

**2001 No. 1210 (C. 41)**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Care Standards Act 2000 (Commencement No. 5)  
(England) Order 2001**

*Made - - - - 15th March 2001*

In exercise of the powers conferred on the Secretary of State by section 122 of the Care Standards Act 2000(a), the Secretary of State for Education and Employment hereby makes the following Order:

**Citation, interpretation and extent**

**1.**—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 5) (England) Order 2001.

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

“the Act” means the Care Standards Act 2000;

“the 1989 Act” means the Children Act 1989(b).

(3) This Order extends to England only.

**Appointed day**

**2.** 16th March 2001 is the day appointed for the coming into force of—

(a) section 79(1) of the Act for the purpose only of enabling the Secretary of State to exercise the following powers to make regulations under Part XA(c) of the 1989 Act, namely,—

(i) under section 79C(1), governing the activities of registered persons who act as child minders, or provide day care, on premises in England;

(ii) under section 79E(2)(a), prescribing information and matters for the purpose of applications under section 79E;

(iii) under section 79F(1)(b), prescribing the fee for applications for registration for child minding;

(iv) under section 79F(2)(b), prescribing the fee for applications for registration for providing day care;

(v) under section 79H(1), providing for the suspension for prescribed periods in prescribed circumstances of the registration of any person acting as a child minder or providing day care;

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(a) 2000 c. 14. The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1), in relation to England, Scotland and Northern Ireland, as the Secretary of State; in relation to Wales it means the National Assembly for Wales.

(b) 1989 c. 41.

(c) Part XA is inserted into the 1989 Act by section 79(1) of the Act.

- (vi) under section 79N(5), conferring further functions on the Chief Inspector relating to child minding and day care provided in England;
  - (vii) under section 79Q(2), prescribing the intervals between inspections of child minding provided in England by a registered person;
  - (viii) under section 79Q(3), prescribing the intervals between inspections of day care provided by a registered person on any premises in England;
  - (ix) under section 79R(1), prescribing the period within which a person who has conducted an inspection shall report to the Chief Inspector;
  - (x) under section 79R(3)(b), prescribing the authorities or persons to whom reports or parts of reports of inspections shall be copied;
  - (xi) under section 79V, governing the securing by local authorities of the provision of information, advice and training under that section;
  - (xii) under section 79W(4), requiring persons to whom that section applies to hold a certificate of suitability and prescribing persons whose suitability has to be certified;
- (b) section 79(2) of the Act for the purpose only of enabling the Secretary of State to exercise the following powers to make regulations under Schedule 9A(a) of the 1989 Act, namely,—
- (i) under paragraph 1(1), prescribing the excepted circumstances in relation to the disapplication of Part XA;
  - (ii) under paragraph 4(1), providing for a person to be disqualified for registration for child minding or providing day care;
  - (iii) under paragraph 4(3), providing for the disqualification for registration of persons in the circumstances described in that paragraph;
  - (iv) under paragraph 6(2), prescribing information and matters for the purpose of certificates of registration given under paragraph 6(1);
  - (v) under paragraph 6(4), prescribing the fee for issuing a copy certificate;
  - (vi) under paragraph 7, requiring the payment of an annual fee and prescribing the amount of the annual fee and the times at which the fee shall be payable;
- (c) section 79(3) and (4) of the Act, enabling the Secretary of State to make, by order a scheme for the transfer of eligible employees; and
- (d) sections 114 and 115 of the Act.

15th March 2001

*Margaret Hodge*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

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(a) Schedule 9A is inserted into the 1989 Act by section 79(2) of, and Schedule 3 to, the Act.

## EXPLANATORY NOTE

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

This Order brings into force certain provisions of the Care Standards Act 2000 (“the Act”) in relation to England only.

The Order brings into force, on 16th March 2001, subsections (1) and (2) of section 79 of the Act (and with subsection (2), Schedule 3 to the Act) for the limited purpose of empowering the Secretary of State to make the regulations provided for under Part XA of, and Schedule 9A to, the Children Act 1989 (“the 1989 Act”) in preparation for the full implementation of those provisions later. The purposes of the regulation-making powers are described in Article 2 of the Order.

The Order also brings into force subsections (3) and (4) of section 79 and sections 114 and 115 of the Act, enabling the Secretary of State, as the appropriate Minister, to make a scheme for the transfer of certain local authority staff to the new registration authority, who, in relation to child minding and day care in England, will be the Chief Inspector of Schools.

Part XA of, and Schedule 9A to, the 1989 Act will, when fully implemented, make new provision for the regulation of child minding and the provision of day care in England under the new registration authority, Her Majesty’s Chief Inspector of Schools in England. At that stage, Part X of, and Schedule 9 to, the 1989 Act, under which child minding and the provision of day care are regulated now, will, by section 79(5) of the Act, cease to have effect in relation to England.

Subsequent Orders will bring subsections (1) and (2) of section 79 of the Act fully into force in relation to England and bring into force in England subsection (5) of section 79.

## 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 (as well as Wales) by the Care Standards Act 2000 (Commencement No. 1) Order 2000 (S.I. 2000/2544 (C. 72)).

<i>Provision of the Act</i>	<i>Date of Commencement</i>
Section 96 (partially)	15th September 2000
Section 99	15th September 2000
Section 80(8) (partially)	2nd October 2000
Section 94	2nd October 2000
Section 96 (in so far as not already in force)	2nd October 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 and Schedule 4 (partially)	2nd October 2000
Section 117(2) and Schedule 6 (partially)	2nd October 2000

The following provisions of the Act have been brought into force in relation to England only by the Care Standards Act 2000 (Commencement No. 1 (England) and Transitional Provisions) Order 2000 (S.I. 2000/2795 (C. 79)), the Care Standards Act 2000 (Commencement No. 2 (England) and Transitional Provisions) Order 2001 (S.I. 2001/290 (C. 17)), the Care Standards Act 2000 (Commencement No. 3) (England) Order 2001 (S.I. 2001/731 (C. 26)) and the Care Standards Act 2000 (Commencement No. 4) (England) Order 2001 (S.I. 2000/452 (C. 35)).

<i>Provision of the Act</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 40 (partially)	15th October 2000	2000/2795
Section 40 (in so far as not already in force)	1st January 2001	2000/2795
Section 41	1st January 2001	2000/2795
Section 116 and Schedule 4 (partially)	1st January 2001	2000/2795
Section 39 (partially)	19th February 2001	2001/290
Section 23(1) to (3)	2nd March 2001	2001/731
Paragraphs 1 and 6 of Schedule 1 (partially)	16th March 2001	2001/952
Section 6(3) (partially)	16th March 2001	2001/952
Section 39 (in so far as not already in force)	19th March 2001	2001/290
Section 98	1st April 2001	2001/952
Section 6 (in so far as not already in force)	9th April 2001	2001/952
Schedule 1 (partially)	9th April 2001	2001/952

In addition to the provisions listed above, other provisions of the Act have been brought into force in relation to Wales only by S.I. 2000/2992 (W. 192) (C. 93) and S.I. 2001/139 (W. 5) (C. 7).

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