
WELSH STATUTORY INSTRUMENTS

2001 No. 2354 (W.192) (C.80)

CHILDREN AND YOUNG PERSONS, WALES

**The Care Standards Act 2000
(Commencement No. 4) (Wales) Order 2001**

Made - - - - 29th June 2001

The National Assembly for Wales makes the following Order in exercise of the powers conferred by section 122 of the Care Standards Act 2000⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 4) (Wales) Order 2001.

(2) In this Order—

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

Appointed day

2. 1st July 2001 is the day appointed for section 98 of the Act (individuals providing care funded by direct payments) to come into force in relation to Wales.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽²⁾.

29th June 2001

Rhodri Morgan
First Secretary of the National Assembly for
Wales

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

(2) [1998 c. 38](#).

Status: This is the original version (as it was originally made).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

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints 1st July 2001 as the day on which section 98 of the Care Standards Act 2000 (“the Act”) is to come into force in relation to Wales.

Section 98 of the Act amends the Protection of Children Act 1999 (“the 1999 Act”). The effect of the amendments is:

- (a) a local authority in Wales may refer to the Secretary of State, for the purposes of his functions under section 1 of the 1999 Act, an individual who is or has been employed to provide care to a child, where the authority funds that care under section 17A of the Children Act 1989 (“the 1989 Act”)(3), if they consider that the individual has been guilty of misconduct which harmed, or placed at risk of harm, a child(4);
- (b) where a person who employs or proposes to employ an individual to provide care to a child under section 17A of the 1989 Act requests the funding local authority to ascertain whether the individual is included in the list kept under section 1 of the 1999 Act (or certain other lists mentioned in section 7 of the 1999 Act) the local authority shall ascertain whether the individual is included in any of those lists;
- (c) where a local authority is required to ascertain whether an individual is included in any of the lists mentioned in (b) above it is sufficient for the authority to satisfy itself that, on a date within the last twelve months, the organisation which supplied the individual ascertained whether he or she was so included if the authority also obtains written confirmation of the facts as ascertained by the organisation.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Care Standards Act 2000 (“the Act”) in respect of which an entry is made in the Table below were brought into force in relation to Wales on the date specified alongside their entry. Those provisions whose entry is followed by “(a)” were brought into force by S.I.2000/2992 (W.192) (C.93); those followed by “(b)” were brought into force by S.I. 2001/139 (W.5) (C.7); and those followed by “(c)” were brought into force by S.I. 2001/2190 (W.152) (C.70) .

<i>Provision</i>	<i>Date of Commencement</i>
Sections 1—5 (c)	1st July 2001
Section 7(7) (c)	1st July 2001
Section 8 (partially) (c)	1st July 2001
Section 9(3)—(5) (c)	1st July 2001

- (3) Section 17A of the 1989 Act permits social services authorities in certain circumstances to make direct payments to a person with parental responsibility for a disabled child or to a disabled child aged 16 or 17 in respect of their securing the provision of services for the disabled child under section 17 of the 1989 Act in order to safeguard and promote their welfare. Section 17A is inserted by section 7(1) of the Carers and Disabled Children Act 2000 with effect from 1st July 2001 in relation to Wales.
- (4) Under section 1 of the 1999 Act the Secretary of State is to maintain a list of persons considered unsuitable to work with children.

<i>Provision</i>	<i>Date of Commencement</i>
Sections 11—12 (partially) (c)	1st July 2001
Sections 14—15 (partially) (c)	1st July 2001
Section 16 (c)	1st July 2001
Sections 22—23 (c)	1st July 2001
Section 25 (c)	1st July 2001
Sections 33—35 (c)	1st July 2001
Section 36 (partially) (c)	1st July 2001
Section 38(c)	1st July 2001
Section 40 (partially) (b)	1st February 2001
Section 40 (remainder) (b)	28th February 2001
Section 41 (b)	28th February 2001
Sections 42—43 (c)	1st July 2001
Sections 48—52 (c)	1st July 2001
Section 54(1), (3)—(7) (a)	1st April 2001
Section 55 & Schedule 1 (a)	1st April 2001
Section 72 & Schedule 2 (a)	13th November 2000
Section 79(1) (partially) (c)	1st July 2001
Section 79(2) & Schedule 3 (partially) (c)	1st July 2001
Section 79(3),(4) (c)	1st July 2001
Sections 107—108 (c)	1st July 2001
Section 112 (c)	1st July 2001
Section 113 (2)—(4) (a)	1st April 2001
Section 114 (partially) (a)	1st April 2001
Section 114 (remainder) (c)	1st July 2001
Section 115 (c)	1st July 2001
Section 116 & Schedule 4 (partially) (b)	28th February 2001
Section 116 & Schedule 4 (partially) (c)	1st July 2001
Section 117(1) & Schedule 5 (partially) (c)	1st July 2001

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force by S.I. [2000/2544 \(C.72\)](#) in relation to Wales, as well as in relation to England, on the date specified alongside their entry.

<i>Provision</i>	<i>Date of Commencement</i>
Section 80(8)	2nd October 2000
Section 94	2nd October 2000

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

<i>Provision</i>	<i>Date of Commencement</i>
Section 96 (partially)	15th September 2000
Section 96 (remainder)	2nd October 2000
Section 99	15th September 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 & Schedule 4 (partially)	2nd October 2000
Section 117(2) & Schedule 6 (partially)	2nd October 2000

In addition various other provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: S.I. [2000/2795 \(C.79\)](#); S.I. [2001/290 \(C.17\)](#); S.I. [2001/731 \(C.26\)](#); S.I. [2001/952 \(C.35\)](#); S.I. [2001/1210 \(C.41\)](#); S.I. [2001/1536 \(C.55\)](#); S.I. [2001/2041 \(C.68\)](#).