of the Schedule to the Data Protection (Subject Access Modification) (Social Work) Order 2000(d) substitute—

“(p) data processed by any children’s guardian appointed under section 41 of the Children Act 1989, by any guardian ad litem appointed under Article 60 of the Children (Northern Ireland) Order 1995 or Article 66 of the Adoption (Northern Ireland) Order 1987 or by a safeguarder appointed under section 41 of the Children (Scotland) Act 1995;”.

Signed by authority of the Lord Chancellor

*Rosie Winterton*  
Parliamentary Secretary  
Lord Chancellor’s Department

18th December 2002

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(a) 2000 c.43.  
(b) S.I. 1999/2784 (L.22).  
(c) S.I. 1983/1964; relevant amending instrument is S.I. 1997/649.  
(d) S.I. 2000/415.

## EXPLANATORY NOTE

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

This Order amends the following—

- (i) Data Protection (Subject Access Modification) (Social Work) Order 2000;
- (ii) Justices' Clerks Rules 1999; and
- (iii) Adoption Agencies Regulations 1983.

The amendments follow the establishment of the Children and Family Court Advisory and Support Service (the Service) by the Criminal Justice and Court Services Act 2000 (c.43). The Act replaced the term “guardian ad litem” with officers of the Service who represent children who are the subject of family proceedings.

In proceedings under section 41 of the Children Act 1989 (c.41) and section 65 of the Adoption Act 1976 (c.36) the term “children’s guardian” replaces “guardian ad litem”.

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