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WELSH STATUTORY INSTRUMENTS

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**2014 No. 1795**

**The Representations Procedure (Wales) Regulations 2014**

**PART 1**

**GENERAL**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Representations Procedure (Wales) Regulations 2014 and they come into force on 1 August 2014.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989;

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002<sup>(1)</sup>;

“the 2005 Regulations” (“*Rheoliadau 2005*”) means the Representations Procedure (Children) (Wales) Regulations 2005<sup>(2)</sup>;

“advocate” (“*eiriolwr*”) means a person who provides assistance under arrangements made by a local authority under the Advocacy Services and Representations Procedure (Children) (Wales) Regulations 2004<sup>(3)</sup> pursuant to section 26A(1) of the 1989 Act;

“former representations procedure” (“*gweithdrefn sylwadau flaenorol*”) means the representations procedure established under the provisions of the 2005 Regulations;

“independent investigator” (“*ymchwilydd annibynnol*”) means the person, being neither a member nor officer of the local authority to which representations have been made, or the spouse or civil partner of such a person but does include a person with whom the local authority has entered into a contract for services in order to conduct an investigation;

“independent person” (“*person annibynnol*”) means the person, being neither a member nor officer of the local authority to which representations have been made, or the spouse or civil partner of such a person, who takes part in the consideration of the representations and in any subsequent discussions, in accordance with section 26(4) of the 1989 Act;

“local authority” (“*awdurdod lleol*”) means a county council or county borough council in Wales;

“representations” (“*sylwadau*”) means representations under section 24D, section 26, or paragraph 6(2) of Schedule 7 to, the 1989 Act;

“to consider representations” (“*ystyried sylwadau*”) means to consider representations under the procedure set out in these Regulations;

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<sup>(1)</sup> 2002 c. 38.

<sup>(2)</sup> S.I. 2005/3365 (W.262).

<sup>(3)</sup> S.I. 2004/1448 (W.148).

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

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“working day” (“*diwrnod gwaith*”) means a day except Saturday, Sunday, Christmas Day, Boxing Day, Good Friday, or a day which is a bank holiday under the Banking and Financial Dealings Act 1971<sup>(4)</sup>.

### **General principles in handling representations**

**3.**—(1) Any representations procedure set up under the 1989 Act must be operated in accordance with the principle that, where representations are made by a person to whom section 24D or 26(3) (a) applies, the welfare of the person making representations should be safeguarded and promoted.

(2) Account should be taken of the ascertainable wishes and feelings of the person making representations.

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(4) 1971 c.80.