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STATUTORY INSTRUMENTS

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**2004 No. 252 (W.27) (C.9)**

**SOCIAL CARE, WALES  
CHILDREN AND YOUNG PERSONS, WALES**

**The Adoption and Children Act 2002  
(Commencement No. 5) (Wales) Order 2004**

*Made - - - - 4th February 2004*

The National Assembly for Wales, in exercise of the powers conferred upon it by section 148(6) of the Adoption and Children Act 2002<sup>(1)</sup>, hereby makes the following Order—

**Name, interpretation and application**

1.—(1) This Order is called the Adoption and Children Act 2002 (Commencement No. 5) (Wales) Order 2004.

(2) In this Order “the Act” means the Adoption and Children Act 2002.

(3) This Order applies in relation to Wales.

**Appointed Day**

2. 7th February 2004 is the appointed day for the coming into force of the following provisions of the Act—

- (a) section 2(6) (basic definitions);
- (b) sections 4(6) and (7), 9 to 11, 12(1) to (3), 27(3), 53(1) to (3), 54, 56(1) and (3), 57(6), 59, 63 to 65 and 98;
- (c) for the purposes of making regulations, sections 4(1)(b) and (5), 57(5), 58(2) and (3), 60(2) and (4) and 61(5)(c) and 62(7)(c);
- (d) paragraphs 3 and 5 of Schedule 4, and section 139(2).

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(1) 2002 c. 38. The power is exercisable by the appropriate Minister who is defined in section 144(1) in relation to Wales as the National Assembly for Wales.

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**Status:** *This is the original version (as it was originally made). Wales  
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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2).

4th February 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## EXPLANATORY NOTE

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

This Order is the fifth Commencement Order made under the Adoption and Children Act 2002 (“the Act”) and applies to Wales only.

The Order brings the following provisions of the Act into force on 7th February 2004 —

- sections 2(6) and 65, being interpretation provisions;
- regulation-making powers in sections 4(6) and (7), 9 to 11, 12(1) to (3), 27(3), 53(1) to (3), 54, 56(1) and (3), 57(6), 59, 63, 64 and 98;
- only for the purposes of making regulations, sections 4(1)(b) and (5), 57(5), 58(2) and (3), 60(2) and (4), 61(5)(c) and 62(7)(c);
- paragraphs 3 (adoption support services) and 5 (independent review mechanism) of Schedule 4.

## 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 by commencement order made before the date of this Order—

Provision	Date of Commencement	S.I. No.
Section 2(6), (7) and (8) (partially), as respects England	6 October 2003	2003/366 (C.24)
Section 2(7) and (8) (partially), as respects Wales	28 November 2003	2003/3079 (C.117)
Section 4(6) and (7) (partially), as respects England	6 October 2003	2003/366 (C.24)
Section 16 as respects Wales	29 January 2003	2003/181 (W.31) (C.9)
Section 16 as respects England	30 April 2003	2003/366 (C.24)
Section 87(1)(b) and (4)	1 June 2003	2003/366 (C.24)
Section 111	1 December 2003	2003/3079 (C.117)
Section 119 partially	30 January 2004	2003/3079 (C.117)
Section 119	1 April 2004	2003/3079 (C.117)
Section 135	1 June 2003	2003/366 (C.24)
Section 139(1) partially as respects Northern Ireland	3 February 2003	2003/288 (C.14)
Partially, as respects England	25 February 2003	2003/366 (C.24)
Partially, as respects England	30 April 2003	2003/366 (C.24)
Partially, as respects England	28 November 2003	2003/3079 (C.117)

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Provision	Date of Commencement	S.I. No.
Section 139(2) partially	3 February 2003	2003/366 (C.24)
Partially	25 February 2003	2003/366 (C.24)
Partially	1 April 2003	2003/366 (C.24)
Partially	1 June 2003	2003/366 (C.24)
Partially, as respects England	6 October 2003	2003/366 (C.24)
Section 139(3) partially	28 November 2003	2003/3079 (C.117)
Schedule 3		
Paragraph 6	1 December 2003	2003/3079 (C.117)
Paragraph 7	1 December 2003	2003/3079 (C.117)
Paragraph 53	3 February 2003	2003/288 (C.14)
Paragraph 105 partially, as respects England	30 April 2003	2003/366 (C.24)
Paragraph 105 partially, as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 106 partially as respects England	30 April 2003	2003/366 (C.24)
Paragraph 106 partially, as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 110 partially, as respects England	30 April 2003	2003/366 (C.24)
Paragraph 110 partially, as respects Wales	28 November 2003	2003/3079 (C.117)
Paragraph 118	28 November 2003	2003/3079 (C.117)
Schedule 4		
Paragraph 3 as respects England	6 October 2003	2003/366 (C.24)
Paragraph 4(1)	3 February 2003	2003/288 (C.14)
Paragraph 4(2)	25 February 2003	2003/366 (C.24)
Paragraph 5 partially, as respects England	1 December 2003	2003/3079 (C.117)
Paragraph 5, as respects England	1 April 2004	2003/3079 (C.117)
Paragraph 10	1 June 2003	2003/366 (C.24)
Paragraph 11	1 June 2003	2003/366 (C.24)
Paragraph 12 (partially)	1 June 2003	2003/366 (C.24)
Paragraph 13	1 June 2003	2003/366 (C.24)
Paragraph 14	1 June 2003	2003/366 (C.24)

