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WELSH STATUTORY INSTRUMENTS

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**2011 No. 949 (W.135) (C.37)**

**CHILDREN AND YOUNG PERSONS, WALES**

**The Children and Young Persons Act 2008  
(Commencement No. 6) (Wales) Order 2011**

*Made - - - - 23 March 2011*

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

**Title and interpretation**

**2.**—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 6) (Wales) Order 2011.

(2) In this Order, “the Act” (“*y Ddeddf*”) means the Children and Young Persons Act 2008.

**Appointed days**

**3.**—(1) 28 March 2011 is the appointed day for the coming into force of the following provisions of the Act in relation to Wales—

- (a) section 15 (duty of local authority to ensure visits to looked after children and others) in so far as it is not already in force<sup>(2)</sup>;
- (b) section 19 (support for accommodated children);
- (c) section 29 (notification of matters relating to persons carrying on or managing children’s homes etc) in so far as it is not already in force<sup>(3)</sup>; and
- (d) section 42 and Schedule 4 (repeals) in so far as they relate to—
  - (i) the repeal of the provisions of section 104 of the 1989 Act specified in that Schedule, and
  - (ii) the repeal of the provisions of section 21 of the 2000 Act<sup>(4)</sup> specified in that Schedule.

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(1) 2008 c. 23.

(2) Section 15 was commenced in part by article 2(d) The Children and Young Persons Act 2008 (Commencement No.4) (Wales) Order 2010 (S.I. 2010/1329 (W.112) (C.81)) (“the No. 4 Commencement Order”).

(3) Section 29 was commenced in part by article 2(m) of the No. 4 Commencement Order.

(4) “the 2000 Act” is defined in section 41 of the Children and Young Persons Act 2008 as meaning the Care Standards Act 2000 (c. 14).

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**Status:** This is the original version (as it was originally made).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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(2) 1 September 2011 is the appointed day for the coming into force of section 20 of the Act (designated member of staff at school for pupils looked after by a local authority) in relation to Wales, in so far as it is not already in force<sup>(5)</sup>.

23 March 2011

*Gwenda Thomas*  
Deputy Minister for Social Services, under  
authority of the Minister for Health and Social  
Services, one of the Welsh Ministers

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(5) Section 20 was commenced in part by article 2(f) of the No. 4 Commencement Order.

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

This Order is the sixth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (c. 23) (“the 2008 Act”) which brings specified provisions of the 2008 Act into force in relation to Wales.

Article 2(1) of this Order provides that 28 March 2011 is the appointed day for the coming into force in relation to Wales of the provisions of the Act listed below—

article 2(1)(a) commences section 15 of the Act (duty of local authority to ensure visits to looked after children and others), in so far as it is not already in force; the Welsh Ministers may then require local authorities in Wales to ensure that a representative of the authority visits looked after children, and other children who may have formerly been looked after, in prescribed circumstances;

article 2(1)(b) commences section 19 of the Act (support for accommodated children), which will extend the obligations of local authorities in Wales to provide support for accommodated children (who are defined by reference to sections 85 and 86 of the Children Act 1989);

article 2(1)(c) commences section 29 of the Act (notification of matters relating to persons carrying on or managing children’s homes etc), in so far as it is not already in force, to insert a new section 30A into the Care Standards Act 2000. This places a duty on the Welsh Ministers to notify each local authority in England and Wales when certain enforcement action is taken under the Care Standards Act 2000;

article 2(1)(d) commences section 42 of and Schedule 4 (repeals) to the Act in so far as they relate to—

- (i) the repeals in section 104 of the Children Act 1989, and
- (ii) the repeals in section 21 of the Care Standards Act 2000.

Article 2(2) of this Order provides that 1 September 2011 is the appointed day for the coming into force in relation to Wales of section 20 of the Act (in so far as it is not already in force). Governing bodies of maintained schools in Wales will be required to designate a member of staff as having responsibility for promoting the educational achievement of looked after children who are registered pupils at the school (maintained school and registered pupil are respectively defined by the Education Acts of 2002 and 1996).

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

*(This note is not part of the Order)*

The following provision of the 2008 Act have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) (partially)	26 April 2010	<a href="#">2010/1329 (W.112) (C.81)</a>
Section 8(2) (partially) and paragraph 4 of Schedule 1	26 April 2010	<a href="#">2010/1329 (W.112) (C.81)</a>
Section 8(3) and Schedule 2	31 March 2010	<a href="#">2010/749 (W.77) (C.51)</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 15 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 16(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 20(3)	26 April 2010	2010/1329 (W.112) (C.81)
Section 21(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 21 (in so far as it is not already in force)	18 March 2011	2011/824 (W.123) (C.32)
Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 23(1)	26 April 2010	2010/1329 (W.112) (C.81)
Section 25(4) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 27	26 April 2010	2010/1329 (W.112) (C.81)
Section 28	26 April 2010	2010/1329 (W.112) (C.81)
Section 29 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 30	6 April 2009	2009/728 (W.64) (C.47)
Section 33	26 April 2010	2010/1329 (W.112) (C.81)
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 in so far as they relate to the repeal of section 45(a) of the Children Act 1989	6 April 2009	2009/728 (W.64) (C.47)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the repeal in part of section 91(10), of the Children Act 1989	1 September 2009	2009/1921 (W.175) (C.91)
Schedule 4 in so far as it relates to the repeal relating to section 12 of the Adoption and Children Act 2002	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 17	1 April 2011*	2010/2981 (C.131)
Section 18 (partially)	1 January 2010	2009/3354 (C.154)
Section 18 (in so far as it is not already in force)	1 April 2011*	2010/2981 (C.131)
Section 31	1 April 2009	2009/268 (C.11)
Section 32	1 April 2009	2009/268 (C.11)

Various provisions of the 2008 Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- [S.I. 2009/ 268 \(C.11\)](#)
- [S.I. 2009/323 \(C.15\)](#)
- [S.I. 2009/2273 \(C.99\)](#)
- [S.I. 2009/3354 \(C.154\)](#)
- [S.I. 2010/2714 \(C.126\)](#)
- [S.I. 2010/2981 \(C.131\)\(6\)\\*](#)

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

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(6) \* denotes that the Order is not in force at the time of making this Order.