

**EXPLANATORY MEMORANDUM TO
THE CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT
SERVICE (REVIEWED CASE REFERRAL)(AMENDMENT)
REGULATIONS 2005**

2005 No. 605

1. This explanatory memorandum has been prepared by the Department for Constitutional Affairs and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1. These regulations amend the Children and Family Court Advisory and Support Service (Reviewed Case Referral) Regulations 2004 (“the 2004 Regulations”), consequential on functions conferred on the National Assembly for Wales and Welsh family proceedings officers by Part 4 of the Children Act 2004.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1. None.

4. **Legislative Background**

- 4.1 The Children Act 2004 (“the CA 2004”) was given Royal Assent on 15th November 2004. Section 35 of that Act relates to advisory and support services for family proceedings and confers on the National Assembly for Wales functions previously discharged by the Children and Family Court Advisory and Support Service (“CAFCASS”) in relation to children ordinarily resident in Wales. In addition section 35 of the Act provides for “Welsh family proceedings officers”. They will perform, on behalf of the National Assembly for Wales, functions currently performed by officers of CAFCASS. At present the 2004 Regulations provide for an extension of the functions of CAFCASS and its officers, enabling proceedings to be brought as necessary following a referral from an independent reviewing officer under section 26(2A)(c) of the Children Act 1989 (inserted by section 118 of the Adoption and Children Act 2002); and setting out the manner in which CAFCASS officers must perform their functions. In order to ensure that similar powers and duties apply in relation to children resident in Wales, it is therefore necessary to make matching provision in relation to Welsh family proceedings officers. The necessary amendments are contained in these regulations.

5. **Extent**

- 5.1. This instrument applies to England and Wales.

6. European Convention on Human Rights

6.1. Not applicable.

7. Policy background

7.1. These Regulations ensure that Welsh family proceedings officers have the same functions and duties as CAF/CASS officers under the 2004 Regulations.

8. Impact

8.1 There is no impact on the public sector from the regulations relating to Welsh family proceedings officers. These amendments provide for these officers to be appointed in those cases where a CAF/CASS officer may currently be appointed. No new functions are created.

9. Contact

Therese Gray at the National Assembly for Wales. Tel: 02920 826813 or email: therese.gray@wales.gsi.gov.uk.