

Changes to legislation: Criminal Justice and Court Services Act 2000, SCHEDULE 2 is up to date with all changes known to be in force on or before 09 May 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 2

Section 11.

CHILDREN AND FAMILY COURT ADVISORY AND SUPPORT SERVICE

Modifications etc. (not altering text)

- C1** Sch. 2: transfer of functions (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), arts. 1(2), 3, 4

Constitution

- 1 The Service is to consist of a chairman, and not less than [^{F1}nine] other members, appointed by the [^{F2}Secretary of State].

Textual Amendments

- F1** Word in Sch. 2 para. 1 substituted (1.4.2005) by [Children Act 2004 \(c. 31\)](#), s. 67(6), **Sch. 3 para. 14**; [S.I. 2005/700](#), art. 2(2)
- F2** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 2 (1) Regulations may provide—
- (a) for the appointment of the chairman and other members and for the co-option by the Service for particular purposes of additional members (including the number, or limits on the number, of persons who may be appointed or co-opted and any conditions to be fulfilled for appointment or co-option),
 - (b) for the tenure of office of the chairman and other members and any co-opted members (including the circumstances in which they cease to hold office or may be removed or suspended from office).
- (2) References below in this Schedule to members of the Service do not include co-opted members.

Remuneration etc. of members

- 3 (1) The Service may pay, or make provision for paying, to or in respect of any person who is or has been the chairman or another member—
- (a) any remuneration, fees or expenses,
 - (b) any pension, allowance or gratuity,
- determined by the [^{F2}Secretary of State].
- (2) The Service may, to any extent determined by the [^{F2}Secretary of State], reimburse any co-opted members for any expenses or loss of earnings.

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- (3) Where a person ceases to be chairman or another member of the Service otherwise than on the expiry of his term of office and it appears to the [^{F2}Secretary of State] that there are circumstances which make it right for that person to receive compensation, the Service may pay that person an amount determined by the [^{F2}Secretary of State].

Textual Amendments

F2 Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

Procedure

- 4 Regulations may provide for—
- (a) the establishment and functions of committees (including committees which include persons who are not the chairman or another member of the Service),
 - (b) the procedure of the Service and of any of its committees (including quorum and the validation of proceedings in the event of vacancies or defects in appointment).

Staff and other officers

- 5 (1) The Service may appoint—
- (a) staff to perform the functions of officers of the Service, and
 - (b) other staff.
- (2) Regulations may make provision as to the qualifications, experience or training to be required of officers of the Service (whether or not appointed under sub-paragraph (1)(a)).
- (3) One of the staff appointed under sub-paragraph (1)(b) is to be the chief executive.
- (4) The Service must not appoint a person—
- (a) as chief executive, or
 - (b) as a member of the staff of a description specified in a direction given by the [^{F2}Secretary of State],
- without the approval of the [^{F2}Secretary of State].

Textual Amendments

F2 Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 6 (1) Staff of the Service are to be appointed on terms and conditions determined by the Service as to—
- (a) any remuneration, fees or expenses,
 - (b) any pension, allowance or gratuity.

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- (2) It is for the Service to determine the terms and conditions of any arrangements under section 13(4) under which individuals perform the functions of officers of the Service.
- (3) But a determination under this paragraph requires the approval of the [F2Secretary of State].

Textual Amendments

- F2** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

Delegation

- 7 The Service may arrange for the chairman or any other member to discharge functions of the Service on its behalf.

Payments to the Service

- 8 (1) The [F2Secretary of State] may, at any time, pay to the Service any amount he considers appropriate.
- (2) If he considers it appropriate, he may make any payment on conditions.

Textual Amendments

- F2** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

Supervision

- 9 (1) Functions and other powers of the Service, and functions of any officer of the Service, must be performed in accordance with any directions given by the [F2Secretary of State].
- (2) In particular, the directions may make provision for the purpose of ensuring that the services provided are of appropriate quality and meet appropriate standards.
- (3) The Service must provide the [F2Secretary of State] with any information relating to the performance of its functions which he may from time to time require.

Textual Amendments

- F2** Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

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Ancillary powers

- 10 (1) Subject to any directions given by the [F²Secretary of State], the Service may do anything which appears to it to be necessary or expedient for the purpose of, or in connection with, the exercise of its functions.
- (2) That includes, in particular—
- (a) holding land and other property,
 - (b) entering into contracts,
 - (c) investing sums not immediately required for the purpose of performing its functions,
 - (d) accepting gifts.
- (3) But the Service may not borrow money, whether by way of overdraft or otherwise, without the approval of the [F²Secretary of State].

