

2012 No. 1553 (W. 206) (C. 58)

**CHILDREN AND YOUNG
PERSONS, WALES**

The Children and Young Persons
Act 2008 (Commencement No. 7)
(Wales) Order 2012

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the seventh Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (c.23) (“the Act”) which brings specified provisions of the Act into force in relation to Wales.

Article 2 of this Order provides that 19 June 2012 is the appointed day for the coming into force in relation to Wales of the provisions of the Act listed below:

- (i) sections 22 and 23 of the Act (in so far as they are not already in force);
- (ii) section 24;
- (iii) section 25 (in so far as it is not already in force); and
- (iv) section 42 and Schedule 4 in so far as they relate to the repeals specified in that Schedule in relation to sections 17(6), and 23B of, and to Schedule 2 (partially) to the Children Act 1989 (“the 1989 Act”).

Section 22 of the Act (assistance to pursue education or training) amends section 23B of the 1989 Act; it inserts a new section (section 23CA) into the 1989 Act and inserts subsections (1A) to (1E) into section 23E of that Act. The amendments extend the duty of a local authority to appoint a personal adviser and to keep the pathway plan under review for and in respect of a young person who is a former relevant child (that is, a care leaver who is over the age of 18).

Section 23 of the Act (extension of entitlements to personal adviser and to assistance in connection with education or training), amends sections 23D(1) and

24B of the 1989 Act. The effect of these amendments is firstly, to extend the upper end of the age range to which section 23D(1) applies so that regulations made under that section will be able to require the appointment of a personal adviser for qualifying young persons who are under 25; secondly, to extend the upper end of the age range, to which the powers of a local authority in section 24B of the 1989 Act (to provide assistance in connection with employment, education and training) apply, to 25.

Section 24 amends section 17(6) of the 1989 Act. It extends the power of a local authority to make cash payments to children in need and their families (by removing the words “in exceptional circumstances” from section 17(6)).

Section 25 amends paragraph 6 of Schedule 2 to the 1989 Act. This adds the provision of short breaks for those who care for disabled children and services to support family contact for children who are provided with accommodation under health or education legislation to the range of services that a local authority must provide for a disabled child and his or her family. The local authority duty within the amended paragraph 6 of Schedule 2 is to be performed in accordance with regulations made by the Welsh Ministers.

The repeals that are commenced in accordance with article 2(e) are consequential upon the amendments made to the 1989 Act by the commencement of the provisions of the Act referred to in article 2(a) to (d).

Article 3 provides that section 23CA(1) of the 1989 Act (further assistance to pursue education or training) (which is inserted by the commencement in full of section 22 of the Act) has effect only in relation to a person falling within that sub-section if they inform the relevant local authority on or after 19 June 2012 that they are pursuing, or wish to pursue, a programme of education or training.

**NOTE AS TO EARLIER COMMENCEMENT
ORDERS**

(This note is not part of the Order)

<i>Provision</i>	<i>Date</i>	<i>of</i>	<i>S.I. No</i>
	<i>Commencement</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)
Section 15 (in so far as it is 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 it is 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 23(1)	26 April 2010		2010/1329 (W.112) (C.81)
Section 25(4) (partially)	26 April 2010		2010/1329 (W.112) (C.81)
Section 27	26 April 2010		2010/1329 (W.112)

Section 28	26 April 2010	(C.81) 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 45(9) of the 1989 Act	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 repeal in part of section 91(10) 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	28 March 2011	2011/949

Schedule 4 in so far as they relate to the repeal in part of section 104 of the 1989 Act and to the repeal in part of section 21 of the Care Standards Act 2000 (W.135) (C.37)

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>of 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)

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) of the Act 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.

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The Children and Young Persons
Act 2008 (Commencement No. 7)
(Wales) Order 2012

Made

16 June 2012

The Welsh Ministers, in exercise of the powers conferred by section 44(3), (5) and (10)(b) 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. 7) (Wales) Order 2012.

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

Appointed day

2. 19 June 2012 is the appointed day for the coming into force of the following provisions of the Act in relation to Wales—

- (a) section 22 (assistance to pursue education or training) in so far as it is not already in force(2),
- (b) section 23 (extension of entitlements to personal adviser and to assistance in connection with education or training) in so far as it is not already in force(3),

(1) 2008 c.23 (“the Act”).
(2) Section 22 was commenced in part by article 2(h) of the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010 (S.I. 2010/1329 (W.112) (C.81)) (“the No. 4 Commencement Order”).
(3) Section 23 was commenced in part by article 2(i) of the No. 4 Commencement Order.

- (c) section 24 (extension of power to make payments in cash),
- (d) section 25 (breaks from caring for disabled children) in so far as it is not already in force)(1), and
- (e) section 42 and Schedule 4 (repeals) in so far as they relate to the repeal of the following provisions of the 1989 Act(2)—
 - (i) the words “in exceptional circumstances” in section 17(6),
 - (ii) sub-sections (4) to (7) of section 23B, and
 - (iii) in Schedule 2, in paragraph 6(1), the word “and” immediately preceding paragraph (b).

Transitional provision

3. Despite the coming into force of section 22 of the Act in accordance with article 2(a), section 23CA(1) of the 1989 Act applies only where the notification referred to in section 23CA(1)(c) is given on or after 19 June 2012.

Gwenda Thomas

Deputy Minister for Children and Social Services
under authority of the Minister for Health and Social
Services, one of the Welsh Ministers

16 June 2012

(1) Section 25 was commenced in part by article 2(j) of the No. 4 Commencement Order.

(2) By virtue of section 41 of the Act, “the 1989 Act” (“*Deddf 1989*”) means the Children Act 1989 (c.41).