

**NATIONAL ASSEMBLY FOR WALES**

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**S T A T U T O R Y   I N S T R U M E N T S**

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**2003 No. (W.) (C.)**

**SOCIAL CARE, WALES**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Care Standards Act 2000  
(Commencement No. 10) and  
Transitional Provisions (Wales)  
Order 2003

**EXPLANATORY NOTE**

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

This Order brings into force a number of provisions of the Care Standards Act 2000 relating to the regulation of Residential Family Centres, Voluntary Adoption Agencies, Fostering Agencies and Local Authority Adoption Services. This will have the effect of bringing these establishments and agencies within the regulatory framework of the Care Standards Act 2000, to be enforced in Wales by the National Assembly for Wales.

Further provisions relate to the coming into force of certain provisions of Part VIII of the Care Standards Act 2000 whose effect is to amend Part XII of the Children Act 1989 (“the 1989 Act”) on 1<sup>st</sup> February 2003. The effect of the amendments is to broaden the duty to monitor the welfare of children who board to all schools and colleges of further education which provide accommodation for children. The National Assembly for Wales replaces the local authority as the monitoring body. The provisions of sections 87A and 87B of the 1989 Act which allow for establishments to appoint an approved inspector to monitor their welfare provision is similarly extended to all schools and colleges of further education which provide accommodation for children.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The provisions of the Care Standards Act 2000 (“the Act”) in respect of which an entry is made in the Table below have been 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); those followed by ‘**(c)**’ were brought into force by S.I. 2001/2190 (W.152) (C.70); those followed by ‘**(d)**’ were brought into force by S.I. 2001/2354 (W.192) (C.80); those followed by ‘**(e)**’ were brought into force by S.I. 2001/2504 (W.205) (C.82); those followed by ‘**(f)**’ were brought into force by S.I. 2001/2538 (W.213) (C.83); those followed by ‘**(g)**’ were brought into force by S.I. 2001/2782 (W.235) (C.92); those followed by ‘**(h)**’ were brought into force by S.I. 2002/920 (W.108) (C.24) and those followed by ‘**(i)**’ were brought into force by S.I. 2002/1175 (W.123) (C.31).

<i>Provision</i>	<i>Date of Commencement</i>
Sections 1 to 5 <b>(c)</b>	18 <sup>th</sup> June 2001
Section 7(7) <b>(c)</b>	18 <sup>th</sup> June 2001
Section 8 (partially) <b>(c)</b>	18 <sup>th</sup> June 2001
Section 8 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 9(3) to (5) <b>(c)</b>	18 <sup>th</sup> June 2001
Section 9 (remainder) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 10(2) to (7) <b>(h)</b>	1 <sup>st</sup> April 2002
Sections 11 and 12 (partially) <b>(c)</b>	18 <sup>th</sup> June 2001
Sections 11 and 12 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 13 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Sections 14 and 15 (partially) <b>(c)</b>	18 <sup>th</sup> June 2001
Sections 14 and 15 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 16 <b>(c)</b>	18 <sup>th</sup> June 2001
Sections 17 to 21 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Sections 22 to 23 <b>(c)</b>	18 <sup>th</sup> June 2001
Section 24 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 25 <b>(c)</b>	18 <sup>th</sup> June 2001
Sections 26 to 32 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Sections 33 to 35 <b>(c)</b>	18 <sup>th</sup> June 2001
Section 36 (partially) <b>(c)</b>	18 <sup>th</sup> June 2001
Section 36 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 37 (partially) <b>(h)</b>	1 <sup>st</sup> April 2002
Section 38 <b>(c)</b>	18 <sup>th</sup> June 2001
Section 39 (partially) <b>(e)</b>	31 <sup>st</sup> July 2001
Section 39 (remainder) <b>(e)</b>	31 <sup>st</sup> August 2001
Section 40 (partially) <b>(b)</b>	1 <sup>st</sup> February 2001
Section 40 (remainder) <b>(b)</b>	28 <sup>th</sup> February 2001
Section 41 <b>(b)</b>	28 <sup>th</sup> February 2001

Sections 42 to 43 (c)	18 <sup>th</sup> June 2001
Sections 48 to 52 (c)	18 <sup>th</sup> June 2001
Section 54(1), (3) to (7) (a)	1 <sup>st</sup> April 2001
Section 55 & Schedule 1 (a)	1 <sup>st</sup> April 2001
Sections 56 to 62 (partially) (i)	30 <sup>th</sup> April 2002
Section 63 (f)	31 <sup>st</sup> July 2001
Section 64(2) to (4) (partially) (i)	30 <sup>th</sup> April 2002
Section 65 (partially) (i)	30 <sup>th</sup> April 2002
Section 66 (f)	31 <sup>st</sup> July 2001
Section 67 (f)	1 <sup>st</sup> October 2001
Section 70(1) (f)	1 <sup>st</sup> October 2001
Section 71 (partially) (f)	31 <sup>st</sup> July 2001
Section 71 (remainder) (i)	30 <sup>th</sup> April 2002
Section 72 & Schedule 2 (a)	13 <sup>th</sup> November 2000
Section 72A (g)	26 <sup>th</sup> August 2001
Section 72B & Schedule 2A (g)	26 <sup>th</sup> August 2001
Section 73 (as amended) & Schedule 2B (g)	26 <sup>th</sup> August 2001
Section 75 (as amended) (g)	26 <sup>th</sup> August 2001
Section 75A (g)	26 <sup>th</sup> August 2001
Sections 76 to 78 (as amended) (g)	26 <sup>th</sup> August 2001
Section 79(1) (partially) (c)	18 <sup>th</sup> June 2001
Section 79(1) (remainder) (h)	1 <sup>st</sup> April 2002
Section 79(2) & Schedule 3 (partially) (c)	18 <sup>th</sup> June 2001
Section 79(2) & Schedule 3 (remainder) (h)	1 <sup>st</sup> April 2002
Section 79(3),(4) (c)	18 <sup>th</sup> June 2001
Section 79(5) (h)	1 <sup>st</sup> April 2002
Section 95 (h)	1 <sup>st</sup> April 2002
Section 98 (d)	1 <sup>st</sup> July 2001
Sections 107 to 108 (c)	18 <sup>th</sup> June 2001
Section 110 (h)	1 <sup>st</sup> April 2002
Section 112 (c)	18 <sup>th</sup> June 2001
Section 113 (2) to (4) (a)	1 <sup>st</sup> April 2001
Section 114 (partially) (a)	1 <sup>st</sup> April 2001
Section 114 (remainder) (c)	18 <sup>th</sup> June 2001
Section 115 (c)	18 <sup>th</sup> June 2001
Section 116 & Schedule 4 (partially) (b)	28 <sup>th</sup> February 2001
Section 116 & Schedule 4 (partially) (c)	18 <sup>th</sup> June 2001
Section 116 & Schedule 4 (partially) (h)	1 <sup>st</sup> April 2002
Section 117(1) & Schedule 5 (partially) (c)	18 <sup>th</sup> June 2001
Section 117(1) & Schedule 5 (partially) (g)	26 <sup>th</sup> August 2001
Section 117(2) & Schedule 6 (partially) (h)	1 <sup>st</sup> April 2002

