
STATUTORY INSTRUMENTS

2011 No. 781

CHILD TRUST FUNDS

The Child Trust Funds (Amendment) Regulations 2011

Made - - - - *15th March 2011*
Laid before Parliament *16th March 2011*
Coming into force - - *7th April 2011*

The Treasury make the following Regulations in exercise of the powers conferred by sections 16 and 28(1) to (4) of the Child Trust Funds Act 2004⁽¹⁾:

Citation, commencement and effect

1. These Regulations may be cited as the Child Trust Funds (Amendment) Regulations 2011 and come into force on 7th April 2011.

Amendment of the Child Trust Funds Regulations 2004

2. The Child Trust Funds Regulations 2004⁽²⁾ are amended as follows.
3. Omit regulation 33 (information about “looked after children” from Local Authorities).
4. In regulation 33A (the Official Solicitor or Accountant of Court to be the person who has authority to manage an account)—
 - (a) for paragraph (1) substitute—

“(1) Every local authority shall be under a duty to—

 - (a) identify any child who—
 - (i) is born after 31st August 2002 and before 3rd January 2011,
 - (ii) is under 16 years of age at the end of the return period, and
 - (iii) during the return period falls within the circumstances specified in paragraph (2) for the first time since the child became looked after (in Scotland, looked after and accommodated) by the local authority; and
 - (b) deliver to the Board, within 10 days of the end of each return period and by means of electronic communications, a return for that period in a form specified

(1) 2004 c. 6.

(2) S.I. 2004/1450; relevant amending instruments are S.I. 2004/2676, S.I. 2004/3382, S.I. 2006/2684 and S.I. 2007/1898.

by the Board containing the information specified in paragraph (2A) for each child identified under sub-paragraph (a) .”;

(b) after paragraph (2) insert—

“(2A) The information specified in this paragraph is—

- (a) the name, address and unique identifier of the local authority making the return;
- (b) the name of the local authority officer responsible for the return;
- (c) the full name, sex and date of birth of the child;
- (d) the full name and address of the child’s mother, if known by the local authority (or failing that the full name and address of the child’s father, if known), unless the local authority considers the child’s situation to be particularly sensitive;
- (e) any information that the local authority has about whether the child is or may be a person subject to immigration control within the meaning of section 115(9) of the Immigration and Asylum Act 1999(3), and the nature of that information;
- (f) a correspondence address for the child; and
- (g) if known by the local authority, the child’s unique reference number as stated on the voucher issued under section 5(1) of the Child Trust Funds Act 2004(4) (if any).”;

(c) for paragraph (3)(a) substitute—

“(a) the local authority delivers to the Board a return under this regulation in respect of any child, and”;

(d) for paragraph (6) substitute—

“(6) In this regulation—

“local authority” includes an authority within the meaning of the Children (Northern Ireland) Order 1995(5);

“looked after and accommodated child”, in Scotland, means a child who is—

- (a) both looked after, and provided with or placed in accommodation, by a local authority within the meaning of those expressions in Part 2 of the Children (Scotland) Act 1995(6), or
- (b) accommodated by a local authority under section 22 of that Act, and related expressions shall be construed accordingly;

“looked after child”—

- (a) in England and Wales, has the meaning given in section 22(1) of the Children Act 1989(7), extended to include a child accommodated by a local authority under section 17 of that Act, and
- (b) in Northern Ireland, means a child accommodated under Part 4 of the Children (Northern Ireland) Order 1995,

and related expressions shall be construed accordingly;

“return period” means a period—

- (a) beginning on 7th April 2011 and ending on 6th May 2011, and

(3) 1999 c. 33.

(4) 2004 c. 6.

(5) S.I. 1995/755 (N.I. 2).

(6) 1995 c. 36.

(7) 1989 c. 41.

(b) each succeeding period of one month.”.

15th March 2011

Angela Watkinson
Michael Fabricant
Two of the Lords Commissioners of Her
Majesty’s Treasury

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 7th April 2011, amend the Child Trust Funds Regulations 2004 (S.I. 2004/1450) (“the CTF Regulations”).

Regulation 3 omits regulation 33 of the CTF Regulations and regulation 4 amends regulation 33A of the CTF Regulations so as to substitute the requirement for a local authority to make monthly returns (including “nil” returns) to Her Majesty’s Revenue and Customs in respect of children looked after by it who meet the criteria contained in the CTF Regulations with a requirement for it only to make a return where, in the course of the month covered by the return, a child who was born after 31st August 2002 and before 3rd January 2011, is under the age of 16 and is looked after by the local authority, first meets one of the six conditions contained in regulation 33A(2) of the CTF Regulations.

An Impact Assessment has not been produced for this instrument as it has a negligible impact on business, charities or voluntary bodies.