

Draft Regulations laid before Parliament under section 40(2) of the Children and Young Persons Act 2008, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.000

**CHILDREN AND YOUNG PERSONS, ENGLAND
SOCIAL CARE, ENGLAND**

**The Children and Young Persons Act 2008 (Relevant
Care Functions) (England) Regulations 2014**

*Made - - - - 2014
Coming into force on the day after the day on which
they are made*

In accordance with section 40(2) of the Children and Young Persons Act 2008(1), a draft of these Regulations was laid before Parliament and approved by a resolution of each House of Parliament.

Accordingly, the Secretary of State makes the following Regulations in exercise of the powers conferred by sections 1(6) and (7) and 40(12) of that Act.

Citation and commencement

1. These Regulations may be cited as the Children and Young Persons Act 2008 (Relevant Care Functions) (England) Regulations 2014 and come into force on the day after the day on which they are made.

Interpretation

2. In these Regulations, “the Act” means the Children and Young Persons Act 2008.

Functions to be treated as being relevant care functions

3. The following functions are to be treated as being relevant care functions for the purposes of section 1 of the Act—

- (a) social services functions not falling within section 1(2) of the Act conferred on or exercisable by a local authority so far as those functions relate to children;

- (b) the functions conferred on a local authority under section 10, 12C, 12D and 17A of the Children Act 2004(2).

Functions to be treated as not being relevant care functions

4. A local authority’s functions under Part 1 of the Act are to be treated as not being relevant care functions for the purposes of section 1 of the Act.

Provision as to bodies corporate that may discharge the functions in regulation 3

5. A body corporate that is carried on for profit may not be a party to an arrangement for the discharge of a function specified in regulation 3.

Date

Name
Parliamentary Under Secretary of State
Department for Education

(2) [2004 c.31](#) (“the 2004 Act”). Section 10 of the 2004 Act was amended by: section 39 of, and Schedule 3 to, the Offender Management Act 2007 ([2007 c.21](#)); section 169 of, and Schedule 1 to, the Education and Skills Act 2008 ([2008 c.25](#)); section 193 of the Apprenticeships, Skills, Children and Learning Act 2009 ([2009 c.22](#)); [S.I.2010/1080](#); [S.I.2010/1158](#); section 99 of, and Schedule 16 to, the Police Reform and Social Responsibility Act 2011 ([2011 c.13](#)); section 67 of, and Schedule 16 to, the Education Act 2011 ([2011 c.21](#)); and section 55(2) of, and Schedule 5 to, the Health and Social Care Act 2012 ([2012 c.7](#)). Sections 12C, 12D and 17A of the 2004 Act were amended by section 194 of the Apprenticeships, Skills, Children and Learning Act 2009.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to functions of a local authority in England that are to be treated as being relevant care functions (regulation 3) and functions that are to be treated as not being relevant care functions (regulation 4) for the purposes of section 1 (local authorities' powers to enter into arrangements for the discharge of care functions) of the Children and Young Persons Act 2008. Regulation 5 makes provision as to the type of body corporate that can discharge the functions in regulation 3.

A full regulatory impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.