
WELSH STATUTORY INSTRUMENTS

2001 No. 2782 (W.235)(C.92)

CHILDREN'S COMMISSIONER, WALES

**The Care Standards Act 2000
(Commencement No. 7) (Wales) Order 2001**

Made - - - - 25th July 2001

The National Assembly for Wales makes the following Order in exercise of the powers conferred by section 122 of the Care Standards Act 2000⁽¹⁾:

Citation and interpretation

1.—(1) This Order may be cited as the Care Standards Act 2000 (Commencement No. 7) (Wales) Order 2001.

(2) In this Order “the Act” (“*y Ddeddf*”) means the Care Standards Act 2000.

Appointed day

2.—(1) 26th August 2001 is the appointed day for the coming into force in relation to Wales of the provisions of the Act specified in paragraph (2).

(2) The provisions are—

- (a) Section 72A (principal aim of the Commissioner);
- (b) Section 72B (review of exercise of functions of Assembly and other persons);
- (c) Section 73 (review and monitoring of arrangements);
- (d) Section 74 (examination of cases);
- (e) Section 75 (obstruction etc.);
- (f) Section 75A (additional power of consideration and representation);
- (g) Section 76 (further functions);
- (h) Section 77 (restrictions);
- (i) Section 78 (interpretation);
- (j) Schedule 2A (persons subject to review by the Commissioner under section 72B);

⁽¹⁾ 2000 c. 14. The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121(1). It means the National Assembly for Wales in relation to Wales. Sections 72A, 72B, 75A and Schedules 2A and 2B were inserted by and section 73, 74, 76 and 78 were amended by the Children’s Commissioner for Wales Act 2001(c. 18).

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- (k) Schedule 2B (persons whose arrangements are subject to review by the Commissioner under section 73)
- (l) Paragraph 3 of Schedule 5 (transitional provisions and savings) and section 117 (1) so far as it relates thereto.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(2)

25th July 2001

Rhodri Morgan
The First Minister of the National Assembly for
Wales

EXPLANATORY NOTE

(This note is not part of the Order)

This Order appoints a day for certain provisions of the Care Standards Act 2000 (“the 2000 Act”) to come into force concerning the Children’s Commissioner for Wales (“the Commissioner”). Some of the provisions are inserted by the Children’s Commissioner for Wales Act 2001 (“the 2001 Act”) to which the Children’s Commissioner for Wales Act 2001 (Commencement) Order 2001 applies.

26th August 2001 is the day appointed for the following provisions of the 2000 Act to come into force:

- (a) Section 72A, inserted by the 2001 Act, which provides that the principal aim of the Commissioner in exercising his or her functions is to safeguard and promote the rights and welfare of children to whom Part V of the 2000 Act applies;
- (b) Section 72B, inserted by the 2001 Act, which enables the Commissioner to review the effect on children of the exercise of any function of the National Assembly for Wales (“the Assembly”) or of persons mentioned in Schedule 2A to the 2000 Act, as inserted by the 2001 Act;
- (c) Section 73, as amended by the 2001 Act, which enables the Commissioner to review and monitor the operation of, and assess the effect of failure to make, arrangements for complaints, advocacy and whistleblowing by providers of children’s services regulated under the 2000 Act, the Assembly, persons mentioned in Schedule 2B to the 2000 Act, as inserted by the 2001 Act, and certain other persons;
- (d) Section 74, as amended by the 2001 Act, which enables the Assembly to make regulations and makes other provision about examinations of particular cases by the Commissioner;
- (e) Section 75, which enables the Commissioner to certify an offence to the High Court in the case of certain obstructive behaviour;
- (f) Section 75A, as inserted by the 2001 Act, which concerns the Commissioner’s power to consider, and make representations to the Assembly about, any matter affecting the rights or welfare of children in Wales;
- (g) Section 76, as amended by the 2001 Act, which enables the Assembly to make regulations about financial and other assistance which the Commissioner may provide in certain cases, and about reports and other powers and duties which the Assembly may give the Commissioner in connection with his functions under Part V of the 2000 Act. Section 76 also enables the Commissioner to give advice and information to anyone, in connection with his functions, deals with the naming of individuals in reports and confers absolute privilege on the contents of the Commissioner’s reports;
- (h) Section 77, which provides for restrictions on the Commissioner’s functions in relation to certain proceedings and in relation to the functions of persons prescribed by regulations made by the Assembly;
- (i) Section 78, as amended by the 2001 Act, which contains interpretation provisions and enables the Assembly to make regulations slightly extending the Commissioner’s jurisdiction in relation to certain children;
- (j) Schedules 2A and 2B mentioned above, as inserted by the 2001 Act; and

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- (k) Paragraph 3 of Schedule 5 which makes transitional provision treating references to providers and services as references to providers and services which would be regulated pursuant to the 2000 Act, if certain other provisions of the 2000 Act were in force.

