



Statutory Document No. 878/02

## THE CHILDREN AND YOUNG PERSONS ACT 2001

### THE CHILDREN AND YOUNG PERSONS ACT 2001 (APPOINTED DAY) (NO. 2) ORDER 2002

In exercise of the powers conferred on the Department of Health and Social Security by section 106(3) and (4) of the Children and Young Persons Act 2001<sup>1</sup>, and of all other enabling powers, the following Order is hereby made:—

#### 1. Citation and interpretation

(1) This Order may be cited as the Children and Young Persons Act 2001 (Appointed Day) (No.2) Order 2002.

(2) In this Order —

"the 2001 Act" means the Children and Young Persons Act 2001;

"the 1966 Act" means the Children and Young Persons Act 1966<sup>2</sup>;

"the appointed day" means the 1st February 2003.

#### 2. Commencement of certain provisions of the 2001 Act

Subject to article 3, the provisions of the 2001 Act which are not yet in force shall come into operation on the 1st February 2003.

#### 3. Transitional provision

(1) Where immediately before the appointed day a child is being detained in a place of safety pursuant to —

(a) section 7 of the Child Life Protection Act 1959<sup>3</sup>,

(b) a warrant under section 35 of the 1966 Act,

(c) section 59(1) of that Act, or

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<sup>1</sup> 2001 c.20

<sup>2</sup> XX p.89

<sup>3</sup> XVIII p.1096

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(d) section 24 of the Adoption Act 1984<sup>4</sup>,

he shall be treated as having been taken into police protection; and any steps required to be taken by section 45 or 46 of the Act in respect of a child in police protection which have not been taken since he began to be so detained shall be taken as soon as practicable on or after the appointed day.

(2) Where before the appointed day a child has been brought before a juvenile court pursuant to section 53 of the 1966 Act and the proceedings relating to him have not been concluded, they shall continue as if an application had been made by the Department under section 31(1) of the Act for a care order or supervision order.

(3) An interim order under section 59(2) of the 1966 Act which is in force on the appointed day shall have effect —

(a) where it commits the child in question to the care of the Department, as an interim care order made on the appointed day under section 35 of the Act;

(b) in any other case, as an emergency protection order made on the appointed day.

(4) Where, in proceedings which have been commenced before the appointed day and have not been concluded, a court has under section 60 of the 1966 Act recorded a finding of the fact that a child is in need of care or protection, or is refractory, the court may determine the application in question as if it were satisfied as mentioned in section 31(2) of the Act.

(5) Where —

(a) proceedings against a child for an offence have been commenced before the appointed day and have not been concluded, and

(b) the court could have made a care order under section 50 of the 1966 Act in respect of him,

the court may make a supervision order under section 83 of the 2001 Act in respect of him.

MADE 20th December 2002



Minister for Health and Social Security

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<sup>4</sup> 1984 c.14

EXPLANATORY NOTE

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

This Order brings into force on the 1st February 2003 the provisions of the Children and Young Persons Act 2001 which are not already in force.