
WELSH STATUTORY INSTRUMENTS

2001 No. 139 (W. 5) (C. 7)

CHILDREN AND YOUNG PERSONS, WALES

**The Care Standards Act 2000 (Commencement No.2
and Transitional Provisions) (Wales) Order 2001**

Made - - - - 23rd January 2001

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it by sections 118(7) and 122 of the Care Standards Act 2000(1).

Citation, interpretation and application

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No.2 and Transitional Provisions) (Wales) Order 2001.

(2) In this Order, unless the context otherwise requires —

“the Act” (“*y Ddeddf*”) means the Care Standards Act 2000;

“the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989(2);

a “small children’s home” (“*cartref bach i blant*”) means a home within the meaning of section 63 of the 1989 Act, which provides (or usually provides or is intended to provide) care and accommodation for not more than three children at any one time.

(3) This Order applies to Wales.

Appointed Days

2.—(1) For the purposes only of enabling an application for registration to be made under subparagraphs (1) and (2) of paragraph 1 of Schedule 6 to the 1989 Act, 1st February 2001 is the day appointed for the coming into force of section 40 (temporary extension of meaning of “children’s home”) of the Act.

(2) 28th February 2001 is the day appointed for the coming into force of the following provisions of the Act—

(a) section 40 in so far as it is not already in force, and section 41 (temporary provision about cancellation of registration); and

(1) [2000 c. 14](#). The powers are exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1) as the National Assembly for Wales in relation to Wales and as the Secretary of State in relation to England, Scotland and Northern Ireland.

(2) [1989 c. 41](#).

- (b) section 116 (minor and consequential amendments), in so far as it relates to sub-paragraph (15) of paragraph 14 of Schedule 4 to the Act.

Transitional Provisions

3.—(1) Where a person carrying on a small children’s home has before 28th February 2001 duly made an application for registration under sub-paragraphs (1) and (2) of paragraph 1 of Schedule 6 to the 1989 Act, the following paragraphs of this article apply.

- (2) Section 63(1) and (10) of the 1989 Act shall not apply to that person—
 - (a) until such time as the application is granted, either unconditionally or subject to such conditions as are mentioned in paragraph (3); or
 - (b) if the application is granted subject to conditions other than such as are mentioned in paragraph (3), or refused—
 - (i) if no appeal is brought, until the expiration of 28 days after the service of notice of the local authority’s decision; and
 - (ii) if an appeal is brought, until it is determined or abandoned.
- (3) The conditions are—
 - (a) such conditions (if any) of the type mentioned in paragraph 5(2) of Schedule 6 to the 1989 Act (agreed conditions); or
 - (b) a condition that no more than three children may be accommodated and cared for in the home.
- (4) Paragraphs 1(9) and 7(3) of Schedule 6 to the 1989 Act shall not apply to the application.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (3).

23rd January 2001

D. Elis Thomas
The Presiding Officer of the National Assembly

EXPLANATORY NOTE

(This note does not form part of the Order)

This Order brings into force certain provisions of the Care Standards Act 2000 (“the Act”) in Wales. It brings into force section 40 of the Act, which amends the Children Act 1989 so as to require privately operated children’s homes accommodating and caring for less than four children (small children’s homes) to be registered with the local authority in whose area they are located. Section 40 will come into force on 1st February 2001 for the purpose of enabling applications for registration to be made, and on 28th February 2001 for all other purposes. The Order makes transitional provision so that a small children’s home in respect of which an application for registration has been duly made by 28th February 2001 is not to be treated as an unregistered children’s home until the registration process for it has been completed. These are interim measures to be repealed, in due course, when Part II of the Act, which will establish a new scheme for the registration of all children’s homes, including small homes, is fully implemented. Consequentially the Order also brings into force a minor amendment to section 66 of the Children Act 1989 relating to the definition of private fostering.

The Order also brings into force, as of 28th February 2001, section 41 of the Act. This amends the Children Act 1989 to provide that the registration of a children’s home of any description may be cancelled even if the home has ceased to exist, such as where the proprietor closes it before the conclusion of any enforcement action. The consequences of cancellation will therefore apply whether or not the home has ceased to exist at the date of cancellation. This is also an interim measure pending implementation of Part II of the Act.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note does not form part of the Order)

The following provisions of the Act have been, or are to be, brought into force in relation to Wales by [S.I.2000/2992 \(W.192\) \(C.93\)](#)

<i>Darpariaeth/Provision</i>	<i>Dyddiad cychwyn/Date of commencement</i>
Adran/Section 72	13.11.00
Atodlen/Schedule 2	13.11.00
Adran/Section 54(1), (3)-(7)	01.04.01
Adran/Section 55 ac Atodlen 1/and Schedule 1	01.04.01
Adran/Section 113 (2)-(4)	01.04.01
Adran/Section 114 (yn rhannol) / (partially)	01.04.01

The following provisions of the Act have been brought into force in relation to Wales, as well as England, by [S.I.2000/2544 \(C.72\)](#).

<i>Darpariaeth/Provision</i>	<i>Dyddiad cychwyn/Date of commencement</i>
Adran/Section 96 (yn rhannol) / (partially)	15.09.00

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Darpariaeth/Provision</i>	<i>Dyddiad cychwyn/Date of commencement</i>
Adran/Section 99	15.09.00
Adran/Section 80(8) (yn rhannol) / (partially)	02.10.00
Adran/Section 94	02.10.00
Adran/Section 96 (y gweddill) / (remainder)	02.10.00
Adran/Section 100	02.10.00
Adran/Section 101	02.10.00
Adran/Section 103	02.10.00
Adran/Section 116 ac Atodlen 4/and Schedule 4 (yn rhannol) (partially)	02.10.00
Adran/Section 117(2) ac Atodlen 6/and Schedule 6 (yn rhannol) / (partially)	02.10.00

In addition various other provisions of the Act have been brought into force in relation to England alone by S.I. [2000/2795 \(C.79\)](#).