

CARE STANDARDS ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part IX and Schedules 4, 5 and 6: General and Supplemental

Chapter II: Supplemental

Section 118 Orders and regulations

290. *Section 118* provides that all orders and regulations made under the Act, other than certain orders making staff transfer schemes, will be made by statutory instrument. Apart from commencement orders, in England these will be subject to Parliamentary scrutiny under negative procedures. The Government of Wales Act 1998 places duties on the National Assembly for Wales in respect of making regulations. These are set out in full in Standing Order 22 of the Assembly. An order made by the Secretary of State under section 119(2) which amends the text of an Act is subject to Parliamentary scrutiny under the affirmative procedure. Although the Secretary of State and the Assembly can make regulations independently under this Act, they can also act jointly if they so wish.
291. *Subsection (5)* gives the appropriate Minister power to use any regulation making power flexibly to make similar or different provision for various cases. For example, in section 22 a power is given to set out in regulations what constitutes ‘fit premises’. Different requirements will need to be set depending on whether the premises are to be used as a home, an agency, or another type of registrable establishment.

Section 119 Supplementary and consequential provision etc.

292. *Section 119* gives the appropriate Minister power enabling him to make such additional provision as he considers necessary in order to give full effect to the provisions of the Act.

Section 120 Wales

293. *Section 120* provides for receipts to the Assembly from registration and other fees to be paid into its own budget rather than the Consolidated Fund.

Section 121 General Interpretation etc.

294. *Section 121* is a general interpretation provision.

Section 122 Commencement and Section 123 Short title and extent

295. *Section 122* makes standard provision for commencement. *Section 123* provides that this Act extends only to England and Wales, except section 70 (abolition of CCETSW), which also extends to Scotland and Northern Ireland. In addition, sections 114 and 115 (which relate to schemes for the transfer of staff) and 118 (concerning orders and regulations) also apply to Scotland and Northern Ireland in so far as they relate to staff

*These notes refer to the Care Standards Act 2000
(c.14) which received Royal Assent on 20 July 2000*

transfers from CCETSW or the winding-up of CCETSW. Amendments or repeals of any enactments extending to Scotland or Northern Ireland will also extend to those countries.