
WELSH STATUTORY INSTRUMENTS

2010 No. 1329 (W.112) (C.81)

CHILDREN AND YOUNG PERSONS, WALES

**The Children and Young Persons Act 2008
(Commencement No. 4) (Wales) Order 2010**

Made - - - - 21 April 2010

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008⁽¹⁾, make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010.

(2) In this Order unless otherwise stated, references to sections and Schedules are references to sections of and Schedules to the Children and Young Persons Act 2008.

Appointed day

2. 26 April 2010 is the appointed day for the coming into force of the following provisions in relation to Wales—

- (a) section 8(1) (provision of accommodation and maintenance for children who are looked after by a local authority) in so far as it inserts into the 1989 Act⁽²⁾—
 - (i) section 22C(11), and
 - (ii) section 22F;
- (b) section 8(2) and Schedule 1 in so far as they relate to paragraph 4 of that Schedule;
- (c) section 10(1) (independent reviewing officers) in so far as it inserts into the 1989 Act, for the purposes only of enabling regulations to be made—
 - (i) section 25A(4), and
 - (ii) section 25B(1)(b) and (d) and (2)(a);
- (d) section 15 (duty of local authority to ensure visits to looked after children and others) in so far as it inserts into the 1989 Act—
 - (i) for the purposes only of enabling regulations to be made, section 23ZA(3)(a), and

(1) 2008 c. 23 (“the Act”).

(2) “the 1989 Act” is defined in section 41 of the Act as meaning the Children Act 1989 (c. 41).

- (ii) section 23ZA(4);
- (e) section 16(1) (independent visitors for children looked after by a local authority) in so far as it inserts into the 1989 Act—
 - (i) for the purposes only of enabling regulations to be made, section 23ZB(1)(a), and
 - (ii) section 23ZB(9);
- (f) section 20(3) (designated member of staff at school for pupils looked after by a local authority);
- (g) section 21(2) (entitlement to payment in respect of higher education) in so far as it inserts sub-section (5B) into section 23C of the 1989 Act⁽³⁾;
- (h) section 22(3) and (5) (assistance to pursue education or training) in so far as they insert section 23E(1B) and (1C) into the 1989 Act;
- (i) section 23(1) (extension of entitlements to personal adviser and to assistance in connection with education or training);
- (j) Section 25(4) (breaks from caring for disabled children) in so far as it inserts, for the purposes only of enabling regulations to be made, sub-paragraph (2) into paragraph 6 of Schedule 2 to the 1989 Act;
- (k) section 27 (notice restricting accommodation at certain establishments);
- (l) section 28 (appeals etc. in relation to notices under section 22B of the 2000 Act⁽⁴⁾);
- (m) section 29 (notification of matters relating to persons carrying on or managing children's homes etc.) in so far as it inserts, for the purposes only of enabling regulations to be made, section 30A(3) and (4) into the 2000 Act;
- (n) section 33 (research etc. into matters connected with certain statutory functions).

21 April 2010

Edwina Hart
Minister for Health and Social Services, one of
the Welsh Ministers

⁽³⁾ Section 23C of the Children Act 1989 was inserted by section 2 of the Children (Leaving Care) Act 2000 (c. 35).

⁽⁴⁾ "the 2000 Act" is defined in section 41 of the Act as meaning the Care Standards Act 2000 (c. 14).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fourth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (“the Act”), which brings specified provisions of the Act into force in relation to Wales.

Article 2 of the Order brings into force on 26 April 2010 the following:

- article 2(a) and (b) brings into force provisions which amend the regulation-making powers of the appropriate national authority (the Welsh Ministers in relation to Wales) in the Children Act 1989 (“the 1989 Act”) in respect of accommodation and maintenance of looked after children;
- article 2(c) to (e) brings into force provisions to enable the appropriate national authority to make regulations in respect of the appointment and functions of independent reviewing officers (sub-paragraph (c)), visits by representatives of the local authority to looked after children (sub-paragraph (d)) and independent visitors for children looked after by a local authority (sub-paragraph (e));
- article 2(f) brings into force section 20(3) of the Act, which provides for the appropriate national authority to make regulations requiring the governing body of a maintained school to designate a member of staff as having responsibility for promoting the educational achievement of pupils at a school who are looked after by a local authority;
- article 2(g) brings into force provisions to enable the appropriate national authority to make regulations in relation to entitlements to payment in respect of higher education under section 23C(5B) of the 1989 Act;
- article 2(h) brings into force provisions to enable the appropriate national authority to make regulations relating to the assessments required for the purposes of offering further assistance to care leavers under sections 23B(3) or 23CA of the 1989 Act;
- article 2(i) brings into force section 23(1) of the Act, which amends the regulation-making power in section 28D(1) of the 1989 Act so that regulations under that section will be able to require the appointment of a personal adviser for certain young persons who are under the age of 25;
- article 2(j) brings into force provisions to enable the appropriate national authority to make regulations in respect of the local authority’s duties relating to breaks for carers of disabled children;
- article 2(k) to (m) brings into force sections 27 to 29 of the Act. These sections amend the Care Standards Act 2000 to confer additional powers and duties upon the registration authority in relation to standards in social care settings for children;
- article 2(n) brings into force section 33 of the Act, which makes provision in relation to research and returns of information under the 1989 Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of the Children and Young Persons Act 2008 (“the Act”) have been brought into force in relation to Wales by commencement order made before the date of this Order:

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

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8 (partially) and Schedule 2	31 March 2010	2010/749 (W.77) (C.51)
Section 30	6 April 2009	2009/728 (W.64) (C.47)
Section 34	31 March 2010	2010/749 (W.77) (C.51)
Section 35	6 April 2009	2009/728 (W.64) (C.47)
Section 36	1 September 2009	2009/1921 (W.175) (C.91)
Section 37	1 September 2009	2009/1921 (W.175) (C.91)
Section 38	1 September 2009	2009/1921 (W.175) (C.91)
Section 42 and Schedule 4 (partially)	6 April 2009	2009/728 (W.64) (C.47)
Section 42 and Schedule 4 (partially)	1 September 2009	2009/1921 (W.175) (C.91)
Section 42 and Schedule 4 (partially)	31 March 2010	2010/749 (W.77) (C.51)

The following provisions have been brought into force in relation to England and Wales by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No .</i>
Section 18 (partially)	1 January 2010	2009/3354 (C.154)
Section 31	1 April 2009	2009/268 (C.11)
Section 32	1 April 2009	2009/268 (C.11)

Various provisions of the Act have been brought into force in relation to England by the following Statutory Instruments:

- [S.I. 2009/323 \(C.15\)](#)
- [S.I. 2009/2273 \(C.99\)](#)

See also section 44(1) and (2) of the Act for the provisions that came into force on 13 November 2008 (date of Royal Assent).