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STATUTORY INSTRUMENTS

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**2000 No. 2764**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**Children's Homes Amendment Regulations 2000**

*Made* - - - - *10th October 2000*  
*Laid before Parliament* *10th October 2000*  
*Coming into force* - - *1st January 2001*

The Secretary of State for Health in exercise of the powers conferred upon him by section 63(3) of the Children Act 1989(1) and all other powers enabling him in that behalf hereby makes the following Regulations:

**Citation, commencement, interpretation and extent**

1.—(1) These Regulations may be cited as the Children's Homes Amendment Regulations 2000 and shall come into force on 1st January 2001.

(2) In these Regulations, "the Act" means the Children Act 1989.

(3) These Regulations extend to England only.

**Amendment of the Children's Homes Regulations 1991**

2.—(1) The Children's Homes Regulations 1991(2) shall be amended by inserting after regulation 3A, the following regulation—

**"Exemption from registration as a children's home**

**3B.**—(1) Subject to section 63(12) and Schedule 7 to the Act (Foster parents: limits on numbers of foster children), any home in which a child is cared for and accommodated by a person who—

- (a) is a local authority foster parent in relation to the child; or
- (b) is a foster parent with whom the child has been placed by a voluntary organisation; or
- (c) fosters the child privately,

is so far as the provision of care and accommodation for that child is concerned, exempt from the definition of "a children's home" in section 63(3) of the Act."

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(1) 1989 c. 41. The power is exercisable by the Secretary of State in relation to England. Its exercise in relation to Wales has been transferred to the National Assembly for Wales by article 2 of the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672.

(2) S.I. 1991 No. 1506. The relevant amending instrument is S.I. 1993 No. 3069.

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Signed by authority of the Secretary of State.

10th October 2000

*John Hutton*  
Minister of State,  
Department of Health

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## EXPLANATORY NOTE

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

These Regulations amend the Children's Homes Regulations 1991 in relation to England only, consequent on the commencement of section 40 of the Care Standards Act 2000 (2000 c. 14) also on 1st January 2001. Section 40 amends section 63(3)(a) of the Children Act 1989 so as to require privately operated children's homes which accommodate and care for less than four children to be registered with the local authority in the same way as larger children's homes. The effect of these Regulations is, subject to existing restrictions on fostering more than three children, to exempt homes in which children are accommodated as foster children from the requirement to register as a children's home.