
STATUTORY INSTRUMENTS

2005 No. 1109

The Special Guardianship Regulations 2005

PART 1

INTRODUCTORY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Special Guardianship Regulations 2005 and shall come into force on 30th December 2005.

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Children Act 1989;

“couple” has the same meaning as in section 144(4) of the Adoption and Children Act 2002⁽¹⁾;

“Local Health Board” means a Local Health Board established by the National Assembly for Wales under section 16BA of the National Health Service Act 1977⁽²⁾;

“prospective special guardian” means a person—

- (a) who has given notice to a local authority under section 14A(7) of the Act of his intention to make an application for a special guardianship order in accordance with section 14A(3) of the Act; or
- (b) in respect of whom a court has requested that a local authority conduct an investigation and prepare a report pursuant to section 14A(9) of the Act;

“relevant child” means a child in respect of whom—

- (a) a special guardianship order is in force;
- (b) a person has given notice to a local authority under section 14A(7) of the Act of his intention to make an application for a special guardianship order in accordance with section 14A(3) of the Act; or
- (c) a court is considering whether a special guardianship order should be made and has asked a local authority to conduct an investigation and prepare a report pursuant to section 14A(9) of the Act.

(2) In any case where—

- (a) a person aged 18 or over is in full-time education or training; and
- (b) immediately before he reached the age of 18, financial support was payable in relation to him under Chapter 2 of Part 2 of these Regulations,

⁽¹⁾ 2002 c. 38.

⁽²⁾ 1977 c. 49. Section 16BA was inserted by section 6 of the National Health Service Reform and Health Care Professionals Act 2002 (c. 17).

then, for the purposes of the continued provision of financial support and any review of financial support, these Regulations shall have effect in relation to him as if he were still a child.