
STATUTORY INSTRUMENTS

2005 No. 394 (C.18)

**CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES**

The Children Act 2004 (Commencement No. 1) Order 2005

Made - - - - *25th February 2005*

The Secretary of State for Education and Skills, in exercise of the powers conferred upon her by section 67(2), (7)(a), (c), (e) and (h) of, and paragraph (a) of Parts 1 to 4 of Schedule 5 to, the Children Act 2004(1), hereby makes the following Order:—

Citation, interpretation and application

- 1.—(1) This Order may be cited as the Children Act 2004 (Commencement No. 1) Order 2005.
- (2) In this Order “the Act” means the Children Act 2004.
- (3) This Order applies to England except for Article 2(1)(j) which applies to England and Wales.

Provisions coming into force

- 2.—(1) The following provisions of the Act shall come into force on 1st March 2005—
 - (a) section 11(arrangements to safeguard and promote welfare) for the purposes of making an order under section 11(1)(d);
 - (b) sections 13 (establishment of LSCBs), 14 (functions and procedure of LSCBs) and 16 (LSCBs: supplementary) for the purposes of making regulations;
 - (c) section 17 (children and young people’s plans);
 - (d) sections 20 (joint area reviews), 21 (framework), 22 (co-operation and delegation) and 23 (sections 20 to 22: interpretation);
 - (e) section 48 (child minding and day care) and paragraph 1 of Schedule 4 in so far as they relate to paragraphs 2, 5 and 7 to 9 of Schedule 4;
 - (f) section 50 (intervention);
 - (g) section 53 (ascertaining children’s wishes);
 - (h) section 54 (information about individual children);
 - (i) section 57 (fees payable to adoption review panel members);

- (j) section 60 (child safety orders);
 - (k) paragraphs 2, 5 and 7 to 9 of Schedule 4;
 - (l) Part 1 of Schedule 5; and
 - (m) Part 2 of Schedule 5 in so far as it relates to section 79G(2) of, and paragraph 4(3A)(b) of Schedule 9A to, the Children Act 1989(2).
- (2) The following provisions of the Act shall come into force on 1st April 2005—
- (a) section 10 (co-operation to improve well-being);
 - (b) section 18 (director of children’s services);
 - (c) section 24 (performance rating of social services);
 - (d) section 44 (amendments to notification scheme) for the purposes of making regulations;
 - (e) section 51 (inspection of local education authorities);
 - (f) section 55 (social services committees); and
 - (g) Parts 3 and 4 of Schedule 5.
- (3) The following provisions of the Act shall come into force on 1st July 2005—
- (a) section 44 (amendments to notification scheme) in so far as it is not already in force; and
 - (b) section 52 (duty of local authorities to promote educational achievement).
- (4) Section 11 (arrangements to safeguard and promote welfare) shall come into force on 1st October 2005 in so far as it is not already in force.

25th February 2005

Margaret Hodge
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

This is the first Commencement Order made under the Children Act 2004 (“the 2004 Act”).

Article 2(1) lists the provisions of the 2004 Act which are to come into force in full or in part on 1st March 2005. Section 11 concerns arrangements to safeguard and promote welfare and is brought into force on 1st March 2005 only for the purpose of making an order under section 11(1)(d) designating Special Health Authorities to which the section applies. The section is brought fully into force on 1st October 2005 (see Article 2(4)). Sections 13, 14 and 16, which concern Local Safeguarding Children Boards, are brought into force on 1 March 2005 only for the purposes of making regulations (Article 2(1)(b)). Sub-paragraphs (e) and (n) of Article 2(1) bring into force on 1 March 2005 section 48 and paragraphs 2, 5, and 7 to 9 of Schedule 4 which make amendments to Part 10A of the Children Act 1989 (“the 1989 Act”) which is concerned with child minding and day care. Related repeals are made by Part 2 of Schedule 5: Article 2(1)(m) brings that Part into force on 1st March 2005 only in so far as it repeals specified words in section 79G(2) of, and paragraph 4(3A)(b) of Schedule 9A to, the 1989 Act. Section 60 (child safety orders) applies to England and Wales (Article 2(1)(j)). Part 1 of Schedule 5 sets out the repeals of provisions concerning children’s plans and is linked to the coming into force on the same day of section 17 (children and young people’s plans) (Article 2(1)(c) and (l)).

Article 2(2) lists the provisions which are to come into force on 1st April 2005. Section 18 (director of children’s services) is brought into force only to the extent that it gives local authorities the power to appoint an officer for the purposes specified in the section. Section 44 (amendments to notification scheme) is brought into force for the purpose of making regulations concerning the private fostering notification scheme. The section is brought fully into force on 1st July 2005 (Article 2(3)(a)). Part 4 of Schedule 5 makes a number of repeals which are consequential on the removal of the requirement to have social services committees made by section 55, which also comes into force on 1 April 2005 (article 2(2)(f)), or which reflect the fact that local authorities will no longer necessarily have a social services department.

Article 2(4) brings section 11 (arrangements to safeguard and promote welfare) fully into force on 1st October 2005.