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WELSH STATUTORY INSTRUMENTS

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**2001 No. 140 (W. 6)**

**CHILDREN AND YOUNG PERSONS, WALES**

**The Children's Homes Amendment (Wales) Regulations 2001**

*Made* - - - - *23rd January 2001*

*Coming into force* - - *28th February 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred upon the Secretary of State by section 63(3) of the Children Act 1989<sup>(1)</sup> and now exercisable by it in relation to Wales<sup>(2)</sup>.

**Citation, commencement, interpretation and application**

1.—(1) These Regulations may be cited as the Children's Homes Amendment (Wales) Regulations 2001 and shall come into force on 28th February 2001.

(2) In these Regulations, "the Act" means the Children Act 1989.

(3) These Regulations apply to Wales.

**Amendment of the Children's Homes Regulations 1991**

2.—(1) The Children's Homes Regulations 1991 (3) shall be amended by inserting after regulation 3A, the following regulation—

**"Exemption from registration as a children's home**

**3B.**—(1) Subject to section 63(12) and Schedule 7 to the Act (Foster parents: limits on number of foster children), any home in which a child is cared for and accommodated by a person who—

- (a) is a local authority foster parent in relation to the child; or
- (b) is a foster parent with whom the child has been placed by a voluntary organisation; or
- (c) fosters the child privately,

is so far as the provision of care and accommodation for that child is concerned, exempt from the definition of a "children's home" in section 63(3) of the Act."

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(1) 1989 c. 41.

(2) In common with all functions of the Secretary of State under the Act so far as exercisable in relation to Wales this power has been transferred to the National Assembly for Wales: see the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). In relation to England the power remains exercisable by the Secretary of State.

(3) S.I. 1991 No.1506. The relevant amending instrument is S.I. 1993 No.3069.

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**Status:** This is the original version (as it was originally made).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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Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998 (4).

23rd January 2001

*D. Elis Thomas*  
The Presiding Officer of the National Assembly

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## EXPLANATORY NOTE

*(This note does not form part of the Regulations)*

These Regulations amend the Children's Homes Regulations 1991 in relation to Wales as a consequence of the coming into force, also on 28th February 2001, of section 40 of the Care Standards Act 2000 (2000 c. 14). Section 40 amends section 63(3)(a) of the Children Act 1989 so as to require privately operated children's homes which accommodate and care for less than four children to be registered with the local authority in whose area they are located in the same way as larger children's homes. The effect of these Regulations is, subject to existing restrictions on a person fostering more than three children, to exempt homes in which children are accommodated as foster children from the requirement to register as a children's home.