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STATUTORY INSTRUMENTS

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**2010 No. 2981 (C. 131)**

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

**The Children and Young Persons Act 2008 (Commencement  
No.3, Saving and Transitional Provisions) Order 2010**

*Made - - - - 15th December 2010*

The Secretary of State for Education makes the following Order in exercise of the powers conferred by sections 6(2) and 44(4) and (10) of the Children and Young Persons Act 2008 and with the consent of the Welsh Ministers<sup>(1)</sup>:

**Citation and interpretation**

1.—(1) This Order may be cited as the Children and Young Persons Act 2008 (Commencement No. 3, Saving and Transitional Provisions) Order 2010.

(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 April 2011 is the appointed day for the coming into force of the following provisions of the Act in relation to England and Wales—

- (a) section 17 (notification to appropriate officer of children in long-term care), and
- (b) section 18 (visits to children in long-term care) in so far as it is not already in force.

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

3. 16th December 2010 is the appointed day for the coming into force of section 1 of the Act (power to enter into arrangements for discharge of care functions) in relation to the following local authorities—

- (a) Bristol City Council,
- (b) Coventry City Council,
- (c) Lincolnshire County Council,
- (d) Norfolk County Council,

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(1) 2008 c.23; by virtue of section 44(7) an Order bringing sections 17 or 18 into force requires the consent of the Welsh Ministers.

- (e) North Tyneside Council,
- (f) Northumberland County Council,
- (g) Peterborough City Council,
- (h) South Tyneside Council,
- (i) Wakefield Council, and
- (j) Warwickshire County Council.

4. 1st April 2011 is the appointed day for the coming into force of the following provisions of the Act in relation to England—

- (a) section 8 (provision of accommodation and maintenance for children who are looked after by a local authority) and Schedule 1 in so far as they are not already in force,
- (b) section 9 (general duty of local authority to secure sufficient accommodation),
- (c) section 10 (independent reviewing officers) in so far as it is not already in force,
- (d) 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,
- (e) section 16 (independent visitors for children looked after by a local authority) in so far as it is not already in force,
- (f) section 19 (support for accommodated children),
- (g) section 22 (assistance to pursue education or training) in so far as it is not already in force,
- (h) section 23 (extension of entitlements to personal adviser and to assistance in connection with education or training) in so far as it is not already in force,
- (i) section 24 (extension of power to make payments in cash),
- (j) section 25 (breaks from caring for disabled children) in so far as it is not already in force,
- (k) 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, and
- (l) section 42 and Schedule 4 (repeals) in so far as they relate to the repeals set out in that Schedule which are not already commenced, with the exception of-
  - (i) the repeal relating to section 5(1A) of the Care Standards Act 2000(2), and
  - (ii) the repeals relating to the Act.

### **Saving provision**

5. Despite the coming into force of section 10(3) of the Act in accordance with article 4(c) and the associated repeal in Schedule 4 of the Act in accordance with article 4(1), section 26 of the 1989 Act(3) continues to have effect without amendment for the purposes of paragraph 10(2)(1) of Schedule 6 to the 1989 Act(4).

### **Transitional provision**

6. Despite the coming into force of section 22 of the Act in accordance with article 4(g), section 23CA(1) of the 1989 Act applies only where the notification referred to in section 23CA(1) (c) is given on or after 1st April 2011.

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(2) 2000 c. 14.

(3) By virtue of section 41 of the Act, “the 1989 Act” means the Children Act 1989 (c.41).

(4) Paragraph 10(2)(1) of Schedule 6 to the 1989 Act provides that regulations made under paragraph 10 in relation to children placed in private children’s homes may make provision similar to that made by regulations under section 26. A “private children’s home” is defined in section 105(1) of the 1989 Act as meaning a children’s home in respect of which a person is registered under Part 2 of the Care Standards Act 2000 which is not a community home or a voluntary home.

15th December 2010

*Tim Loughton*  
Parliamentary Under Secretary of State  
Department for Education

**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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## EXPLANATORY NOTE

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

This Order is the third Commencement Order made by the Secretary of State 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 brings the following provisions of the Act into force on 1st April 2011 in relation to England and Wales: section 17, and section 18 (in so far as it is not already in force).

