

**2017 No. 948 (W. 236) (C. 84)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Children and Young Persons  
Act 2008 (Commencement No. 9)  
(Wales) Order 2017

**EXPLANATORY NOTE**

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

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

Article 2 provides that 1 December 2017 is the appointed day for the coming into force in relation to Wales of the provisions of the Act listed below—

- (a) section 8(2) and Schedule 1 in so far as they relate to paragraph 19 of that Schedule;
- (b) section 10(2);
- (c) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal as specified in that Schedule of provisions in—
  - (i) sections 59 and 105(1) of the Children Act 1989,
  - (ii) section 806(5) of the Income Tax (Trading and Other Income) Act 2005,
  - (iii) section 18(8)(a) of the Childcare Act 2006.

Paragraph 19 of Schedule 1 makes amendments to the meaning of “childcare” in section 18(8)(a) of the Childcare Act 2006.

Section 10(2) inserts section 25C into the Children Act 1989, which contains a regulation making power for the Lord Chancellor to extend the statutory functions of Independent Reviewing Officers (who have functions under the Children Act 1989 in relation to children who are looked after by local authorities).

**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 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	2010/1319 (W. 112) (C. 81)
Section 8(1) (for remaining purposes)	6 April 2016	2016/452 (W. 143) (C. 22)
Section 8(2) (partially) and paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 8(2) (partially) and paragraphs 1, 2, 3(1), (2) and (3), 5, 6, 15, 16 to 18 and 21 of Schedule 1	6 April 2016	2016/452 (W. 143) (C. 22)
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 10(1) (for remaining purposes), and 10(3)	6 April 2016	2016/452 (W. 143) (C. 22)
Section 15 (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 15 (for remaining	28 March 2011	2011/949

purposes)		(W. 135) (C. 37)
Section 16(1) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 16 (for remaining purposes)	6 April 2016	2016/452 (W. 143) (C. 22)
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 (for remaining purposes)	1 September 2011	2011/949 (W. 135) (C. 37)
Section 21(2) (partially)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 21 (for remaining purposes)	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 (for remaining purposes)	19 June 2012	2012/1553 (W. 206) (C. 58)
Section 23(1)	26 April 2010	2010/1329 (W. 112) (C. 81)
Section 23 (for remaining purposes)	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 (for remaining purposes)	19 June 2012	2010/1553 (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 (for remaining purposes)	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 45(9) of the Children Act 1989	6 April 2009	2009/728 (W. 64) (C. 47)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the partial repeal of section 91(1) of the Children Act 1989	1 September 2009	2009/1921 (W. 175) (C. 91)
Section 42 and Schedule 4 in so far as they relate to the partial repeal 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 partial repeal of section 104 of the Children Act 1989 and the partial repeal of section 21 of the Care Standards Act 2000	28 March 2011	2011/949 (W. 135) (C. 37)
Section 42 and	19 June 2012	2012/1553

Schedule 4 in so far as they relate to the partial repeal of section 17(6), the repeal of section 23B(4) to (7) of and the partial repeal of paragraph 6(1) of Schedule 2 to the Children Act 1989		(W. 206) (C. 58)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 26(2)(k) and (2A) to (2D) of the Children Act 1989	6 April 2016	2016/452 (W. 143) (C. 22)

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 (for remaining purposes)	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. 2011/2703 (C. 95)
- S.I. 2013/2606 (C. 103)

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

*See* also section 44(9) of the Act which provides that paragraph 4 of Schedule 3 to the Act 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 purposes of inserting section 17B into the Children Act 1989(1).

---

(1) The Carers and Disabled Children Act 2000 (c. 16) was repealed (subject to savings) by S.I. 2016/413 (W. 131), regulation 77. Section 7(1) of that Act (which inserted section 17B into the Children Act 1989 (“the 1989 Act”)) was commenced in relation to England by S.I. 2003/1183, article 2 and was prospectively amended so that it applied only in relation to Wales by S.I. 2015/914, Schedule 1, paragraph 47(2). Section 17B of the 1989 Act was repealed by S.I. 2016/413 (W. 131) without having been commenced in relation to Wales.

**2017 No. 948 (W. 236) (C. 84)**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Children and Young Persons  
Act 2008 (Commencement No. 9)  
(Wales) Order 2017

*Made*

*26 September 2017*

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008 and with the consent of the Secretary of State<sup>(1)</sup>, make the following Order:

**Title and interpretation**

**1.**—(1) The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 9) (Wales) Order 2017.

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

**Appointed day**

**2.** 1 December 2017 is the appointed day for the coming into force in relation to Wales of the following provisions of the Act—

- (a) section 8(2) and Schedule 1 (children looked after by local authorities: supplementary and consequential provisions) in so far as they relate to paragraph 19 of that Schedule;
- (b) section 10(2) (independent reviewing officers);
- (c) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal as specified in that Schedule of provisions in—
  - (i) section 59 of the Children Act 1989<sup>(2)</sup>;

---

(1) 2008 c. 23. By virtue of section 44(6) of the Act an Order bringing section 10(2) into force in relation to Wales requires the consent of the Secretary of State.

(2) 1989 c. 41.



- (ii) section 105(1) of the Children Act 1989;
- (iii) section 806(5) of the Income Tax (Trading and Other Income) Act 2005<sup>(1)</sup>;
- (iv) section 18(8)(a) of the Childcare Act 2006<sup>(2)(3)</sup>.

*Rebecca Evans*

Minister for Social Services and Public Health under authority of the Cabinet Secretary for Health, Well-being and Sport, one of the Welsh Ministers

26 September 2017

---

(1) 2005 c. 5.  
(2) 2006 c. 21.  
(3) The repeals in the provisions listed in article 2(c)(i) to (iv) as specified in Schedule 4 to the Act have already been commenced in relation to England by S.I. 2010/2981.