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STATUTORY INSTRUMENTS

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**2005 No. 2298 (C.97)**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

The Children Act 2004 (Commencement  
No. 4 and Savings) (England) Order 2005

Made - - - - 16th August 2005

The Secretary of State for Education and Skills, in exercise of the powers conferred upon her by section 67(7)(c) of, and Part 2 of Schedule 5 to, the Children Act 2004<sup>(1)</sup>, hereby makes the following Order:

**Citation**

1. This Order may be cited as the Children Act 2004 (Commencement No. 4 and Savings) (England) Order 2005.

**Provisions coming into force and savings**

2.—(1) Subject to paragraph (2), the following provisions of the Children Act 2004 shall come into force so far as relating to England on 3rd October 2005—

section 48 (child minding and day care);

Schedule 4; and

in Schedule 5, Part 2,

so far as they are not already in force.

(2) In relation to persons who have applied for registration as providers of day care under section 79E of the Children Act 1989<sup>(2)</sup> before 3rd October 2005 but whose application has not been granted or refused by that date under section 79F of that Act, paragraph 6 of Schedule 4 to the Children Act 2004 shall be treated as coming into force in relation to those persons on the date their application is granted.

*Beverley Hughes*  
Minister of State  
Department for Education and Skills

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(1) 2004 c. 31.

(2) 1989 c. 41; sections 79E and 79F were inserted by section 79(1) of the Care Standards Act 2000 (c. 14).

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**Status:** This is the original version (as it was originally made).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

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## EXPLANATORY NOTE

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

This is the fourth Commencement Order made under the Children Act 2004. This Commencement Order brings section 48 of, and paragraphs 1, 3, 4 and 6 of Schedule 4 to, the Act together with related repeals into force so far as relating to England on 3rd October 2005. Savings are made in relation to paragraph 6 of Schedule 4.

Paragraphs 3 and 4 of Schedule 4 amend sections 79E, 79F and 79G of the Children Act 1989 to provide that when an application is made by a person who wishes to be registered as a childminder or as a provider of day care they must pay a fee.

Paragraph 6 of Schedule 4 amends section 79B(4) of the Children Act 1989 to provide that the provider of day care must make adequate arrangement to ensure that every person (other than himself and the responsible individual) looking after children on the premises is suitable to look after children under the age of 8; and every person (other than himself and the responsible individual) living or working on the premises is suitable to be regular contact with the children under the age of 8. This amendment does not apply to applications for registration which have been made before 3rd October but not determined by that date. It does apply to such providers of day care once their application has been granted.

## NOTE AS TO EARLIER COMMENCEMENT ORDERS

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

The following provisions of the Children Act 2004 have been, or will be brought into force by commencement order made before the date of this Order:

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 10	1 April 2005	<a href="#">2005/394</a>
Section 11 (partially)	1 March 2005	<a href="#">2005/394</a>
Section 11 (remainder)	1 October 2005	<a href="#">2005/394</a>
Section 13 (partially)	1 March 2005	<a href="#">2005/394</a>
Section 14 (partially)	1 March 2005	<a href="#">2005/394</a>
Section 16 (partially)	1 March 2005	<a href="#">2005/394</a>
Section 17	1 March 2005	<a href="#">2005/394</a>
Section 18	1 April 2004	<a href="#">2005/394</a>
Section 20	1 March 2005	<a href="#">2005/394</a>
Section 21	1 March 2005	<a href="#">2005/394</a>
Section 22	1 March 2005	<a href="#">2005/394</a>
Section 23	1 March 2005	<a href="#">2005/394</a>
Section 24	1 April 2005	<a href="#">2005/394</a>

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<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 35	1 April 2005	2005/700
Section 36	1 April 2005	2005/700
Section 37	1 April 2005	2005/700
Section 38	1 April 2005	2005/700
Section 39	1 April 2005	2005/700
Section 40	1 April 2005	2005/700
Section 41	1 April 2005	2005/700
Section 42	16 March 2005	2005/700
Section 43	16 March 2005	2005/700
Section 44 (partially)	1 April 2005	2005/394
Section 44 (remainder)	1 July 2005	2005/394
Section 48 (partially) and paragraphs 1, 2, 5 and 7 of Schedule 4	1 March 2005	2005/394
Section 50	1 March 2005	2005/394
Section 51 (partially)	1 April 2005	2005/394
Section 52	1 July 2005	2005/394
Section 53	1 March 2005	2005/394
Section 54	1 March 2005	2005/394
Section 55	1 April 2005	2005/394
Section 57	1 March 2005	2005/394
Section 60 in relation to England and Wales	1 March 2005	2005/394
Section 62	12 April 2005	2005/847
Schedule 3	1 April 2005	2005/700
Part 1 of Schedule 5	1 March 2005	2005/394
Part 2 of Schedule 5 (partially)	1 March 2005	2005/394
Parts 3 and 4 of Schedule 5	1 April 2005	2005/394