
WELSH STATUTORY INSTRUMENTS

2011 No. 824 (W.123) (C.32)

CHILDREN AND YOUNG PERSONS, WALES

The Children and Young Persons Act 2008
(Commencement No. 5) (Wales) Order 2011

Made - - - - 16 March 2011

The Welsh Ministers, in exercise of the powers conferred by section 44(3) and (5) of the Children and Young Persons Act 2008⁽¹⁾, make the following Order:

Title

1. The title of this Order is the Children and Young Persons Act 2008 (Commencement No. 5) (Wales) Order 2011.

Appointed day

2. 18 March 2011 is the appointed day for the coming into force of the following provisions of the Children and Young Persons Act 2008 in respect of entitlement to payment in respect of higher education—

- (a) section 21(1), (3) and (4); and
- (b) section 21(2) in so far as not already commenced by article 2(g) of the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010⁽²⁾.

16 March 2011

Leighton Andrews
Minister for Children, Education and Lifelong
Learning, one of the Welsh Ministers

(1) 2008 c. 23.
(2) S.I. 2010/1329 (W.112) (C.81).

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the fifth Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (c. 23) (“the 2008 Act”) which brings specified provisions of the 2008 Act into force in relation to Wales.

This Order appoints 18 March 2011 as the day on which section 21 of the 2008 Act is brought into force in relation to Wales in so far as not already brought into force by the Children and Young Persons Act 2008 (Commencement No. 4) (Wales) Order 2010 (S.I. 2010/1329 (W.112) (C.81)).

Subsections (1) to (3) of section 21 of the 2008 Act amend section 23C of the Children Act 1989 (“the 1989 Act”). Section 21(2) inserts new subsections (5A) to (5C), which enable the Welsh Ministers to make regulations:

- prescribing the relevant amount (higher education bursary) payable under section 23C(5A) of the 1989 Act by a local authority;
- prescribing the meaning of “higher education” for the purpose of the higher education bursary;
- which make provision as to payment of the higher education bursary; and
- which make provision as to the circumstances in which the higher education bursary may be recovered by the local authority.

Section 21(4) inserts a new subsection (2A) to section 776 of the Income Tax (Trading and Other Income) Act 2005 (c. 5). The new subsection makes provision for no income tax liability to arise on higher education bursaries.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The following provision of the 2008 Act have been brought into force in relation to Wales by Commencement Orders made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 8(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 8(3)	31 March 2010	2010/749 (W.77) (C.51)
Section 10(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 15 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 16(1) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 20(3)	26 April 2010	2010/1329 (W.112) (C.81)
Section 21(2) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 22(3) and (5) (partially)	26 April 2010	2010/1329 (W.112) (C.81)

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 23(1)	26 April 2010	2010/1329 (W.112) (C.81)
Section 25(4) (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 27	26 April 2010	2010/1329 (W.112) (C.81)
Section 28	26 April 2010	2010/1329 (W.112) (C.81)
Section 29 (partially)	26 April 2010	2010/1329 (W.112) (C.81)
Section 30	6 April 2009	2009/728 (W.64) (C.47)
Section 33	26 April 2010	2010/1329 (W.112) (C.81)
Section 34	31 March 2010	2010/749 (W.77) (C.51)
Section 35	6 April 2009	2009/728 (W.64) (C.47)
Section 36	1 September 2009	2009/1921 (W.175) (C.91)
Section 37	1 September 2009	2009/1921 (W.175) (C.91)
Section 38	1 September 2009	2009/1921 (W.175) (C.91)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 45(a) of the Children Act 1989	6 April 2009	2009/728 (W.64) (C.47)
Paragraph 4 of Schedule 1	26 April 2010	2010/1329 (W.112) (C.81)
Section 42 and Schedule 4 in so far as they relate to the repeal of section 12(5) and (6) and the repeal in part of section 91(10), of the Children Act	1 September 2009	2009/1921 (W.175) (C.91)
Schedule 2	31 March 2010	2010/749 (W.77) (C.51)
Schedule 4 in so far as it relates to the repeal relating to section 12 of the Adoption and Children Act 2002	31 March 2010	2010/749 (W.77) (C.51)

The following provisions have been brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 18 (partially)	1 January 2010	2009/3354 (C.154)
Section 31	1 April 2009	2009/268 (C.11)
Section 32	1 April 2009	2009/268 (C.11)

The following provisions are to be brought into force in relation to England and Wales by Commencement Order made before the date of this Order:

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No</i>
Section 17	1 April 2011	2010/2981 (C.131)
Section 18 (partially)	1 April 2011	2010/2981 (C.131)

Various provisions of the 2008 Act have been brought into force in relation to England by the following Commencement Orders made before the date of this Order:

- [S.I. 2009/268 \(C.11\)](#)
- [S.I. 2009/323 \(C.15\)](#)
- [S.I. 2009/2273 \(C.99\)](#)
- [S.I. 2009/3354 \(C.154\)](#)
- [S.I. 2010/2714 \(C.126\)](#)
- [S.I. 2010/2981 \(C.131\)](#)

See also section 44(1) and (2) of the 2008 Act for the provisions that came into force on 13 November 2008 (date of Royal Assent).

See also section 44(9) of the 2008 Act for the provision which will come into force on the same day as section 7(1) of the Carers and Disabled Children Act 2000 (c. 16) comes into force for the purpose of inserting section 17B into the 1989 Act in relation to Wales.