



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

ADRODDIAD GAN Y PWYLLGOR DEDDFAU LEGISLATION COMMITTEE REPORT

The Care Standards Act 2000 (Commencement No. 7) (Wales) Order 2001

Background

This order provides for certain provisions of the Care Standards Act 2000 (as amended by the Children's Commissioner for Wales Act 2001) to come into force on 26 August 2001.

Standing Order 11.5

This order provides for the commencement of paragraph 3 of Schedule 5 to the 2000 Act but does not provide for the commencement of section 117(1) which introduces Schedule 5. Whilst it is a necessary formality for section 117(1) to be commenced this is additionally significant because of the provision with regard to the Interpretation Act which is to be found in section 117(1). Although 117(1) has been commenced by the earlier No. 3 order, this was limited to the effect of section 117(1) in relation to the provisions of Schedule 5 which were commenced by that order.

Thus Article 2(2)(l) of the present order should contain additional provision along the following lines –

“(l) Paragraph 3 of Schedule 5 (transitional provisions and savings) and section 117(1) so far as it relates thereto.”.

An amendment in the above (or similar) terms would be appropriate for inclusion in a Memorandum of Corrections.

Subject to an appropriate Memorandum of Corrections being laid before the Assembly in respect of the above matter there are no points to which the Committee would need to formally invite the Assembly to pay special attention under SO 11.5.

General Observations

Explanatory Note

The opening paragraph refers to the commencement order which is being made in respect of the Children's Commissioner for Wales Act 2001. It appears, however, that the title as quoted in this paragraph is wrong in including "No. 1".

Note as to earlier commencement orders

Certain SI references in the opening paragraph remain to be completed.

In the first table the dates for section 39 remain to be completed.

Article 2(2)(a)(b)(f)(j)(k)

The provisions commenced here are provisions in the Children's Commissioner for Wales Act. They will thus be covered by the commencement order which is being made under that Act. The question accordingly arises as to whether it is necessary or appropriate for the present order to commence those provisions. Given that the related provisions in section 73, 74, 75, 76, 77 and 78 are only being commenced at the same time, however, it is accepted that it is appropriate to commence the sections and schedules inserted by the 2001 Act in the present commencement order to avoid uncertainty.

Mick Bates AM
Chair, Legislation Committee

3 July 2001