WELSH STATUTORY INSTRUMENTS

2003 No. 152 (W.22) (C.8)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

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

Made - - - - 29th January 2003

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 118(6) and (7) 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) and Transitional Provisions (Wales) Order 2003.

(2) In this Order—

"the Act" ("*y Ddeddf*") means the Care Standards Act 2000;

(3) This Order applies in relation to Wales.

Appointed days

2.—(1) 30th 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;

(**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).

(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(**2**);

(2) 1st 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 30th 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 30th April 2003 as having applied for and having been granted registration under the Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**3**)

D. Elis-Thomas
29th January 2003 The Presiding Officer of the Assembly

(**2**) 1976 c. 36.
(**3**) 1998 c. 38.

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 1st 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 Order)

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).

Provision	*Date of Commencement*
Sections 1 to 5 (**c**)	18th June 2001
Section 7(7) (**c**)	18th June 2001
Section 8 (partially) (**c**)	18th June 2001
Section 8 (partially) (**h**)	1st April 2002
Section 9(3) to (5) (**c**)	18th June 2001
Section 9 (partially) (**h**)	1st April 2002
Section 10(2) to (7) (partially) (**h**)	1st April 2002
Sections 11 and 12 (partially) (**c**)	18th June 2001
Sections 11 and 12 (partially) (**h**)	1st April 2002