
WELSH STATUTORY INSTRUMENTS

2016 No. 452 (W. 143) (C. 22)

CHILDREN AND YOUNG PERSONS, WALES

**The Children and Young Persons Act 2008 (Commencement
No. 8 and Saving Provision) (Wales) Order 2016**

Made - - - - 26 March 2016

The Welsh Ministers, in exercise of the powers conferred by section 44 of the Children and Young Persons Act 2008⁽¹⁾ make the following Order:

Title and interpretation

1.—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 8 and Saving Provision) (Wales) Order 2016.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Children and Young Persons Act 2008.

Provisions coming into force on 6 April 2016

2. The following provisions of the Act (which make amendments to the Children Act 1989⁽²⁾) come into force in relation to Wales on 6 April 2016—

- (a) section 8(1)⁽³⁾ (provision of accommodation and maintenance for children who are looked after by a local authority) (to the extent not already in force);
- (b) section 8(2) in so far as it relates to Schedule 1, paragraphs 1, 2, 3(1), (2) and (3), 5, 6 15, 16, 17, 18 and 21;
- (c) section 10(1) and (3)⁽⁴⁾ (independent reviewing officers) (to the extent not already in force) and Schedule 4 (repeals) in so far as it relates to the repeal of section 26(2)(k) and (2A) to (2D) of the Children Act 1989;
- (d) section 16⁽⁵⁾ (independent visitors for children looked after by a local authority) (to the extent not already in force).

(1) 2008 c. 23.

(2) 1989 c. 41.

(3) Section 8 was commenced in part by article 2(a) of the Children and Young Persons Act 2008 (Commencement No. 3) (Wales) Order 2010 (2010/749 (W. 77) (C. 51)) and in part by article 2(a) and (b) of the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010 (2010/1329 (W. 112) (C. 81)) (“the No. 4 Commencement Order”).

(4) Section 10 was commenced in part by the No. 4 Commencement Order.

(5) Section 16 was commenced in part by the No. 4 Commencement Order.

Status: This is the original version (as it was originally made).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

Saving provision

3. Despite the coming into force of section 10(3) of the Act in accordance with article 2(c), section 26 of the Children Act 1989 continues to have effect without amendment for the purposes of paragraph 10(2)(1) of Schedule 6 to the Children Act 1989 (regulations as to the placing of children in private children's homes).

26 March 2016

Mark Drakeford
Minister for Health and Social Services, one of
the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Order)

This is the eighth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (“the Act”) which brings specified provisions of the Act into force in relation to Wales.

Article 2 of this Order provides that section 8(1) and 8(2) in so far as that subsection relates to specified paragraphs of Schedule 1, and sections 10 and 16 of the Act come into force on 6 April 2016 (in so far as they are not already in force).

Section 8 replaces section 23 of the Children Act 1989 (“the 1989 Act”) with new sections 22A to 22F. It re-enacts the duties on local authorities to provide accommodation for children who are in their care (new section 22A) and to maintain all looked after children in other respects apart from the provision of accommodation (new section 22B).

Section 10(1) and (3) replaces section 26(2)(k) and (2A) to (2D) of the 1989 Act with new sections 25A and 25B that set out: requirements regarding the appointment of an Independent Reviewing Officer (‘IRO’) for each looked after child; the IRO’s functions; and an associated provision enabling the functions of CAFCASS officers and Welsh family proceedings officers to be extended.

Section 16 replaces paragraph 17 of Schedule 2 to the 1989 Act, extending the group of looked after children for whom an independent person must be appointed to visit, befriend and advise the child, to include all those for whom an appointment would be in their interests. The appropriate national authority may by regulations extend those to whom the duty is owed to other prescribed groups of looked after children (subsection (1)(a)).

Article 3 contains a saving provision which provides that despite the amendments made to section 26 of the 1989 Act by the coming into force of provision within section 10(3) of the Act, section 26 continues to have effect without amendment 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).