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, or are to be, brought into force in relation to Wales on the date specified alongside their entry by commencement orders made before the date of this Order. 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 \(W.205\) \(C.82\)](#) and those followed by '(f)' were brought into force by [S.I. 2001/2538 \(W.213\)\(C. 83\)](#)

| <i>Provision</i> | <i>Date of Commencement</i> |
|--------------------------------|-----------------------------|
| Sections 1—5 (c) | 1st July 2001 |
| Section 7(7) (c) | 1st July 2001 |
| Section 8 (partially) (c) | 1st July 2001 |
| Section 9(3)—(5) (c) | 1st July 2001 |
| Sections 11—12 (partially) (c) | 1st July 2001 |
| Sections 14—15 (partially) (c) | 1st July 2001 |
| Section 16 (c) | 1st July 2001 |
| Sections 22—23 (c) | 1st July 2001 |
| Section 25 (c) | 1st July 2001 |
| Sections 33—35 (c) | 1st July 2001 |
| Section 36 (partially) (c) | 1st July 2001 |
| Section 38 (c) | 1st July 2001 |
| Section 39 (partially) (e) | 31st July 2001 |
| Section 39 (remainder) (e) | 31st August 2001 |
| Section 40 (partially) (b) | 1st February 2001 |
| Section 40 (remainder) (b) | 28th February 2001 |
| Section 41 (b) | 28th February 2001 |
| Sections 42—43 (c) | 1st July 2001 |
| Sections 48—52 (c) | 1st July 2001 |
| Section 54(1), (3)—(7) (a) | 1st April 2001 |
| Section 55 & Schedule 1 (a) | 13th November 2001 |
| Section 63 (f) | 31st July 2001 |
| Section 66 (f) | 31st July 2001 |

| <i>Provision</i> | <i>Date of Commencement</i> |
|---|-----------------------------|
| Section 67 (f) | 1st October 2001 |
| Section 70(1) (f) | 1st October 2001 |
| Section 71 (f) | 31st July 2001 |
| Section 72 & Schedule 2 (a) | 1st April 2001 |
| Section 79(1) (partially) (c) | 1st July 2001 |
| Section 79(2) & Schedule 3 (partially) (c) | 1st July 2001 |
| Section 79(3),(4) (c) | 1st July 2001 |
| Section 98 (d) | 1st July 2001 |
| Sections 107—108 (c) | 1st July 2001 |
| Section 112 (c) | 1st July 2001 |
| Section 113 (2)—(4) (a) | 1st April 2001 |
| Section 114 (partially) (a) | 1st April 2001 |
| Section 114 (remainder) (c) | 1st July 2001 |
| Section 115 (c) | 1st July 2001 |
| Section 116 & Schedule 4 (partially) (b) | 28th February 2001 |
| Section 116 & Schedule 4 (partially) (b) | 1st July 2001 |
| Section 117(1) & Schedule 5 (partially) (c) | 1st July 2001 |

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force by [S.I. 2000/2544 \(C.72\)](#) in relation to Wales, as well as in relation to England, on the date specified alongside their entry.

| <i>Provision</i> | <i>Date of Commencement</i> |
|---|-----------------------------|
| Section 80(8) | 2nd October 2001 |
| Section 94 | 2nd October 2001 |
| Section 96 (partially) | 15th September 2001 |
| Section 96 (remainder) | 2nd October 2001 |
| Section 99 | 15th September 2001 |
| Section 100 | 2nd October 2001 |
| Section 101 | 2nd October 2001 |
| Section 103 | 2nd October 2001 |
| Section 116 & Schedule 4 (partially) | 2nd October 2001 |
| Section 117(2) & Schedule 6 (partially) | 2nd October 2001 |

In addition various other provisions of the Act have been brought into force in relation to England by the following Statutory Instruments: [S.I. 2000/2795 \(C.79\)](#); [S.I. 2001/290 \(C.17\)](#); [S.I. 2001/1210 \(C.41\)](#); [S.I. 2001/1536 \(C.55\)](#); and [S.I. 2001/2041 \(C.68\)](#).

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