

2008 No. 2870 (C. 127)

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

**The Children and Adoption Act 2006 (Commencement No. 3)
Order 2008**

Made - - - - *5th November 2008*

The Secretary of State for Children, Schools and Families makes the following Order in exercise of the powers conferred by section 17(2) of the Children and Adoption Act 2006^(a):

In accordance with section 17(4) of that Act, he has consulted the Welsh Ministers^(b):

Citation and interpretation

1.—(1) This Order may be cited as the Children and Adoption Act 2006 (Commencement No. 3) Order 2008.

(2) In this Order, “the Act” means the Children and Adoption Act 2006.

Appointed days

2.—(1) 7th November 2008 is the appointed day for the coming in force of section 1 of the Act in so far as it inserts section 11F into the Children Act 1989.

(2) 8th December 2008 is the appointed day for the coming into force of the following provisions of the Act—

- (a) in so far as it is not brought into force by paragraph (1), section 1,
- (b) sections 2 and 3,
- (c) section 4 and Schedule 1,
- (d) sections 5 and 8,
- (e) section 15(1) and Schedule 2, and
- (f) in so far as they are not already in force, section 15(2) and Schedule 3.

5th November 2008

Delyth Morgan
Parliamentary Under Secretary of State
Department for Children, Schools and Families

^(a) 2006 c.20.

^(b) By virtue of section 17(4), the Secretary of State must consult the National Assembly for Wales before making an order under section 17(2). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by virtue of section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c.32).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the third Commencement Order made by the Secretary of State for Children, Schools and Families under the Children and Adoption Act 2006 (“the Act”).

Article 2(1) of this Order brings into force on 7th November 2008 section 1 for the purposes of inserting section 11F in the Children Act 1989 (“the 1989 Act”). Article 2(2) brings into force on 8th December 2008 the remainder of section 1, sections 2 to 5, section 8 and section 15(2) of the Act, together with associated Schedules. These provisions of the Act extend to England and Wales.

Section 1 of the Act inserts new sections 11A to 11G after section 11 of the 1989 Act. The new sections 11A to 11E relate to the court’s ability to make either ‘contact activity directions’ where the court is considering whether to make, vary or discharge a contact order under section 8 of the 1989 Act or make a ‘contact activity condition’ when making or varying a contact order. Section 11F enables the Secretary of State or the Welsh Ministers to make provision in regulations allowing financial assistance to be given to certain individuals required to undertake ‘contact activities’. Section 11G provides that a court may ask a CAFCASS officer to monitor compliance with contact activity directions or conditions and to report to the court if there is a failure to comply.

Section 2 of the Act inserts new section 11H in the 1989 Act which provides that a court may ask a CAFCASS officer to monitor compliance with a contact order, and to report on matters relating to compliance.

Section 3 inserts section 11I in the 1989 Act, which provides that whenever a court makes or varies a contact order, it must attach a notice warning of the consequences of failing to comply with a contact order.

Section 4 inserts new sections 11J to 11N in the 1989 Act which make provision for the courts to make an ‘enforcement order’ and Schedule 1 inserts a new Schedule A1 in the 1989 Act that relates to such orders. Section 5 inserts sections 11O and 11P in the 1989 Act and these allow the court to require a person who has caused financial loss to another person as a result of breaching a contact order to pay compensation. Section 8 makes transitional provision as regards contact orders made before the commencement of sections 3 and 5.

Section 15(1) gives effect to the minor and consequential amendments set out in Schedule 2 and section 15(2) gives effect to a repeal set out in Schedule 3.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 6	1st October 2007	S.I. 2007/2287 (C.86)
Section 7	1st October 2007	S.I. 2007/2287 (C.86)
Section 9(4)	7th July 2008	S.I. 2008/1798 (C.76)
Section 9, in so far as not already in force	1st August 2008	S.I. 2008/1798 (C.76)
Section 10	1st August 2008	S.I. 2008/1798 (C. 76)
Section 11, partially	2nd August 2007	S.I. 2007/2287 (C.86)
Section 11, in so far as not already in force	1st August 2008	S.I. 2008/1798 (C.76)
Section 12, partially	2nd August 2007	S.I. 2007/2287 (C.86)
Section 12, in so far as not already in force	1st August 2008	S.I. 2008/1798 (C.76)
Section 13, in relation to Wales	2nd April 2007	S.I. 2007/733 (W.65) (C.31)
Section 14 (1) and (2)	1st October 2007	S.I. 2007/2287 (C.86)
Section 14(3)	2nd August 2007	S.I. 2007/2287 (C.86)
Section 15(2), partially	1st October 2007	S.I. 2007/2287 (C.86)
Section 16	7th July 2008	S.I. 2008/1798 (C.76)
Schedule 3, partially	1st October 2007	S.I. 2007/2287 (C.86)

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STATUTORY INSTRUMENTS

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