
STATUTORY INSTRUMENTS

2011 No. 582

CHILDREN AND YOUNG PERSONS, ENGLAND

The Arrangements for Placement of Children by Voluntary
Organisations and Others (England) Regulations 2011

<i>Made</i>	- - - -	<i>3rd March 2011</i>
<i>Laid before Parliament</i>		<i>10th March 2011</i>
<i>Coming into force</i>	- -	<i>1st April 2011</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 59(2), (3), (3A), (4)(a) and (5A), 62(3) (and that subsection as applied by section 64(4) in relation to a person who is carrying on a private children's home), and 104(4) of, and paragraph 4(1)(a) of Schedule 4, paragraph 7(1)(a) of Schedule 5, and paragraph 10(1)(a) and (2)(1)(1) of Schedule 6(2) to, the Children Act 1989(3):

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- (1) Paragraph 10(2)(l) allows provision to be made, in relation to private children's homes, similar to that made by regulations under section 26 of the Children Act 1989 ("the 1989 Act"). Despite the amendments made to section 26 by the coming into force of provisions in the Children and Young Persons Act 2008 (Commencement No.3, Saving and Transitional Provisions) Order 2010 (S.I. 2010/2981), section 26 continues to have effect by virtue of that Order.
 - (2) These powers of the Secretary of State under Schedules 4, 5 and 6 are, so far as exercisable in relation to Wales, vested in the Welsh Ministers. Those functions were transferred to the National Assembly for Wales constituted by the Government of Wales Act 1998 (c.38) by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), article 2; see the entry in Schedule 1 for the 1989 Act. By virtue of paragraphs 30 and 32 of Schedule 11 to the Government of Wales Act 2006 (c.32), they were transferred to the Welsh Ministers immediately after the end of the initial period as defined by section 161(5) of that Act.
 - (3) 1989 c.41. Section 59(2) and (3) is amended by paragraph 2(1), (4) and (5) of Schedule 1 to the Children and Young Persons Act 2008 (c.23) ("the 2008 Act"). Section 59(3A) is inserted by paragraph 2(1) and (6) of Schedule 1 to the 2008 Act. Section 59(5A) was substituted by paragraph 2(1) and (7) of Schedule 1 to the 2008 Act. The powers in sections 59(2), (3) and (4), and 62(3), and in paragraph 7(1)(a) of Schedule 5 are expressed to be exercisable by the "appropriate national authority" and those words were substituted in all those provisions by Schedule 3 to the 2008 Act. The "appropriate national authority" is defined in section 59(7) (which is inserted by Schedule 3 to the 2008 Act), as meaning, in relation to England, the Secretary of State.