Textual Amendments

F2 Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

Directions

- 11 (1) Different directions may be given under this Schedule for different purposes.
- (2) Directions under this Schedule may be either general or special.

Reports and accounts

- 12 (1) The Service must make a report to the [F²Secretary of State] in respect of each financial year on the performance of its functions.
- (2) The [F²Secretary of State] may give directions as to—
- (a) the information to be given in the report and the form in which it is to be given, and
 - (b) the time by which the report is to be given.
- (3) The [F²Secretary of State] must—
- (a) lay a copy of the report before each House of Parliament,
 - (b) arrange for the report to be published in a manner he considers appropriate.

Textual Amendments

F2 Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 13 (1) The Service must—
- (a) keep proper accounts and proper records in relation to the accounts,
 - (b) prepare in respect of each financial year of the Service a statement of accounts, and

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- (c) send copies of the statement to the ^{F2}Secretary of State] and to the Comptroller and Auditor General before the end of the month of August next following the financial year to which the statement relates.
- (2) The statement of accounts must comply with any directions given by the ^{F2}Secretary of State] as to—
- the information to be contained in it,
 - the manner in which the information contained in it is to be presented,
 - the methods and principles according to which the statement is to be prepared,
- and must contain any additional information the ^{F2}Secretary of State] may require to be provided for the information of Parliament.
- (3) The Service must, in accordance with directions given by the ^{F2}Secretary of State]—
- appoint an auditor who is not a member of the Service’s staff, and
 - ensure that the auditor makes a report to the ^{F2}Secretary of State] about the preparation of the accounts and about the statement of accounts.
- (4) The Comptroller and Auditor General must examine, certify and report on the statement of accounts and must lay copies of the statement and of his report before each House of Parliament.

Textual Amendments

F2 Words in Sch. 2 substituted (12.1.2004) by [The Transfer of Functions \(Children, Young People and Families\) Order 2003 \(S.I. 2003/3191\)](#), art. 1(2), **Sch. para. 4(4)**

- 14 “Financial year”, in this Schedule, means—
- the period beginning with the date on which the Service is established and ending with the next following 31st March, and
 - each successive period of twelve months.

Complaints

- 15 The Service must make and publicise a scheme for dealing with complaints made by or on behalf of prescribed persons in relation to the performance by the Service and its officers of their functions.

Status

- 16 The Service is not to be regarded as the servant or agent of the Crown, or as enjoying any status, privilege or immunity of the Crown; and its property is not to be regarded as property of, or property held on behalf of, the Crown.

General

- 17 In Schedule 2 to the ^{M1}Parliamentary Commissioner Act 1967 (departments etc. subject to investigation), at the appropriate place there is inserted—
- “Children and Family Court Advisory and Support Service.”

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Marginal Citations

M1 1967 c. 13.

- 18 (1) Employment with the Service shall be included in the kinds of employment to which a scheme under section 1 of the ^{M2}Superannuation Act 1972 can apply.
- (2) The Service must pay to the Minister for the Civil Service, at such times as he may direct, such sums as he may determine in respect of any increase attributable to subparagraph (1) in the sums payable out of money provided by Parliament under the Superannuation Act 1972.

Marginal Citations

M2 1972 c. 11.

- 19 In Part II of Schedule 1 to the ^{M3}House of Commons Disqualification Act 1975 (bodies of which all members are disqualified), at the appropriate place there is inserted—

“The Children and Family Court Advisory and Support Service”

Marginal Citations

M3 1975 c. 24.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 64(1)(a)(aa) substituted for s. 64(1)(a) by [2003 c. 44 s. 266\(2\)](#)
- s. 64(4A) inserted by [2003 c. 44 s. 266\(3\)](#)
- s. 64(5)(f) and word inserted by [2003 c. 44 s. 266\(4\)](#)
- s. 64(5)(f) words inserted by [2006 c. 52 Sch. 16 para. 185\(a\)](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 21 para. 18](#)
- s. 64(5)(f) words inserted by [2012 c. 10 Sch. 22 para. 19](#)
- s. 64(6) amendment to earlier affecting provision [2003 c. 44 s. 266\(5\)](#) by [S.I. 2008/912 Sch. 1 para. 19\(15\)](#)
- s. 64(6) inserted by [2003 c. 44 s. 266\(5\)](#)
- s. 64(6) words repealed by [2004 c. 31 Sch. 5 Pt. 4](#)
- s. 64(8) words inserted by [2021 c. 11 Sch. 13 para. 38\(5\)](#)
- s. 85(7B) applied (with modifications) by [S.I. 2014/3141 Sch. 3 para. 5\(7\)](#)