STATUTORY INSTRUMENTS

2014 No. 852

FAMILY PROCEEDINGS, ENGLAND AND WALES

The Child Arrangements Order (Consequential Amendments to Subordinate Legislation) Order 2014

Made - - - -	*27th March 2014*
Laid before Parliament	*31st March 2014*
Coming into force - -	*22nd April 2014*

The Secretary of State makes this Order in exercise of the powers conferred by section 136 of the Children and Families Act 2014(**a**).

Citation and commencement

1. This Order may be cited as the Child Arrangements Order (Consequential Amendments to Subordinate Legislation) Order 2014 and comes into force on 22nd April 2014.

Amendment of the Income Support (General) Regulations 1987

2. In paragraph 25(1)(c) of Schedule 9 to the Income Support (General) Regulations 1987 (sums to be disregarded in the calculation of income other than earnings)(**b**), for "residence" substitute "child arrangements".

Amendment of the Non-Contentious Probate Rules 1987

3. In regulation 32(1)(aa) of the Non-Contentious Probate Rules 1987 (grants on behalf of minors) (**c**), for the words from "residence" to "person" substitute "child arrangements order under section 8 of that Act which names that person as a person with whom the minor is to live".

Amendment of the Placement of Children with Parents etc Regulations 1991

4.—(1) The Placement of Children with Parents etc. Regulations 1991(**d**) are amended as follows.

(2) In regulation 1(2) (interpretation), in the definition of "placement"-

(a) for the first reference to "residence" substitute "child arrangements";

(b) for the words "in whose favour the residence order was made" substitute "named in the child arrangements order as a person with whom the child is to live".

(**a**) 2014 c. 6.

(**b**) S.I. 1987/1967, amended by S.I.1998/563 which substituted sub–paragraph 25(1)(c). There are other amending instruments but none is relevant.

(**c**) S.I. 1987/2024, amended by S.I. 1998/1903 which inserted regulation 32(1)(aa). There are other amending instruments but none is relevant.

(**d**) S.I. 1991/893, revoked in relation to England by S.I. 2010/959. There are other amending instruments but none is relevant.

(3) In regulation 8(4)(f) (notification of placements)—

(a) for the first reference to "residence" substitute "child arrangements";

(b) for the words "in whose favour the residence order was made", substitute "named in the child arrangements order as a person with whom the child is to live".

Amendment of the National Assistance (Assessment of Resources) Regulations 1992

5. In paragraph 17(1)(c) of Schedule 3 to the National Assistance (Assessment of Resources) Regulations 1992 (sums to be disregarded in the calculation of income other than earnings)(**a**), for "residence" substitute "child arrangements".

Amendment of the Jobseeker's Allowance Regulations 1996

6. In paragraph 26(1)(c) of Schedule 7 to the Jobseeker's Allowance Regulations 1996 (sums to be disregarded in the calculation of income other than earnings)(**b**), for "residence" substitute "child arrangements".

Amendment of the Housing Renewal Grants Regulations 1996

7. In paragraph 22(1)(b) of Schedule 3 to the Housing Renewal Grants Regulations 1996 (sums to be disregarded in the determination of income other than earnings)(**c**), for "residence" substitute "child arrangements".

Amendment of the Education (Grants) (Music, Ballet and Choir Schools) (England) Regulations 2001

8. In regulation 4(1)(d)(i) and 4(1)(d)(ii) of the Education (Grants) (Music, Ballet and Choir Schools) (England) Regulations 2001 (references to parents)(**d**), for "residence" substitute "child arrangements".

Amendment of the Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002

9.—(1) The Flexible Working (Eligibility, Complaints and Remedies) Regulations 2002(**e**) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(i) after the definition of "application" insert the following definition ""child arrangements order" means a child arrangements order as defined in section 8(1) of the Children Act 1989;" and

(ii) in the definition of "residence order" omit "section 8(1) of the Children Act 1989 or".

(3) In regulation 3(1)(b)(i) (entitlement to request a contract variation to care for a child), after "the child" insert "or a person named in a child arrangements order as a person with whom the child is to live".

(4) In regulation 3(1)(b)(ii) after paragraph (bb) insert "(cc) a person named in a child arrangements order as a person with whom the child is to live".

(**a**) S.I. 1992/2977, amended by S.I. 2003/2343 (England) and S.I. 2003/2530 (Wales) which renumbered paragraph 17 as paragraph 17(1). There are other amending instruments but none is relevant.
(**b**) S.I. 1996/207, to which there are amendments not relevant to this instrument.
(**c**) S.I. 1996/2890, to which there are amendments not relevant to this instrument.
(**d**) S.I 2001/2743, to which there are amendments not relevant to this instrument.
(**e**) S.I. 2002/3236, amended by S.I. 2007/2286 which inserted a definition. There are other amending instruments but none is relevant.

