
WELSH STATUTORY INSTRUMENTS

2001 No. 2787

The Children's Commissioner for Wales Regulations 2001

PART IV

PROVISION OF ASSISTANCE

Provision of assistance in proceedings

10.—(1) The Commissioner may, subject to paragraphs (3) and (5), provide relevant assistance to a relevant child—

- (a) in relation to proceedings prescribed in paragraph (2) where, in the reasonable opinion of the Commissioner, the proceedings relate to matters which have a more general application or relevance to the rights and welfare of children in Wales than in the particular proceedings concerned, and
- (b) in making a complaint or representation to or in respect of a provider of regulated children's services in Wales, and
- (c) in making a complaint or representation to or in respect of a person mentioned in section 73(2B) of or Schedule 2B to the Act.

(2) The proceedings prescribed for the purposes of section 76(1)(b) of the Act are proceedings which concern—

- (a) the provision to or in respect of a relevant child of regulated children's services in Wales;
- (b) the provision of services to or in respect of such a child by any person mentioned in Schedule 2B to the Act or any person providing services on behalf of or under arrangements with that person; or
- (c) the effect on such a child of the exercise or proposed exercise of any function of the Assembly or a person mentioned in Schedule 2A to the Act.

(3) In deciding whether to provide relevant assistance the Commissioner may take account of the financial and other assistance available to the relevant child in relation to the proceedings, complaint or representation concerned, including assistance under the Access to Justice Act 1999.

(4) For the purposes of this regulation "relevant assistance" means—

- (a) Providing or arranging for the provision of advice to and representation of the child; and
- (b) providing or arrange for the provision of any other assistance which he or she considers appropriate.

(5) Paragraph (4) does not affect the law and practice as to who may represent a person in relation to any proceedings.

Conditions

11.—(1) Where the Commissioner decides to provide financial assistance to a relevant child pursuant to regulation 10 the assistance may be provided subject to either or both of the conditions specified in paragraph (2).

Status: This is the original version (as it was originally made).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

- (2) The conditions are that—
- (a) The Commissioner may recover the reasonable cost of providing the assistance from any sums paid by other parties for this purpose in the proceedings concerned;
 - (b) The assistance provided does not duplicate assistance which has been or may be provided under any enactment.
- (3) For the purposes of paragraph (2)(a) it is immaterial whether the sums paid by other parties are payable by virtue of a decision of a court or tribunal, an agreement reached to avoid proceedings or to bring them to an end, or otherwise.