Article 3 brings section 1 of the Act into force on 16th December 2010 in relation to ten specified local authorities. Section 1 (which was commenced in relation to six other local authorities on 16th February 2009) provides that a local authority may enter into arrangements with a provider of social work services for the discharge by that provider of some or all of the relevant care functions of that authority.

Article 4 brings the following provisions of the Act into force on 1st April 2011 in relation to England:

- (i) section 8 and Schedule 1 (in so far as they are not already in force),
- (ii) section 9,
- (iii) sections 10, 15 and 16 (in so far as they are not already in force),
- (iv) section 19,
- (v) sections 22 and 23 (in so far as they are not already in force),
- (vi) section 24,
- (vii) sections 25 and 29 (in so far as they are not already in force)
- (viii) section 42 and Schedule 4 (in so far as they give effect to repeals set out in that Schedule which are not already in force, but with the exception of repeals relating to section 5(1A) of the Care Standards Act 2000 and the Act itself).

Article 5 provides that despite the amendments made to section 26 of the Children Act 1989 by the coming into force of provisions in this Order, section 26 continues to have effect without those amendments for the purposes of making regulations under paragraph 10(2)(l) of Schedule 6 to the Children Act 1989 (regulations as to the placing of children in private children’s homes).

Article 6 provides that section 23CA(1) of the Children Act 1989 (further assistance to pursue education or training) which is inserted by this Order has effect only in relation to a person falling within that sub-section if they inform the relevant local authority on or after 1st April 2011 that they are pursuing, or wish to pursue, a programme of education or training.

## 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 orders made by the Secretary of State before the date of this Order:

<i>Provision</i>	<i>Date of commencement</i>	<i>SI No.</i>
section 1 partially in relation to England	16th February 2009	2009/323 (C.15)

<i>Provision</i>	<i>Date of commencement</i>	<i>SI No.</i>
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>
section 8 partially and Schedule 1 in relation to England	1st September 2009	<a href="#">2009/2273 (C.99)</a>
section 8 partially and Schedule 1 in relation to England	15th November 2010	<a href="#">2010/2714 (C.126)</a>
section 8 partially and Schedule 1 in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 10 partially in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 15 partially in relation to England	15th November 2010	<a href="#">2010/2714</a>
section 15 partially in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 15 partially in relation to England	1st January 2010	<a href="#">2009/3354 (C.154)</a>
section 16 partially in relation to England		
section 18 partially in relation to England and Wales		
section 20 partially in relation to England	12th February 2009	<a href="#">2009/268</a>
section 20 in so far as not already in force in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 21 partially in relation to England	12th February 2009	<a href="#">2009/268</a>
section 21 in so far as not already in force in relation to England	22nd August 2009	<a href="#">2009/2273</a>
section 22 partially in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 23 partially in relation to England	1st January 2010	<a href="#">2009/3354</a>
section 25 partially in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 26 in relation to England	1st April 2010	<a href="#">2009/3354</a>
section 27 in relation to England	1st April 2010	<a href="#">2009/3354</a>
section 28 in relation to England	1st April 2010	<a href="#">2009/3354</a>
section 29 partially in relation to England	1st September 2009	<a href="#">2009/2273</a>

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<i>Provision</i>	<i>Date of commencement</i>	<i>SI No.</i>
section 30 in relation to England	6th April 2009	<a href="#">2009/268</a>
section 31 in relation to England and Wales	1st April 2009	<a href="#">2009/268</a>
section 32 in relation to England and Wales	1st April 2009	<a href="#">2009/268</a>
section 33 in relation to England	12th February 2009	<a href="#">2009/268</a>
section 34 partially in relation to England	12th February 2009	<a href="#">2009/268</a>
section 34 in so far as not already in force in relation to England	1st April 2009	<a href="#">2009/268</a>
section 35 in relation to England	12th February 2009	<a href="#">2009/268</a>
section 36 in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 37 in relation to England	1st September 2009	<a href="#">2009/2273</a>
section 38 in relation to England	1st September 2009	<a href="#">2009/2273</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 England	1st September 2009	<a href="#">2009/2273</a>
section 42 and Schedule 4 partially in relation to England	1st April 2010	<a href="#">2009/3354</a>
section 42 and Schedule 4 partially in relation to England		