Amendment of the Adoption Agencies Regulations 2005

10. In regulation 14(4)(b)(ii) of the Adoption Agencies Regulations 2005 (requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others)(**a**)—

(a) for "residence order or contact" substitute "child arrangements", and

(b) for "residence, contact" substitute "child arrangements orders".

Amendment of the Adoption Agencies (Wales) Regulations 2005

11.—(1) The Adoption Agencies (Wales) Regulations 2005(**b**) are amended as follows.

(2) In regulation 14(3)(b)(ii) (requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others)—

(a) for "residence order or contact" substitute "child arrangements", and

(b) for "residence, contact" substitute "child arrangements orders".

(3) In regulation 19(3) (adoption agency decision and notification) for sub-paragraph (b), substitute—

"any relative or other significant person whom the agency consulted under regulation 14(1) including-

(i) any person named in a child arrangements order under section 8 of the 1989 Act, as a person with whom the child is to spend time or otherwise have contact, or

(ii) any person in whose favour an order under section 34 of the 1989 Act (parental contact with children in care) has been made,

where such order is in force immediately before the agency is authorised to place the child for adoption".

Amendment of the Social Fund Maternity and Funeral Expenses (General) Regulations 2005

12.—(1) The Social Fund Maternity and Funeral Expenses (General) Regulations 2005(**c**) are amended as follows.

(2) In regulation 3 (interpretation) omit the definition of "residence order" and substitute (in the appropriate place)—

""child arrangements order" means a child arrangements order as defined in section 8(1) of the Children Act 1989 which consists of, or includes, arrangements relating to either or both of the following—

(i) with whom the child is to live, and

(ii) when the child is to live with any person;"

(3) In regulation 3A(6)(c) (provision against double payment: Sure Start Maternity Grants) for "residence" substitute "child arrangements.".

Amendment of the Housing Benefit Regulations 2006

13. In paragraph 25(1)(ba) of Schedule 5 to the Housing Benefit Regulations 2006 (sums to be disregarded in the calculation of income other than earnings)(**d**), for "residence" substitute "child arrangements".

(**a**) S.I. 2005/389, to which there are amendments not relevant to this instrument.
(**b**) S.I. 2005/1313, to which there are amendments not relevant to this instrument
(**c**) S.I. 2005/3061, amended by S.I. 2010/2760 which inserted a definition and substituted regulations 3A and 4 for regulation 4. There are other amending instruments but none is relevant.
(**d**) S.I. 2006/213, amended by S.I. 2009/2655 which inserted paragraph 25(1)(ba). There are other amending instruments but none is relevant.

Amendment of the Review of Children's Cases (Wales) Regulations 2007

14. In paragraph 5(a) of Schedule 1 to the Review of Children's Cases (Wales) Regulations 2007(elements to be included in review)(**a**), for "residence, contact" substitute "child arrangements orders".

Amendment of the Placement of Children (Wales) Regulations 2007

15.—(1) The Placement of Children (Wales) Regulations 2007(**b**) are amended as follows.

(2) In regulation 6(1)(g) of the Placement of Children (Wales) Regulations 2007 (notification of arrangements) for the words "in whose favour a contact order is in force with respect to the child", substitute "named in a child arrangements order as a person with whom the child is to spend time or otherwise have contact".

(3) In regulation 9(2)(d) (establishment of records) for the second reference to "contact", substitute "child arrangements".

Amendment of the Employment and Support Allowance Regulations 2008

16. In paragraph 26(1)(b) of Schedule 8 to the Employment and Support Allowance Regulations 2008 (sums to be disregarded in the calculation of income other than earnings)(**c**), for "residence" substitute "child arrangements".

Amendment of the Armed Forces (Protection of Children of Service Families) Regulations 2009

17. In regulation 5(3)(f) of the Armed Forces (Protection of Children of Service Families) Regulations 2009 (variation and discharge of assessment orders)(**d**), for the words "in whose favour a contact order is in force with respect to the child" substitute "named in a child arrangements order as a person with whom the child is to spend time or otherwise have contact".

Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010

18. In regulation 2 of the Care Planning, Placement and Case Review (England) Regulations 2010 (interpretation)(**e**), in the definition of "P", for paragraph (c), substitute—

"(c) where C is in the care of the responsible authority and there was a child arrangements order which regulated C's living arrangements in force immediately before the care order was made, a person named in the child arrangements order as a person with whom C was to live".

Amendment of the Care Leavers (England) Regulations 2010

19.—(1) In regulation 3(5)(c) of the Care Leavers (England) Regulations 2010 (relevant children)(**f**)—

(i) for the first reference to "residence" substitute "child arrangements";

(ii) for "in whose favour the residence order was made" substitute "named in the child arrangements order as a person with whom they were to live".