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force in relation to Wales, as well as in relation to England, on the date specified alongside their entry. Those provisions whose entry is followed by ‘**(a)**’ were brought into force by S.I. 2000/2544 (C.72); and those whose entry is followed by ‘**(b)**’ were brought into force by S.I. 2002/629 (C.19).

<i>Provision</i>	<i>Date of Commencement</i>
Section 80(8) <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 94 <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 96 (partially) <b>(a)</b>	15 <sup>th</sup> September 2000
Section 96 (remainder) <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 99 <b>(a)</b>	15 <sup>th</sup> September 2000
Section 100 <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 101 <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 102 <b>(b)</b>	18 <sup>th</sup> March 2002
Section 103 <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 104 (partially) <b>(b)</b>	18 <sup>th</sup> March 2002
Section 104 (partially) <b>(b)</b>	1 <sup>st</sup> April 2002
Section 116 & Schedule 4 (partially) <b>(a)</b>	2 <sup>nd</sup> October 2000
Section 117(2) & Schedule 6 (partially) <b>(a)</b>	2 <sup>nd</sup> 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); S.I. 2001/3331 (C.109); S.I. 2001/3852 (C.125); S.I. 2001/4150 (C.134); S.I. 2002/839 (C.22); S.I. 2002/1245 (C.33); S.I. 2002/1493 (C.43); S.I. 2002/1790 (C.55) and S.I. 2002/2215 (C.70).

**2003 No. (W.) (C.)**

**SOCIAL CARE, WALES**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Care Standards Act 2000  
(Commencement No. 10) (Wales)  
Order 2003

*Made*

**ARRANGEMENT OF ORDER**

1. Citation interpretation and application
2. Appointed Days
3. Transitional Provisions

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 118(6) and 122 of the Care Standards Act 2000 (1) hereby makes the following Order:

**Citation interpretation and application**

**1.—**(1) This Order may be cited as the Care Standards Act 2000 (Commencement No.10) (Wales) Order 2003.

(2) In this Order—

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(1) 2000 c.14. The powers are conferred upon the appropriate Minister. “Appropriate Minister” means the Assembly in relation to Wales and the Secretary of State in relation to England, Scotland and Northern Ireland (s.121(1) of the Act). “Assembly” means the National Assembly for Wales (s.5(b) of the Act).

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

(3) This Order applies in relation to Wales.

### **Appointed days**

2.—(1) 29<sup>th</sup> January 2003 is the day appointed for the coming into force of the following provisions of the Act—

- (a) sections 8, 9 (1) and (2), 10(2) to (7), 11 to 15, 17 to 21, 24, 26 to 32, 36 and 37 in so far as their provisions —
  - (i) relate to residential family centres, fostering agencies and voluntary adoption agencies; and
  - (ii) are not already in force;
- (b) sections 45, and 46;
- (c) section 53 so far as it relates to relevant fostering functions;
- (d) section 116 in so far as it relates to paragraphs 5 (2), (4), (5), (7)(a) and (9) to (11) of Schedule 4;
- (e) section 117 in so far as it relates to
  - (i) paragraph 2 of Schedule 5; and
  - (ii) Schedule 6 so far as it relates to sections 3, 4 (1) and (2), 4 (3), 5 and 9 (1) of the Adoption Act 1976<sup>(2)</sup>;

(2) 1<sup>st</sup> February 2003 is the day appointed for the coming into force of sections 105 and 106 and paragraph 21 of Schedule 4 of the Act.

### **Transitional Provisions in relation to voluntary adoption agencies**

3.— A voluntary adoption agency which, immediately before the 30 April 2003, was approved under section 3 of the Adoption Act 1976, will be for the purposes of Part II of the Act, be treated with effect from 30 April 2003 as having applied for and having been granted registration under the Act.

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(2) 1976 c.36.

Signed on behalf of the National Assembly for Wales  
under section 66(1) of the Government of Wales Act  
1998<sup>(3)</sup>

Date

*Dafydd Elis Thomas*  
The Presiding Officer of the Assembly

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<sup>(3)</sup> 1998 c.38.