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STATUTORY INSTRUMENTS

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**2009 No. 2273 (C. 99)**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

The Children and Young Persons Act 2008  
(Commencement No.2) (England) Order 2009

Made - - - - 21st August 2009

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 44(4) and (10)(a) of the Children and Young Persons Act 2008<sup>(1)</sup>:

**Citation and interpretation**

1.—(1) This Order may be cited as the Children and Young Persons Act 2008 (Commencement No. 2) (England) Order 2009.

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

**Appointed days**

2.—(1) Section 21 of the Act (entitlement to payment in respect of higher education), in so far as it is not already in force, comes into force in relation to England on the day after the day on which this Order is made.

(2) 1st September 2009 is the appointed day for the coming into force of the following provisions of the Act in relation to England—

- (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<sup>(2)</sup>—
  - (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, for the purpose only of enabling regulations to be made, sections 25A(4) and 25B(1)(b) and (d) and (2)(a) into the 1989 Act;
- (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 purpose only of enabling regulations to be made, section 23ZA(3)(a), and

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(1) 2008 c. 23.

(2) “the 1989 Act” is defined in section 41 of the Children and Young Persons Act 2008 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 purpose only of enabling regulations to be made, section 23ZB(1)(a), and
  - (ii) section 23ZB(9);
- (f) section 20 (designated member of staff at school for pupils looked after by a local authority) in so far as it is not already in force;
- (g) 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;
- (h) section 25(4) (breaks from caring for disabled children) in so far as it inserts, for the purpose only of enabling regulations to be made, sub-paragraph (2) into paragraph 6 of Schedule 2 to the 1989 Act;
- (i) section 29 (notification of matters relating to persons carrying on or managing children’s homes etc) in so far as it inserts, for the purpose only of enabling regulations to be made, section 30A(3) and (4) into the 2000 Act<sup>(3)</sup>;
- (j) section 36 (entitlement of a relative to apply for a residence order);
- (k) section 37 (duration of residence orders);
- (l) section 38 (entitlement of a relative to apply for a special guardianship order); and
- (m) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal of the following provisions of the 1989 Act—
  - (i) section 12(5) and (6), and
  - (ii) the words “or 12(5)” in section 91(10).

21st August 2009

*Iain Wright*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

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(3) “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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## EXPLANATORY NOTE

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

This Order is the second Commencement Order made by the Secretary of State for Children, Schools and Families under the Children and Young Persons Act 2008 (“the Act”) which brings provisions of the Act into force only in relation to England.

Article 2(1) of the Order brings section 21 (which makes provision in relation to the entitlement to receive payment from a local authority in respect of higher education) of the Act fully into force on the day after the day on which this Order is made.

Article 2(2) brings provisions of the Act into force on 1st September 2009 as follows:

- article 2(2)(a) and (b) bring into force provisions which amend the regulation-making powers of the appropriate national authority in the Children Act 1989 (“the 1989 Act”) in respect of the accommodation and maintenance of looked after children;
- article 2(2)(c) to (e) bring 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(2)(f) brings fully into force section 20 of the Act (which requires a maintained school to designate a member of staff for pupils looked after by a local authority);
- article 2(2)(g) brings into force provisions to enable the appropriate national authority to make regulations relating to the assessments required for the purpose of offering further assistance to care leavers under sections 23B(3) or 23CA of the 1989 Act;
- article 2(2)(h) 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(2)(i) brings into force provisions to enable the appropriate national authority to make regulations in respect of the notification of enforcement action against persons carrying on or managing certain establishments or agencies; and
- article 2(2)(j), (k) and (l) bring into force provisions which amend the 1989 Act in respect of relatives’ entitlement to apply for residence and special guardianship orders and in respect of the duration of residence orders.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

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

<i>Provision</i>	<i>Date of commencement</i>	<i>SI No.</i>
section 1 partially	16th February 2009	<a href="#">2009/323 (C.15)</a>
section 2	16th February 2009	<a href="#">2009/323</a>

**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>SI No.</i>
section 3	16th February 2009	<a href="#">2009/323</a>
section 5	16th February 2009	<a href="#">2009/323</a>
section 6 partially	12th February 2009	<a href="#">2009/268 (C.11)</a>
section 6 in so far as not already in force	16th February 2009	<a href="#">2009/323</a>
section 8 partially and Schedule 2	12th February 2009	<a href="#">2009/268</a>
section 20 partially	12th February 2009	<a href="#">2009/268</a>
section 21 partially	12th February 2009	<a href="#">2009/268</a>
section 30	6th April 2009	<a href="#">2009/268</a>
section 31	1st April 2009	<a href="#">2009/268</a>
section 32	1st April 2009	<a href="#">2009/268</a>
section 33	12th February 2009	<a href="#">2009/268</a>
section 34 partially	12th February 2009	<a href="#">2009/268</a>
section 34 in so far as not already in force	1st April 2009	<a href="#">2009/268</a>
section 35	12th February 2009	<a href="#">2009/268</a>
section 42 and Schedule 4 partially	1st April 2009	<a href="#">2009/268</a>
section 42 and Schedule 4 partially	6th April 2009	<a href="#">2009/268</a>