(2) After regulation 3(5) insert the following—

"(5A) For the purposes of paragraph (5), a child arrangements order is one that consists of, or includes, arrangements relating to either or both of the following—

(**a**) S.I. 2007/307, to which there are amendments not relevant to this instrument.
(**b**) S.I. 2007/310, to which there are amendments not relevant to this instrument.
(**c**) S.I. 2008/794, amended by S.I. 2009/2655. There are other amending instruments but none is relevant.
(**d**) S.I 2009/1107.
(**e**) S.I. 2010/959, to which there are amendments not relevant to this instrument.
(**f**) S.I. 2010/2571, to which there are amendments not relevant to this instrument.

(i) with whom the child is to live, and

(ii) when the child is to live with any person.".

Amendment of the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011

20. In regulation 7(1)(g) of the Arrangements for Placement of Children by Voluntary Organisations and Others (England) Regulations 2011 (notification of arrangements)(**a**), for the words from "in whose favour a contact order is in force with respect to the child", substitute "named in a child arrangements order as a person with whom the child is to spend time or otherwise have contact".

Amendment of the Qualifying Care Relief (Specified Social Care Schemes) Order 2011

21. In Article 5(7) of the Qualifying Care Relief (Specified Social Care Schemes) Order 2011 (specified social care schemes for kinship care)(**b**)—

(a) in sub-paragraph (a), omit "or";

(b) after sub-paragraph (a), insert—

"(aa) (in relation to orders made in England and Wales) a child arrangements order that names Y as a person with whom X is to live, or".

Amendment of the School Admissions (Infant Class Size) (England) Regulations 2012

22.—(1) The Schedule to the School Admissions (Infant Class Size) (England) Regulations 2012(**c**) is amended as follows.

(2) In paragraph 1, after the definition of "the regular army" insert—

"(e) "child arrangements order" means a child arrangements order as defined by section 8(1) of the Children Act 1989 which consists of, or includes, arrangements relating to either or both of the following—

(i) with whom the child is to live, and

(ii) when the child is to live with any person".

(3) In paragraph 4, for "residence" substitute "child arrangements".

Amendment to the School Admissions (Infant Class Sizes) (Wales) Regulations 2013

23.—(1) The Schedule to the School Admissions (Infant Class Sizes) (Wales) Regulations 2013 (excepted pupils)(**d**) is amended as follows.

(2) In paragraph 1, after the definition of "the regular army" insert—

"(e) "child arrangements order" means a child arrangements order as defined by section 8(1) of the Children Act which consists of, or includes, arrangements relating to either or both of the following—

(i) with whom the child is to live, and

(ii) when the child is to live with any person".

(3) In paragraph 4, for "residence" substitute "child arrangements".

(**a**) S.I. 2011/582, to which there are amendments not relevant to this instrument.
(**b**) S.I. 2011/712, to which there are amendments not relevant to this instrument.
(**c**) S.I. 2012/10.
(**d**) S.I. 2013/1141.

Amendment to the Education (Information About Individual Pupils) (England) Regulations 2013

24.—(1) The Education (Information About Individual Pupils) (England) Regulations 2013(**a**) are amended as follows.

(2) In regulation 2 (interpretation)—

(i) after the definition of "budget share" insert the following definition ""child arrangements order" means a child arrangements order as defined by section 8(1) of the Children Act 1989 which consists of, or includes, arrangements relating to either or both of the following (i) with whom the child is to live, and (ii) when the child is to live with any person;";

(ii) omit the definition of "residence order".

(3) In paragraph 13 of Schedule 1, for "residence" substitute "child arrangements".

Amendment to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013

25. In paragraph 30(1)(b) of Schedule 9 to the Council Tax Reduction Schemes and Prescribed Requirements (Wales) Regulations 2013 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners)(**b**), for "residence" substitute "child arrangements".

Amendment to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013

26. In paragraph 30(1)(b) of Schedule 7 to the Council Tax Reduction Schemes (Default Scheme) (Wales) Regulations 2013 (sums disregarded in the calculation of income other than earnings: persons who are not pensioners)(**c**), for "residence" substitute "child arrangements".

Edward Timpson
Parliamentary Under Secretary of State
Department for Education

27th March 2014

EXPLANATORY NOTE

(This note is not part of the Order)

This Order makes amendments to secondary legislation in consequence of section 12 of the Children and Families Act 2014, which removes the definition of "residence order" and "contact order" in section 8(1) of the Children Act 1989 and replaces it with a new order, the "child arrangements order".

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(**a**) S.I. 2013/2094.
(**b**) S.I. 2013/3029.
(**c**) S.I. 2013/3035.

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