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## EXPLANATORY NOTE

*(This note is not part of the Order)*

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

Article 2 of this Order provides that section 8(1) and 8(2) in so far as that subsection relates to specified paragraphs of Schedule 1, and sections 10 and 16 of the Act come into force on 6 April 2016 (in so far as they are not already in force).

Section 8 replaces section 23 of the Children Act 1989 (“the 1989 Act”) with new sections 22A to 22F. It re-enacts the duties on local authorities to provide accommodation for children who are in their care (new section 22A) and to maintain all looked after children in other respects apart from the provision of accommodation (new section 22B).

Section 10(1) and (3) replaces section 26(2)(k) and (2A) to (2D) of the 1989 Act with new sections 25A and 25B that set out: requirements regarding the appointment of an Independent Reviewing Officer (‘IRO’) for each looked after child; the IRO’s functions; and an associated provision enabling the functions of CAFCASS officers and Welsh family proceedings officers to be extended.

Section 16 replaces paragraph 17 of Schedule 2 to the 1989 Act, extending the group of looked after children for whom an independent person must be appointed to visit, befriend and advise the child, to include all those for whom an appointment would be in their interests. The appropriate national authority may by regulations extend those to whom the duty is owed to other prescribed groups of looked after children (subsection (1)(a)).

Article 3 contains a saving provision which provides that despite the amendments made to section 26 of the 1989 Act by the coming into force of provision within section 10(3) of the Act, section 26 continues to have effect without amendment for the purposes of making regulations under paragraph 10(2)(l) of Schedule 6 to the Children Act 1989 (regulations as to the placing of children in private children’s homes).