WELSH STATUTORY INSTRUMENTS

2011 No. 824 (W.123) (C.32)

CHILDREN AND YOUNG PERSONS, WALES

The Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011

Made - - - - 16 March 2011

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008(**1**), make the following Order:

Title

1. The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011.

Appointed day

2. 18 March 2011 is the appointed day for the coming into force of the following provisions of the Children and Young Persons Act 2008 in respect of entitlement to payment in respect of higher education—

(a) section 21(1), (3) and (4); and

(b) section 21(2) in so far as not already commenced by article 2(g) of the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010(**2**).

Leighton Andrews
Minister for Children, Education and Lifelong Learning, one of the Welsh Ministers

16 March 2011

(**1**) 2008 c. 23.
(**2**) S.I. 2010/1329 (W.112) (C.81).

EXPLANATORY NOTE

(This note is not part of the Order)

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

This Order appoints 18 March 2011 as the day on which section 21 of the 2008 Act is brought into force in relation to Wales in so far as not already brought into force by the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010 (S.I. 2010/1329 (W.112) (C.81)).

Subsections (1) to (3) of section 21 of the 2008 Act amend section 23C of the Children Act 1989 ("the 1989 Act"). Section 21(2) inserts new subsections (5A) to (5C), which enable the Welsh Ministers to make regulations:

prescribing the relevant amount (higher education bursary) payable under section 23C(5A) of the 1989 Act by a local authority;

prescribing the meaning of "higher education" for the purpose of the higher education bursary;

which make provision as to payment of the higher education bursary; and

which make provision as to the circumstances in which the higher education bursary may be recovered by the local authority.

Section 21(4) inserts a new subsection (2A) to section 776 of the Income Tax (Trading and Other Income) Act 2005 (c. 5). The new subsection makes provision for no income tax liability to arise on higher education bursaries.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provision of the 2008 Act have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

Provision	*Date of Commencement*	*S.I. No.*
Section 8(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(3)	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 16(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 20(3)	26 April 2010	2010/1329 (W.112) (C.81)
Section 21(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W.112) (C.81)