Draft Regulations laid before Parliament under section 104(3A) of the Children Act 1989, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2010 No. [ ]

CHILDREN AND YOUNG PERSONS, ENGLAND

The Breaks for Carers of Disabled Children Regulations 2010

Made - - - -	*2010*
Coming into force - -	*1st April 2011*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by paragraph 6(2) of Schedule 2 to the Children Act 1989(**1**).

In accordance with section 104(3A) of that Act, a draft of these Regulations was laid before Parliament and approved by resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Breaks for Carers of Disabled Children Regulations 2010 and come into force on 1st April 2011.

Interpretation

2. In these Regulations—

"the 1989 Act" means the Children Act 1989;

"carer" means a person who provides care for a disabled child and who is—

(a) the child's parent, or

(b) a person who is not the child's parent but who has parental responsibility for that child; and

"disabled" has the meaning given in section 17(11) of the 1989 Act(**2**).

(**1**) 1989 c. 41. Paragraph 6(2) was inserted by section 25 of the Children and Young Persons Act 2008 (c. 23) ("the 2008 Act"). The power in paragraph 6(2) is expressed to be exercisable by the "appropriate national authority". The "appropriate national authority" is defined in section 59(7) of the Children Act 1989 as meaning, in relation to England, the Secretary of State. Section 104(3A) was substituted by section 39 of, and Schedule 3 to, the 2008 Act and subsequently amended by S.I. 2009/1892.

(**2**) That is, that a child is disabled "if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed".