

*Status: This version of this provision is prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Special Guardianship Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

## STATUTORY INSTRUMENTS

# 2005 No. 1109

## The Special Guardianship Regulations 2005

PROSPECTIVE

### PART 2

#### SPECIAL GUARDIANSHIP SUPPORT SERVICES

##### CHAPTER 3

##### ASSESSMENT AND PLANS

#### **Assessment of need for financial support**

**13.—**(1) This regulation applies where the local authority carry out an assessment of a person's need for financial support.

(2) In determining the amount of financial support, the local authority must take account of any other grant, benefit, allowance or resource which is available to the person in respect of his needs as a result of becoming a special guardian of the child.

(3) Subject to paragraphs (4) and (5) the local authority must also take account of the following considerations—

- (a) the person's financial resources, including any tax credit or benefit, which would be available to him if the child lived with him;
- (b) the amount required by the person in respect of his reasonable outgoings and commitments (excluding outgoings in respect of the child);
- (c) the financial needs and resources of the child.

(4) The local authority must disregard the considerations in paragraph (3) where they are considering providing financial support in respect of legal costs, including court fees, in a case where a special guardianship order is applied for in respect of a child who is looked after by the local authority and the authority support the making of the order or an application is made to vary or discharge a special guardianship order in respect of such a child.

(5) The local authority may disregard any of the considerations in paragraph (3)—

- (a) where they are considering providing financial support in respect of—
  - (i) initial costs of accommodating a child who has been looked after by the local authority;
  - (ii) recurring costs in respect of travel for the purpose of visits between the child and a related person; or
  - (iii) any special care referred to in regulation 6(2)(b) in relation to a child who has been looked after by the local authority; or
- (b) where they are considering including an element of remuneration under regulation 7.

**Status:** This version of this provision is prospective.

**Changes to legislation:** There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Special Guardianship Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) [View outstanding changes](#)

(6) In paragraph (5)(a)(ii) “related person” means a relative of the child or any other person with whom the child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the factors specified in section 1(3) of the Act.

**Commencement Information**

**I1** Reg. 13 in force at 30.12.2005, see [reg. 1\(1\)](#)

**Status:**

This version of this provision is prospective.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Special Guardianship Regulations 2005. Any changes that have already been made by the team appear in the content and are referenced with annotations.

[View outstanding changes](#)

**Changes and effects yet to be applied to :**

- Regulations words substituted by [S.I. 2022/634 Sch. para. 1\(1\)\(3\)](#)
- reg. 13 coming into force by [S.I. 2005/1109 reg. 1\(1\)](#)

**Changes and effects yet to be applied to the whole Instrument associated Parts and Chapters:**

- blanket amendment words substituted by [S.I. 2023/1071 Sch. para. 1](#)

Whole provisions yet to be inserted into this Instrument (including any effects on those provisions):

- Sch. para. 1(ga)(gb) inserted by [S.I. 2016/111 reg. 4\(a\)](#)
- Sch. para. 2(ea) inserted by [S.I. 2019/1458 Sch. 3 para. 75\(b\)](#)
- reg. 4(2)(b)-(d) substituted for reg. 4(2)(b) by [S.I. 2019/237 Sch. 1 para. 10\(2\)](#)