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provisions of this Act have been brought into force in relation to Wales by Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 8(2) (partially) and paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 8(3) and Schedule 2	31 March 2010	2010/749 (W. 77) (C. 51)
Section 10(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 15 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 15 (in so far as not already in force)	28 March 2011	2011/949 (W. 135) (C. 37)
Section 16(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 19	28 March 2011	2011/949 (W. 135) (C. 37)
Section 20(3)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 20 (in so far as it is not already in force)	1 September 2011	2011/949 (W. 135) (C. 37)
Section 21(2) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 21 (in so far as not already in force)	18 March 2011	2011/824 (W. 123) (C. 32)
Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 22 (in so far as not already in force)	19 June 2012	2012/1553 (W. 206) (C. 58)
Section 23(1)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 23 (in so far as not already in force)	19 June 2012	2012/1553 (W. 206) (C. 58)
Section 24	19 June 2012	2012/1553 (W. 206) (C. 58)
Section 25(4) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 25 (in so far as not already in force)	19 June 2012	2012/1553 (W. 206) (C. 58)
Section 27	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 28	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 29 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 29 (in so far as it is not already in force)	28 March 2011	2011/949 (W. 135) (C. 37)
Section 30	6 April 2009	2009/728 (W. 64) (C. 47)
Section 33	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 34	31 March 2010	2010/749 (W. 77) (C. 51)
Section 35	6 April 2009	2009/728 (W. 64) (C. 47)
Section 36	1 September 2009	2009/1921 (W. 175) (C. 91)
Section 37	1 September 2009	2009/1921 (W. 175) (C. 91)
Section 38	1 September 2009	2009/1921 (W. 175) (C. 91)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 49(5) of the 1989 Act	6 April 2009	2009/728 (W. 64) (C. 47)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the repeal in part of section 91(1) of the 1989 Act	1 September 2009	2009/1921 (W. 175) (C. 91)
Section 42 and Schedule 4 in so far as they relate to the repeal in part of section 12 of the Adoption and Children Act 2002	31 March 2010	2010/749 (W. 77) (C. 51)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 104 of the 1989 Act and to the repeal in part of section 21 of the Care Standards Act 2000	28 March 2011	2011/949 (W. 135) (C. 37)
Section 42 and Schedule 4 in so far as they relate to the repeal in part of section 17(6), the repeal of section 23B(4) to (7) and the repeal in part of paragraph 6(1) of Schedule 2	19 June 2012	2012/1553 (W. 206) (C. 58)

The following provisions of the Act have been brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 17	1 April 2011	2010/2981 (C. 131)
Section 18 (partially)	1 January 2010	2009/3354 (C. 154)
Section 18 (in so far as it is not already in force)	1 April 2011	2010/2981 (C. 131)
Section 31	1 April 2009	2009/268 (C. 11)
Section 32	1 April 2009	2009/268 (C. 11)

Various provisions of the Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- [S.I. 2009/268 \(C. 11\)](#)
- [S.I. 2009/323 \(C. 15\)](#)
- [S.I. 2009/2273 \(C. 99\)](#)
- [S.I. 2009/3354 \(C. 154\)](#)
- [S.I. 2010/2714 \(C. 126\)](#)
- [S.I. 2010/2981 \(C. 131\)](#)
- [S.I. S.I. 2011/2703 \(C. 95\)](#)
- [S.I. 2013/2606 \(C. 103\)](#)

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See also section 44(1) and (2) of the Act for the provisions that came into force on 13 November 2008 (date of Royal Assent).

See also section 44(9) for the provision which will come into force on the same day as section 7(1) of the Carers and Disabled Children Act 2000 (c. 16) comes into force for the purpose of inserting section 17B into the 1989 Act in relation to Wales⁽⁶⁾.

⁽⁶⁾ The appointed day for the coming into force of section 7(1) of the Carers and Disabled Children Act 2000 is 6 April 2016.