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STATUTORY INSTRUMENTS

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**2009 No. 3354 (C. 154)**

**CHILDREN AND YOUNG  
PERSONS, ENGLAND AND WALES**

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

*Made - - - - 17th December 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> and with the consent of the Welsh Ministers<sup>(2)</sup>:

**Citation and interpretation**

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

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

**Appointed day for provisions coming into force in relation to England and Wales**

2. 1st January 2010 is the appointed day for the coming into force of section 18 of the Act (visits to children in long-term care), in so far as it inserts section 86A(4) and (5) into the 1989 Act<sup>(3)</sup>.

**Appointed days for provisions coming into force in relation to England**

3.—(1) 1st January 2010 is the appointed day for the coming into force, in relation to England, of section 23(1) of the Act (extension of entitlements to personal adviser and to assistance in connection with education or training).

(2) 1st April 2010 is the appointed day for the coming into force of the following provisions of the Act in relation to England—

- (a) section 26 (power of Chief Inspector where person is failing to comply with requirement relating to children’s home etc);
- (b) section 27 (notice restricting accommodation at certain establishments);

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(1) 2008 c. 23.

(2) Section 44(7) of the Children and Young Persons Act 2008 (“the Act”) provides that an order bringing section 18 into force requires the consent of the Welsh Ministers.

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

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- (c) section 28 (appeals etc in relation to notices under section 22B of the 2000 Act)<sup>(4)</sup>; and
- (d) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal of the provisions of section 21 of the 2000 Act as specified in that Schedule.

17th December 2009

*Delyth Morgan*  
Parliamentary Under Secretary of State  
Department for Children, Schools and Families

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(4) “the 2000 Act” is defined in section 41 of the Act 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 in relation to England and Wales.

Article 2 of the Order brings into force provisions of the Act which allow the Secretary of State and the Welsh Ministers to make regulations jointly requiring local authorities to make arrangements to ensure that children in long-term care are visited by a representative of the local authority.

Article 3(1) of the Order brings into force section 23(1) of the Act in relation to England. Section 23(1) amends the regulation-making power in section 23D(1) of the Children Act 1989 so that regulations under that section will be able to require the appointment of a personal adviser for persons who are under 25.

Article 3(2)(a), (b) and (c) of the Order brings into force sections 26 to 28 of the Act. These sections amend the Care Standards Act 2000 to confer additional powers and duties on Her Majesty’s Chief Inspector of Education, Children’s Services and Skills in relation to standards in children’s social care settings.

## 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 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 1 partially (in relation to England)                         | 16th February 2009          | <a href="#">2009/323 (C.15)</a> |
| section 2 (in relation to England)                                   | 16th February 2009          | <a href="#">2009/323</a>        |
| section 3 (in relation to England)                                   | 16th February 2009          | <a href="#">2009/323</a>        |
| section 5 (in relation to England)                                   | 16th February 2009          | <a href="#">2009/323</a>        |
| section 6 partially (in relation to England)                         | 12th February 2009          | <a href="#">2009/268 (C.11)</a> |
| section 6 in so far as not already in force (in relation to England) | 16th February 2009          | <a href="#">2009/323</a>        |
| section 8 partially and Schedule 2 (in relation to England)          | 12th February 2009          | <a href="#">2009/268</a>        |

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| <i>Provision</i>  | <i>Date of commencement</i> | <i>S.I. No.</i>       |
|---|-----------------------------|-----------------------|
| section 8 partially and Schedule 1 (in relation to England)           | 1st September 2009          | 2009/2273 (C.99)      |
| section 10 partially (in relation to England)                         | 1st September 2009          | 2009/2273             |
| section 15 partially (in relation to England)                         | 1st September 2009          | 2009/2273             |
| section 16 partially (in relation to England)                         | 1st September 2009          | 2009/2273             |
| section 20 partially (in relation to England)                         | 12th February 2009          | 2009/268              |
| section 20 so far as not already in force (in relation to England)    | 1st September 2009          | 2009/2273             |
| section 21 partially (in relation to England)                         | 12th February 2009          | 2009/268              |
| section 21 in so far as not already in force (in relation to England) | 22nd August 2009            | 2009/2273             |
| section 22 partially (in relation to England)                         | 1st September 2009          | 2009/2273             |
| section 25 partially (in relation to England)                         | 1st September 2009          | 2009/2273             |
| section 29 partially (in relation to England)                         | 1st September 2009          | 2009/2273             |
| section 30 (in relation to England)                                   | 6th April 2009              | 2009/268              |
| section 30 (in relation to Wales)                                     | 6th April 2009              | 2009/728 (W.64)(C.47) |
| section 31  | 1st April 2009              | 2009/268              |
| section 32  | 1st April 2009              | 2009/268              |
| section 33 (in relation to England)                                   | 12th February 2009          | 2009/268              |
| section 34 partially (in relation to England)                         | 12th February 2009          | 2009/268              |
| section 34 in so far as not already in force (in relation to England) | 1st April 2009              | 2009/268              |
| section 35 (in relation to England)                                   | 12th February 2009          | 2009/268              |
| section 35 (in relation to Wales)                                     | 6th April 2009              | 2009/728              |

| <i>Provision</i>   | <i>Date of commencement</i> | <i>S.I. No.</i>                         |
|--|-----------------------------|---|
| section 36 (in relation to England)                          | 1st September 2009          | <a href="#">2009/2273</a>               |
| section 36 (in relation to Wales)                            | 1st September 2009          | <a href="#">2009/1921 (W.175)(C.91)</a> |
| section 37 (in relation to England)                          | 1 September 2009            | <a href="#">2009/2273</a>               |
| section 37 (in relation to Wales)                            | 1st September 2009          | <a href="#">2009/1921</a>               |
| section 38 (in relation to England)                          | 1st September 2009          | <a href="#">2009/2273</a>               |
| section 38 (in relation to Wales)                            | 1st September 2009          | <a href="#">2009/1921</a>               |
| section 42 and Schedule 4 partially (in relation to England) | 1st April 2009              | <a href="#">2009/268</a>                |
| section 42 and Schedule 4 partially (in relation to England) | 6th April 2009              | <a href="#">2009/268</a>                |
| section 42 and Schedule 4 partially (in relation to Wales)   | 6th April 2009              | <a href="#">2009/728</a>                |
| section 42 and Schedule 4 partially (in relation to Wales)   | 1st September 2009          | <a href="#">2009/1921</a>               |
| section 42 and Schedule 4 partially (in relation to England) | 1st September 2009          | <a href="#">2009/2273</a>               |