
WELSH STATUTORY INSTRUMENTS

2001 No. 2190 (W.152) (C.70)

**SOCIAL CARE, WALES
SOCIAL WELFARE SERVICES, WALES**

**The Care Standards Act 2000
(Commencement No.3) (Wales) Order 2001**

Made - - - - 12th June 2001

The National Assembly for Wales makes the following Order in exercise of the powers conferred upon it 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.3) (Wales) Order 2001.

(2) In this Order—

“the Act” (“y Ddeddf”) means the Care Standards Act 2000.

Appointed day

2. The provisions of the Act specified in column 1 of the Table contained in the Schedule to this Order shall come into force in relation to Wales on 1st July 2001, but where particular purposes are specified in relation to any provision in column 2 of the Table, the provision shall come into force only for those purposes.

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

(1) 2000 c. 14. The power is exercisable by the appropriate Minister. The appropriate Minister is defined in section 121 (1) as meaning the National Assembly for Wales in relation to Wales; in relation to England, Scotland or Northern Ireland it means the Secretary of State.
(2) 1998 c. 38.

Status: This is the original version (as it was originally made).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

12th June 2001

Dafydd Elis Thomas
The Presiding Officer of the National Assembly
for Wales

THE SCHEDULE

Article 2(1)

The Table**Provisions of the Act coming into force on 1st July 2001**

Column 1 – provision of the Act	Column 2– purpose for which the provision is to come into force
Sections 1 (Children’s homes), 2 (Independent hospitals etc.), 3 (Care homes), 4 (Other basic definitions), 5 (Registration authorities), and 7(7) (General duties of the Commission).	
Section 8 (General functions of the Assembly).	For the purposes of enabling subordinate legislation to be made under it.
Section 9(3)–(5) (Co— operative working).	
Sections 11 (Requirement to register),12 (Applications for registration), 14 (Cancellation of registration), 15 (Applications by registered persons).	For the purposes of enabling subordinate legislation to be made under them.
Sections 16 (Regulations about registration), 22 (Regulation of establishments and agencies), 23 (National minimum standards), 25 (Contravention of regulations), 33 (Annual returns), 34 (Liquidators etc) and 35 (Death of registered person).	
Section 36 (Provision of copies of registers).	For the purposes of enabling subordinate legislation to be made under it.
Sections 38 (Transfers of staff under Part II), 42 (Power to extend the application of Part II), 43 (Introductory), 48 (Regulation of the exercise of relevant fostering functions), 49 (National minimum standards), 50 (Annual returns), 51 (Annual fee), 52 (Contravention of regulations).	
Section 79(1) (Amendment of Children Act 1989 (c. 41)).	For the purposes of enabling subordinate legislation to be made under a provision inserted by it into the Children Act 1989.
Section 79(1).	For the purposes of inserting the following provisions into the Children Act 1989: section 79B(2) (Other definitions etc) ; and section 79B(9) (which introduces Schedule 9A to the Children Act 1989), but only to the extent necessary for the purposes of enabling subordinate legislation to be made under Schedule 9A to the Children Act 1989 (which is inserted by Schedule 3 to the Act).
Section 79(2) (which introduces Schedule 3 to the Act).	For the purposes of enabling subordinate legislation to be made under a provision

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Column 1 – provision of the Act	Column 2– purpose for which the provision is to come into force
Sections 79(3) and (4), “(schemes for the transfer of staff”, 107 (Boarding schools: national minimum standards), 108 (Annual fee for boarding school inspections), 112 (Charges for local authority welfare services), 114 (Schemes for the transfer of staff) and 115 (Effect of schemes).	inserted into the Children Act 1989 by Schedule 3 to the Act.
Section 116 (Minor and consequential amendments) (which introduces Schedule 4 to the Act).	For the purposes of bringing into force the provisions of Schedule 4 specified below.
Section 117(1) (Transitional provisions, savings and repeals) (which introduces Schedule 5 to the Act).	For the purposes of bringing into force the provisions of Schedule 5 specified below.
Schedule 3.	For the purposes of enabling subordinate legislation to be made under a provision inserted by it into the Children Act 1989.
Paragraph 5(6) of Schedule 4 (which amends the Adoption Act 1976).	
Paragraph 1 of Schedule 5.	
Paragraph 2 of Schedule 5.	For the purposes of enabling subordinate legislation to be made under it.

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 Act”) to come into force.

It brings into force on 1st July 2001 all powers to make subordinate legislation, and to prepare and publish national minimum standards and other standards, conferred upon the Assembly by the following Parts of the Act (and Schedules associated with those Parts): Part I (Introductory); Part II (Establishments and Agencies); Part III (Local Authority Services); and Part VI (Child Minding and Day Care).

It brings into force section 5 (b) and that part of section 79 that inserts a new section 79B(2) into the Children Act 1989 (being provisions that state the Assembly is to be the social care registration authority for Wales). This will facilitate activities that prepare for the coming into force of those provisions of the Act that require the Assembly to register the provision of social care in Wales.

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It also brings into force section 112 (which amends the Local Authority and Social Services Act 1970 so as to make the powers conferred by it exercisable in relation to the functions of local authorities under section 17 of the Health and Social Services and Social Security Adjudications Act 1983). This will allow the Assembly to issue guidance and directions to local authorities in Wales in relation to their power to levy charges for welfare services they provide.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

The provisions of the Act in respect of which an entry is made in the Table below have been brought into force in relation to Wales. Those provisions whose entry is followed by “(a)” were brought into force by S.I.2000/2992 (W.192) (C.93), and those followed by “(b)” were brought into force by S.I. 2001/139 (W.5)(C.7).

Provision	Date in force
Section 40 (partially) (b)	1st February 2001
Section 40 (remainder) (b)	28th February 2001
Section 41 (b)	28th February 2001
Section 54(1), (3)–(7) (a)	1st April 2001
Section 55 & Schedule 1 (a)	1st April 2001
Section 72 & Schedule 2 (a)	13th November 2000
Section 113 (2)–(4) (a)	1st April 2001
Section 114 (partially) (a)	1st April 2001
Section 116 & Schedule 4 (both partially) (b)	28th February 2001

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

Provision	Date of Commencement
Section 80(8)	2nd October 2000
Section 94	2nd October 2000
Section 96 (partially)	15th September 2000
Section 96 (remainder)	2nd October 2000
Section 99	15th September 2000
Section 100	2nd October 2000
Section 101	2nd October 2000
Section 103	2nd October 2000
Section 116 and Schedule 4 (both partially)	2nd October 2000
Section 117(2) and Schedule 6 (both partially)	2nd October 2000

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In addition various other provisions of the Act have been brought into force in relation to England alone by the following instruments: S.I. [2000/2795 \(C.79\)](#); S.I. [2001/290 \(C.17\)](#); S.I. [2001/731 \(C.26\)](#).